



MEMORANDUM

Development Services

ADMINISTRATIVE MEMORANDUM NO. 17-065

DATE: February 13, 2017
TO: Dennis W. Beach, City Manager
CC: Assistant City Managers
VIA: Robin M. Bird, Director of Development Services *RB*
FROM: Karen Friedman, AICP, Principal Planner *KBF*
RE: Short Term Rental Staff Taskforce

Per the direction of the City Commission, a staff taskforce focused on short term rentals commenced in December 2016. The intent of the Short Term Rental Staff Taskforce is to discuss and address the issues related to Short Term Rentals from a variety of disciplines. The Taskforce includes staff from the following departments and divisions: BSO, Fire Prevention, City Attorney, City Management, Planning and Zoning, Building Inspections, Business Tax Receipt, Code Compliance, Public Works, and CRA. Taskforce meetings have been held on December 20, 2016, January 6, 2017 and February 1, 2017. *A copy of the meeting minutes from the meetings is attached.*

This memo provides an overview of the Short Term Rental Staff Taskforce meetings held so far. It also includes information regarding other meetings attended by Staff, resident outreach, upcoming meetings, and the Taskforce’s goals (short and long term).

Short Term Rental Staff Taskforce Meetings – Overview

Taskforce meetings have been held on December 20, 2016, January 6, 2017 and February 1, 2017. As can be seen in the attached minutes, Staff have discussed the issues and impacts related to short term rentals from their various perspectives. For instance, Fire Marshall Pete McGinnis has discussed at length the impact on the Fire Department as a result of the increase of short term rentals used for “sober housing” and the increase of overdose and related emergency calls. Staff from Planning and Zoning have discussed how 911 calls are coded both by Fire Department and by BSO in an effort to determine how the information can be analyzed and mapped. This would allow the City to better understand the impact on city resources. Planning and Zoning Staff have also discussed proposed code changes and impacts on staffing. The City Attorney’s office has explained the legal interpretations put forth in the recent Joint Statement as well as relevant case law. The City Attorney’s office has also discussed evidence needed for public nuisance and other code violation cases and how code compliance, BSO, Public Works, and Fire Department staff can assist with evidence collection. These are just a few examples of meaningful discussions occurring at the taskforce meetings.

Other Meetings Attended by Staff

Staff have attended meetings of the Delray Beach Drug Task Force and the BSO Community Response Team Task Force.

The Delray Beach Drug Task Force is a nonprofit agency composed of members of the substance abuse treatment community, law enforcement, city staff, DCF staff, nonprofits, and other interested parties. The meetings are held monthly in Delray Beach and address various issues related to the opioid epidemic including overdoses, housing, and health insurance.

The BSO Community Response Team Task Force was originally formed to address the Flakka epidemic. The Task Force was temporarily inactive but has been reactivated and is now focusing on the opioid epidemic. It is managed by the United Way of Broward County Commission on Substance Abuse and the first meeting was on January 19, 2017.

Resident Outreach

The City's residents play an invaluable role in addressing the issues related to short term rentals. Residents may be the operators of short term rentals or may be neighbors of short term rentals. While they often contact City Hall with concerns and questions, most residents do not know about other resources available to them such as state and federal legislators.

In order to start an ongoing conversation with residents, a Resident Meeting on the topic of Short Term Rentals is scheduled for February 16, 2017 at 10:00 a.m. at City Hall. *A copy of the invitation is attached.* Invitations were mailed to individuals who attended City Commission hearings and spoke about issues related to short term rentals. The invitation was also emailed to residents who have contacted City Staff with concerns regarding short term rentals, HOAs and the City Commission.

At this meeting Staff will address issues that have previously been raised at City Commission hearings, such as what the City can (and cannot) do about this issue. Staff will also discuss what steps residents can take about short term rentals, including contacting state and federal legislators.

Creation of a Short Term Rental Resident Advisory Committee is a goal of the Task Force. Similar resident advisory boards have been established in other Florida municipalities and allow residents to have a more formal role in issues related to addressing short term rentals.

Upcoming Scheduled Meetings

- February 14, 2017: City Commission agenda has two Resolutions related to short term rentals. Item #3 is a Resolution for the City Commission to show their support of proposed legislation that would enable City's to regulate and/or prohibit Vacation Rentals. Item #4 is a Resolution for the City Commission to show their support of the recommendations of the Palm Beach County Sober Homes Task Force Report and the Palm Beach County Grand Jury.
- February 16, 2017: Short Term Rental Resident Meeting is scheduled for 10:00 a.m. at City Hall. *A copy of the invitation is attached.* Invitations were mailed to individuals who attended City Commission hearings and spoke about issues related to short term

rentals. The invitation was also emailed to residents who have contacted City Staff with concerns regarding short term rentals, HOAs and the City Commission. At this meeting Staff will address issues that have previously been raised at City Commission hearings, such as what the City can (and cannot) do about this issue. Staff will also discuss what steps residents can take about short term rentals, including contacting state and federal legislators.

- February 16, 2017: Next meeting of the BSO Community Response Team Task Force.
- February 22, 2017: Planning and Zoning Board hearing agenda includes text amendments to Chapter 153, Rental Housing, proposing the creation of a Short Term Rental Permit program. The text amendments are based on the short term rental programs adopted by other Florida municipalities over the last two years and specifically address the issues occurring in Pompano Beach. Mandatory inspections, standards related to off-street parking, and increased penalties are recommended.
- March 2, 2017: Next meeting of the Short Term Rental Staff Taskforce.

Short Term Rental Taskforce Goals

The Taskforce's goals include both short term and long term goals. They are described below:

Short Term:

- Continue monthly meetings of the Short Term Rental Staff Taskforce
- Continue to attend Delray Beach Drug Task Force and the BSO Community Response Team Task Force meetings
- Adoption of the text amendments to Chapter 153 – Short Term Rental Permit
- Adoption of a temporary moratorium on the conversion of apartment buildings for use as short term rentals (expected to be on the March 28, 2017 City Commission hearing)
- Continue to monitor 2017 Florida Legislative session and prepare resolutions of support or opposition.

Long Term:

- Implement the Short Term Rental Permit Program
- Create a Short Term Rental Resident Advisory Committee
- Work with the City's Web master to create a dedicated page on the City's website called "Short Term Rentals and Nuisance Residential Properties" which will include the following information:
 - FAQ about rental properties, vacation rentals, and sober homes
 - A list of common complaints and staff contacts for the complaints
 - A form letter for residents to send to state and federal legislators on pending legislation
 - A direct link for residents to contact state and federal legislators
 - A list of what Staff is working on related to short term rentals
- Increase the utilization of the Fire Department Survey as authorized by §95.14(J)

- Obtain call information from BSO and Fire Department and convert to GIS in order to analyze information
- Amend the City's Reasonable Accommodation program
- Adopt standards related to conversion of apartment buildings for use as short term rentals

**Task Force Meeting
12/20/2016**

Robin Bird	Gave brief introduction
Karen Friedman	Explained current regulations in Ch.153, and ongoing work to add in regulations of short term rentals
BSO	Issues they observe are illegal drug use and other illegal activity, plus noise and wandering complaints
Mark Berman	Discussed Public Nuisance laws. Public nuisance, problem properties. Also the need for BSO and EMS reports. Orders from court.
Captain Adkins	Discussed the JAG grant to address synthetic drugs and that there is an analytical component to it.
Robin Bird	One of the goals is to create a FAQ sheet for residents. Sample letter.
BSO	Discussed issues occurring near the Banyan Treatment Center and their ongoing work with the operators of the treatment center.
Group	General group discussion about the likelihood of cases resulting in any positive outcomes.
Mario Sotolongo	Discussed challenges of enforcing "Family". Three or less people; unlicensed group home – up to 6 unrelated people. The success Code Compliance has had if when an occupant of a rental is the one to make a complaint. He confirmed (which Mark Berman concurred) Code Compliance cannot do random inspections.
Mark Berman	Discussed the housing standards in Ch. 153, including minimum space per person, no sleeping in hallways.
Nguyen Tran	Asked if City uses the HUD Standards? Asked if Pompano Beach has a landlord permit. (What was response?) Zoning Certificates
Robin Bird	Discussed the goal to get short term rental operators to voluntarily register and comply with standards
Mario Sotolongo	Advised Code Compliance has one rental housing inspector. All inspections are per BTR appointments. The inspector does 3 inspections per day on 3 days per week. Annual renewal inspections performed.
Mark Berman	Suggests the City hires a Special Magistrate to hear Reasonable Accommodation cases
Robin Bird & Rob McCaughan	Discussion as to the role Public Works has in this issue, in particular garbage collection. Issues include medical waste and excessive garbage. Rob confirmed there are two garbage(?) (or are they Bulk Waste/Trash/Recycling inspectors?)

enforcement officers. (What is the Health Department's role for resolving this problem?)

- Karen Friedman Asked Rob McCaughan if it is possible to map locations with excessive garbage. And any other analytical information that can be used to determine a financial burden. (What was response?)
- Miguel Nunez Advised that per the Florida Bldg. code it is possible that housing for more than 5 unrelated people is considered I-1 occupancy. He said if services are being offered that would trigger the different occupancy. Hard-wired fire alarms are required.
- Pete McGinnis Advised during Fire treatment facility emergency calls they often see medication dispensing or medication closets. Rooming houses are not allowed in single-family (SF) zoning districts. Change of Occupancy
- Mark Berman Stressed it is important for Fire to advise Zoning and BTR if and when they observe medication dispensing
- Karen Friedman Requested at next meeting they discuss staffing needed for Short Term Rental inspections
- Captain Adkins Described the current system used regarding Nuisance Abatement. BSO's Nuisance Abatement Team could serve as the lead agency and follow Fort Lauderdale's process as a model. Need a central expert to coordinate complaints and have rapport with State Attorney's Office. He suggested this could be a BSO Detective. He also discussed that the crime statistics BSO has cannot be re-coded or mapped. But if we send him an address, BSO can pull records based on the address.
- Group Need to: 1) become familiar with PBC grand jury recommendations and better understand our collective enforcement capabilities; 2) create a process to effectively address this issue involving all key departments (Fire Marshal/BSO/Building Division/CGA/City Attorney's Office/OHUI/DSD/ etc.) and available resources and tools; and 3) determine if existing resources should be reallocated and/or add new resources as appropriate. The current staff for Rental Housing Inspections are: BSO if needed, Code Compliance, Electrical Inspector, Structural Inspector if needed, and Fire Inspector.

Next meeting:

- What is "Success"
- Staffing needed for Short Term Rentals
- What will trash inspectors do? What is trash enforcement?
- What issues does Fire observe?

Attendees:

Adkins
Bird
Sotolongo
Nunez
Longo
Donovan
Brown

Berman
McCaughan
Tran
Noble
Friedman
Korab
McGinnis
McDaniels

- 90 day treatment programs; clients can end up on city streets as new homeless
- Closing open permits before issuing another permit
- Work performed without permits
- Need identification of local 24 hour contact person in the event of a problem at the property
- No regulation; no licensing; no definitions
- Tools/Resources: Nuisance Abatement Board; Building Maintenance Code
- Broward County Drug Task Force – next meeting: January 19, 2017; need more information about this group
- Hold community meeting on short-term rental housing
- Need state and federal legislation and funding support;
- Participate in FAST Fly-In to Washington DC with the Florida League of Cities
- Involve facility operators
- Federal scholarships in lieu of insurance

**Task Force Meeting
01/06/2017**

- Robin Bird Gave brief introduction and stated the attendance is necessary for the task force to be effective. Distributed Minutes.
- Mark Read the 15 recommendations of the Palm Beach County Grand Jury Task Force and gave brief description of each. Stated most of the recommendations could not be implemented by the City but the Commission could adopt a resolution showing support.
- Karen Discussed the two proposed Florida Legislature Bills regarding Vacation Rentals
- Chris Brown Mentioned New York City's Air BNB Restrictions
- Karen Mentioned Miami Beach's Air BNB Restrictions and the \$20,000 fine
- Group Discussion regarding Air BNB
- Robin There is a company that can review Air BNB listings and that we need to consider outside contractors costs as part of the Short Term Rental resources. He then discussed the reasons why houses and apartment buildings are converted to short term rentals. He discussed this is an issue that will impact the tourism committees goals.
- Mark Expressed that the City's goal is not to shut down short term rentals; rather the goal is compliance. Mark then presented the main points of the Joint Statement and that there are two considerations: deny rental housing applications and deny reasonable accommodations. He discussed that the information we would need is a study justifying a separation standard. He emphasized we could use another cities' study and that we might have a different threshold for different neighborhoods.
- Karen Pointed out that the Reasonable Accommodation process is only used if an accommodation is needed and that all applicants sign affidavit that they meet definition of family. Therefore they would not need an accommodation.
- Mark Asked if it is possible to say "No" via a zoning ordinance. He will research.
- Robin He will ask Pete if there is a way to require fire inspection
- Pete States that Fire Dept can document a scene with photographs and that all trucks are equipped with cameras. He advised Fire takes OD's to various hospitals. He stated that Fire can check addresses to see if they have a high number of calls. He confirmed fire has had a significant increase in costs due to Narcan. He said many OD's are occurring near Founders Park. He advised that when Fire responds to an OD call, that typically the home operator or treatment facility representative is not at the house. He advised that there are some restrictions on increasing fire fees but that via Chapter 95, Fire can require a Property Audit for properties with a lot of calls and Fire can then require additional improvements and fees based on the audit.
- Phyllis Asked what needs / role does Code Compliance have?

Pete Suggested adding Code Compliance to the staff involved in the Fire Audit inspection.

Mario / Group Code Compliance (and all departments) will put together a one page summary of their role and their needs

Mario Suggested City consider adopting fee for rolling back garbage can – similar to Fort Lauderdale

Karen Discussed highlights of proposed short term ordinance

Group Discussion regarding parking on swales

Robin City Attorney's Office assignment is to prepare two Resolutions for the 02/14/2017 CC Hearing: #1 – Support Vacation Rental Bill and #2 – Support the 15 Recommendations of the Grand Jury

Robin All Departments need to prepare one-page summary.

Karen Volunteered to prepare a form for the departments to fill in with their information. Also agreed to assist Fire Dept in preparing their report.

Robin Directed Karen to send draft short term rental ordinance to CRA

Next meeting:

- Discuss report for 02/14/2017 City Commission Hearing
- Discuss the BSO task force (scheduled for 01/19/17)
- Check in on status of Department's One Page Summaries

Attendees:

Bird
Sotolongo
Nunez (left early)
Brown
Berman
Friedman
Korab
McGinnis
McDaniels
BSO was not in attendance due to emergency incident.

**Task Force Meeting
02/01/2017**

Robin Bird Gave brief introduction and distributed minutes. Asked Karen to give overview of BSO meeting on 01-19-2017

Karen Discussed the BSO meeting on 01-19-2017

Mark Important to identify addresses who use fire and 911 disproportionately

Pete Presented the call information for two high-call properties

Robin We can send address of repeat offenders to BSO to investigate

Mark Compiled information can be used to prepare Public Nuisance cases. Per Karen's request Mark then described what a public nuisance case is and the results

Karen Asked Mark is an increase in public nuisance cases would require more staffing in the City Attorneys office?

Mark Explained additional penalties for dealing drugs within 1,000 ft of schools etc.. per federal regulations. He feels it is important for state to adopt similar regulations and make within certain distance of sober homes

Robin Asked Mario about the additional code compliance staffing needed and explained that the city used to have code compliance staff dedicated to housing

Mario Spoke about his experience in Fort Lauderdale with a Public Nuisance case and required video cameras

Pat Noble Spoke about his experience with a Public Nuisance case at 600 W. Sample Rd. He also explained staffing needs for BSO

Robin Asked Pete if there is a protocol for Fire Dept to take pictures? Asked if one could be created and to send pictures to Legal and BSO.

Mark Explained it is important for Fire, Legal, and BSO to have meetings to discuss evidence

Pat Noble What other role can BSO have in conjunction with inspections besides "Safety Escort"?

Mark We can create a list of Nuisance Residential Properties

Karen Does BSO have a Substance Abuse code?

Pat Noble BSO has an OD Code

Pete Described the 911 process and how fire responds. Fire also has an OD code

Karen Brought up the issues at the Parks and in particular McNab and Founders Parks. She suggested CRA program activities at those parks.

Robin Stated that Parks and Rec can also program parks

Pat Noble City could install cameras at Parks

Brian City already has a homeless taskforce and this group should not focus on the homeless at parks issue

Robin Explained to group about upcoming resident meeting

Robin and Brian Discussed location, date, staff for meeting and invitees for resident meeting

Robin Assigned Karen to prepare meeting flyer

Robin Explained to group about website information, need for FAQ, listing complaint types and responsible staff, listing steps city is already taking. Webpage cannot be called Sober Homes. Assigned Karen to schedule meeting with Matt Janes and Sandra.

Group Discussed "form" letter that residents could send to legislators

Miguel Discussed that FL Building Code might offer options for unlicensed group homes

Karen Asked group to update their one-page memo based on today's meeting

Next meeting:

- Discuss outcome of resident meeting on 2/16/2017

Attendees:

Bird
Sotolongo
Nunez
Brown
Berman
Friedman
Korab
Donavan
Tran
Wemyss
McGinnis
McDaniels
McCaughn
Pat Noble

RESIDENT MEETING



SHORT TERM RENTALS

WHEN

Thursday, February 16, 2017
10:00 am – 11:00 am

WHERE

City Hall, 100 W. Atlantic Blvd.
3rd Floor Conference Room

WHY

City Staff will discuss short term rentals and address concerns raised at City Commission meetings

RSVP

Please RSVP by 02/14/2017 to Diane Taylor
Email: Diane.taylor@copbfl.com
Tel: (954) 786-4634

