



Planning & Development Department

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

TO: Frank Abbate, County Manager

THRU: John Denninghoff, Assistant County Manager, Development and Environmental Services Group

FROM: Tad Calkins, Director, Planning and Development Department

SUBJECT: Citizen Efficiency and Effectiveness Recommendation #2024022

DATE: April 1, 2024

CEER #2024022 was received by the County from Nancy Happel.

Citizen Statement:

There has been a proliferation of vacation rentals in residential neighborhoods. Some are owned by individuals who reside in the area, and work to maintain the property and relations with neighbors. However, many vacation rentals are owned by individuals or entities who do not reside in the area. Little consideration is given to residents in the neighborhood by these out-of-the-area or out of state entities. Problems local residents are subjected to include failure to properly maintain grounds which affects adjacent neighbors, loud noises at inappropriate times, overcrowding, and other failures to comply with local ordinances. In addition, many of these properties are not registered with the local municipality or county as a vacation rental, making it impossible for neighbors to contact the owner if there is a problem that needs addressing. Finally, because the vacation rental isn't registered with the local municipality and county, funds that should be going to the city and county are never received, and are not available for the intended usage of such funds.

Citizen Recommendation:

My suggestion is two-fold. Since the State has made it impossible for local municipalities to regulate vacation rentals, funds from the Tourist Development Tax should be used to provide all local municipalities and unincorporated areas of Brevard with adequate funds to hire at least one code enforcement officer whose only job is to ensure all vacation rentals are registered and community issues are addressed. The funds for this additional code enforcement officer should not be allowed to be used to pay any exiting code enforcement officers. Existing officers would be charged with maintaining general code enforcement not related to vacation rentals. The additional officer would be charged specifically with code enforcement of vacation rentals and maintenance of the residential quality of tax payers' neighborhoods. It would be fiscally beneficial to lobby our State congress people to encourage them to pass a State regulation earmarking a percentage of the State's Sales & Use Tax



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for vacation rentals and hotels to assist in funding additional code enforcement officers. Also needed is a way for residents to contact owners directly when there is a problem that needs addressing. Such issues might include overgrown plants encroaching on and damaging privacy fences, late night parties, parking that blocks a neighbor's driveway, etc. To accomplish this, I suggest that all owners (not managers) of vacation rentals in residential areas be required to send a letter to all surrounding property owners identifying themselves and providing a contact number. As with the contact information required by vacation rental owners to provide to their guests, this number should be manned and responsive at all hours in case of emergency. There should also be some sort of regulation to ensure a timely remedy for issues affecting the property of neighbors once the owner has been contacted. This suggestion is of limited effectiveness when there are so many vacation rentals not registered with the cities and county. The use of Tourist Tax Development funds to hire an additional code enforcement officer specifically for the management of code violations around vacation rentals would provide code enforcement the opportunity to identify, fine and register entities who have failed to properly register as a vacation rental.

Staff Analysis:

- 1st citizen recommendation: Funds from Tourist Development Tax (TDT) being used to provide all municipalities and unincorporated areas of Brevard with an additional Code Enforcement Officer dedicated to vacation rental-related enforcement.
 - Staff Response: Speaking to the unincorporated Brevard portion of this recommendation, Brevard County Code Enforcement has sufficient staff to process its current caseload. As the County generally operates on a reactive basis to Code Enforcement complaints, adding a single officer who is focused only on vacation rentals would provide limited benefit.
- 2nd citizen recommendation: Lobby State legislators to encourage them to pass legislation earmarking a percentage of sales tax in order to fund additional officers.
 - Staff Response: Brevard County has sufficient Code Enforcement staff to respond to its current complaint volume. Given this, a Board initiative to lobby the legislative delegation to fund a position through sales tax would be unnecessary.
- 3rd citizen recommendation: Impose a requirement that owners of vacation rentals have publicly listed numbers that is manned and responsive at all hours.
 - Staff Response: The County requires the designation of a local manager for those operating a vacation rental under a conditional use permit or on a property where the use is permitted with conditions. Under County Code, the local manager is required to address complaints within 1 hour. These requirements do not apply to



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those vacation rentals operating on properties for which the “resort dwelling” use is a permitted use.

County staff has not identified imposing this type of expanded local regulations on such operations as having significant benefit, because most properties which are investigated for issues relating to vacation rentals are operating unlawfully per the County's zoning regulations. The County has recently taken steps to more aggressively investigate and fine this activity.

Within the past year, the Board has focused on addressing the issue of vacation rentals. On August 22, 2023, the Brevard County Board of County Commissioners directed staff to prepare a report on the County's enforcement of unpermitted resort dwellings. It stated that this report should identify opportunities and challenges for more effective enforcement including, but not limited to, proactive enforcement, potential software improvements, fines imposed by the Code Enforcement Special Magistrate, due process challenges, and fiscal impacts. Staff did so, and the Board acknowledged receipt of this report on October 24, 2023. Since that time, the Florida Legislature has taken up consideration of legislation that would address certain concerns previously raised by the Board and members of the public, which staff continues to track. For instance, as of Feb. 23, 2024, CS/SB 280 includes a requirement that vacation rental listings include a “unique identifier” issued by the State and allows local governments to access information on the properties associated with these identifiers through a newly established “vacation rental information system.” Staff continues to monitor the 2024 Legislative Session and will provide the Board with any new opportunities for improvement that may result.

Staff Recommended Action:

It is recommended that the Board of County Commissioner reject the recommendation.

Recommendation Details

Contact Information

Full Name:	Nancy Happel	Email Address:	forbuyingthings@theeducatedbody.cc
Mailing Address:	422 Watts Way Cocoa Beach fl 32931	Alt Email Address:	
Group/Organization	N/A	Phone Number	321-505-1183

Recommendation Information

Recommendation Title: Vacation Rental Control in Residential Neighborhoods/Tax Collection

Areas Affected: Entire county

Department:

There has been a proliferation of vacation rentals in residential neighborhoods. Some are owned by individuals who reside in the area, and work to maintain the property and relations with neighbors. However, many vacation rentals are owned by individuals or entities who do not reside in the area. Little consideration is given to residents in the neighborhood by these out-of-the-area or out of state entities. Problems local residents are subjected to include failure to properly maintain grounds which affects adjacent neighbors, loud noises at inappropriate times, overcrowding, and other failures to comply with local ordinances. In addition, many of these properties are not registered with the local municipality or county as a vacation rental, making it impossible for neighbors to contact the owner if there is a problem that needs addressing.

Finally, because the vacation rental isn't registered with the local municipality and county, funds that should be going to the city and county are never received, and are not available for the intended usage of such funds.

Problem Description:

My suggestion is two-fold. Since the State has made it impossible for local municipalities to regulate vacation rentals, funds from the Tourist Development Tax should be used to provide all local municipalities and unincorporated areas of Brevard with adequate funds to hire at least one code enforcement officer whose only job is to ensure all vacation rentals are registered and community issues are addressed. The funds for this additional code enforcement officer should not be allowed to be used to pay any exiting code enforcement officers. Existing officers would be charged with maintaining general code enforcement not related to vacation rentals. The additional officer would be charged specifically with code enforcement of vacation rentals and maintenance of the residential quality of tax payers' neighborhoods.

**Recommendation
Description**

It would be fiscally beneficial to lobby our State congress people to encourage them to pass a State regulation earmarking a percentage of the State's Sales & Use Tax for vacation rentals and hotels to assist in funding additional code enforcement officers.

Also needed is a way for residents to contact owners directly when there is a problem that needs addressing. Such issues might include overgrown plants encroaching on and damaging privacy fences, late night parties, parking that blocks a neighbor's driveway, etc. To accomplish this, I suggest that all owners (not managers) of vacation rentals in residential areas be required to send a letter to all surrounding property owners identifying themselves and providing a contact number. As with the contact information required by vacation rental owners to provide to their guests, this number should be manned and responsive at all hours in case of emergency. There should also be some sort of regulation to ensure a timely remedy for issues affecting the property of neighbors once the owner has been contacted.

This suggestion is of limited effectiveness when there are so many vacation rentals not registered with the cities and county. The use of Tourist Tax Development funds to hire an additional code enforcement officer specifically for the management of code violations around vacation rentals would provide code enforcement the opportunity to identify, fine and register entities who have failed to properly register as a vacation rental.

Attachments

There are no attachments for this recommendation.

Administrative Action

Evaluation

Recommendation Timeline

User	Status	Date	Remarks
CEER WebUser	Citizen Submitted	Dec 18, 2023	
Karen Conde	Department Assigned	Dec 20, 2023	PLANNING AND DEVELOPMENT DEPARTMENT Assigned

Awaiting action from department director