



City of Sunny Isles Beach

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MEMORANDUM

TO: The Honorable Mayor and City Commission

FROM: Hans Ottinot, City Attorney

DATE: 5/17/2018

RE: Ordinance Amending Chapter 217 to Create Article II
Entitled Regulating Short Term Vacation Rentals in
Multi-Family Dwellings

RECOMMENDATION:

This Ordinance is presented for your consideration.

REASONS:

The purpose of the attached Ordinance is to provide reasonable guidelines for short-term vacation rentals in order to mitigate the possible negative impacts to health, safety, and the general welfare to the community.

As you may recall, the City Commission held a workshop several months ago to discuss the impact of short term vacation rentals due to the increasing complaints from residents regarding the growing use of multi-family dwelling units as short-term vacation rentals. The complaints have described short-term vacation rentals as fostering an environment for noise, criminal activities, which include but are not limited to drug trafficking and human trafficking. As a result of the workshop, the City Commission directed staff to prepare an ordinance to regulate the use of short-term vacation rentals in multi-family dwellings. It is important to note that the City has no authority to ban or regulate the frequency of short-term rentals under Florida law. Therefore, this Ordinance seeks to balance the interest of residents who are negatively impacted by short term rentals and rights of property owners to lease their units for compensation. Essentially, a short term rental license is required to rent short term rentals in multi-family buildings in the City under the proposed Ordinance. In the Ordinance, short term rental is defined as a unit which is leased for a period of less than six (6) months. In addition to the license requirement, the Ordinance contains the following requirements:

- (1) Short Term Rental License expires 6 months from date of issuance and renewal is permitted if short term rental owner is in compliance with the provisions of the Ordinance.
- (2) Registration with the Florida Department of Revenue for purposes of remitting sales tax.
- (3) Proof of account with Miami-Dade Tax Collector for payment of tourist tax.
- (4) Proof of liability insurance coverage that shall remain effective at all times during the duration of the short term rental period.
- (5) Name and address of Responsible Party for short term rental and

Responsible Party must be available on a 24 hours and 7 days a week basis.

- (6) Business License from the City of Sunny Isles Beach.
- (7) Consent Letter from Condominium Association or homeowners association.
- (8) Payment of \$100 for Short Term Rental license and \$50 late fee for failure to renew license prior to expiration.
- (9) Compliance with parking and trash pick-up rules.
- (10) Compliance with 2 persons per room occupancy rules.
- (11) Rental unit must contain smoke and carbon monoxide detection and fire extinguisher.
- (12) Short term rentals near schools, daycares, and parks cannot be rented to sexual predators.
- (13) Revocation of license for short term rental if property is found to be involved in human trafficking by law enforcement agencies.
- (14) No inspection of rental unit is required unless unit is in violation of the provisions of the Ordinance.
- (15) License subject to suspension, denial, or revocation for non-compliance with the Ordinance.
- (16) Violations of the provisions of the Ordinance are subject to penalties. The penalties are:
 - (i) \$1000.00 fine for First Violation;
 - (ii) \$2,500 fine for Second Violation; and
 - (iii) suspension of license for a year for Third Violation.
- (17) The Ordinance shall be administered by the Planning and Zoning Department and enforced by the Code Compliance Department.
- (18) The Ordinance will be effective ninety (90) days from the date of adoption to allow a public information campaign to educate property owners and residents about the provisions of the Ordinance.

The requirements stated above are similar to requirements imposed by other local governments, including Miami-Dade County. However, the license fee and the inspection process established in the proposed Ordinance are not as onerous as similar provisions established by other local governments.

This Ordinance was requested by the City Commission.

ADDITIONAL INFORMATION:

Based on comments from members of the City Commission during agenda review and comments from the Chair of the Citizens Advisory Committee, the following new provisions were added to the proposed Short-Term Vacation Rental Ordinance.

- (1) Public Nuisance to prevent vacation rentals from being used as a hub for criminal activities, which include but are limited to drug trafficking, gambling, and prostitution;
- (2) Noise provision to ensure compliance with the City's Noise Ordinance;
- (3) Requiring property owner to confirm if vacation rental is a homestead property to prevent homestead fraud;
- (4) Providing for a one (1) year term for vacation rental license; and

(5) Clarifying that a condominium association or an owner of multi-family dwelling has the authority to impose stricter requirements than the requirements in the proposed ordinance and that the City will not issue a vacation rental license in buildings where rules and regulations prohibit short- term vacation rental.

ATTACHMENTS:

Description

[Ordinance](#)

Item Number: 9.B.