

SPECIAL COMMITTEE MEETING ON SHORT-TERM VACATION RENTALS AGENDA

**Thursday, November 15, 2018
9 AM**

Lynwood Roberts, 1st Floor, City Hall

Danny Becton, Chair
Jim Love
Ju'Coby Pittman

Legislative Assistant: Melanie Wilkes
Office of General Counsel: Jason Teal
Office of General Counsel: Lawsikia Hodges
Research Asst.: Jeff Clements

Meeting Convened:

Meeting Adjourned:

If a person decides to appeal any decision made by the Council with respect to any matter considered at such meeting, such person will need a record of the proceedings, and for such purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

I. Office of General Counsel

Speakers: Jason Teal, Attorney IV;
Lawsikia Hodges, Attorney IV

- Wrap Up of Related Information.
- Solutions Oriented Analysis and Comparisons.

II. Planning and Development Department

Speakers: Folks Huxford, Chief of Current Planning
Bill Killingsworth, Director of Planning and Development

- Wrap Up of Related Information.
- Zoning Oriented Analysis & Comparisons.

III. COJ – Supporting Departmental – Wrap Ups

Speakers; Tax Collector, Property Appraiser, Code Enforcement, JFRD, JSO

- Wrap Up of Related Information

IV. Industry

Speakers; Expedia Group; Booking.com; AirBnB; Florida Vacation Rental Management Association (FVRMA); VTrips; Florida Restaurant and Lodging Association, Visit Jacksonville, others

- Wrap Up of Related Information

V. Public Comments (Please Fill Out Comment Card)

XIII. Committee Open Discussion

Speaker: Council Members

- Open Discussion of Path Forward
- Guidance as it relates to Permitting, Licensing, Zoning (Definition & Uses), Requirements or Limitations, and any other issues for which legislation may be affected.

XIV. Adjourn

Next Meeting: TBD

*****NOTE: Other items may be added at the discretion of the Chair*****

Short Term Rental Talking Points

November 15, 2018

- Some communities require STRs to be owner occupied like we do with B&Bs. Typically there are no limits on the number of days and fewer performance standards. Typically treated as residential uses.
- Should there be a minimum or maximum stay duration?
- Should non-owner occupied STRs be treated as residential uses or commercial uses? This could significantly impact the application of taxation, zoning, building and fire codes.
- Would this trip the need for ADA compliance? Smoke detectors and other things required for hotels?
- Should it be permitted by right or permissible by zoning exception? In lieu of a zoning exception, what about requiring a license?
- Establish a maximum number of STRs within the City?
- Require public notice to area residents if a location becomes an STR?
- Should STRs be required to obtain a Certificate of Use? Per Section 656.151 of the Zoning Code: No structure, other than a single family residence or duplex, shall be used or any existing use enlarged, or any new use made of any land, body of water, or structure, without first obtaining a certificate of use from the Department. Said certificate of use shall be required for each individual business and each multi-family building located within the City.

November 14, 2018

Councilman Danny Becton
Office of the City Council
117 W. Duval St., Suite 425
Jacksonville, FL 32202

Dear Councilman Danny Becton,

I am an Airbnb host in the San Marco area of Jacksonville. I am unable to attend the Short-Term Vacation Rentals Thursday meeting in person as I need to be at work. However, I wanted to share my experience as an Airbnb host. I have been hosting guests for about 4 years. I am a single mom of a teenage son with a spare guest room. I host about twice a month to earn extra spending money that can go towards emergencies, but if we are lucky, we use the extra funds for traveling ourselves.

I have hosted many people visiting Jacksonville for pleasure (examples: Florida v Georgia football, concerts, sightseeing, River Run, leaving for a cruise, family visits, weddings, etc.) and for business (medical students interviewing for residencies, people moving to Jacksonville who are house hunting, people attending conferences or training, or those working in Jacksonville for a few days or up to a couple weeks, etc.) All of these guests have enjoyed Jacksonville and added to the economy by attending events, dining out, and using/renting transportation. Many of these people would not have visited if they hadn't found affordable, Airbnb lodging. Guests also like to stay with Airbnb hosts to get a "local" feel and recommendations on things to do and places to eat, as well as, best neighborhoods to live in. I am happy to provide all these suggestions as I love Jacksonville and am proud to call it home. I want Jacksonville visitors to enjoy my home city as much as I do.

All of our guests have abided by house rules and have never disturbed us or the neighborhood. I find Airbnb hosting a rewarding experience. I have met people from all over the state, the country, and international visitors including a sweet retired couple from France and a brilliant student from Spain attending a science seminar. Some people may think "how can you host strangers?" I can truly say that guests have not left our home as strangers. We get to know some guests better than others, but we will always remember some of the special ones, such as: several guests emailing us after Hurricane Irma and Matthew to make sure that we were ok; a guest who created a small watercolor print (his hobby) as a gift; those who left us candy and coffee or shared his produce from Riverside Arts Market; or, a guest who encouraged my son in his music studies and in band (as he was a brass musician too).

Airbnb is a special community, and I am happy to be a part of it. I hope it continues to benefit me and the many visitors to Jacksonville.

Warm regards,

Lisa Alexander

Lisa Alexander

SHORT TERM RENTAL REGULATORY ORDINANCES

<p>Categories of short term rentals</p>	<p>Asheville – Homestay, Bed and Breakfast Inn, Short-Term Vacation Rental Savannah – Short Term Vacation Rental Denver – Short Term Rental Orlando – Owner Occupied Home Sharing New Orleans – Accessory Short Term Rental, Temporary Short Term Rental, Commercial Short Term Rental Fairfax County VA – Short Term Lodging (STL), Bed and Breakfast Charleston – Short Term Rental (STR) – Residential; STR – Commercial; Bed and Breakfast</p>
<p>Is a business license required? If so, what is the fee?</p>	<p>Asheville – homestay permit required, \$208 zoning application and technology fee required; annual renewal required Savannah – business tax certificate required; annual renewal required; \$300 fee for initial STR certificate application, \$150 annual renewal fee Denver – business license, lodger’s tax license and occupational privilege tax required; business license fee for STRs is \$25/year; lodger’s license application fee is \$50 every 2 years, lodger’s tax is 10.75% of rental fee; occupational privilege tax (due if an owner generates more than \$500 per month in revenue from operation of a business) is \$4 per month. Orlando – home sharing registration required, \$275 first year, \$100 annually thereafter if owner-occupied, \$125 if non-owner-occupied New Orleans – STR license required; Accessory STR - \$200/year; Temporary STR - \$50/year for homesteaded property, \$150 for non-homesteaded; Commercial STR - \$500/year Fairfax County VA – STL permit required, \$200 application fee, expires after 2 years. If gross receipts exceed \$10,000 per calendar year, a Business Professional and Occupational License (BPOL) is required. Charleston – STR permit and business license required, renewable annually. Business license fee - \$64 base fee plus \$3.90 per additional \$1,000 of expected income. Zoning and application review fee - \$200.</p>
<p>Is owner required to be present during the rental?</p>	<p>Asheville – A homestay operation must be managed by a full-time resident of the property for whom that is their primary residence; must be present throughout a lodger’s stay except during normal activities such as going to work or school, shopping, etc. (may not be out of town, on vacation, etc.) Denver – no, but host must leave the renter a welcome packet that includes contact information and instructions on city services Orlando – yes, must be the host’s primary residence and host must be present during rental New Orleans – Accessory Short Term Rental must be the host’s primary residence and host must be present during rental; Temporary Short Term Rental – owner not required to be present; Commercial Short Term Rental - owner not required to be present Fairfax County VA – an STL operator must be a permanent resident of the property hosting the STL, either as owner or a tenant with the written permission of the owner to operate the property as an STL. Charleston - While the host does not have to be present for the complete duration of their guests’ stay, they must be “generally available” and sleep overnight at the property whenever it is being rented.</p>

Is designation of a local property representative required?	<p>Savannah – yes, with 24 hour contact information</p> <p>Denver – no</p> <p>New Orleans – yes for Temporary Short Term Rentals; all STR applications require name and physical address of a natural person in Orleans Parish upon whom service of notices may be made.</p> <p>Fairfax County VA - yes</p>
Limits on maximum occupancy?	<p>Asheville – limit by number of rooms rented (homestay – 2 guest rooms, short term rental – 6 guest rooms), not number of persons</p> <p>Savannah – the number of occupants shall not exceed 4 adults in dwellings with up to 2 bedrooms or more than 2 adults per bedroom in homes with 3 or more bedrooms</p> <p>Denver – no specific limit on number of guests, but since STRs are an accessory to primary residential use, the overall character of the property must remain residential; only one rental contract may be in effect at a time in any STR (multiple contracts with separate parties prohibited)</p> <p>Orlando – maximum 2 people per room, no more than 4 non-family members in an STR at one time; only one rental contract permitted at a time</p> <p>New Orleans – Accessory Short Term Rental - limited to 3 bedrooms (excluding the owner’s bedroom) and 6 guests maximum; Temporary Short Term Rental – limited to 2 guests per bedroom or a total of 10 guests, whichever is less; Commercial Short Term Rental – limited to 5 bedrooms and 10 guests</p> <p>Fairfax County VA – maximum 6 adults per night, with no limit on number of children associated with those adults</p> <p>Charleston – maximum of 4 adults</p>
Are there restrictions on use (i.e. no weddings, receptions, events)?	<p>Asheville – no activities other than lodging may be provided</p> <p>Denver – residential use only; commercial events such as parties or weddings are prohibited</p> <p>New Orleans – use for commercial or social events prohibited; STRs cannot interfere with the residential character of neighborhoods by generating noise, glare, odors or other conditions that unreasonably interfere with any person’s enjoyment of their residence</p> <p>Fairfax County VA - events and commercial activities such as weddings, luncheons, banquets, parties, wedding, meetings, fund raising, or advertising activities and any other gathering of persons other than authorized lodgers, whether for direct or indirect compensation are prohibited in association with any STL operation</p>
Parking requirements?	<p>Asheville – no additional off-street parking is required for a homestay</p> <p>Savannah – STRs with 4 or more bedrooms require a parking plan be submitted to the city</p> <p>Fairfax County VA – application to operate a STL must include identification of the location of one designated parking space available for lodgers, which the Operator has the authority to reserve for STL purposes.</p> <p>Charleston - property must contain a third parking space for the additional STR use in addition to the 2 required for each residential unit. If the property contains multiple Dwelling Units, each must have adequate legal parking in addition to the one required STR space.</p>
Limitations on signage?	<p>Asheville – no signage allowed for homestays</p> <p>Denver – only 1 non-animated, non-illuminated sign is allowed on the property identifying it as a STR</p> <p>New Orleans – city-issued STR placard must be prominently displayed on the front façade of the building clearly visible from the street during all periods of occupancy, no other signage is permitted.</p> <p>Charleston – signage prohibited</p>

Insurance requirements	<p>Asheville – homestay operator must maintain liability insurance on the property which covers the homestay use and homestay guests</p> <p>Savannah – insurance required that acknowledges that the premises are used as an STR</p> <p>Denver – liability insurance to cover bodily and property damage required in an amount not less than \$1 million, or use of hosting platform insurance of at least that amount</p> <p>New Orleans – liability insurance of \$500,000 or more required</p> <p>Charleston – general liability insurance in an amount of \$1 million or more per occurrence required</p>
Required annual inspections (fire marshal, property safety)?	<p>Asheville – annual city inspection required for compliance with the homestay ordinance; homestay area of the structure must comply with all current and applicable building codes.</p> <p>Savannah – city permits/inspections required for any building improvement required for initial STR applications; premises must be inspected by the owner on a regular basis to ensure compliance with all applicable zoning, building, health and life safety codes.</p> <p>Denver – owner must certify that their STR has fire extinguisher, carbon monoxide detector, smoke alarm, and liability insurance to cover bodily and property damage.</p> <p>New Orleans – owner must certify that the property has working smoke detectors in every bedroom, outside of sleeping area, and on all floors and a properly working, charged fire extinguisher; emergency contact information and fire exits and escape routes must be posted prominently; property must be in compliance with city’s minimum property maintenance, building, electrical, mechanical and plumbing codes.</p> <p>Fairfax County VA - inspections are not required prior to issuance of the permit. However, the home used for STL must be open, upon request, for inspection by County personnel during reasonable hours. STR operators are responsible to ensure that any areas used for STL provides the following minimum life safety features: a working multi-purpose fire extinguisher, interconnected smoke detectors, carbon monoxide detectors (when required for a fireplace or gas service), and a plan posted inside the door of each sleeping room showing the exit pathway from the sleeping room used for STL to the nearest exit from the dwelling or mobile home.</p> <p>Charleston – Initial fire inspection and plan review - \$40 base inspection fee, \$32.21 plan review fee, plus \$32.61 per number of floors in the unit being inspected. On an annual basis the zoning administrator shall determine whether each STR use permitted under this section remains in compliance with all the terms of this chapter, and shall initiate such enforcement procedures as may be appropriate. All operators of STR uses permitted under this Section shall cooperate fully with the zoning administrator and his designees, including, but not limited to, providing pertinent information upon request and affording access to that portion of the property which is used for the STR use for reasonable site inspections</p>
Process for revocation of permit/license?	<p>Savannah – if a property owner has accumulated 3 code violations for a particular property within 12 consecutive months, the city shall revoke any pending certificates and reject all applications for the subject premises for a period of 12 consecutive months. If a property owner has been cited and found to be in violation of any zoning, building, health or life safety code provision, the owner must demonstrate compliance with the applicable code prior to being eligible to receive an STR certificate. Citations for violations may be heard by a short-term vacation rental staff board (full-time city employees appointed by the city manager and representing revenue, zoning, tourism and the police department), or by the county Recorder’s Court. Appeals may be made to the City Manager. STR certificates automatically expire after 1 year if not timely renewed.</p> <p>Denver - The Director of Excise and Licenses may enter a summary suspension order for the immediate suspension of any STR license pending further investigation through a show-cause hearing which could lead to revocation of the STR license.</p> <p>Orlando – violation of any standards, requirements, conditions, code or law will result in revocation of the required registration for home sharing</p>

	<p>Fairfax County VA - STR Permit may be revoked by the Zoning Administrator for failure to comply with the new STL regulations.</p> <p>Charleston – A violation of the chapter is a misdemeanor punishable by a fine and/or incarceration. Each day of violation constitutes a separate offense. Any violation of the chapter entitles the zoning administrator to revoke the STR or Bed and Breakfast permit</p>
<p>Zoning limitations on areas where they are allowed? (single-family, multi-family, commercial areas)?</p>	<p>Asheville – Short term rentals (not homestays) are not a permitted use by right in any zoning district except resort districts; conditional zoning permission is required. Homestays are permitted in residential zoning categories.</p> <p>Savannah – STRs permitted in the Historic District in RIP, RIP-A, RIP –A-1, RIP-B, RIP-B-1, RIP-C, RIP-D and R-D; in business and industrial zones, STRs are permitted in B-H, B-C, BC-1, B-B, R-B-C and RB-C-1 zones; in the Victorian District STRs are permitted in the Victorian District and Mid-City District.</p> <p>Denver – STRs allowed as an accessory use to a primary residence wherever residences are allowed (residential and some mixed-use commercial districts); private homeowner associations may prohibit STRs; non-primary residence rentals are categorized as Lodging Facilities and require a Zone Use Permit based on the zoning category</p> <p>Orlando – residential zoning required; the home-sharing portion of the residence must be designated as an accessory use; if located in a neighborhood with an HOA, permission from the HOA must be provided at time of registration</p> <p>New Orleans – STRs prohibited in the French Quarter; Accessory STRs permitted in almost all districts. New Orleans City Council passed an ordinance in May 2018 prohibiting issuance of new and renewal Temporary License applications in this district, as well as issuance of new Commercial STR licenses for STR use on the first floor of a multi-story building that can or may contain residential uses on subsequent floors.</p> <p>Fairfax County VA – STRs permitted as an accessory use in all zoning district that permit residential uses, and in all types of dwellings i.e. single-family homes, townhouses, condos, mobile homes and apartments.</p> <p>Charleston – zone-specific criteria apply in Category 1 (Old and Historic District – must be individually listed on the National Register of Historic Plaes), Category 2 (outside existing STR Overlay/Old and Historic District on peninsula – must be over 50 years old), Category 3 (non-peninsula area), or the Short Term Rental Overlay (allowed as a conditional use on commercially zoned properties).</p>
<p>Physical limitations on the structure (#bedrooms required, whole house vs. room for rent, min. sq. footage)?</p>	<p>Asheville: homestay - maximum of 2 bedrooms may be rented; short-term rental – maximum of 6 guest rooms may be rented; exterior lighting shall be residential in nature and comply with the lighting requirements of the Unified Development Ordinance; homestay area may not have a kitchen (cooking facilities, refrigerator over 5 cu. ft., large sink)</p> <p>Orlando – the rental portion of the residence must be designated as an accessory use space, and the rental space must be 50 percent or less of the whole property (for example, only one bedroom in a three-bedroom house or two bedrooms in a four-bedroom house may be listed); whole-house rentals prohibited; half of a duplex may be rented if the owner resides in the other half and if the STR half is of equal or lesser size and located on the same development site</p> <p>New Orleans – STRs are not permitted outdoors, in an accessory structure (i.e. shed, garage, etc.), or in a recreational vehicle; STR shall appear outwardly as a residence; STR use limited to 3 bedrooms.</p> <p>Fairfax County VA - STRs are prohibited in detached accessory structures, accessory dwelling units, temporary family health care structures, affordable dwelling units or workforce dwelling units. Basements and/or any other non-traditional space converted to sleeping room(s) in association with the STL use must comply with the most current building code requirements, including but not limited to providing a second means of egress such as an emergency egress window.</p>

Approval from neighbors?	<p>Savannah – all of-record property owners adjacent to a proposed STR shall be notified of the use prior to issuance of an STR certificate.</p> <p>New Orleans – as part of the application process, an STR applicant must confirm that he/she has made best efforts to notify immediate neighbors of the application for an STR license</p> <p>Charleston – when an application is filed for an STR permit, the zoning administrator shall cause notice to be posted on the property upon which the proposed STR use is to be located for fifteen (15) consecutive calendar days, advising that the Resident-owner of the property has applied for a zoning permit to establish a STR use at the location and supplying a phone number to call for further information.</p>
Limits on number of permits issued (either a cap on the total number within the jurisdiction, or cap on number issued to any one person)?	<p>Asheville – since the homestay must be the operator’s primary residence, permits limited to 1 per person at any given time</p> <p>Savannah – STRs subject to a cap per city ward as established in the zoning code</p> <p>Charleston - since the STR must be the operator’s primary residence, permits limited to 1 per person at any given time</p>
Responsibility for collecting taxes?	<p>Savannah – STR owners are subject to all applicable state and local taxes and are liable for the payment thereof.</p> <p>Denver – STR owners are responsible for collecting all taxes due (Airbnb remits lodger’s taxes for rentals booked on its platform)</p> <p>Orlando – STR owners are responsible for collecting and remitting taxes (Airbnb remits taxes for rentals booked on its platform)</p> <p>Fairfax County VA – owner is responsible for collecting and remitting Transient Occupancy Tax.</p> <p>Charleston - The resident owner shall comply with all business license and revenue collection laws of the City of Charleston, Berkeley County or Charleston County, whichever is applicable, and State of South Carolina.</p>
Enforcement for failure to collect taxes?	<p>Savannah – The city may seek payment of all applicable taxes to the extent provided by law, including injunctive relief.</p>
Amount for civil penalties?	<p>Asheville - \$500 per day</p> <p>Savannah - \$500 first violation, \$750 second violation within 12 months, \$1,000 third violation within 12 months</p> <p>Denver – up to \$999 per violation of STR regulations</p>
Limitations on sexual offenders or predators?	<p>Miami Beach - The responsible party is required to obtain confirmation of a nationwide search from the Miami-Dade County Police Department or other law enforcement agency that the prospective transient occupant is not a registered sexual offender or sexual predator as a result of a conviction of a sexual offense, as defined in <u>Section 21-280</u>. If the vacation rental property is within 2,500 feet of a school, pursuant to <u>Section 21-281</u> it is a violation of this section for a sexual offender or sexual predator to occupy the property for a period of 4 or more days in any month.</p> <p>The responsible party may call the Miami-Dade County Answer Center (311) to obtain assistance or referrals to determine whether a prospective transient occupant is a sexual offender or predator and to determine whether a residence is 2,500 feet from a particular school. If the vacation rental property is within 2,500 feet of a school, it will be a violation to allow any person to occupy the property with knowledge that such person is a registered sexual offender or registered sexual predator in any jurisdiction.</p> <p>Miami-Dade County – Same as Miami Beach</p> <p>Fort Lauderdale - It is unlawful for any property owner or designated representative to allow another person to occupy any residential property as a Vacation Rental within the City of Fort Lauderdale, as a Transient Occupant if such property owner or designated representative knew or should have known that the vacation rental will be occupied by a person prohibited from establishing a permanent residence or temporary residence at said residential property pursuant to Section 16-127 of the Code of Ordinances, if such place, structure, or part thereof, trailer or other conveyance, is</p>

	<p>located within one thousand four hundred (1,400) feet of any school, designated public school bus stop, child day care facility, park or playground or other place where children regularly congregate as described in Article VI, Chapter 16 of the Code of Ordinances. Property owner or designated representative shall determine prior to submission of an application for a Certificate of Compliance, whether the Vacation Rental property is located in an area in which it is unlawful for sexual offenders or predators to establish residence pursuant to section 16-127.</p>
<p>Regulations for properties with swimming pools?</p>	<p>Miami Beach - If there is a swimming pool onsite, the responsible party must ensure that the swimming pool has in place at least one of the pool safety features listed in Section 515.27, Florida Statutes, (i.e., pool safety barrier, pool safety cover, pool alarm, or door latch/alarm) prior to use of the property as a vacation rental by any person under the age of six. This provision shall not apply to a vacation rental with a community swimming pool onsite, such as in a condominium, as determined by the Director. Compliance with this provision shall be in addition to compliance with Section 33-12 of this code pertaining to swimming pool fences.</p> <p>Miami-Dade County – same as Miami Beach</p>