

MINUTES OF MEETING
DANIA BEACH CITY COMMISSION
WORKSHOP – VACATION RENTALS
MONDAY, JUNE 10, 2019 – 5:30 P.M.–7:30 P.M.

1. Call to Order/Roll Call

Mayor Lewellen called the meeting to order at 5:30 p.m.

Present:

Mayor:	Lori Lewellen
Vice-Mayor:	Lauren Odman
Commissioners:	Bill Harris
	Tamara James
City Manager:	Ana M. Garcia, ICMA-CM
City Attorney:	Thomas J. Ansbro
City Clerk:	Thomas Schneider

Absent:

Commissioner:	Chickie Brandimarte
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City Attorney Ansbro noted Commissioner Brandimarte was tending to a personal matter and may join the meeting later.

2. Items for Discussion

2.1 Vacation Rentals

City Manager Garcia expressed excitement about this discussion and eagerness to continue to develop a plan to address short-term rentals (STR). We are working as a team, alongside Code Compliance, BSO, and outside agencies to identify and track vacation rentals.

Marc LaFerrier, Director of Community Development, gave a brief history since the City's vacation rental ordinance was enacted in 2011.

Ulrick Benzer, CEO of STR Helper Inc., nationally recognized expert on the operation and regulation of vacation rentals, participated in the workshop via teleconference. He gave a presentation which is attached to and incorporated into these minutes.

City Attorney Ansbro spoke about the regulatory framework and the 2011 City ordinance regarding vacation rentals. He noted we cannot go back to amend the duration or frequency of rental in accordance with State law.

Community Development Director LaFerrier gave a PowerPoint presentation which is attached to and incorporated into these minutes.

Eric Walton, Code Compliance Manager, reviewed Dania Beach vacation rental enforcement statistics.

Mr. Benzer reviewed the 469 short-term vacation rental listings in the City. He noted there are 191 unique STR properties in the City after de-duplicating the data.

Community Development Director LaFerrier continued the presentation with discussion about improvements, budget and staffing.

Vice-Mayor Odman questioned how we know the 56 properties are no longer operating, and what the best thing residents can do about a problem rental.

Community Development Director LaFerrier noted Mr. Benzer's company provides us the information. He said if residents see something, they should say something, as often it is a BSO matter. He added noise will be addressed in a new ordinance that will be brought forward at the June 25th Commission meeting.

Mayor Lewellen asked what the fee is to register a vacation rental, the maximum fine amount assessed by the Special Magistrate, and Homeowners Associations regulations.

Community Development Director LaFerrier responded approximately \$600.00. We are looking to increase fees to cover the cost of enforcement because fines are regulated by State law. He addressed Homeowners Associations and their bylaws.

Code Compliance Manager Walton addressed the fines assessed.

Commissioner James questioned mobile home enforcement and vacation rentals operating without of BTR.

Community Development Director LaFerrier noted State law limits us to a fine of \$250.00 initially; repeat offenders can be fined a higher rate.

Commissioner Harris asked if a vacation rental is allowed to operate while there is a violation filed against them.

Director of Community Development LaFerrier said yes, in accordance with State law.

Vice-Mayor Odman questioned enforcing an ordinance to ban or limit the number of vacation rentals allowed to operate within city limits similar to what the City of New Orleans enforces.

City Attorney Ansbro responded we are precluded by State law from prohibiting vacation rentals; we can regulate them. He addressed Chapter 162 code compliance and foreclosing on homesteaded properties. We are trying to do a better job enforcing parking and noise.

Commissioner James asked who is policing the vacation rentals.

Community Development Director LaFerrier addressed BSO's role in responding to a complaint and gathering evidence for code enforcement to use.

Mayor Lewellen commented on the fines imposed and the \$250 maximum, with the option of less than that.

City Attorney Ansbro explained the City will ask for the maximum per day fines; they do not accrue until after the Special Magistrate rules on the violation.

Mayor Lewellen noted she spoke to Representative Chip LaMarca who said vacation rentals may not come up next year due to the current climate in Tallahassee. Regarding the homestead issue, Property Appraiser Marty Kiar is doing investigations and will come before the Commission at a future meeting.

Charlotte Sloboda, 2905 Lakeshore Drive, asked if her property owners' association rules apply over the City's.

City Attorney Ansbro said yes, because our regulations do not apply to associations with five units or more; their rules would supersede the City's.

Eileen Snyder, 3061 Cove Drive, Estates of Fort Lauderdale, said we need better snitches. She spoke of a hotel/restaurant in her community that received a BTR, which has expired.

Shawn DeRosa, 408 SE 5th Street, commented the fees are not high enough and there are repeat offenders because he has repeatedly reported on 402 SE 5th Street to City officials.

Commissioner James questioned identifying repeat violators.

Director of Community Development LaFerrier explained State law regarding repeat violators. He noted the address Mr. DeRosa spoke of is in violation and is being fined, and their permit is pending until the fine is paid.

City Attorney Ansbro suggested going after their homestead exemption and possibly foreclosing on the property.

Patricia Faver, 200 SE 5th Avenue, spoke of people using their association condominiums as vacation rentals and asked if they could call BSO for recourse.

City Attorney Ansbro responded yes; noise violation issues are BSO matters and they can investigate that. As far as reporting the vacation rental, he recommends going to the Homeowner's board to enforce the matter with the owner and to impose fines.

City Manager Garcia noted our noise ordinance was lacking. We have brought a commercial noise ordinance forward and on June 25th the residential noise ordinance will come before the Commission to address disruptive loud music, which is not only City Code Enforcement, but BSO as well.

Louise Velo, 2850 SW 54th Street, Estates of Ft. Lauderdale Property Owners Association, asked if the City could ask for POA approval before a City permit is issued.

City Attorney Ansbro said the Estates of Fort Lauderdale is not subject to the City's vacation rental ordinance; they would have to fine the owner.

Director of Community Development LaFerrier noted he could include POA or HOA approval on the City's Certificate of Use application.

Simone Chait, 228 SE 8th Street, thanked City staff for the enforcement they have done in her neighborhood. She asked at what point the vacation rental owner gets a foreclosure on their property, and questioned if BSO has to take their names if they complain.

City Attorney Ansbro said there is not a number; you have to work with our Code Compliance. They must lose their homestead exemption before the property can be foreclosed on.

Captain Daniel Marks, BSO Chief of Police, said residents can call in anonymously.

City Manager Garcia noted we are going to come down hard; this has to be a full-court press with residents working with Code and BSO. Currently, we are making our noise law much stricter for the benefit of our residents.

Alexandra Kralik, 205 NE 1st Court, commented on a problem rental in her neighborhood; she asked how residents know if a property has been listed as a vacation rental.

Director of Community Development LaFerrier stated we could post vacation rental information on the City's website.

Mayor Lewellen asked if we can post someone with a violation.

City Attorney Ansbro said yes, it is a public record.

Ms. Kralik questioned how long the application process takes.

Director of Community Development LaFerrier responded two to six months.

Gaia Calcaterra, 513 NE 2nd Street, commented she owns a vacation rental in Dania Beach and she complies with all the licenses. She complained about the cost being \$800.00 to comply with the City, and it has taken two months and seven emails to get answers from the City regarding her Notice of Violation. She felt there is unfairness to the way vacation rentals are being treated.

Mayor Lewellen asked about the seven complaints Director of Community Development LaFerrier reported.

Director of Community Development LaFerrier explained the seven were reactive; through Mr. Benzer, we found 131 proactively.

Commissioner James asked who the point person is with Community Development.

Director of Community Development LaFerrier responded Planning & Zoning is where they need to go to apply for a permit.

Pat Chukerman, 545 SE 4th Court, asked how many staff in Code Compliance are actually out there and whether we need more.

Director of Community Development LaFerrier explained the responsibility is shared between Planning & Zoning and Code. Eric Walton is the Manager of Code Compliance and handles all code violations.

Vice-Mayor Odman asked if it would be beneficial to have a point person.

Director of Community Development LaFerrier clarified the application process starts with Planning and Zoning; Code Compliance Manager Walton handles enforcement.

Mayor Lewellen said she and Director of Community Development LaFerrier spoke earlier about a City hotline for complaints, perhaps something for vacation rentals.

Ms. Chukerman commented it seems we need more staff to help them and to deal with the issues.

Code Compliance Manager Walton noted we will have an email address on the website for vacation rental complaints, and provided his contact information as follows: 954-924-6810 x3703 or ewalton@daniabeachfl.gov.

Roberta J. Grimmer, 5250 SW 22 Avenue, asked if snow birds would be subject to the same code compliance.

City Attorney Ansbro responded if it is a Homeowners Association, they control their own destiny. In Ms. Grimmer's case, seven days would be allowed since it is in her association rules.

Mr. DeRosa commented a phone number is the wrong approach for now; a complaint should be documented and confirmed. He added the four-hour time is not right and spoke of having cigarettes and steak bones thrown over the fence into his yard.

Assistant City Manager Sosa-Cruz noted we have a full team addressing all violations, as well as short-term rental violations. The City Manager's office addresses it also as this is a team effort. Future plans include more technology and going to all Homeowner Associations and explaining what has been explained at this meeting. He added noise and parking issues are City issues.

This is the first step of a multi-step approach to address short-term rentals and all violations. He wants to be sure residents are receiving a high level of service.

Mayor Lewellen emphasized that people should understand they should not dial 9-1-1 for noise issues.

Gala Riaz, 5189 SW 28th Avenue, commented it is well known that people who use vacation rentals are the best behaved guests. The owner reviews the guests.

Commissioner James asked where we are going next with this and what the next steps are.

City Manager Garcia explained Assistant City Manager Sosa-Cruz has the highest certification in code and is an expert. We are going to push the envelope as far as we can push it. We have discussed publishing the status of our short-term rentals, and the next step is the administration and enforcement of our laws. She reiterated that the noise ordinance is being worked on.

Code Compliance Manager Walton added this is an evolving process and noted there is an upcoming code enforcement conference in Orlando which will provide additional information. Whenever we have the opportunity to make progress, we will.

Ms. Velo commented the City does not have a paper trail.

Code Compliance Manager Walton noted we have an online complaint form on our website; all complaints are recorded and tracked.

Ms. Velo asked if a photograph could be attached to the online complaint form.

Code Compliance Manager Walton responded it is only a form to complete and they are working to enhance it.

Commissioner Harris agreed a paper trail is important.

Director of Community Development LaFerrier noted every complaint received is documented and followed up on.

City Manager Garcia added we have a Public Information Officer to disseminate information as well as bulletin boards and online. The more dialogue we get the better. The industry is always changing and going to these conferences is important.

Vice-Mayor Odman noted the code violation complaint form is very difficult to find on the website and it is not a great form. She suggested improvement be made to the placement of the online form.

Eileena Compuzo, 4437 SW 27 Terrace, wanted to be sure the rentals will be posted online.

Commissioner Harris noted Super Bowl is coming and more sites are likely to come up.

Linda Wilson, 1547 Adams Street, Hollywood, commented Hollywood did not get an ordinance in on time, and she complimented the Dania Beach ordinance. She spoke of the wide-ranging impacts caused by vacation rentals and said there has to be a better way of enforcement. Residents need to be vigilant in their neighborhoods.

Commissioner James asked about Airbnb boating and whether it affects us.

Director of Community Development LaFerrier said our ordinance does not regulate vacation rentals on vessels. We will look at our ordinance to see what could be modified.

Mayor Lewellen asked if we can speed up getting violators to the Special Magistrate.

City Attorney Ansbro said he will meet with staff to see if it is possible.

Mr. DeRosa commented he hopes we do not make the assumption of feeling safe with a vacation rental next door.

Mayor Lewellen noted a safety issue would warrant a 9-1-1 call; noise complaints should not be directed to 9-1-1.

Vice-Mayor Odman thanked everyone for coming out.

Commissioner Harris asked if it would be appropriate to have a follow-up on this in 45 days or so.

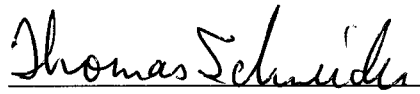
City Manager Garcia said yes, an update will be provided and we can incorporate information into the budget workshop.

Mayor Lewellen thanked everyone for attending the workshop.

3. Adjournment

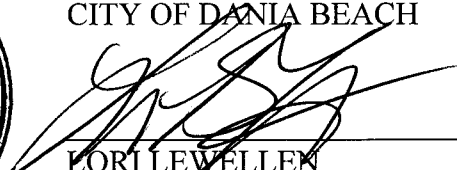
Mayor Lewellen adjourned the meeting at 7:27 p.m.

ATTEST:


THOMAS SCHNEIDER, CMC
CITY CLERK



CITY OF DANIA BEACH

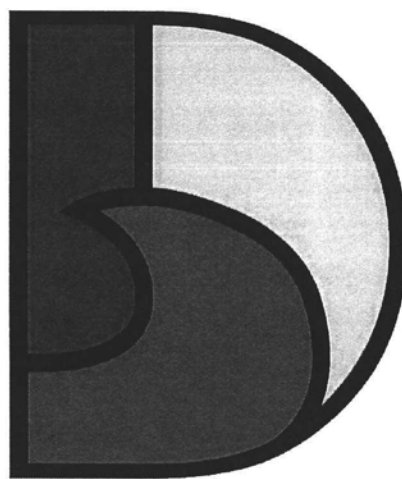

LORI LEWELLEN
MAYOR

Approved: June 25, 2019

Minutes of Meeting
Dania Beach City Commission
Workshop – Vacation Rentals
Monday, June 10, 2019 – 5:30 p.m.

#2.1

Vacation Rentals



DANIA BEACH
SEA IT. LIVE IT. LOVE IT.

Vacation Rentals (VR)

Tonight's Agenda:

- I. Scope of Operation and Business Model
- II. Regulatory Framework
- III. Dania Beach Statistics
- IV. Enforcement Methodology
- V. Moving Forward
- VI. City Commission Questions and Comments
- VII. Public Comment

Business and Operation of VRs

Q:What are short-term vacation rentals?

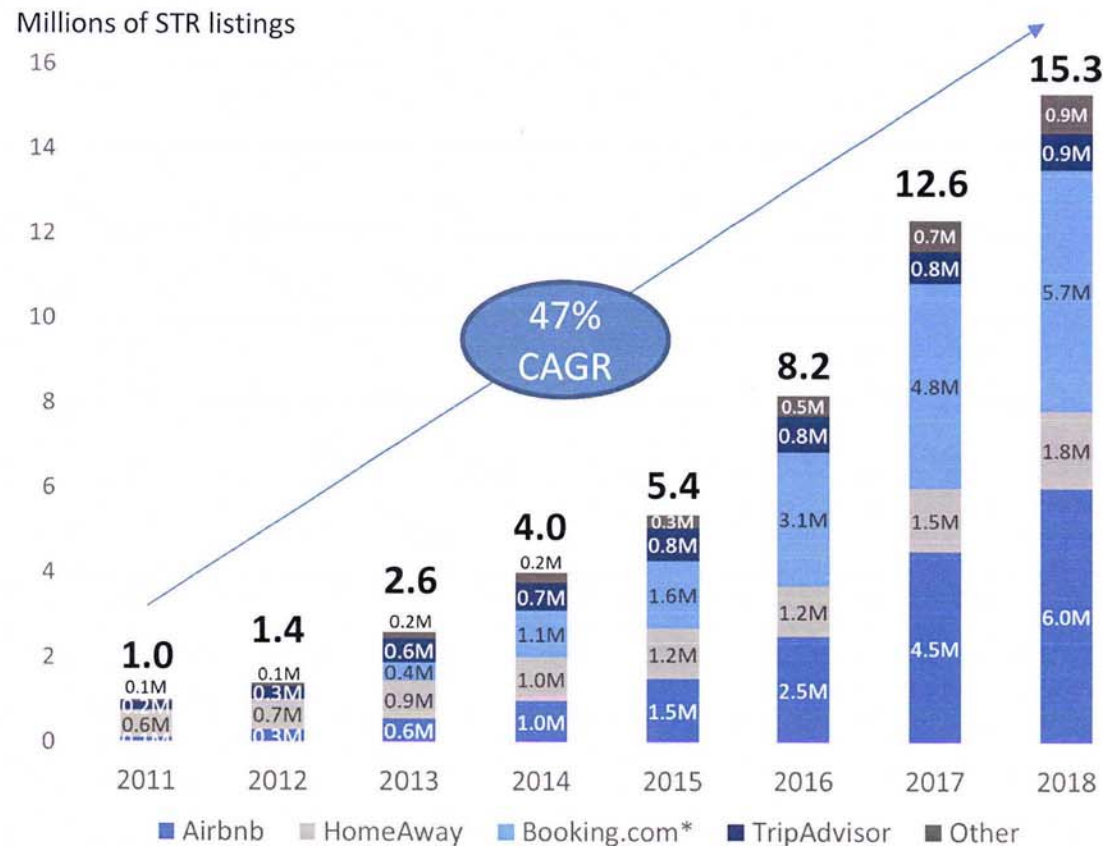
A: Rental of a residential dwelling units for periods of less than a month.

Q:What do Airbnb,VRBO and the 100s of other short-term rental platforms do?

A: Airbnb,VRBO and FlipKey etc. act as online marketplaces connecting travelers with local hosts. On one side the platforms enable people to list their available space and collect rent. On the other, the platforms enable travelers to easily book unique home stays.

The global short-term rental market has grown by 1530% since 2011 and continues to grow at a breakneck pace

The # of short-term rental listings has grown 15x since 2011



Fragmented market



125+ other web platforms

The explosive growth of short-term rentals has pushed state and local governments to try rein in the practice by passing regulations

Airbnb San Francisco backlash: thousands petition for more oversight

*In the last 12
month's 9,189 news
stories have
covered this issue
across the U.S.*

More than
offer visi
ones mo

SANTA MONICA

Santa Monica Just Banned Airbnb's Biggest Moneymakers

By Bianca Barragan | May 13, 2015, 12:04pm PDT

f t SHARI



Waiting for lax1-ibadncs.com...

In Austin, A Boom In Short-Term Rentals Brings A Backlash

February 9, 2017 · 5:50 PM ET

Heard on AI



WAD

Kristen Ho
has lived f
two-story

"There are
smaller ar
buying up

Like many
market for

Political contests erupt as cities and hotel industry struggle to curb Airbnb

By Robert McCartney

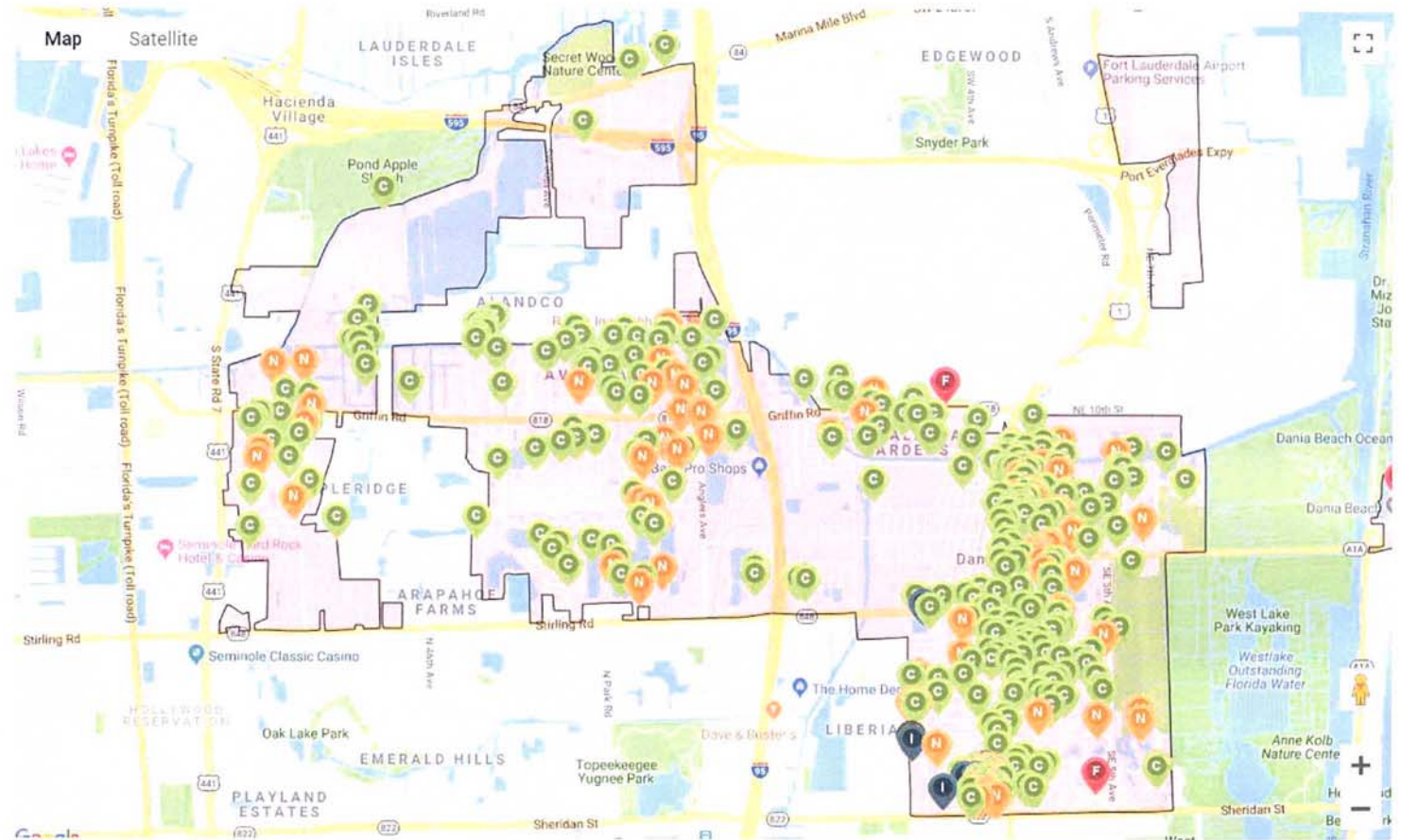
October 15, 2018 at 5:04 PM



There are currently 469 Short-term Vacation Rental Listings in Dania Beach...

Validation Status

- N** New: 100
| [map](#) | [list](#) |
- C** Confirmed: 369
| [map](#) | [list](#) |
- I** To Investigate: 6
| [map](#) | [list](#) |
- F** Not Found: 3
| [map](#) | [list](#) |
- O** Outside City: 5
| [map](#) | [list](#) |
- U** Unconfirmable: 0
| [map](#) | [list](#) |



... but there are many properties with multiple online listings, and after de-duplicating the data we have believe there are 191 Unique STR Vacation Properties in the City

Current Listing Compliance



Compliant: 31

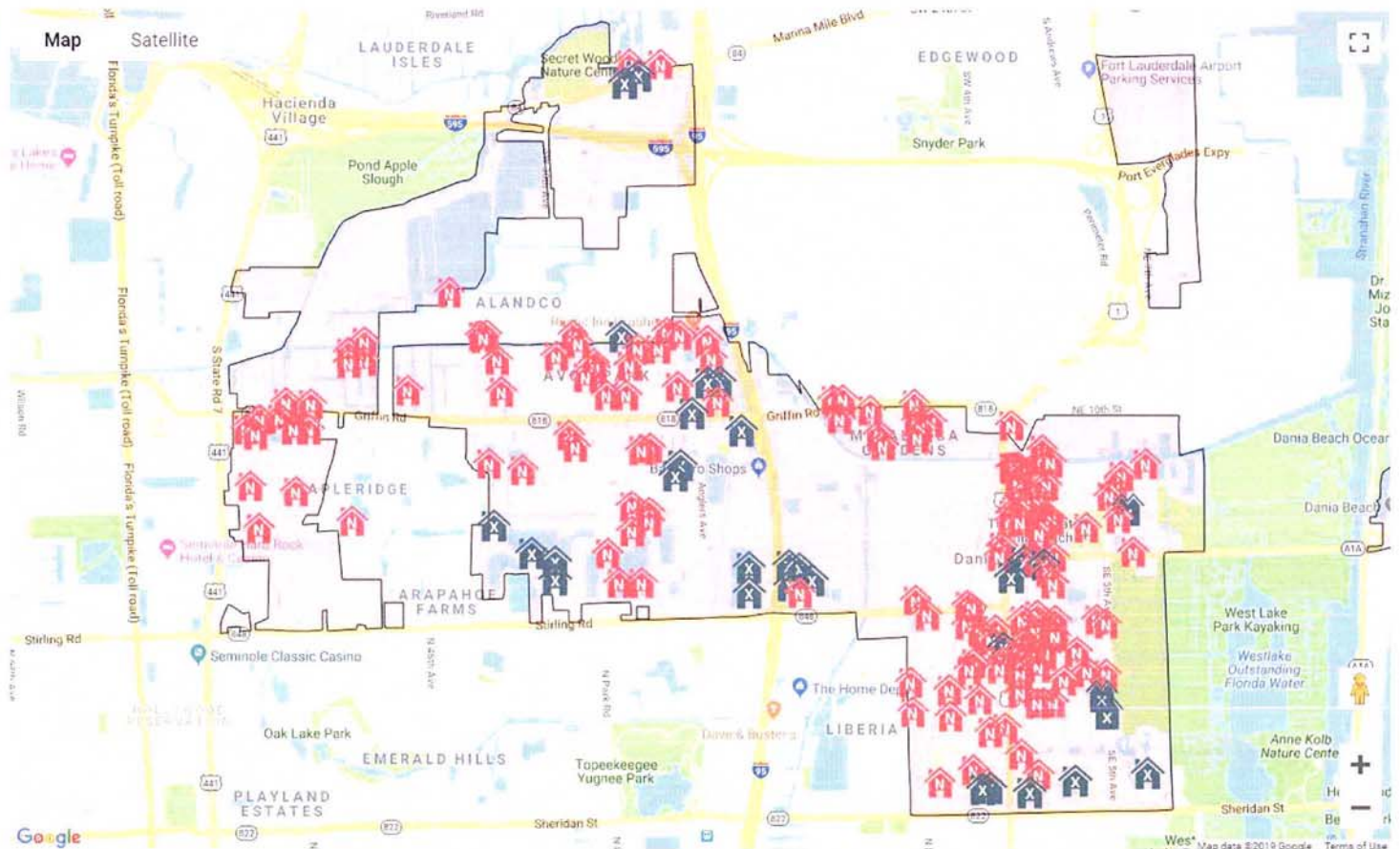


Not Compliant: 160



Exempt: 31

Please Note: Exempt properties are hotels, condos, mobile homes, and apt. over 4 units.



Business and Operation of VRs

- Vacation Rentals (VR) is a world-wide and growing business.
- Numerous internet-based platform that provide limited opportunity for local enforcement
- Florida laws limit local authority
- Dania Beach adopted VR code in 2011
- First VR complaint and application in 2018
- City of Dania Beach enforcement evolves and improves

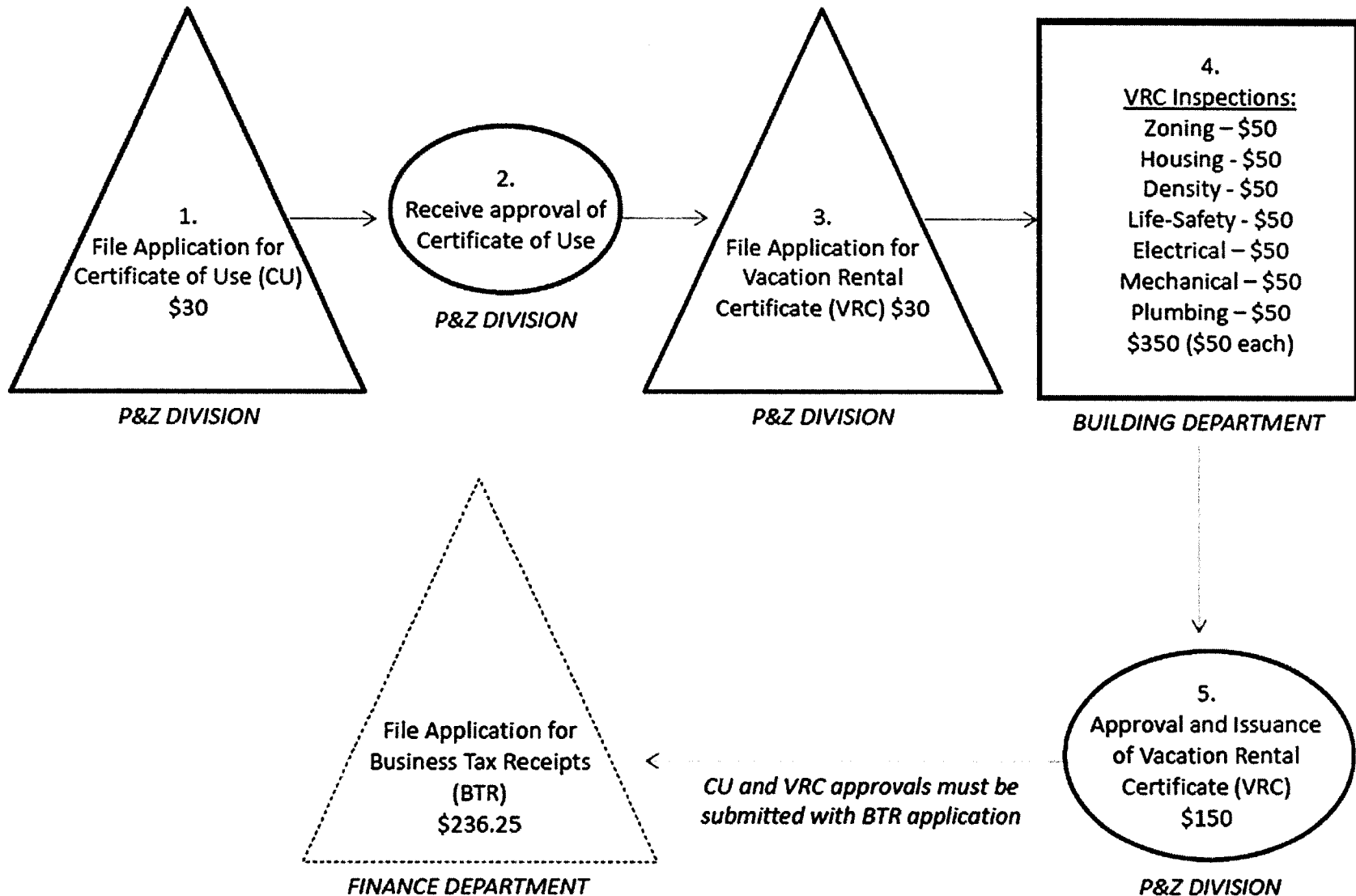
Regulatory Framework:

- **Florida Statutes: Preemption Authority**
 - A local regulation may not prohibit vacation rentals or regulate the duration or frequency of rental. This paragraph does not apply to any local ordinance adopted by June 1, 2011.
- **Dania Beach VR Ordinance**
 - City of Dania Beach ordinance adopted May 31, 2011.

Dania Beach VR Ordinance

- **Specific Requirements and Limitations**
 - Regulations only apply to SFR, duplexes, 3 & 4 unit bldgs.
 - Cannot advertise or operate a VR without City approval
 - City approval includes inspections by all trades
 - City approval must be renewed annually (with inspections)
 - Compliance with all applicable State requirements
 - Minimum stay of 5 days
 - Max of 2 persons/bedroom. Not to exceed 10 persons
 - Must have a registered agent
 - Provides a booklet of City requirements and info to guests
 - Subject to suspension or revocation of City approval

VACATION RENTAL PROCESS:



- ** Vacation Rental Certificate expire annually. Applicants must re-apply each year for a new Vacation Rental Certificate (VRC).
- ** Code will track & monitor the renewals of existing of VRC properties.

VR Complaints and Violations:

Common Complaints and Violations

- **Illegal Use**
 - Advertising a VR Without an Approved VR Certificate
 - Operating a VR Without an Approved VR Certificate
- **Noise, traffic and other disruptive activities**
 - Traffic and noise procedures and citations
 - Other BSO investigative matters
- **Excessive vehicles and parking**
 - Ticket or tow if vehicle is in the street ROW
 - Code violation if vehicle is on private property
- **Excessive garbage or improper day for pick-up**
 - Code violation or bulk pick-up

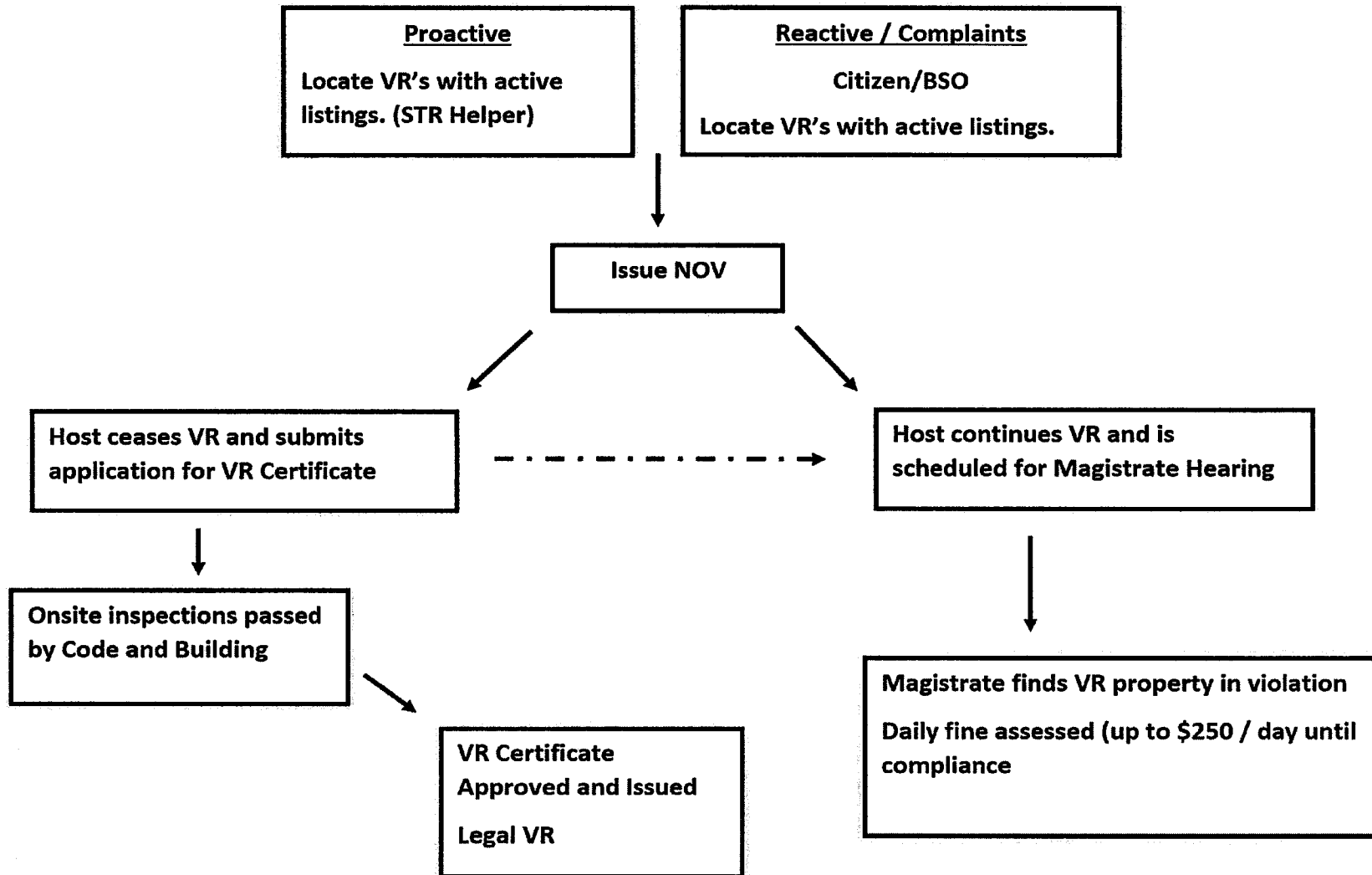
Dania Beach VR Enforcement Statistics

- **191** properties listed (includes multifamily and mobile homes)
- **131** properties subject to City Code
- **109** properties issued NOV by Code Compliance
- **56** properties issued NOV and no longer operating
- **44** properties with an application in process
- **22** legal VR properties with certificates
- **18** properties found in violation with fines pending
- **7** properties that received complaints from neighbors

Enforcement Methodology

- **STR Helper**
 - Researches listing from multiple VR sites and provides confirmed VR information for enforcement.
- **Enforcement (NOV) Process (next slide)**
- **BSO/Code Compliance**
 - Coordination
 - Submit VR listings and emergency contact info to BSO
 - Submit BSO incident reports to Code Compliance
 - Coordinate complaint investigations

Enforcement Process



Improvements, Budget and Staffing

- Evaluate fees to recover costs to administer regulations
- Improve data, analysis and service capabilities with our vendor
- Possible code amendments
 - Parking
 - Noise
 - Max capacity
- Public contact and information