

CEDS Department

Short-Term Vacation Rental

May 22, 2018



Presentation Outline

- Purpose
- Background
- Orange County Regulations
- State Legislative Status
- Local Government Initiatives
- Summary



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Purpose

- **Public comment provided at prior BCC meeting requesting the ability to do short term rentals in single family neighborhoods**
- **Clarify definitions**
- **Provide context on state or other local government initiatives in response to this growing industry**



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Background

- Increasing popularity of short-term vacation web sites (sites include Airbnb, Homeaway, VRBO)
 - Property owners can list short-term rental properties which are reserved and paid for by consumers on-line
 - Owner paid though money collected for the rentals from the lessee through the website
 - Rent a room or entire property





Orange County, FL · Homes

Become a host Help Sign Up Log In

Apr 13 – Apr 15

Guests

Home type

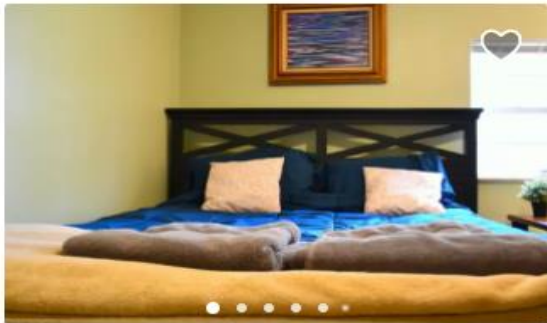
Price

Instant Book

Trip type

Sort by

More filters

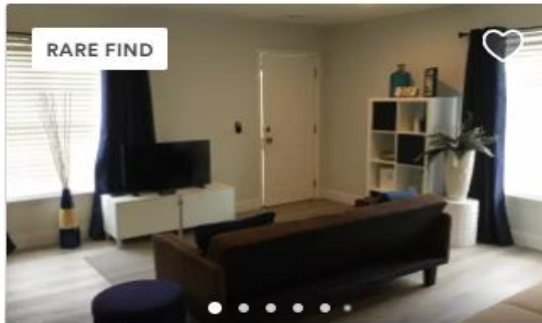


PRIVATE ROOM · 1 BED

The Iris House

\$25 per night

★★★★★ 62



ENTIRE GUEST SUITE · 2 BEDS

COZY PRIVATE STUDIO GUESTHOUSE

\$74 per night

★★★★★ 24

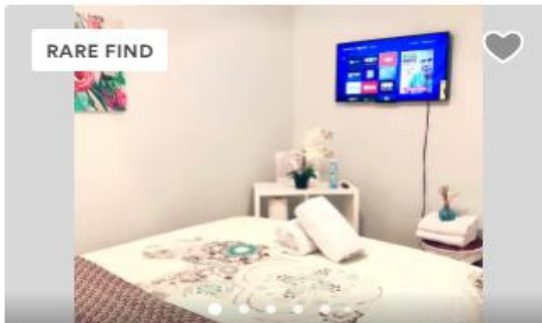


PRIVATE ROOM · 3 BEDS

PrivateRoom&Bathroom MCO10min FastWIFI Grocery2min

\$39 per night

★★★★★ 87 · Superhost

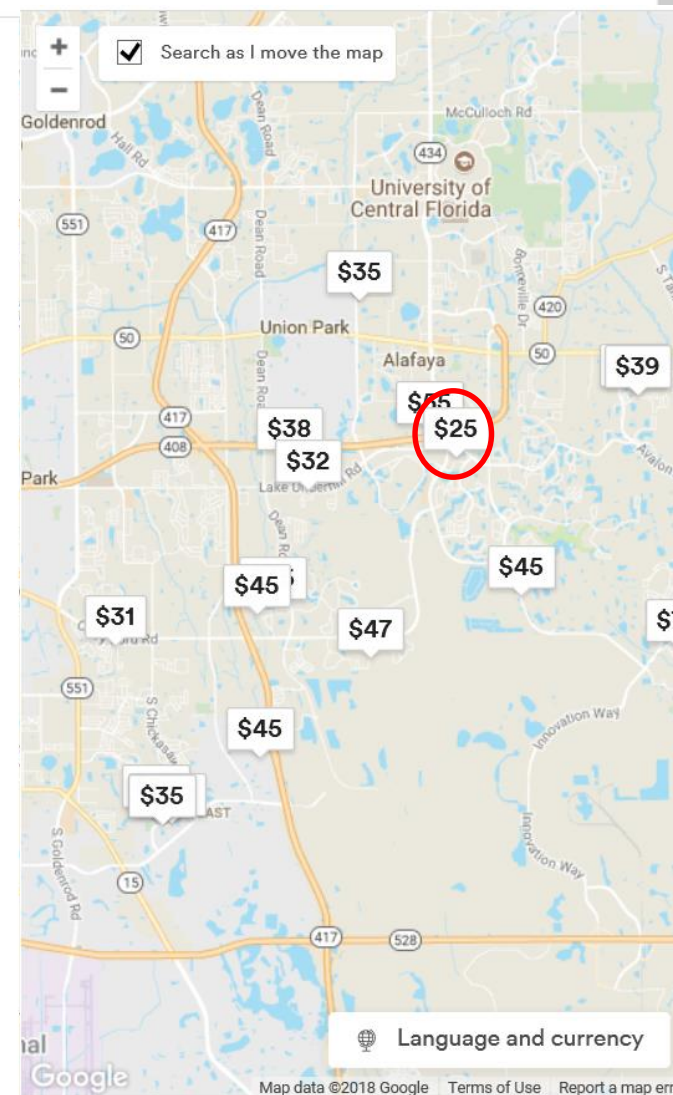


PRIVATE ROOM · 1 BED

COZY LAKE PR close Airp MCO,UCF,Universal,Disney!

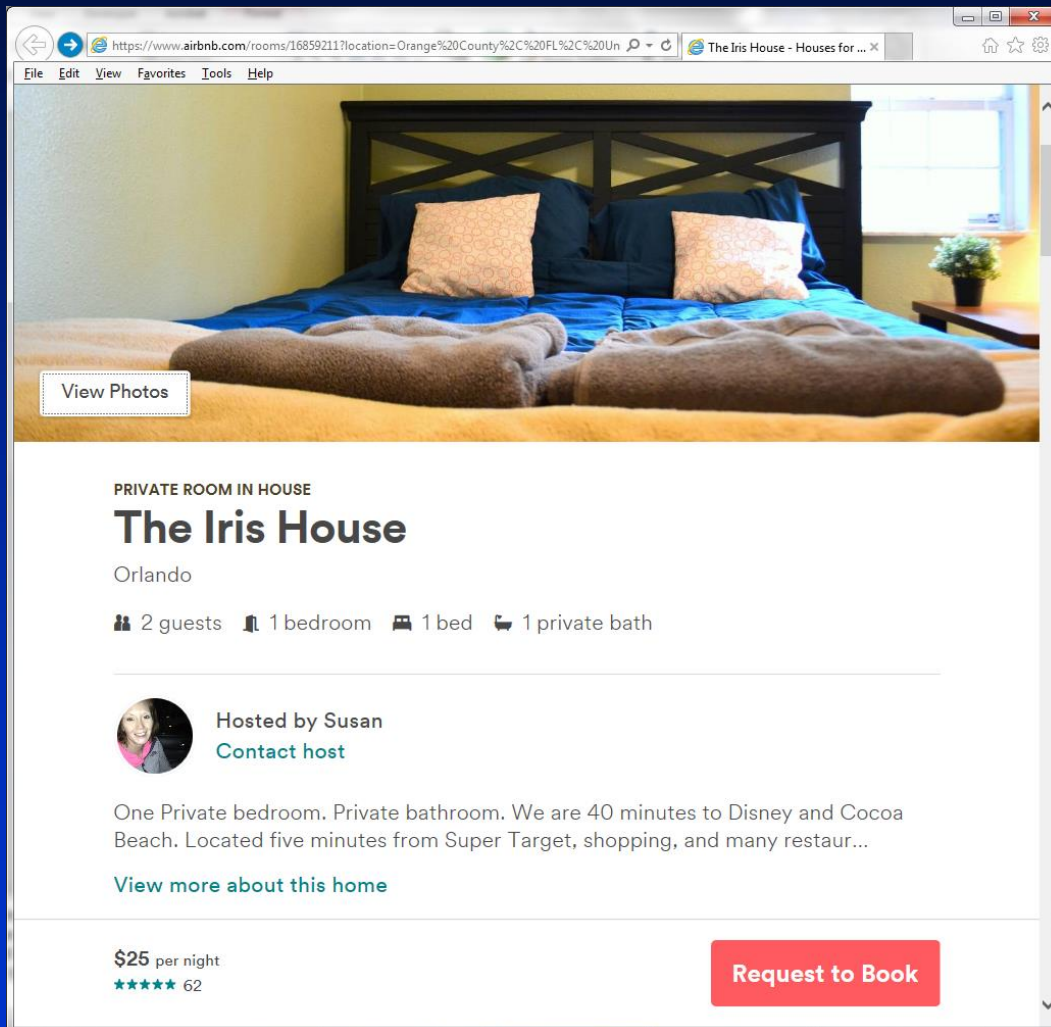
\$45 per night

★★★★★ 21 · Superhost



Language and currency

Background



View Photos

PRIVATE ROOM IN HOUSE

The Iris House

Orlando

2 guests 1 bedroom 1 bed 1 private bath

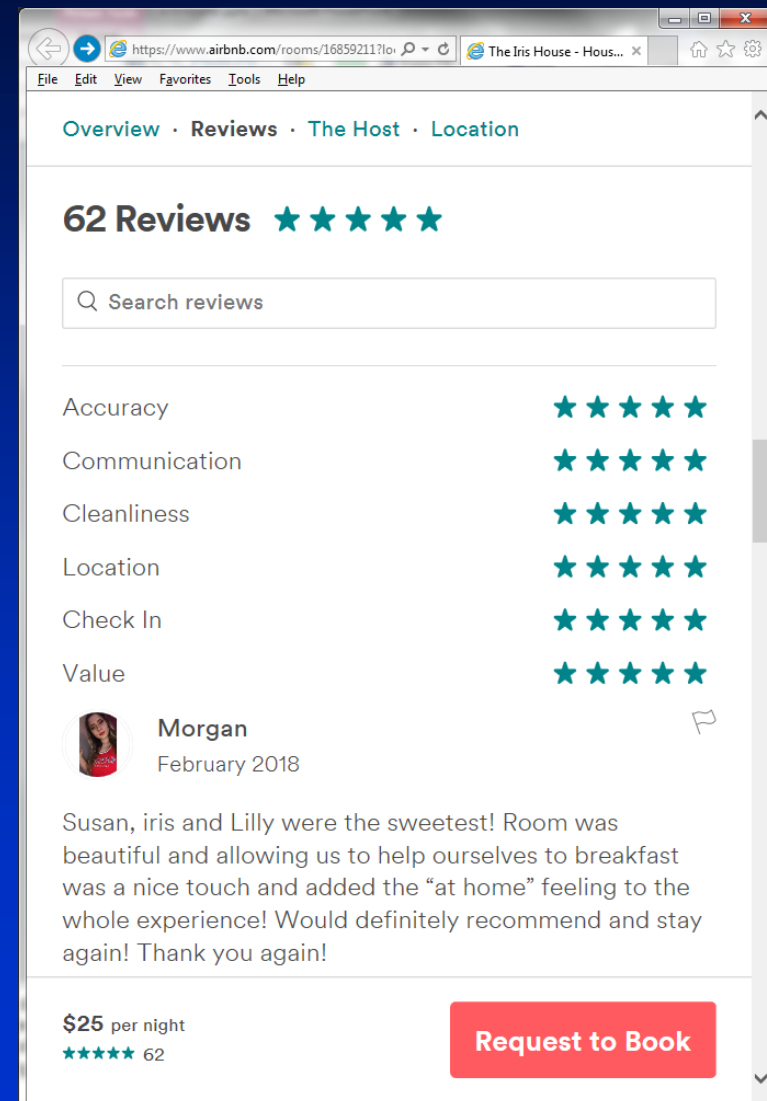
Hosted by Susan
[Contact host](#)

One Private bedroom. Private bathroom. We are 40 minutes to Disney and Cocoa Beach. Located five minutes from Super Target, shopping, and many restaur...

[View more about this home](#)

\$25 per night
★★★★★ 62

[Request to Book](#)




Overview · Reviews · The Host · Location

62 Reviews ★★★★★

Search reviews

Accuracy	★★★★★
Communication	★★★★★
Cleanliness	★★★★★
Location	★★★★★
Check In	★★★★★
Value	★★★★★

 **Morgan**
February 2018

Susan, iris and Lilly were the sweetest! Room was beautiful and allowing us to help ourselves to breakfast was a nice touch and added the "at home" feeling to the whole experience! Would definitely recommend and stay again! Thank you again!

\$25 per night
★★★★★ 62

[Request to Book](#)

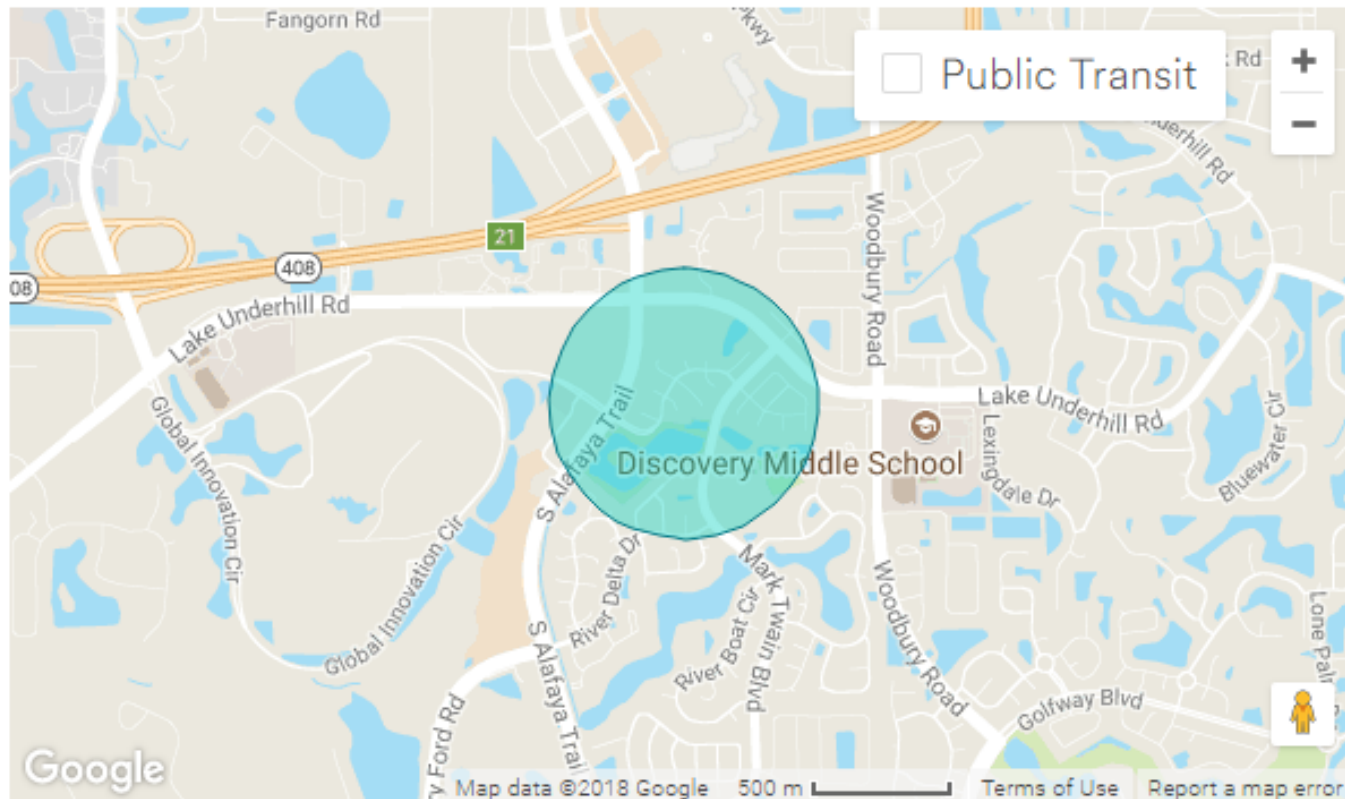
Source: Airbnb.com

The neighborhood

Susan's home is located in Orlando, Florida, United States.

Our neighborhood features a 0.7 mile paved loop around a lake. Guests can easily walk there in three minutes. A one minute drive will take you to McDonalds and Winn Dixie Grocery. A two minute drive will get you to Bonefish Grill. A five minute drive gets you to 408 West and East, Super Target, Chipotle, Tillys, Forever 21, Dress Barn, Five Below, Longhorn, and many other shopping experiences.

[Read more about the neighborhood](#) ▾



Exact location information is provided after a booking is confirmed.



Background

- **Increasing Popularity:**
 - Low cost
 - Convenient locations
 - Potential for improved services
 - Sharing economy



Background

- **Community Concerns:**
 - **Commercial use in a residential neighborhood**
 - **Parking**
 - **Noise**
 - **Garbage**
 - **Public safety concerns with high turnover in residential neighborhoods**
 - **Potential for lack of investment**
 - **Competition to hotels and traditional bed and breakfasts**



Background

- **Affordable Housing Link:**
 - Assist homeowners with offsetting homeownership costs
 - Affordable housing availability



Background

▪ Legal Concerns:

- Most are not in compliance with the current code
- Portions of the zoning code dates back to 1957 and this rental/business model was not contemplated
- Enforcement can be time consuming as the violation is difficult to observe
 - Addresses not listed
 - Photos may be interior only
 - Multiple sites for posting



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Orange County Regulations

▪ Definitions and Permitted Locations:

— Transient rental:

- Single family dwelling
- Renting or leasing for 30 days or less
- Only allowed in R-3 (multifamily) zone

— Short term rental:

- Hotels, motels, time-shares, etc
- 179 days or less
- Only commercial or industrially zoned areas



Orange County Regulations

▪ Definitions and Permitted Locations:

—Bed and Breakfast (B&B) homestay and inn:

- Accessory use in the principal residential structure
- 1 night to seasonal
- Owner/operator resides on-site and breakfast is provided at no extra cost
- Permitted by Right or Special Exception in agricultural, residential multifamily, and commercial uses

—Country Inn:

- B & B with more than 12 rooms and full service restaurant
- Permitted by Right in commercial districts only



Orange County Regulations

■ Other Considerations:

- PD allowances or restrictions
- HOA restrictions
- Requirements for allowable uses per code:
 - Business Tax Receipt
 - Use Permit
 - State Lodging Regulations
 - Hotel/motel tax
 - Building Code - sprinklers and accessibility
 - Fire Code - battery powered emergency lighting, smoke detectors, fire extinguishers, and fire safety information (floor plan, pamphlet)



Orange County Regulations

■ Complaints

- Code Enforcement enforces transient and short term rental provisions of the Zoning Code
- Violations heard by the CEB/SM
- Receive few complaints (~ 75 in last 2 years)
- AirBnb estimates 5,000 units in Orange County including municipalities



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State Legislative Status

- **Florida Statutes limit local government regulation (Section 509.032(7))**
 - 2011 (HB 883) Provided that local govt. may not restrict, prohibit, or regulate vacation rentals. Local laws, ordinances, and regulations in place prior to June 1, 2011 are grandfathered (this includes Orange County regulations)
 - 2014 (SB 356) allows ordinances adopted after 2011 to impose regulation so long as they don't regulate frequency or duration, or prohibit vacation rentals.
- **Regulated by state Department of Business and Professional Regulation (Division of Hotels and Restaurants)**



State Legislative Status

■ 2018 Legislative Session

—2018 (HB 773)

- Required local regulations to apply uniformly to all residential properties
- Could not regulate duration or frequency
- Kept grandfathering language for ordinances adopted prior to June 1, 2011
- Included language regarding sexual predators

—2018 (SB 1400 & 1640)

- Required local regulations to apply uniformly to all residential properties, otherwise preempted all regulation to State
- Early draft removed grandfather status

—None of the bills made it out of committee



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Local Government Initiatives

- **State and local code requirements vary greatly across Florida**
 - **Prohibited or restricted**
 - Volusia County
 - City of Jacksonville
 - **Allowed or not regulated**
 - Seminole, Lake and Sumter County
 - **Allowed with conditions**
 - Brevard County
 - Osceola County
 - City of Orlando



Florida Examples

■ City of Destin

- Requires registration for SF. Allowed by right in MF
- Standards address parking, noise, signage, garbage, amenity use

■ Flagler County

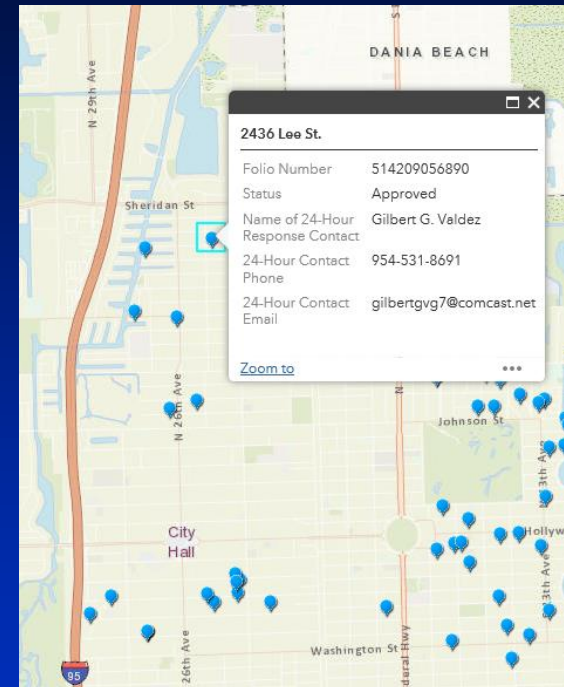
- Requires registration for SF. Allowed by right in MF
- Less restrictive for owner-occupied hosted units
- Requires initial and routine building and fire inspections

■ City of Hollywood

- Similar to Flagler, but also has sexual offender language

■ City of Miami Beach

- Not allowed in SF districts. Only in MF
- First Violation \$20,000





Local Government Initiatives

- **City of Orlando (Effective July 1, 2018)**
 - Renting of entire dwelling prohibited – hosted only
 - Not required to be owner-occupied, but proof of residency is required
 - Duplex unit – may rent out the entire unit if both sides are owned by a single property owner, and the host's unit is homesteaded
 - Annual On-line Registration with posting of registration for online listings
 - Enforcement with the help of a third party vendor



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Summary

- Online rental platforms will continue to increase in popularity
- Orange County Code is outdated
- Expected that State will continue discussions
- Other local governments have begun to craft regulations
- Layering of additional regulations may increase staff workload and complicate enforcement



Summary

- Any amendment to Code should consider the impact to our residential neighborhoods
- Continue to enforce current zoning restrictions and monitor for conflicts
- Alternatively possible amendments could include:
 - Define and allow “hosted rentals”
 - Require BTR to facilitate enforcement



Summary

- **Considerations:**
 - Differentiate between entire house/unit vs. room
 - Single family vs. multifamily
 - Only allow homesteaded properties
 - Require registration
 - Require inspections
 - Establish a specific process and penalty for violations