



City of North Miami Beach, Florida

Code Compliance Division

Sec. 24-90.1 - Short-Term Rentals in Residential Zoning Districts.

- (A) It shall be unlawful for single-family dwelling units, including town houses but excluding mobile homes in the MH-1 Zoning District, to be rented or leased to another person(s) or entity more than three (3) times in a twelve (12) month period for a period of three (3) months or less. The lease or rental of a single-family residential dwelling, including town houses, more than three (3) times within a twelve (12) month period shall create a rebuttable presumption of a violation of this section.
- (B) This section shall not apply to duly licensed group homes listed in the zoning district regulations as either permitted or conditional uses.
- (C) A limited number of properties were granted legal-nonconforming status for the operation of short-term rentals in single-family zoning districts with the adoption of Ordinance 2009-25. These properties have obtained Business Tax Receipts as per Ordinance 2009-25. For these specific properties:
 - (1) The Business Tax Receipt shall specifically state that it is issued to allow rentals of less than three (3) months duration, only so long as: 1) the property is not rented for a duration of less than seven (7) days; and 2) the ownership of the property or the business renting the property does not change. Upon change of ownership of either the property or the business, or demolition or substantial renovation of the property, the Business Tax Receipt shall extinguish. Upon the lease of the property for less than seven (7) days duration, the Business Tax Receipt allowing rentals for periods of less than three (3) months shall be subject to revocation upon a finding of violation by the Special Magistrate.
 - (2) No Business Tax Receipt shall be issued until the owner/applicant shows proof of compliance with Chapter 12 of the City's Code, and provides sufficient proof that the short-term rentals were established prior to the effective date of this section.
- (D) The following mandatory conditions shall apply to all rentals under Section 24-90.1:
 - (1) *Registration.* In order for a property owner with the City of North Miami Beach to allow another person to occupy any residential property for a period of less than three (3) months, or offer such rental services within the City of North Miami Beach, the property owner must apply for registration for the subject residential property, and the property has been issued a certificate of registration in accordance with the provisions of this article.
 - (2) *Time period.* All short-term rentals must be pursuant to a binding written agreement, license or lease. Each such document shall contain, at a minimum: the beginning and ending dates of the lease term; and each lessee's contact information, as applicable.
 - (3) *Contact person.* All rentals must be supervised by the owner, manager, or a local and licensed real estate broker or agent or other authorized agent licensed by the City, who must be available for contact on a twenty-four (24) hour basis, seven (7) days a



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week. Each agreement, license, or lease, or scanned copy thereof, must be kept available throughout its lease term and for a period of one (1) year thereafter, so that each such document and the information therein, is available to enforcement personnel at all times.

- (4) *Entire residence.* Only entire single-family residences and townhomes legally created pursuant to applicable law, may be rented under this section, not individual rooms or separate portions of single-family residences or townhomes. Where the property owner resides on the premises, the unoccupied portion may be leased or rented as a tenancy pursuant to one lease.
 - (5) *Rules and procedures.* The City Manager or designee shall adopt administrative rules and procedures, including, but not limited to, application and permit fees, and notification to the City of rentals, to assist in the uniform enforcement of this section.
- (E) Any advertising or advertisement that promotes the occupancy of a residence in violation of this section, or use of the residential premises in violation of this section, shall be prohibited.

Advertising or advertisement shall mean any form of communication or marketing used to encourage, persuade, or manipulate viewers, readers or listeners for the purpose of promoting occupancy or use of a residential property for the purposes of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence in violation of this section, as provided herein, as may be viewed through various media, including but not limited to, newspaper, magazines, flyers, handbills, television commercials, radio advertisement, outdoor advertising, direct mail, blogs, websites or text messages.

- (1) *Presumption.* The advertising or advertisement for the short-term rental of a single-family home or town home property for the purpose of allowing a rental in violation of this section shall create a rebuttable presumption against the owner that it is more likely than not that the property is being used in violation of Section 24-90.1. Pursuant to the procedures provided for in Sections 14-8.13—14-8.19, a rebuttable presumption against the owner that the residential property named in the notice of violation or as identified in the advertising or advertisement is a violation of this section shall be applied.
 - (2) Any individual or entity cited for a violation of Section 24-90.1 may submit an affidavit, under penalty of perjury, in a form acceptable to the City Attorney, regarding the advertisement of the single-family home or town home property, explaining that notwithstanding the advertisement the property was not used as an illegal short-term rental. Such affidavit shall void the rebuttable presumption against the owner that it is more likely than not that the property was used in violation of Section 24-90.1.
- (F) Violations of Section 24-90.1, excluding provisions under Section 24-90.1(C)(1), shall be subject to the following penalties.
- (1) Five hundred (\$500.00) dollars per violation for the first violation;



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- (2) One thousand (\$1,000.00) dollars per violation for a repeat violation within the preceding twelve (12) months;
- (3) A violation occurring after one (1) calendar year of a prior violation will revert to the five hundred (\$500.00) dollar penalty.
- (4) A violation of Section 24-90.1 in conjunction with any other Code violation, the following enhanced penalties shall apply:
 - a. One thousand (\$1,000.00) dollars per violation for the first violation;
 - b. Five thousand (\$5,000.00) dollars per violation for a repeat violation within the preceding twelve (12) months, and automatic suspension for one (1) year of the business tax receipt or the short-term rental certificate of registration.
- (5) In addition to such fines, the Special Magistrate may impose additional fines to cover all costs incurred by the City.
- (6) The short-term rental or occupancy shall be immediately terminated by the North Miami Beach Police Department or Building Official upon confirmation that a violation of Section 24-90.1 is deemed to pose an imminent life/safety hazard to the public.
- (7) In addition, or in lieu of the foregoing, the City may seek an injunction by a court of competent jurisdiction to enforce compliance with or to prohibit the violation of Section 24-90.1, as to each lease. If the City seeks an injunction to enforce compliance with or to prohibit a violation of Section 24-90.1, the City shall be entitled to recover reasonable attorney's fees and costs expended in seeking injunctive relief.
- (8) A certified copy of an order imposing the civil fines and penalties must be recorded in the public records, and thereafter shall constitute a lien upon the subject property and upon any other real or personal property owned by the violator and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgement except for enforcement purposes. The City may foreclose or otherwise execute upon the lien.
- (9) The Code Compliance Division shall deliver a letter to the Miami-Dade Property Appraiser and the Miami-Dade Tax Collector, with a copy of the order adjudicating the violation. The letter shall notify these governmental agencies that the single-family residential property was used for transient rental or occupancy at the single-family residential premises.

(Ord. No. 2009-25 § 2, 11/17/09; Ord. No. 2017-14, § 2, 1-16-18)