



City of Miami Beach, 1700 Convention Center Drive, Miami Beach, FL 33139 www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber
Members of the City Commission
Alina T. Hudak, City Manager

FROM: Rafael A. Paz, Acting City Attorney

A handwritten signature in blue ink, appearing to be "Rafael A. Paz".

DATE: July 28, 2021

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 102 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "TAXATION," BY AMENDING ARTICLE V, ENTITLED "LOCAL BUSINESS TAX," BY AMENDING SECTION 102-356 THEREOF, ENTITLED "CONSTRUCTION OF ARTICLE; DEFINITIONS," BY CREATING ADDITIONAL DEFINITIONS; AND BY AMENDING SECTION 102-386 THEREOF, ENTITLED "PROPERTY OWNER'S RESPONSIBILITIES REGARDING LEGALLY PERMISSIBLE TRANSIENT RENTAL AND OCCUPANCY (SHORT-TERM) OF RESIDENTIAL PROPERTY," BY SETTING FORTH ADDITIONAL REQUIREMENTS FOR THE ISSUANCE OF A BUSINESS TAX RECEIPT, AND ESTABLISHING NEW RESPONSIBILITIES UPON OWNERS OF SHORT-TERM RESIDENTIAL RENTAL PROPERTIES; AND BY AMENDING SECTION 102-387 THEREOF, ENTITLED "PLATFORMS' RESPONSIBILITIES REGARDING LEGALLY PERMISSIBLE TRANSIENT RENTAL AND OCCUPANCY (SHORT-TERM) OF RESIDENTIAL PROPERTY," BY ESTABLISHING FURTHER REQUIREMENTS FOR THOSE PLATFORMS LISTING SHORT-TERM RENTALS OF RESIDENTIAL PROPERTIES; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

The attached Ordinance (the "Ordinance"), which is sponsored by Mayor Dan Gelber, is submitted for First Reading by the City Commission on July 28, 2021. The Ordinance establishes regulations and additional standards for short-term residential rentals, consisting of dwelling units rented as shared housing units, bed-and-breakfast establishments, or vacation rentals for a period of less than six months and one day (collectively, "short term rentals") in those areas of the City where short-term rentals are currently permitted.

Short-term rentals of single-family homes are prohibited by the City's Land Development Regulations (the "LDRs"). Separately, short-term rentals of apartments or townhomes are also generally prohibited by the LDRs, except in certain multi-family and commercial zoning districts within the City.

Although Section 509.032 of the Florida Statutes restricts local governments from enacting regulations after June 1, 2011 which prohibit short-term rentals, or regulate their duration or frequency, the City may continue to enforce regulations that were in existence prior to June 1, 2011, and the City may also enact new regulations, such as those included in the proposed Ordinance, that do not pertain to duration or frequency.

Pursuant to the proposed Ordinance, apartment or townhome owners who seek to engage in short-term rental activity would need to comply with certain additional requirements prior to obtaining a City Business Tax Receipt, Certificate of Use, and Resort Tax Certification Number, and prior to listing the property on any website or platform advertising such property as a short-term rental.

The proposed regulation of short-term rentals, in those areas where they are currently permitted, is intended to mitigate the negative effects often caused by short term rentals, by establishing additional regulations including, but not limited to, the following:

- Maximum occupancy of 2 persons per bedroom (excluding children under 2 years of age);
- Prohibition on outdoor amplified sound at all times;
- Restrictions on parking, with no more than 2 transient occupant (renter) vehicles permitted to be parked on the short-term rental property or on the street/swale;
- Requirement for property owner to ensure all violations regarding the short-term rental are promptly addressed and resolved 24 hours a day/7 days per week;
- Requirement for property owner to provide written notice to the transient renters of this Ordinance and other applicable laws concerning noise, public nuisance, solid waste collection, parking and common area usage.

In addition, the Ordinance will require short-term rental hosting platforms to comply with certain additional requirements and regulations, which are also intended to minimize the adverse effects associated with short-term rentals and their transient occupants.

The City has a strong interest in ensuring and maintaining the aesthetics, character, and tranquility of its residential neighborhoods, and in establishing and enforcing short-term rental regulations in an effort to mitigate adverse impacts to residents' quality of life. The intent of the Ordinance is to reduce the excessive number of guests, vehicles, litter and noise generated by transient renters, which should lessen the impact of short-term rentals upon surrounding residences and residential neighborhoods. In addition, it is anticipated that compliance with the Ordinance will ultimately yield a reduction in calls for service and the demand upon the City's police, code compliance, and parking departments.

If the Ordinance is approved by the City Commission at First Reading, the City Administration will evaluate, prior to Second Reading/Public Hearing on September 17, 2021, the fiscal impact of the Ordinance, including any increased staffing or other resources necessary to implement and enforce these new requirements.