



## Legislation Text

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**File #:** PO-2023-12, **Version:** 1

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An Ordinance Of The City Of Hollywood, Florida, Amending Chapter 119 Of The Code Of Ordinance Entitled "Vacation Rental License Program"; Amending Various Provisions Of The Program, Including Detailing Additional Requirements Regarding Vacation Rental License Applications, Standards, Inspections, Compliance; Removing Outdated Provisions.

*Quality of Life & Strong Neighborhoods*

Staff Recommends: The Approval of the attached Ordinance.

Explanation:

### SECOND READING:

First reading occurred on August 30, 2023. No changes are included at this time. An update will be provided at the public hearing.

### FIRST READING:

Chapter 119 of the Code of Ordinances establishes procedures and regulations for the City's Vacation Rentals. The rental of single-family homes, commonly known as Vacation Rentals, has become an increasingly popular way of lodging. Prior to this trend, travelers commonly stayed overnight in hotels and motels. The majority of hotels and motels are usually located outside of residential neighborhoods. As such, there is generally a known and anticipated dynamic impact that may affect adjacent properties. Additionally, unlike vacation rental properties, hotels and motels have onsite management to immediately address any concerns.

These ancillary impacts are something stable residential communities have struggled with for some time, causing a deterioration in their quality of life. Ancillary impacts include, but are not limited to, parking, trash, noise, over occupancy and non-permitted renovations. The City previously adopted/amended regulations for Vacation Rentals.

Florida statutes preempt to the State any regulation of Vacation Rentals that prohibits Vacation Rentals or regulates the frequency or duration of rental of Vacation Rentals. The City's Code is intended to address the negative impacts Vacation Rentals have on residential communities to the greatest extent that is practical.

Vacation Rentals are generally classified as any house/unit/condominium or dwelling that is also a Transient Public Lodging Establishment. Transient Public Lodging Establishments are rented to guests more than three times a year for periods of less than 30 days or advertised to the public as a place regularly rented. (see attached Ordinance for specific definitions)

In January 2021, extensive changes were made to the Vacation Rental License Program Ordinance resulting in a robust ordinance. Through the updated ordinance's implementation and staff's continued efforts to address residents' and Commissioners' concerns, changes to the ordinance are being brought forward to help minimize areas of concern and provide additional detail and clarification of existing rules and regulations.

Staff has made enhancements to the current ordinance, incorporating the Commission's and the residents' input to the extent reasonably practical to further address the concerns surrounding vacation rentals. Changes were made throughout the Vacation Rental License Ordinance. The changes included the following:

In general, the removal of transitional/legacy vacation rental license regulation changes as a result of the prior ordinance change that is no longer relevant or applicable. Language was added to provide additional requirement detail and clarification regarding Vacation Rental License applications, standards, inspections, and compliance.

#### § 119.11 APPLICATION FOR VACATION RENTAL LICENSE.

- Further defines the responsibilities of the vacation rental representative including the requirement of being registered with the County and City for local business tax.
- Requires that interior and exterior photos must accompany the sketches of the premises including all interior rooms, exterior structures, pools, spas, hot tubs, fencing, other ancillary uses, number, and the location of all trash receptacles and on-site parking spaces.
- Adds the requirement of a background check of all occupants when the vacation rental property is within 1,000 feet of any school, designated public school bus stop, daycare center, park, playground, or other private or public recreational facility where children regularly congregate.
- Specifies that exterior noise detection devices shall be located in the main gathering areas inside and outside of the vacation rental where occupants and guests congregate, including but not limited to patios and pools.
- Explicitly states that a vacation rental license shall not be issued to any property owner with an open building or code violation and provides for a reasonable time to cure.
- States that a vacation rental license shall not be issued to any condominium, co-operative, or apartment unit within a building with open violations. Additionally, a vacation rental license may not be issued to any condominium, co-operative, or apartment unit where the building is

not in compliance with the Broward County Safety Building Inspection.

#### § 119.15 COMPLIANCE AND INSPECTIONS OF VACATION RENTALS.

- States that all areas of the property shall be inspected. If any area is locked off and/or the representative refuses an area to be inspected.
- Removes transitional/legacy vacation rental license regulation changes as a result of the prior ordinance change that is no longer relevant or applicable.
- Explicitly states that failing to schedule and allow an inspection will result in a new application will be denied, forfeiting all application fees paid and/or an active vacation rental license being suspended.
- No vacation rental property that has unpermitted work shall be occupied until a permit is issued and all inspections are passed, and a certificate of occupancy or completion is issued. A violation of this section is subject to a fine per occurrence.

#### § 119.17 LICENSE NON-TRANSFERABLE, NON-ASSIGNABLE.

- Added that the new property owner is required to apply for and be issued their own active vacation rental license prior to operating the property as a vacation rental.

#### § 119.20 DUTIES OF THE VACATION RENTAL REPRESENTATIVE.

- Explicitly states that the property owner, representative, and property management company shall be responsible for correctly advertising the vacation rental as specified in the approved application as it was inspected and licensed, including, but not limited to, bedroom count, bathroom count, and maximum occupancy. And that any violation of this section shall result in a fine to the property owner.

#### § 119.31 LOCAL PHONE SERVICE REQUIRED.

- Broadens the phone service requirement to allow for mobile or other telephone and the phone number must be provided on the Vacation Rental License application.

#### § 119.33 SOLID WASTE HANDLING AND CONTAINMENT.

- Specifies that all solid waste containers shall be placed at curbside or other designated collection area only on scheduled collection days and shall be removed therefrom that same day once collection has occurred.

#### § 119.34 MAXIMUM OCCUPANCY.

- Clarifies that every room in a vacation rental used for sleeping purposes is subject to Florida Building Code requirements.
- Simplifies and clarifies that the maximum overnight occupancy for a vacation rental shall be up to a maximum of two persons per bedroom during overnight stays. Three people per bedroom at all other times. Notwithstanding the foregoing, at no time may the occupancy of a

vacation rental exceed the maximum occupant load for the property pursuant to the Florida Building Code.

- Requires that the responsible party and all occupants shall abide by all applicable state and local public nuisance laws and ordinances.

#### § 119.38 COMMERCIAL USE OF PROPERTY PROHIBITED.

- Specifies that any use of the residential property that (a) produces a public nuisance; (b) does not comply with the residential zoning district regulations; (c) produces noxious gases, odors, or by-products; (d) or would otherwise be prohibited within commercial districts; is prohibited. All activities occurring upon or use of the residential property while rented that are not preempted by Florida statute are prohibited. And violation(s) of any other code that regulates or prohibits commercial or non-residential uses.

#### § 119.58 PENALTIES AND ENFORCEMENT.

- Clarifies the terms of a suspension whereby the City may suspend a vacation rental license upon the second finding or admission of guilt, regardless of adjudication of the same violation, and shall suspend a vacation rental license upon a third finding or admission of guilt, regardless of adjudication, of any violation of this chapter in any continuous 12-month period, for a period not to exceed one year.

- Explicitly states that the property owner shall not be entitled to any refund of the annual fee paid for a vacation rental license for any portion of the unexpired term of a license resulting from the suspension of the vacation rental license.

- States that the revocation of a license will prohibit the issuance of a vacation rental license for a period not to exceed one year and will require a new application including all fees in effect at the time of the new application.

Staff recommends the Ordinance changes to better address continuing problems, disturbances, and other non-compliance by vacation rental owners and their tenants. This Ordinance change is necessary to further ensure the quality of life for the residents of the surrounding properties.

#### Fiscal Impact:

No additional net revenues are anticipated as a result of the Ordinance change. Any additional revenues that may arise will most likely be offset by corresponding expenditures.

Recommended for inclusion on the agenda by:

Shawn Burgess, Assistant Director, Department of Financial Services/City Treasurer

Andria Wingett, Interim Director, Department of Development Services

Gus Zambrano, Assistant City Manager for Sustainable Development

Adam Reichbach, Assistant City Manager for Finance and Administration