

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, URGING THE FLORIDA LEGISLATURE AND THE FLORIDA GOVERNOR TO OPPOSE LEGISLATIVE CHANGES PROHIBITING THE LOCAL REGULATION OF VACATION RENTALS; PROVIDING DIRECTION TO CITY OFFICIALS REGARDING DISSEMINATION OF THIS RESOLUTION.

WHEREAS, Florida Statute Sections 509.032(7) and 509.242(1)(c) provide that local laws, ordinances, or regulations may not prohibit vacation rentals or regulate the duration and frequency of rental of vacation rentals of four or fewer dwelling units; and

WHEREAS, the City Commission finds that vacation rentals have unmitigated adverse impacts on surrounding neighborhoods, including but not limited to increased noise, garbage, litter and traffic changes to the private residential character of neighborhoods, the uncertainty and instability of the identity of the occupants of neighboring properties, a decline in the shared sense of community, and increased demands on water and wastewater, code enforcement, police, fire and emergency services; and

WHEREAS, maintenance of the character and integrity of residential neighborhoods is an essential local governmental purpose implemented through local zoning regulations, representing a substantial local governmental interest as protected in Chapter 163, Florida Statutes, more formally known as "Home Rule"; and

WHEREAS, short rental periods of a few days to transient occupants is a use that is more commercial in nature, that is best accommodated by uses other than single family and low-intensity multi-family residential development; and

WHEREAS, local government regulation of vacation rentals protects visitors and surrounding residents throughout Florida; and

WHEREAS, on February 7, 2019, Senate Bill 824 was filed to preempt local regulation or prohibition of vacation and short term rentals, which would remove the protection of grandfathered regulations and require any existing and future municipal ordinance (including regulations pertaining to noise, trash, parking, etc.) to apply to all residential properties regardless of how the property is being used, so that cities could no longer enforce minimum stay requirements or impose occupancy, licensing, and inspection rules specific to vacation or short term rentals, and also would create a process where cities would be forced to provide clear and convincing evidence that their ordinances complied with the Bill; and

WHEREAS, on February 20, 2019, House Bill 987 was filed as a companion Bill with similar restrictions, which similarly requires provision to the state of the name and contact information for a unit so that the state can respond to complaints and publicize this information on its website; and

WHEREAS, the City Commission finds it to be in the best interest of the residents of the City to oppose Senate Bill 824 and House Bill 987 and to urge the Florida Legislature and the Governor to oppose Senate Bill 824, House Bill 987, and any legislation which infringes on local governments' Home Rule authority, or in any way restricts local government's ability to regulate vacation rental uses within their neighborhoods – a uniquely local function.

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

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: That the City Commission finds:

1. That the use of residential properties for transient vacation rental occupancy has had profound and negative impacts on the character and stability of the City's residential neighborhoods;
2. That regulation of land use issues, particularly at the local neighborhood level, is a function best suited to the local governments that are uniquely situated to understand the individual and collective needs of their residents;
3. That Senate Bill 824 and House Bill 987 infringe on the City's Home Rule authority.

Section 3: That the City Commission urges State Administration and the Florida Legislature to oppose Senate Bill 824, House Bill 987, and any legislation that infringes on local governments' Home Rule authority.

Section 4: That the City Clerk is directed to furnish this Resolution to Governor Ron DeSantis, the Speaker of the House, the President of the Senate, the Florida League of Cities, the Florida Association of Counties, the Florida City County Management Association, Board of County Commissioners for Broward County, the Broward County League of Cities, the Broward Legislative Delegation, and each of the municipalities in Broward County.

Section 5: That the appropriate City officials are authorized to execute all necessary documents to take any necessary action to effectuate the intent of this Resolution.

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Section 6: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2019.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY for the use and reliance
of the City of Hollywood, Florida, only.

DOUGLAS R. GONZALES, CITY ATTORNEY