

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: August 19, 2020

SUBJECT: COVID-19 Emergency Order regarding Short Term Rentals

The City's Phase 2 Reopening Order currently prohibits short term rentals and vacation rentals throughout the City.

Previously, Miami-Dade County's Emergency Order No 26-20 specified that short-term rental lease agreements had to be on a monthly basis, in conjunction with a maximum daytime and overnight occupancy restriction of two persons per bedroom plus two additional persons per property, not to exceed a maximum of ten persons per property. However, on August 5, 2020, the County issued Amendment No. 3 to Emergency Order No. 26-20 which carved out an exception for short term rentals, where otherwise permitted, that are located in buildings that are operated in whole or in part as condominiums or hotels. In such instances, the County has authorized short term rental units to be rented on less than a monthly basis, including nightly.

Since the County's issuance of Amendment No. 3 to Emergency Order 26-20, we have all received numerous inquiries from owners of short-term rental units in condominium buildings and hotel buildings seeking to resume renting their units. While the location of units in hotel or condominium buildings provides some comfort, I am also aware that back in July, when we took our stricter approach with respect to short-term rentals, it was partially motivated by actual negative incidents we had experienced not only in single family neighborhoods, but also in condominiums.

Notwithstanding the foregoing, in an effort to provide some economic relief to those individuals who have invested in these legal short-term rental units, I would recommend amending the City's Phase 2 Reopening Order to incorporate the County's exception, but with a maximum occupancy restriction of two persons per bedroom plus two additional persons per property not to exceed a maximum of four persons per property, unless it is a single family unit staying together, in which case not to exceed six persons per property.

I would further specify that any violation(s) of the maximum occupancy restriction can result in the immediate revocation of the business tax receipt for the short-term rental unit in question for the duration of the Emergency Order. My recommendation with respect to short term rentals that are not located in condominium or hotel buildings would be to continue the current prohibition until further notice.

Any modification adopted by the City Commission shall be reflected in the extension of the Emergency Order and Phase 2 Reopening Order that will be executed on August 19th.