

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 119 OF THE CODE OF ORDINANCES ENTITLED "VACATION RENTAL LICENSE PROGRAM" TO REVISE THE DEFINITION OF A VACATION RENTAL, AND TO REQUIRE COMPLIANCE INSPECTIONS FOR VACATION RENTALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the 2011 Florida Legislature enacted House Bill 883 (Florida Chapter 2011-119, Laws of Florida) (hereafter "HB 883"), which preempted local regulation of specific land use commonly called short-term vacation rentals (transient rentals less than thirty (30) days in duration and commonly located in residential areas); and

WHEREAS, the 2014 Florida Legislature enacted Senate Bill 356 (Florida Chapter 2014-71, Laws of Florida) (hereafter "SB 356") which rescinded the previous preemption of local regulation of short-term vacation rentals, but provided that a local law, ordinance, or regulation adopted after June 1, 2011 may not prohibit short-term vacation rentals or regulate the duration or frequency of rental of vacation rentals; and

WHEREAS, SB 356 returned some local control back to communities to mitigate the effects of short-term vacation rentals in an attempt to make them safer, more compatible with existing neighborhoods, and accountable for their proper operation; and

WHEREAS, short-term vacation rental occupants, due to the transient nature of their occupancy, are unfamiliar with local evacuation plans, the location of fire extinguishers, residences' exit routes, pool and home safety features, and other similar safety measures that would readily be provided to guests in traditional lodging establishments; and

WHEREAS, the presence of short-term vacation rentals within single-family dwelling units in established residential neighborhoods can also create negative impacts, which include, but are not limited to, excessive noise, on-street parking, accumulation of trash, and diminished public safety and deterioration of neighborhood character; and

WHEREAS, on October 21, 2015, the City Commission passed O-2015-24 which established regulations for vacation rental properties to ensure short-term vacation rentals are safe, fit in with the character of the neighborhood, provide positive

impacts on the community, increase property values, and achieve greater neighborhood compatibility; and

WHEREAS, as the popularity of vacation rentals continues to grow, the impact to stable residential neighborhoods increases; and

WHEREAS, with the implementation of the new Vacation Rental License Program, staff has identified areas in which regulations can be strengthened including the requirement for inspections prior to issuance of a license or renewal and the requirement for resident property owners to obtain a Vacation Rental License if offering their property for transient rental;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That Chapter 119 of the Code of Ordinances entitled "Vacation Rental License Program" is hereby amended as follows:

TITLE XI: BUSINESS REGULATIONS

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CHAPTER 119. VACATION RENTAL LICENSE PROGRAM

GENERAL PROVISIONS

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§119.02 DEFINITIONS.

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LIFE SAFETY VIOLATION. A violation of any code intended primarily to prevent the loss of life, injury and property damage.

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TRANSIENT PUBLIC LODGING ESTABLISHMENT. Any unit, group of units, dwelling, building or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

VACATION RENTAL. Any unit or group of units in a condominium or cooperative or any individually or collectively owned single family, two family, three family, or four family house or dwelling unit that is also a transient public lodging

establishment and is located in an area zoned RS or RM, but that is not a timeshare project.

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VACATION RENTAL LICENSE

§ 119.10 LICENSE REQUIRED.

(A) A property owner operating a Vacation Rental shall obtain a Vacation Rental license prior to advertising a property available for short term rental. After February 1, 2016, an active Vacation Rental license shall be required to operate a Vacation Rental within the City. After February 1, 2016, only vacation rentals holding an active vacation rental license issued by the city may operate within the city. This requirement includes properties which the property owner maintains a permanent residence and offers any portion of the property for transient vacation rental. A separate Vacation Rental license shall be required for each Vacation Rental.

(B) The advertising or advertisement for the rental of a dwelling unit for periods of less than thirty (30) days or one (1) calendar month and more than three (3) times a year is direct evidence of operating a property for rent as a Vacation Rental in violation of Subsection 119.10 (A).

§ 119.11 APPLICATION FOR VACATION RENTAL LICENSE.

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(B) A complete application for the initial issuance of a vacation rental license, or for its renewal or modification, shall demonstrate compliance with the standards and requirements set forth in this chapter through the following submittals:

(1) A completed vacation rental license application form, which must identify; the property owner, the address of the vacation rental, the vacation rental representative, and ~~as well as~~ the phone number of the vacation rental representative.

(2) Payment of applicable fees.

(3) A copy of the vacation rental's current and active license as a transient public lodging establishment with the Florida Department of Business and Professional Regulation.

(4) A copy of the Vacation Rental's current and active certificate of registration with the Florida Department of Revenue for the purposes of collecting and remitting sales surtaxes, transient rental taxes, and any other taxes required by law to be remitted to the Florida Department of Revenue, if applicable.

(5) Evidence of the Vacation Rental's current and active account with the Broward County Tax Collector for the purposes of collecting and remitting tourist development taxes and any other taxes required by law to be remitted to the Broward County Tax Collector, if applicable.

(6) A copy of the current City of Hollywood and Broward County local business tax receipts receipt.

(7) *Interior building sketch by floor.* A building sketch (may be hand drawn) by floor shall be provided, showing a floor layout and demonstrating compliance with the standards and requirements set forth in this chapter. The sketch provided shall be drawn to scale, and shall show and identify all bedrooms, other rooms, bathrooms, exits, hallways, stairways, smoke and carbon monoxide detectors, fire extinguishers and exit signage/lighting.

(8) *Exterior site sketch.* A sketch showing and identifying all structures, pools, spas, hot tubs, fencing and other uses, including the number and the location of all on-site parking spaces for the vacation rental.

(9) Acknowledgement that each guest room shall be equipped with an approved listed single-station smoke detector meeting the minimum requirements of the NFPA.

(10) A section indicating whether the Vacation Rental will have 10 or fewer occupants or more than 10 occupants.

(11) Whether the vacation rental property is within 1,000 feet of any school, designated public school bus stop, day care center, park, playground, or other private or public recreational facility where children regularly congregate.

(12) Representation that the property is in compliance with all applicable codes. A vacation rental license shall not be issued on a property with open violations.

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§ 119.14 RENEWAL OF VACATION RENTAL LICENSE.

A property owner ~~may~~ must apply ~~annually~~ for a renewal beginning July 1 prior to the expiration of the annual license of the vacation rental license no later than 60 days prior to its expiration date. Initial applications and renewals received after July 1 of the fiscal year shall be valid for the term expiring on September 30 of the following year. Each application for renewal received after September 30 shall be assessed a late fee of \$100.00.

§ 119.15 COMPLIANCE INSPECTIONS OF VACATION RENTALS.

(A) Except as provided in paragraphs (1) and (2) below, inspection of a vacation rental shall be required prior to issuance of a Vacation Rental license to verify compliance with the laws, rules and regulations of any and all regulatory authorities having jurisdiction, and where such laws, rules and regulations are applicable and are known to the Building Official. If instances of noncompliance with the standards and requirements therein are found, all such instances of noncompliance shall be corrected and the vacation rental shall be re-inspected prior to the issuance of an initial vacation rental license.

(1) An applicant shall sign a sworn statement, under penalty of perjury, that he or she believes the subject property is in compliance with all city codes. Once an applicant signs such a sworn statement, a vacation rental license will be issued upon compliance with all requirements for the issuance of a vacation rental license other than the inspection and code compliance requirements. The applicant will then have six (6) months from the date of issuance of the vacation rental license to comply with the inspection and code compliance requirements. If the applicant fails to comply with the inspection and code compliance requirements within six (6) months, the vacation rental license will be automatically suspended, unless the applicant, prior to the expiration of the 6-month period, submits a written request for an extension of time. An extension of time may be based solely on a claim that the failure to comply within six (6) months was caused primarily by the city, and the written request will detail circumstances that support such a claim. The City Manager, or his or her designee, is authorized to grant or deny the request. Denial by the City Manager will result in the automatic suspension of the vacation rental license.

(2) Current licensees will have six (6) months from the date of issuance of a vacation rental license to comply with the inspection and code compliance requirements. If the licensee fails to comply with the inspection and code compliance requirements within six (6) months, the vacation rental license will be automatically suspended, unless the applicant, prior to the expiration of the 6-month period, submits a written request for an extension of time. An extension of time may be based solely on a claim that the failure to comply within six (6) months was caused primarily by the city, and the written request will detail circumstances that support such a claim. The City Manager, or his or her designee, is authorized to grant or deny the request. Denial by the City Manager will result in the automatic suspension of the vacation rental license.

(B) Once a Vacation Rental license is issued for a Vacation Rental, such Vacation Rental shall be properly maintained in accordance with the standards and requirements set forth in this chapter. In the event a notice of violation is issued, all violations shall be corrected and re-inspected within 30 calendar days after the issuance of the notice of violation, with the exception of life safety violations, which must be corrected within the earlier of three (3) city working days or the start of the next rental period. Failure to correct such violations within the timeframes provided shall result in the suspension of the vacation rental license until such time that the violations are corrected, re-inspected, and found in compliance.

(C) In the event a vacation rental property is declared a repeat nuisance, the vacation rental license shall be suspended pending the development by the property owner of a written action plan outlining the specific measures that the owner will take to eliminate the reoccurrence of nuisance activities at the property. The property owner shall provide the action plan to the city no later than fifteen (15) days from the date of the declaration notice of repeat nuisance property. If the city determines that the action plan is adequate to eliminate the reoccurrence of nuisance activities on the properties, the city shall establish a reasonable time period, not exceeding 45 days from the date the action plan is deemed adequate, to implement the action plan. If the property owner implements the action plan within the time period established by the city, the declaration of a repeat nuisance will be closed and the vacation rental license restored. If the city determines that the action plan is not adequate to eliminate the reoccurrence of nuisance activities on the property, the city may require the property owner to revise the action plan. The property owner shall submit the revised action plan to the city no later than ten days from the date the action plan is determined to be inadequate. The provision of an inadequate action plan on three consecutive occasions shall result in the revocation of the vacation rental license.

(D) The inspection shall consist of criteria established by the City Manager or his/her designee. Such criteria shall be established for the primary purpose of protecting the health, safety and welfare of vacation rental occupants.

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§ 119.17 ~~149.15~~ LICENSES NON-TRANSFERABLE, NON-ASSIGNABLE.

Vacation Rental licenses are non-transferable and non-assignable. If the ownership of any Vacation Rental is sold or otherwise transferred, any outstanding Vacation Rental license as to that Vacation Rental shall be null and void upon the sale or transfer.

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§ 119.20 DUTIES OF THE VACATION RENTAL REPRESENTATIVE.

Every vacation rental representative shall:

(A) Be available by landline or mobile telephone answered by the vacation rental representative at the listed phone number, 24-hours a day, seven days a week, to handle any problems arising from the vacation rental; and

(B) Be willing and able to be physically present at the vacation rental within 60 minutes following notification from a vacation rental occupant, law enforcement officer, emergency personnel, or the city for issues related to the vacation rental, and shall actually be physically present at that location in that time frame when requested; and

(C) Conduct an on-site inspection of the vacation rental at the end of each rental period to assure continued compliance with the requirements of this chapter.

(D) Maintain for three years a log of all guests of the vacation rental to be available for inspection upon request.

STANDARDS AND REQUIREMENTS FOR VACATION RENTALS

§ 119.30 GENERAL.

The standards and requirements set forth in this subchapter shall apply to the rental, use, and occupancy of vacation rentals in the city.

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119.35 POSTING OF VACATION RENTAL INFORMATION.

(A) In each vacation rental, located on the back or next to the main entrance door, there shall be posted as a single page the following information:

(1) The name, address and phone number of the vacation rental representative;

(2) The maximum occupancy of the vacation rental; maximum of four occupants per bedroom.

(3) A statement advising the occupant that any sound that crosses a property line at an unreasonably loud volume is unlawful within the city; as per the City Noise Ordinance, Chapter 100 of the Hollywood Code of Ordinances.

(4) A sketch of the location of the off-street parking spaces;

(5) The days and times of trash pickup;

(6) The notice of sea turtle nesting season and sea turtle lighting regulations, if applicable;

(7) The location of the nearest hospital; and

(8) The local non-emergency police phone number.

(9) If applicable, a statement that the vacation rental is located within 1,000 feet of a school, designated public school bus stop, day care center, park, playground, or other private or public recreational facility where children regularly congregate and shall not be rented to nor occupied by any person who has been convicted of a violation of F.S. §§ 794.011, 800.04, 827.071, or 847.0145, or convicted of a similar felony sexual offense in any other state, Federal Court or military tribunal in the United States, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age.

* * *

(C) In each vacation rental, located in the backyard and/or pool area, there shall be posted notice that unreasonably loud noise is prohibited.

§ 119.36 MINIMUM LIFE SAFETY REQUIREMENTS:

The following standards shall govern the use of any vacation rental required to be registered under Sec. 119.10 of the Code of Ordinances, as a permitted use:

(A) Swimming pool, spa and hot tub safety. A swimming pool, spa or hot tub shall comply with the then current standards of the Residential Swimming Pool Safety Act, Chapter 515, Florida Statutes.

(B) Smoke and carbon monoxide (CO) detection and notification system. A smoke and carbon monoxide (CO) detection and notification system within the vacation rental unit shall be interconnected and hard wired and shall receive primary power from the building wiring.

(C) Fire extinguisher. A portable, multipurpose dry chemical 2A:10B:C fire extinguisher shall be installed, inspected and maintained in accordance with the then current NFPA 10 on each floor/level of the unit. The extinguisher(s) shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location.

(D) Compliance with Florida Administrative Code Rule 69A-43.018, "One and Two Family Dwellings, Recreational Vehicles and Mobile Homes Licensed as Public Lodging Establishment."

119.37 ADVERTISING

The vacation rental shall not be advertised for any commercial or non-residential use, including use of the property primarily as a party, event or entertainment venue or social hall. Any advertising of the vacation rental unit by the owner, representative or any service shall conform to information included in the vacation rental application and shall include at a minimum, identification of the maximum occupancy permitted on the

property. The owner or representative shall ensure that the name and contact information for any listing services on or through which the vacation rental is to be offered for rent, which was provided in the application, is updated with the City to reflect any changes to ensure that the City has a current list of all sites on which the vacation rental is listed for rent. Advertisements for the vacation rental must display the Florida Department of Business and Professional Regulation Transient Lodging license number and the City of Hollywood vacation rental license number.

119.38 COMMERCIAL USE OF PROPERTY PROHIBITED

The vacation rental shall not be used for any commercial or non-residential use, including use of the property primarily as a party, event or entertainment venue or social hall.

119.39 SEXUAL OFFENDERS AND PREDATORS PROHIBITED

Vacation rental properties within 1,000 feet of any school, designated public school bus stop, day care center, park, playground, or other private or public recreational facility where children regularly congregate shall not be rented to nor occupied by any person who has been convicted of a violation of F.S. §§ 794.011, 800.04, 827.071, or 847.0145, or convicted of a similar felony sexual offense in any other state, Federal Court or military tribunal in the United States, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age. The property owner or designated representative shall determine, prior to submission of an application for a vacation rental license, whether the vacation rental property is located in an area in which it is unlawful for sexual offenders or sexual predators to establish residence.

ADMINISTRATION, PENALTIES, AND ENFORCEMENT

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§ 119.56 APPEALS.

Any decision of the City Manager, or his or her authorized designee, relating to the granting, denial, renewal, modification, ~~or~~ suspension, or revocation of a vacation rental license under this chapter shall be rendered in writing, and reviewed by the City Commission if a notice by the applicant is filed with the City Clerk within ten days after the action to be reviewed. The City Clerk shall place the matter on the agenda of an upcoming meeting of the City Commission, at which the matter will be reviewed. The decision of the City Commission shall be final, but may be reviewed as permitted under state law.

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§ 119.58 PENALTIES AND ENFORCEMENT.

(A) *By citation.* Any violation of this chapter may be punished by citation, as specifically described in Chapter 36 of the Code of Ordinances, including but not limited to the requirements of a reasonable warning prior to issuance of a citation; provided, however, such violation shall be subject to a fine in the amount of \$250.00, for the first offense, \$500.00 for the second and subsequent offenses, plus a suspension of the vacation rental license as provided hereinafter, for the third offense.

(B) *Other enforcement methods and penalties.* Notwithstanding anything otherwise provided herein, violations of this chapter shall also be subject to all the enforcement methods and penalties that may be imposed for the violation of ordinances of the City as provided in section 10.99 of the Code of Ordinances. Nothing contained herein shall prevent the City from seeking all other available remedies which may include, but not be limited to, injunctive relief, abatement of public nuisance, liens, fines, imprisonment, and other penalties as provided by law.

(C) *Suspension of license.*

(4) In addition to any fines and any other remedies described herein or provided for by law, the City Manager shall suspend a Vacation Rental license upon a third violation of this chapter in any continuous 12 month period. Such suspension of a Vacation Rental license shall be for a period of 1 year, and shall begin following notice, commencing either at the end of the current vacation rental lease period, or after 30 calendar days, whichever is less. A dwelling unit may not be used as a vacation rental during any period of suspension of a vacation rental license. The suspension shall begin immediately following notice, commencing at the end of the then current vacation rental lease period.

~~(2) For violations of the Florida Building Code, or Florida Fire Prevention Code, a Vacation Rental license shall be subject to temporary suspension starting immediately 3 working days after citation for such violation if it is not corrected, re-inspected, and found in compliance.~~

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(F) No occupant shall occupy a vacation rental, and no advertisement for the vacation rental shall occur during any period of suspension or revocation of a vacation rental's vacation rental license.

Section 2: That it is the intention of the City Commission and it is hereby ordained that the provisions of this ordinance shall be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the sections of this Code may be renumbered to accomplish such intention.

AN ORDINANCE AMENDING CHAPTER 119 OF THE CODE OF ORDINANCES ENTITLED "VACATION RENTAL LICENSE PROGRAM" TO REVISE THE DEFINITION OF A VACATION RENTAL, AND TO REQUIRE COMPLIANCE INSPECTIONS FOR VACATION RENTALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Section 3: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 4: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 5: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised _____, 2017.

PASSED on first reading this _____ day of _____, 2017.

PASSED AND ADOPTED on second reading this _____ day of _____, 2017.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM & LEGALITY
for the use and reliance of the
City of Hollywood, Florida, only.

ALAN FALLIK, ACTING CITY ATTORNEY