



OKR-2
10/18/2016
Regular Meeting
Submitted by
Tom Martinelli
airbnb

October 17, 2016

Lee Feldman
City Manager
City of Ft. Lauderdale
100 North Andrews Avenue
Ft. Lauderdale, FL 33301

Dear Manager Feldman,

Airbnb would like to take this opportunity to thank the City for allowing us to comment on the proposed ordinance amending Article X, Vacation Rentals, Chapter 15 of the Code of Ordinances.

Airbnb, a proud Trustee of the Ft. Lauderdale Chamber of Commerce, is committed to providing rental opportunities for both our hosts and guests in the City of Ft. Lauderdale. The proposed ordinance makes some very positive recommendations and we understand the City's desire to create a workable set of rules to govern the growing demand for alternative accommodations when traveling.

We would like to offer revisions to your proposed ordinance that we believe will improve your compliance rate while preserving the rich character of this community. In the following pages of this letter, we will identify those changes and make simple explanations.

We look forward to working with you, your staff and the Commission to discuss our recommendations in further detail.

Section 15-271 definitions;

We would include the following definition:

Online Hosting Service Provider means an internet-enabled application, mobile application, or any other digital platform used by a short term residential rental intermediary to connect guests with the provider of a Vacation Rental or Shared Housing Unit.

In paragraph 5, we would delete ~~“living rooms”~~

Many homes have family rooms or living rooms with pull out sofas or other sleeping accommodations. Some families put a sleeping bag on the ground for their children. Some homes have “Florida rooms” where people sleep during different times of the year.

Sec. 15-272 Registration Required

In subsection (a), line 3 please insert:

, or sleeping rooms therein

In subsection (b)(4) we recommend deleting that section as it may be outdated and no longer applicable.

In subsection (d), line 3, please insert:

, or sleeping rooms therein

Sec. 15-273. Application for registration

In subsection (a), we recommend the section be written:

(a) A separate application for registration of a Vacation Rental shall be made to the City Manager or his or her designee for each unit in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is ~~dwelling unit, as the term is defined in Section 47-35.1 of the City of Fort Lauderdale, Florida, Unified Land Development Regulations,~~ proposed for use as a Vacation Rental and shall set forth at a minimum:

In subsection (3) we would delete all language after the word “party” in line 2.

~~for said property, which shall be a twenty-four (24) hour, seven (7) days-a-week contact number;~~

The 24/7 requirement is unnecessary and may inadvertently create a violation if someone is asleep at 3:00 am and does not answer the phone. If it is an emergency situation, all guests are instructed to call local authorities.

We would delete subsections (6), (7), (8) & (9). These are duplicative and are addressed elsewhere.

We would then delete subsections; (c), (1), (2), (3), (4) and the last paragraph. We find these requirements to be duplicative given that the City code requires owners of every property to apply to the city for permits to make substantive changes to their property. The City would already have this information.

We would replace subsection (c) to read:

(c) An owner or tenant may authorize an Online Hosting Service Provider to submit an application for the registration of a Vacation Rental on his or her behalf.

This allows Airbnb to offer a service to our hosts, especially if there are language or physical barriers that might exist for the host.

Sec. 15-275. Responsible party required.

We would delete the following language from the first paragraph:

~~who resides within twenty-five (25) miles of the Vacation Rental property, the distance measured using airline measurement from the closest property lines of the Vacation Rental and the Responsible party's residence;~~

We find this to be onerous and unnecessary language that creates a double standard.

In subsections (4), (5) & (6) we would revise these section to read:

(4) Be available with authority to address and coordinate solutions to problems with the rental property within a reasonable period of time.

(5) Be ~~situated close enough to the property as to be~~ able to respond promptly upon ~~in person within one (1) hour of~~ being notified by a Vacation Rental occupant, law enforcement officer, emergency personnel, or the City of issues related to the Vacation Rental. Responsible party shall respond when requested;

(6) Keep available a register of all guests, which shall be ~~open~~ available to inspection by authorized personnel of the City of Fort Lauderdale pursuant to valid legal process ~~at all times~~; and

We believe the City did not intend to create an onerous and unreasonable set of requirements. These changes correct that.

Sec. 15-277. Minimum Requirements for Issuance of a Certificate of Compliance.

We would delete subsections (3), (4), (5), (7), (8), & (9). These sections merely add paperwork. The City has codes and ordinances in effect and expects all of its residents to abide by them without adding meaningless and duplicative paperwork and affidavits.

Sec. 15-278. Vacation Rental Standards.

We would delete subsection (f). Many properties today are not wired for landlines.

We would delete subsection (g) as it seems to be outdated.

We would delete subsection 2. This section is arbitrary and does not reflect the way Americans live or travel today. Think about a child's bedroom with two sets of bunk beds, a den, a sleeping porch or the couch. Many of us have been relegated there whether we are on vacation or not.

We would delete the following language in subsection 7:

~~A statement stating "it is unlawful for a sexual offender or sexual predator to occupy this residence" if so determined pursuant to subsection 15-278(8) of this code and the Certificate of Compliance number shall be included in all advertising. □~~

While we agree with the intent, Airbnb does not permit sexual offenders to be a guest or a host.

We would add Section 11 & 12

11. That it shall be unlawful to allow or make any sound that exceeds the limits set forth in Chapter 17, Noise Control

12. That no solid waste container shall be located at the curb for pickup before 6:00 PM of the day prior to pick up, and solid waste container shall be removed before midnight of the day of pickup

We would change the title of 15-279:

Sec. 15-279. ~~Initial and r~~ Routine compliance inspections of vacation rentals.

We would delete subsection (a). We believe this creates an entirely new and expensive regulatory system that is unnecessary. Instead we propose a simpler series of inspections.

We would modify the first sentence in subsection (b) to read:

Once a Certificate of Compliance is issued, a vacation rental unit must be properly maintained in accordance with the vacation rental standards herein and may ~~will~~ be re-inspected once every three years ~~annually~~.

We would add new subsection (d):

If the inspector(s) is denied admittance by the vacation rental responsible party or if the inspector fails in at least three (3) attempts to complete an initial or subsequent inspection of the rental unit, the inspector(s) shall provide notice of failure of inspection to the owner to the address shown on the existing vacation rental certificate of compliance or the application for vacation rental.

We would delete subsection (e).

And we would re-write subsection (f):

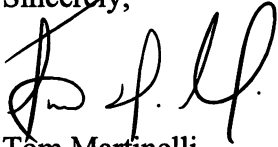
~~(2) For a subsequent inspection, the~~ A notice of failure of inspection is considered a violation and is subject to enforcement remedies as provided herein.

Sec. 15-281. Expiration of registration and certificates of compliance.

We would modify the term of registration to be valid for three years as opposed to one. This concludes our comments on the proposed ordinance.

We look forward to discussing any part of the proposal with you or staff as you deem appropriate. We believe that our changes will improve compliance, eliminate unnecessary burdens on hosts and guests, and simplify the regulatory system.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Martinelli". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

Tom Martinelli
Public Policy, Airbnb

Cc: The Honorable Jack Seiler
The Honorable Dean Trantalis
The Honorable Robert McKinzie
The Honorable Romney Rogers
The Honorable Bruce Roberts