

Tenant Bill of Rights and Responsibilities
within the City of Gainesville
March 2021 version

Tenants living within the City of Gainesville have certain rights provided by the City Code of Ordinances in two broad categories – the right to rental housing without discrimination and the right to rental housing that meets minimum living standards. This document provides a summary of those rights.

The Right to Rental Housing without Discrimination

Article V of Chapter 8 of the City Code (which can be viewed in its entirety at https://library.municode.com/fl/gainesville/codes/code_of_ordinances?nodeId=PTIICOOR_CH8DI_ARTVFAHO) recognizes the following as a “protected status or characteristic” - a person’s sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability, gender identity, citizenship status, lawful source of income, veteran status or status as a victim of domestic violence, victim of dating violence, or victim of stalking.

Under the City Code, it is unlawful for a landlord or other person involved in a rental transaction to discriminate against a tenant on the basis of the tenant’s protected status or characteristic. This means a landlord or other person involved in the rental transaction CANNOT:

- Refuse to rent, refuse to negotiate or receive or transmit a bona fide offer to rent or otherwise deny or withhold any rental or evict a tenant because of tenant’s protected status or characteristic;
- Discriminate against any person in the terms, conditions or privileges of the rental, or in the furnishing of facilities or services in connection with the rental, because of a protected status or characteristic;
- Represent to any person that any housing unit is not available, because of such person's protected status or characteristic when such unit is in fact available to persons who are financially qualified;
- Make, as part of a process or pattern of discouraging the rental or occupancy of any dwelling in a particular block, area or neighborhood of the city, any representation to a prospective renter that such a block, area or neighborhood may undergo, is undergoing or has undergone a change in composition with respect to a protected status or characteristic;
- Promote, induce or influence, or attempt to promote, induce or influence, a person to rent any dwelling by referring, as a part of the pattern or process of inciting neighborhood unrest, community tension or fear of change in composition in a block, street, neighborhood or area of the city by creating or playing upon fear, by representing that the presence or anticipated presence in that area of persons of any particular protected status or characteristic will or may result in the lowering of property values in the area, the increase in criminal or anti-social behavior in the area, or a decline in the quality of the schools serving the area;
- Engage in, or hire or conspire with others to engage in, acts or activities of any nature, the purpose of which is to harass, degrade, embarrass or cause economic loss to tenant or prospective tenant because of such person's protected status or characteristic;

- Require or request that any tenant, prospective tenant, occupant, prospective occupant, or guest of the residential rental property disclose or make any statement, representation, or certification concerning his or her citizenship status;
- Disclose to any person or entity information regarding or relating to citizenship status of any tenant, prospective tenant, occupant, or prospective occupant of the residential rental property for the purpose of harassing or intimidating a tenant, prospective tenant, occupant, or prospective occupant, retaliating against a tenant or occupant for the exercise of his or her rights, influencing a tenant or occupant to vacate a dwelling, or recovering possession of the dwelling;
- Discriminate in the rental of a dwelling, or to otherwise make unavailable or deny, or impose terms, conditions or privileges in the rental of a dwelling because of a disability of the renter or other occupant. For purposes of this section, discrimination includes: (a) A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted; and (b) A refusal to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; and
- Retaliate or discriminate against a person because they have opposed a practice declared unlawful by the City Code, or because they have filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, hearing or conference under the City Code.

The City Code does not prohibit a landlord or any other person engaging in a rental transaction from: (1) complying with any legal obligation under state or federal law, or a subpoena, warrant, or other order issued by a court; or (2) requesting information or documentation necessary to verify the financial or background qualifications of a prospective tenant, or to verify the identity of a prospective tenant.

Any tenant or prospective tenant who believes they have been discriminated against may file a written complaint with the City's Office of Equity and Inclusion. Questions regarding filing a complaint or about discrimination should be directed to the Office of Equity and Inclusion by calling 352-334-5051 or emailing equalopportunity@cityofgainesville.org or visiting their office at 222 E. University Avenue, Gainesville, FL.

The Right to Rental Housing that meets Certain Minimum Living Standards

Under Article I of Chapter 14.5 of the City Code (which can be viewed in its entirety at https://library.municode.com/fl/gainesville/codes/code_of_ordinances?nodeId=PTIICOOR_CH14.5MIBURE_ARTIREREUNPE), landlords who offer to rent a condominium, co-op, timeshare, quadruplex, triplex, duplex or single-family dwelling for a period of 30 consecutive days (or more), must obtain a rental permit from the City and MUST:

Provide each tenant with a copy of the current version of the "Florida's Landlord/Tenant Law" brochure prepared by the Florida Department of Agriculture and Consumer Services, the current version of this

“Tenant Rights” document prepared by the City, and the most recent U.S. Department of Energy Home Energy Score for the rental unit (if one has been prepared by the City), and a copy of a completed self-inspection checklist certifying that the rental unit complies with the “living standards” (explained below) along with a copy of the HVAC maintenance documentation. Tenants should be asked to sign a receipt confirming their receipt of the above documents prior to signing a lease (or other written document) or occupying the rental unit.

Certify that the rental unit meets the following “living standards” (unless an extraordinary hardship is granted):

(1) All requirements of the “Property Maintenance Code” in Article II of Chapter 13 of the City Code (which can be viewed at https://library.municode.com/fl/gainesville/codes/code_of_ordinances?nodeId=PTIICOOR_CH13HOCOBUCO_ARTIIPRMACO); and

(2) The following energy efficiency requirements:

- a. Attic insulated to a minimum of R-19,
- b. Attic access is weather stripped and insulated to a minimum of R-30,
- c. All visible duct joints sealed using mastic or a combination of mastic and fiberglass mesh tape, pressure sensitive foil tape or heat sensitive foil tape and all ducts insulated to a minimum of R-6 with appropriate commercially available insulation material,
- d. Fireplace chimneys have working dampers, doors, or closures,
- e. Plumbing system is free of visible leaks,
- f. All showerheads must be 2.2 gal/min flow rate or less,
- g. All faucets must have aerators with a 2.2 gal/min flow rate or less,
- h. All toilets must be 3 gal/flush or less (use of a volume reduction device to achieve this is acceptable),
- i. Water heater(s) have a visible and properly functioning temperature/pressure relief valve,
- j. Water heater pipes insulated for the first three feet from the unit (excepting gas units) with appropriate commercially available insulation,
- k. All visible exterior water lines not in enclosed space must be insulated with appropriate commercially available insulation,
- l. HVAC system(s) must have maintenance performed by a licensed HVAC or mechanical contractor at least once within the past 24 months, and have an appropriately sized filter, and
- m. Wall, window, or other single room or small space cooling units in good repair, property secured and air-sealed, and with an appropriately sized filter.

Any tenant who believes their rental unit does not meet the required living standards may file a complaint with the City Code Enforcement Division. Any questions regarding filing a complaint or about

the required living standards should be directed to the Code Enforcement Division by calling 352-334-5030 or emailing codes@cityofgainesville.org.