



**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION WORKSHOP**

**Jarvis Hall
4505 Ocean Drive
Tuesday, May 21, 2024
5:30 PM**

1. CALL TO ORDER, MAYOR EDMUND MALKOON

Mayor Edmund Malkoon called the workshop to order at 5:30 p.m. Also present were Vice Mayor Randy Strauss, Commissioner Richard DeNapoli, Commissioner John A. Graziano, Commissioner Theo Pouloupoulos, Town Manager Linda Connors, Town Attorney Susan Trevarthen, Deputy Town Manager/Public Works Director Ken Rubach, Development Services Director Jhanelle Campbell, Assistant Development Services Director Muriel Ramirez, Code Officer Eric Villanueva, Code Officer Hector Barrett, Planning Technician Megan Small, and Town Clerk Katrina Adler.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. DISCUSSION ITEM

Mayor Malkoon advised that there will be a public comment period following Staff's presentation and Commission discussion.

a. Vacation Rental Discussion

Development Services Director Jhanelle Campbell gave a presentation on vacation rentals, including explanations of terms, enforcement, the future of vacation and short-term rentals, questions from the Commission, and public comments.

Vacation rental regulations were first adopted by Lauderdale-By-The-Sea in 2009 and applied only to single-family and town home dwellings. These regulations addressed the duration of stay, which required a seven-day minimum that continues to the present day.

In 2014, the state of Florida adopted regulations which allowed any municipal regulations enacted prior to 2011 to be preserved. After this date, the Town adopted short-term rental regulations, which applied to two-, three-, and four-unit properties. These properties are not subject to the duration-of-stay regulation.

Lauderdale-By-The-Sea
Town Commission Workshop
May 28, 2024

To date, the Town has roughly 145 registered vacation and short-term rentals. The Town now has an interactive geographic information systems (GIS) map which allows residents to check the locations of neighboring vacation and short-term rentals that are registered in their communities.

Development Services Director Campbell explained that there is a difference between a vacation rental and a short-term rental. Vacation rental regulations apply to single-family homes and town homes only, which are restricted to a minimum stay of seven consecutive days. Short-term rental regulations apply to two-, three-, and four-unit dwellings. The most important distinction for short-term rentals is that these dwellings are subject to use of pool and outdoor area restrictions, as outdoor features may only be used between the hours of 8 a.m. and 10 p.m. No outdoor music is permitted in short-term rentals between 10 p.m. and 8 a.m. These rentals are also not subject to the seven-day minimum rental requirement.

Development Services Director Campbell further explained that the single-family and town home vacation rental properties are not subject to the same regulations as short-term rentals because the Town's vacation rental regulations were adopted prior to 2011. Should the Town make any changes to those regulations, they would no longer be grandfathered.

Commissioner Graziano asked if a vacation rental property that has been vacated before the seven-day minimum period is over can be rented again right away. Development Services Director Campbell confirmed that it cannot be rented until after the seventh day has passed.

Common Code violations observed in vacation and short-term rentals include:

- Vacation rental property does not respond to concerns within three hours as required by Code
- Violations of maximum occupancy of 10 individuals
- Rental periods of fewer than seven days
- After-hours pool and music use in short-term rentals
- Renting without a license

In addition to courtesy notices or notices of violation provided when violations occur, the Town may issue repeat offender fines, which are assessed for repeat violations of the same Code requirement. Other actions may include suspension or revocation of a property's rental certificate by the Town Manager. The Town must follow the proper protocol outlined in Code when taking this action.

Lauderdale-By-The-Sea
Town Commission Workshop
May 28, 2024

Mayor Malkoon asked if any vacation or short-term rental property's license has been suspended or revoked by the Town thus far. Development Services Director Campbell confirmed that this action has not been taken. There is no currently defined threshold at which the Town may suspend or revoke a license, as no property's violations have reached a level of severity that would warrant this action. This level of severity is subject to the Town Manager's discretion and may include issues such as repetitive complaints.

Aside from the suspension or revocation of a property's certificate, the Town has other options they may consider, such as daily fines. If a property is listed for rental for fewer than seven days, for example, the Town permits that property's advertisement to be taken down and modified. If this is not done, a fine may be instituted. Other violations that may result in fines include failure of the property's rental agent to respond in a timely manner. If the Town has adequate evidence of these types of violations, they may request that the Special Magistrate issue fines where appropriate.

In addition to the requirement to respond to concerns or violations on the property within three hours, the rental agent must also be available to address issues 24 hours per day, seven days per week. They must be able to receive notice of violation of any section of the Town's vacation or short-term rental Code, and they are responsible for monitoring these dwellings on a weekly basis. Rental agent status may also be suspended or revoked by the Town Manager if the agent fails to perform any of their required duties. This has not occurred in the Town thus far.

Commissioner Graziano asked if a rental agent's status may be revoked if there is evidence that the agent is not truthful when appearing before a Special Magistrate. Development Services Director Campbell explained that the grounds on which a rental agent's status may be revoked would need to be specifically linked to the agent's duties as listed in Code. If an agent is found to be untruthful, the Code Officer could present counterevidence and the issue could be addressed at that time.

Currently, Florida Senate Bill (SB) 280 is awaiting the Governor's signature or veto. If this bill becomes law, it would create a statewide registration system, and the Town would be limited to requiring only those items specified in Section 509.0328.b. Occupancy requirements may also be affected. There are several other requirements of SB 280 which may affect the Town's regulations if the bill becomes law.

Lauderdale-By-The-Sea
Town Commission Workshop
May 28, 2024

Development Services Director Campbell emphasized that SB 280 would not affect the Town's single-family and town home regulations, as these regulations were enacted prior to 2011. The changes would affect only short-term rentals.

Vice Mayor Strauss asked if there are any restrictions requiring longer minimum stays. Town Manager Connors advised that the Town's definition of "vacation rental" states a minimum seven-night stay is required. The multi-unit short-term rental regulations do not include a duration-of-stay requirement. Vacation rentals may include this requirement because they were passed by the Commission before 2011, before state regulations preempted local legislation.

Town Manager Connors continued that the Town takes great care to protect its vacation rental legislation. They do not attempt to make changes to vacation rental policies, as the addition of further restrictions could give the state reason to preempt the Town's grandfathered regulations. The Town may either retain existing duration-of-stay regulations in their current state or decrease them. They are not permitted to increase these regulations.

Vice Mayor Strauss explained that he has been approached by residents who believe a longer duration of stay is required of vacation rental properties, and he had wished to clarify this regulation. Town Manager Connors recalled that the Town had initially passed a much stronger vacation rental Ordinance in 2009; however, the stringency of this Ordinance was reduced within less than one year. She acknowledged that it can be difficult to enforce the existing seven-day regulation.

Development Services Director Campbell continued that if SB 280 is signed into law, the Town may be limited to requesting only those items specified in 509.0328.b as part of its registration process. This may affect occupancy requirements: Code currently states that a maximum of two persons per bedroom may occupy a vacation or short-term rental, as well as two additional persons per 200 ft. of interior living area, not to exceed 10 individuals. SB 280 would permit two persons per bedroom or two additional persons in one common area or more than two persons per bedroom if there are at least 50 sq. ft. per person, plus two additional persons in one common area, whichever is greater.

Town Code also requires that vacation rental information must be posted within 10 ft. of the property's front door. SB 280 is silent on this issue.

Lauderdale-By-The-Sea
Town Commission Workshop
May 28, 2024

A resident who wishes to know if a vacation or short-term rental is located near their property may check the Town's online map, which differentiates between these two types of rental properties. A "pending" category has recently been added to this map which shows properties that are currently in the application process. Residents may also contact Zoning or Code Compliance during regular business hours, which are Monday through Saturday from 7 a.m. to 4 p.m.

The Town has also created a postcard mailer which will be sent to neighboring properties once a vacation or short-term rental application has been approved. The postcard provides general information on whom residents may call, as well as information on how to contact the Broward Sheriff's Office (BSO) outside Code Compliance's hours of operation. Residents may call (954) 764-4367 with any issues. BSO is aware of what can be done to address vacation rental violations.

Commissioner DeNapoli requested clarification of the distance within which the postcard mailer would be sent. Development Services Director Campbell replied that this is currently being discussed.

Commissioner DeNapoli also advised that he wished to ensure Town residents are aware of their rights with both currently registered and pending properties, and suggested that the Town could send proactive postcards to residents who live within a two-block radius.

Commissioner DeNapoli continued that part of the maintenance of the Town's unique character is to safeguard against abuses by vacation and short-term rentals, including enforcement of restrictions on those properties. He noted that residents have stated enforcement can be lax on weekends, and suggested that the Town expand its enforcement activities to reduce the burden that vacation or short-term rental properties place on residential neighborhoods. He added that he was interested in what the cost of these stricter enforcement efforts may be.

Commissioner DeNapoli also stated that some residents are afraid to make formal complaints against specific properties, as they feel this could subject them to retribution from those properties. He noted that due to Florida's public records laws, anonymity of complainants cannot be guaranteed; however, confidentiality can be enhanced if a resident making a complaint blocks their number or does not reveal identifying information during a phone call to report a violation. He expressed concern with the process for making complaints. Development Services Director Campbell advised that SB 60, which has been law for several years, prohibits anonymous complaints.

Lauderdale-By-The-Sea
Town Commission Workshop
May 28, 2024

Commissioner DeNapoli pointed out that one of the pages included in the Commissioners' backup materials suggests that complaints may be made anonymously, although residents have expressed concern with a lack of anonymity. Development Services Director Campbell confirmed that this language needs to be removed.

Commissioner DeNapoli continued that residents have also shared concerns that the seven-day minimum stay is not enforced. He asked if any properties have been fined or had their certificates suspended. Development Services Director Campbell replied that fines have been issued, although revocations or suspensions have not occurred. She offered to provide further information to the Commission on the nature of fines that have been assessed against vacation or short-term rentals over the years.

Town Manager Connors further clarified that fines may be \$100/day or \$250/day, depending upon the severity of the incident as well as whether or not it is a repeat violation. In the case of a repeat violation, the Town may request fines as high as \$500/day. The maximum fines, however, are limited by State Statutes.

Mayor Malkoon asked if a property that reaches the point of having daily fines assessed against it would approach the threshold of probable cause for suspension until its issues are resolved. Town Manager Connors explained that this depends upon the nature of the issue: for example, failure to return garbage cans in a timely manner is less severe than consistent noise violations or other more severe nuisance activities.

Mayor Malkoon also observed that one way to maintain individual anonymity when making a complaint could be to make a complaint in the name of a neighborhood association. It was noted that Code Compliance could look into this possibility; however, the intent of the state legislation was to prevent a "shell" entity from making complaints by citing a specific individual to contact in relation to the complaint.

Commissioner DeNapoli advised that many residents may not be aware of the process for making complaints, and asked what processes might follow after a resident makes a verbal complaint to BSO or the Town. Development Services Director Campbell replied that residents may call or email Code Compliance to make a complaint. A resident calling in a complaint must give their name as well as their complaint. If they call BSO, they must provide their name and address and state their complaint. BSO would then visit the site to investigate, contact the vacation rental agent, and send a report to the Town.

Lauderdale-By-The-Sea
Town Commission Workshop
May 28, 2024

Development Services Director Campbell continued that if a complaint is made over the weekend, she would receive a report on Monday which outlines what has happened. She would then evaluate the notes and follow up if the Town is able to proceed with issuance of a violation or courtesy notice. This is not always possible, however, as BSO Deputies cannot always observe the violations.

Commissioner DeNapoli noted that the backup materials state that Code investigation and/or action require “a valid complainant.” Code Officer Eric Villanueva explained that complaints are typically made via telephone or email. When Code Compliance reaches out to the complainant to initiate the investigation, they are required to take the complainant’s name, address, and phone number in order for the complaint to be considered valid. Once the required information is taken, Code Compliance initiates the complaint using its internal system.

Commissioner DeNapoli stated that one resident had provided the required information, but the property about which their complaint was filed was not included on a list of vacation or short-term rental properties which have committed violations. Officer Villanueva advised that the list includes only properties against which valid complaints were received. He noted that until a complainant has provided the required information, Code Compliance cannot follow up on a complaint, although it may be possible to verify a complaint through other measures.

Commissioner DeNapoli suggested there may be a disconnection between the complaint process and residents’ understanding of it. He emphasized that this was one reason he felt postcards should be sent to areas within a specific radius of a vacation or short-term rental so those residents will be aware of how the process works.

Commissioner DeNapoli also noted that the individual with whom he had spoken had indicated the rental property in question was unregistered. He asked what is done by Staff to identify unregistered vacation or short-term rental properties. Development Services Director Campbell replied that Airbnb is one of several websites on which these properties are listed for rental; however, that site does not include the properties’ addresses, which means additional verification must be done to prove that a property is a vacation or short-term rental. This may include comparisons on sites such as Zillow or research through property appraisers’ photographs, which is time-consuming for Staff.

Development Services Director Campbell continued that Code Officers do visit Airbnb to search for unregistered vacation/short-term rentals within the Town, and recently

Lauderdale-By-The-Sea
Town Commission Workshop
May 28, 2024

identified several of these properties. Monitoring all websites on which the properties are posted, however, would be extremely time-consuming. This is one reason she has requested funds for vacation rental software in the fiscal year (FY) 2024-2025 budget, as it would aid Code Officers in this work.

Commissioner DeNapoli asked if the majority of properties are posted on Airbnb and Vrbo. Town Manager Connors explained that because the postings do not include the properties' addresses or photos of the front of the house, it can be very difficult to ensure accuracy. Software which "scrubs" various sites would make identification much easier.

Commissioner DeNapoli asked how the Town addresses violations of the seven-day minimum stay requirement. Development Services Director Campbell replied that if the failure to require this duration is not listed on a website, there must be a partnership between Staff and residents to identify those properties. She cited the example of an adjacent neighbor who sees shorter turnover at the property who could make these complaints to Code Compliance.

Town Manager Connors advised that postings on vacation rental websites may state required durations for properties; however, this is not a foolproof method, as the property owner or manager might post a weekly rental rate but could be open to shorter stays if a potential renter contacts them directly. Development Services Director Campbell added that a rental agent may remove or edit their advertisement before Staff can investigate the duration.

Commissioner DeNapoli asked how vacation rental software would assist Staff. Town Manager Connors stated that she has spoken with the city of Lighthouse Point, which uses this type of software and considers it a good addition to their vacation rental enforcement. The software scrubs up to 70 sites at random hours and tracks when ads are removed and re-posted.

Development Services Director Campbell further clarified that she has spoken with two such software providers. The estimated cost of this software is between \$20,000 and \$30,000 per year, depending upon the provider.

Commissioner Graziano commented that in addition to the 145 vacation or short-term rentals operating in Lauderdale-By-The-Sea, he suspected there may be another 30 to 40 units of which the Town is not currently aware. He emphasized the significance of

Lauderdale-By-The-Sea
Town Commission Workshop
May 28, 2024

this issue for the Town, and asserted that he would like to see a better way to address it.

Commissioner Graziano continued that he was in favor of purchasing the software to assist Staff. He also felt whenever a vacation rental is registered, the adjacent or contiguous property owners on all sides should be notified of that registration so they understand not all of their neighbors are long-term or permanent residents.

Commissioner Graziano observed that in the Terra Mar neighborhood, most residents who wish to make complaints about vacation/short-term rentals do so through the president of the Terra Mar Civic Association. He suggested this may be one way to preserve some anonymity for individual complainants. He was also in favor of distinguishing between major and minor violations, and felt that when a rental agent does not tell the truth before a Special Magistrate, this should constitute a major violation. He asserted that this type of violation should result in suspension or revocation for that agent.

Commissioner Graziano added that most vacation/short-term rental issues are adjudicated by the Special Magistrate, which means decisions are not unilaterally made by the Town Manager, but are brought forward at a public hearing at which affected parties may make their cases. While the Town cannot control actions taken by the state, he suggested that they may wish to consider creating community groups or civic associations to interact with the Town on their members' behalf.

Commissioner Graziano also noted that in addition to affecting residents' quality of life, vacation and short-term rentals compete with hotels or motels in the Town as well as with each other. He acknowledged that while it is more difficult to police these rentals, the Town may wish to investigate whether or not these units' facilities, such as pools and restrooms, are compliant with the requirements of the Americans with Disabilities Act (ADA).

Commissioner Graziano encouraged all residents to attend a Special Magistrate hearing in order to become more familiar with the conversations that can occur between the affected parties, including the owner or agent, Staff, and the Special Magistrate. This can give residents an idea of how difficult it can be to monitor these properties' activities.

Commissioner Graziano also stated that complaints may be made anonymously to BSO. Town Manager Connors clarified that while this is the case for BSO, in order for

Lauderdale-By-The-Sea
Town Commission Workshop
May 28, 2024

the Town's Code Department to follow up on the report, complaints cannot be made anonymously.

Commissioner Pouloupoulos asked if civic or homeowners' associations are permitted to govern or place their own restrictions on rental properties. It was clarified that homeowners' or condominium associations may enforce their own restrictive covenants outside the Town's or state's regulations. This is not an option for civic associations.

Mayor Malkoon addressed vacation rental software, asking if the Town has considered reaching out to companies that provide monitoring services rather than investing \$20,000 to \$30,000 in software. Development Services Director Campbell explained that the software would be purchased from these specialized companies.

Mayor Malkoon also asked if the Town may be able to raise its licensing fees. Town Manager Connors replied that Staff is currently reviewing all of the Town's fees. They are also looking into the fees required by neighboring communities.

Town Manager Connors continued that the vacation rental fee is \$750, which is currently broken down as follows:

- \$675 application fee
- \$75 inspection fee

Vice Mayor Strauss commented that NextDoor may be another option for residents, as it allows them to make complaints regarding Code violations. Development Services Director Campbell advised that in order to take action, Staff must receive a valid complaint from a complainant. They are not actively reviewing NextDoor at this time. Town Manager Connors further clarified that while some residents may want to express their concerns or frustrations on that site, the individual may not have intended for those comments to be perceived as formal complaints. Staff must take care in collecting any information from NextDoor.

Town Manager Connors continued that one way the Town and its residents may take action is through contacting their state legislators. She has spoken with State Senator Jason Pizzo to discuss outreach to the state regarding the repeal or change of legislation so it is less far-reaching. The current legislation has limited the willingness of individuals to complain about not only vacation or short-term rentals, but all Code violations.

Lauderdale-By-The-Sea
Town Commission Workshop
May 28, 2024

Vice Mayor Strauss also addressed unregistered properties, asking if they enjoy the same protection of preemption by the State Legislature as registered properties or if the Town could take action such as shutting them down. Town Manager Connors explained that because these properties are not registered, they are considered to be “in violation of every Code” and can be shut down until they become registered. The Town has attempted to do this in the past with unregistered properties; however, those properties were in the process of registration and this action could not be taken.

Vice Mayor Strauss advised that upon reviewing the backup materials, he felt the Town is at the forefront of all action that can be taken to protect its residents from the issue of vacation and short-term rentals. The purpose of tonight’s meeting is to determine if the Town’s response can be adjusted while remaining within state law. He suggested that each individual client renting one of these properties could be required to fill out an application for that week. The application process might also be able to require a sworn affidavit declaring the client’s intent of renting the property for the seven-day minimum.

Town Manager Connors explained that the Town is concerned with making any prospective changes to its process, as they do not wish to lose their grandfathered status. Vice Mayor Strauss acknowledged this concern as well.

Commissioner DeNapoli commented that many of the issues that arise from vacation/short-term rentals occur on weekends, and asked if there is the possibility of adding a Code Officer on weekends. Town Manager Connors emphasized that enforcement of the Town’s vacation rental policies depends upon three factors:

- The Town
- BSO
- Neighborhood involvement

Town Manager Connors strongly emphasized that if the Town’s Code Officers are not present when a complaint is made, residents should contact BSO’s non-emergency number, as BSO is charged with providing services to the Town on an around-the-clock basis.

Town Manager Connors continued that once a resident has made a complaint to BSO, that complaint is documented and can be followed up on by Code Enforcement and the Special Magistrate. When a call is made to BSO’s non-emergency number, an Officer will take the complainant’s information, visit the subject property, and determine if a violation exists. She cautioned that there may be times in which BSO may find that a noise complaint, for example, does not reach the level required for a violation; at other

Lauderdale-By-The-Sea
Town Commission Workshop
May 28, 2024

times, BSO will intervene and document the interaction. They will also observe whether other violations appear to be occurring, such as excessive occupancy or parking violations.

When BSO submits a report on its activity to the Town, Staff evaluates the report to determine if they can move forward. Development Services Director Campbell encouraged residents to be clear about the nature of their complaint, such as noise, occupancy, or other violations. If Staff determines there has been a violation, they turn the BSO report into a notice of violation, which begins the Code Compliance process and will go before the Special Magistrate.

At present, Staff requests that the Special Magistrate make a finding of fact. This means that if the same violation occurs again within five years, the Town may request repeat violator fines of up to \$500/day per occurrence. Repeat violations immediately return to the Special Magistrate and repeat violator fines are requested.

Development Services Director Campbell further clarified that there are notice requirements and other protocols that must be met before a violation is taken before the Special Magistrate, which may take some time. Town Manager Connors again emphasized the importance of taking violations before the Special Magistrate for a finding of fact, as this can double the fines for repeat violations. A finding of fact followed by another violation can also elevate the issue to consideration of suspending or revoking a property's license by the Town.

Town Manager Connors advised that while she has the written authority to suspend or revoke a license, this is not a step she would take without first consulting the Commission to clarify what is understood as a major or minor violation.

Commissioner DeNapoli expressed concern that the length of the process, like the fear of making a public complaint, may result in residents becoming discouraged or giving up. Town Manager Connors noted that many of the complaints received are "one-offs," which may result from one client of a property who commits a violation and then leaves. This means the property does not take an excessively long time to address the violation and bring it into compliance. There are few documented repeat offenses at the same properties.

Commissioner DeNapoli asked what types of fines are typically involved with violations. Development Services Director Campbell replied that for a first offense, the Special Magistrate is asked to provide a final order giving the violator a certain amount of time

Lauderdale-By-The-Sea
Town Commission Workshop
May 28, 2024

to comply. This time frame varies depending upon the issue. If the violator does not comply within this time frame, a fine of \$150 to \$250 per day may be assessed, again depending upon the violation. A finding of fact is also issued, and if the violation is repeated, the Town may request fines of up to \$500/day per violation.

Vice Mayor Strauss observed that while the client renting the property may have left and will not repeat the violation, the property owner and/or agent must be responsible for it, even if the violator has left. He asked if a fine would be issued for this type of one-time violation. Town Manager Connors noted that Code Compliance will contact the responsible party to inform them of the violation and can also take steps to immediately address some violations, such as removing excess individuals from the property. The violation is documented. She reiterated that there will need to be further discussion of what constitutes major or minor violations.

Mayor Malkoon commented that if a property has been called before the Special Magistrate more than once, he would be comfortable with the Town Manager taking action to suspend that property's license until the issue is addressed or fines are paid. Town Manager Connors confirmed this, but pointed out that there are currently no repeat violators on the Town's list of properties that have committed violations.

Mayor Malkoon explained that his concern was that more severe restrictions, such as suspension or revocation, have not happened in the Town. He asserted that he would like a list to be compiled of repeat offenders so their licenses may be suspended or revoked accordingly.

Town Manager Connors noted again that it can be very difficult for Staff to proactively enforce issues such as the seven-day rental requirement without using tools such as vacation rental software. She felt this would be helpful in taking a more aggressive position to address violations, as would continuing meetings with the Town's neighborhoods to ensure they are comfortable using BSO's non-emergency line.

Commissioner Graziano again encouraged all present to attend a Special Magistrate hearing in order to become more familiar with the process. He added that the Special Magistrate should understand that the Town would like the issues at those hearings to be resolved and fines collected rather than to continue seeing violations.

At this time Mayor Malkoon opened public comment.

Lauderdale-By-The-Sea
Town Commission Workshop
May 28, 2024

Jeannine Pearce Clark, resident, stated that the Town has changed due to vacation rentals during the years she has lived there. She felt these properties are a misuse of single-family zoning and should not have been permitted in residential neighborhoods. There are three vacation rentals near her home, which have created significant acrimony because neighbors do not want to make complaints against one another.

Ms. Clark concluded that she felt the vacation rental monitoring software was a good idea; however, she asserted that there are also unregistered vacation rentals on her street, which generate noise and garbage. She also expressed concern with vacation rental owners whose properties may be classified as homesteaded.

Ron Piersante, resident, asked how many registered complaints have been received by the Town about vacation/short-term rentals in the last year.

Maria Prunskis, resident, commented that a vacation rental behind her house often has clients staying for fewer than seven days and generates significant noise. She has reported this property to BSO's non-emergency number many times for violations.

John Mark Clark, resident, stated that once vacation or short-term renters leave the properties they have rented, those properties are unoccupied until the next rental, which affects the surrounding community by leaving it vulnerable to crime. He felt there are more than 30 to 40 unregistered rentals in the Town.

With no other individuals wishing to speak at this time, Mayor Malkoon closed public comment.

Commissioner DeNapoli observed that residents do not seem to know how to lodge complaints, and again encouraged them to call BSO's non-emergency number. He reiterated that postcards should be sent to properties within a certain radius of both new and existing vacation/short-term rentals. He was in favor of considering greater enforcement, implementing software, increasing fines to an amount that would deter unwanted behavior, determining what constitutes major and minor offenses, and granting the Town Manager authority to suspend licenses.

Commissioner DeNapoli emphasized that the first step should be making it easier for residents to know their rights and how to lodge complaints.

Commissioner Pouloupoulos advised that condominiums are not immune from the presence of vacation or short-term rentals. He encouraged condominium residents to

Lauderdale-By-The-Sea
Town Commission Workshop
May 28, 2024

contact their homeowners' association boards about this issue, and for those boards to closely monitor their condominiums for compliance with regulations, particularly during spring break. He added that these associations often have their own restrictions in addition to the Town's regulations.

Commissioner Graziano commented that he would like to see fines collected from vacation or short-term rental properties that violate Code, and that these fines should serve as a deterrent. He recommended retraining the Town's Special Magistrates so they understand the wishes of Town residents.

Vice Mayor Strauss stated that he sees a loss of community with the proliferation of vacation rentals, as residents are no longer familiar with their neighbors. He also pointed out that there is a loss of voters in the Town's districts due to these properties. He recommended determining how the rise of these rental properties is trending across Broward County.

Vice Mayor Strauss added that he did not believe condominiums are preempted by the state from enforcing their regulations regarding rentals. He recommended that every complaint be logged so there is a clear understanding of how many complaints are being made against these properties, even if no violation is ultimately recorded. He was also in favor of closing down unregistered properties, and suggested that the Town consider investing in the software that would help with this issue.

Vice Mayor Strauss also proposed greater community vigilance, particularly with regard to rentals that do not comply with the seven-day minimum stay regulation. He suggested that even if complaints are made anonymously and cannot be acted upon, the Town would be aware that a violation occurred at the property.

Ms. Prunskis asserted that it was unrealistic to ask neighbors to address rental-related issues in their neighborhoods, and there should be another way to enforce regulations. She suggested that vacation or short-term rentals should have to post information on their properties in a similar manner to posting when permitted work is being done.

Town Manager Connors advised that vacation/short-term rentals are required to post basic information inside the properties within 10 ft. of the door. She noted again that changing any of the Town's existing regulations could result in loss of the Town's grandfathered status.

Lauderdale-By-The-Sea
Town Commission Workshop
May 28, 2024

Town Manager Connors added that the use of monitoring software may be the only way to enforce the minimum rental period without involving neighborhood residents in the process. She emphasized that residents are not being asked to visit these properties themselves, but should call Code Compliance during the day or BSO's non-emergency number after hours.

Mayor Malkoon asked if the Town can provide individuals with contact information for registered properties' agents if they wish to reach out to those agents. It was noted that a resident or association may make a public records request for this information. Development Services Director Campbell cautioned that if rental agents are approached without going through the proper channels, it may be more difficult for Staff to track and enforce complaints.

Rick Doremus, resident, expressed concern that some complaints are not reflected in the Town's records, and pointed out that at times there is a perception that the Town is more interested in attracting visitors than in its residents. He also did not feel it was a resident's role to take action, as there is a Police presence for this reason. He did not feel regulation of vacation rentals was a priority for the Town.

Town Manager Connors reported that five cases are scheduled to come before the Special Magistrate on Thursday, May 23, 2024. These cases address enforcement of the required seven-day minimum rental.

Town Manager Connors added that Development Services Staff will use all available tools to enforce regulations, and will send a postcard Town-wide, as well as to specific affected neighborhoods in which newly registered properties are located. She advised that the Town is still waiting to find out if SB 280 will be vetoed or signed into law, and that State Senator Jason Pizzo's office will be sent information on tonight's meeting, as many of the residents' complaints and concerns address state rather than municipal issues, such as the inability to act on anonymous complaints.

Town Manager Connors concluded that it is likely Senator Pizzo will listen to residents' concerns, as he has expressed interest in bringing forward legislation on this issue in the future.

Mayor Malkoon added that Senator Pizzo will be present at the next scheduled Commission meeting on May 28, 2024.

Lauderdale-By-The-Sea
Town Commission Workshop
May 28, 2024

Commissioner DeNapoli stated again that the complaint process should be made easier for residents, and that the Special Magistrates should receive some direction on the differences between major and minor violations. He also noted that other municipalities have mobile apps on which complaints can be submitted. Town Manager Connors confirmed that the Town is working to develop a mobile app which would include a complaint function.

4. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 7:20 p.m.



Mayor Edmund Malkoon

ATTEST:



Katrina Adler, Town Clerk

6/13/2024 | 10:49 AM EDT

Date