

**Text Amendment  
to Chapter 22:  
Article X**

**SHORT TERM AND  
VACATION RENTAL  
REGULATIONS**



# Presentation

- **Introduction of Task Force and members**
- **State regulatory standards and restrictions**
- **City regulatory standards and restrictions**
- **Conditional Use process...Pro's & Con's**
- **Task Force recommendation: Chapter 22, Article X - Short Term and Vacation Rental Regulations**
  - **Purpose / Intent / Interpretation**
  - **Definitions / Standards and Requirements**
  - **Existing legal nonconformities**
  - **Exemption for pre-existing rental agreements**
  - **Management company or responsible person**
  - **Application for registration / Modification of registration**
  - **Rental unit advertising requirement**
  - **Duration of registration / Renewal of registration**
  - **Inspection of units for registration / Enforcement of rental units**
  - **Denial and Revocation of registration**
  - **Fees**

# Task Force Membership

**\*Michael Broderick, Planning Board - Project Leader**

**\*Rebeca Guerra, Assistant Planning Director**

**\*Linda Cox, City Clerk**

**\*Miriam Garcia, Deputy City Clerk**

**\*Peggy Arraiz, Code Compliance Manager**

**\*Pat Murphy, Real Estate Representative**

**\*Charlene Adair, Citizen Representative**

**Robert Ridle, Deputy Chief FPPD**

**Paul Thomas, Building Official**

**\*Participants**

**1<sup>st</sup> meeting 2/24/21 – Last meeting 6/9/21**

# State Regulatory Standards & Restrictions

- **In 2011, the Florida Legislature prohibited cities from regulating short-term vacation rentals.**
- **Contains provision that “grandfathered” any Ordinance regulating short-term rentals prior to June 1, 2011.**
- **The effect of the 2011 law is that 2 separate classes of cities were created: those with Home Rule authority and those without.**
  
- **In 2014, the Legislature passed SB 356 (Thrasher), which allows local governments to adopt ordinances specific to short-term rentals so that they can address some of the noise, parking, trash and life-safety issues created by their proliferation in residential neighborhoods.**
- **SB 356 left in place existing statutory language stating that cities cannot “prohibit” short-term rentals or regulate the duration or frequency of the rental. Continued to “grandfather” Ordinances prior to June 1, 2011.**

# City Regulatory Standards & Restrictions

- **City of Fort Pierce Ordinances K-148 & K-114 - passed in 2001.**
- **Established Dwelling Rentals as Conditional Uses in certain Residential Zoning Districts (E-2, E-3, R-1, R-2, R-3, R-4, R-4A, & R-5).**
- **Prohibited in E-1, C-1, C-2, C-3, C-6, CP, I-1, I-2, I-3, OS-1, OS-2, A-1, & A-2 Zoning Districts.**
- **Allowed by right in C-4, C-5, and Edgartown Settlement.**
- **Conditional Use approval allows, when desirable, uses that would not be appropriate generally or without restriction throughout a particular zoning district, but which, if controlled as to number, area, location, or relation to the neighborhood, would not adversely affect the public health, safety, comfort, good order, appearance, convenience, and the general welfare.**

# Eliminate or Keep Conditional Uses?

## ELIMINATE – USE NEW REGISTRATION PROCESS ONLY

- Short term Rentals & Vacation Rentals would be allowed by right in every Zoning District.
- Opens up E-1, C-1, C-2, C-3, C-6, CP, I-1, I-2, I-3, OS-1, OS-2, A-1, & A-2 Zoning Districts.
  - Majority of Single-Family Estate Density Zone (E-1) properties are located along Indian River Drive.
- Approvals no longer granted on a case-by-case basis.
- Streamlined registration process with administrative staff review.
- Sustainable if State Legislature does not pass a bill preempting local jurisdictions from the management of short term & vacation rentals.
- Bills have been introduced every year to do so, but none have passed.
- Citizen input eliminated.

# Eliminate or Keep Conditional Uses?

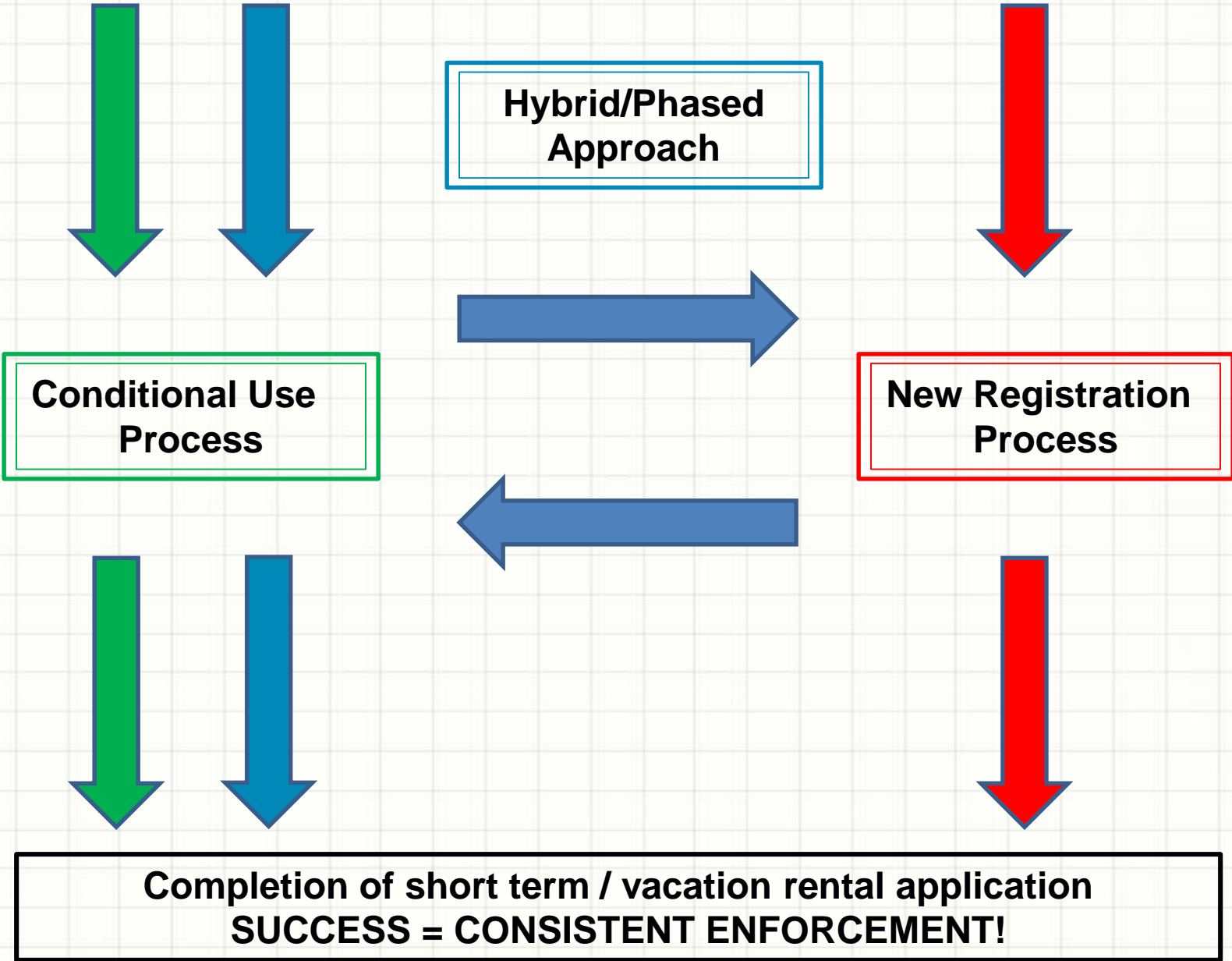
## KEEP AS IS

- Every request goes to Pre-Application meeting, Technical Review Committee, Planning Board, and City Commission.
- Process can take at least 3 months or more.
- Staff, Board, and Commission have very little to base their reviews.
- Little-to-no Code guidance on regulation or enforcement.
- Sustainable as grandfathered by State & if the Courts continue to uphold these Ordinances.

## HYBRID/PHASED APPROACH

- Use new registration process to validate applications & provide regulation & enforcement to improve and simplify the Conditional Use process, creating criteria for Staff / Board / Commission review & requiring minimum conditions of approval.
- The relevance and importance of community input is maintained.
- If the Conditional Use process cannot be used in the future, the registration process is already proven, tested and intact.

# Eliminate or Keep Conditional Uses?



# Short Term & Vacation Rental Regulations

## **CITIES AND COUNTIES THAT WERE USED AS EXAMPLES**

**Indian River County  
Monroe County  
St. Augustine  
Oakland Park  
Anna Maria Island**

**Largo  
Holmes Beach  
Dania Beach  
Sebastian  
Cocoa Beach**

# Short Term & Vacation Rental Regulations

## **PURPOSE**

- To establish & enforce standards for rental units in a manner which protects the character and quality of life in the neighborhood or area where rental units are located while not unduly restricting the owner of the rental units from use of their property.**

## **INTENT**

- To establish a registration process that is efficient in terms of time, administration, and enforcement, preserve and foster the public health, safety, aesthetics, and general welfare, and to aid in the harmonious and orderly development of the City.**

## **INTERPRETATION**

- Code Compliance Manager shall be responsible for interpretation, where the article conflicts with or overlaps other articles or regulations, the more stringent shall prevail.**

# Short Term & Vacation Rental Regulations

## DEFINITIONS

- **Advertising**
- **Bi-Annual**
- **Commercial Event** (event with the purpose of making money or where a venue is hired for a private or commercial function which may include, but is not limited to, events such as private parties, entertainment events, and attractions)
- **Good Neighbor Brochure**
- **Maximum Occupancy** (shall be calculated as one person for every 200 square feet, under air-conditioned space, of the rental unit if the building is being rented out in its entirety. If only a room (or rooms) is being rented, or the rental unit is also being concurrently occupied by the owner (or other), then the maximum occupancy shall be calculated as one person for every 150 gross square feet of the room (or rooms) being rented. For the purpose of this definition, a person shall mean any individual over the age of five (5) years.)

# Short Term & Vacation Rental Regulations

## DEFINITIONS (cont.)

- **Noise**
- **Owner**
- **Pool Contractor**
- **Rental Unit**
- **Repeat Violation** (a violation of a provision of a code or ordinance by a person who has been previously found through the special magistrate or any other quasi-judicial or judicial process, to have violated or who has admitted violating the same provision within five (5) years prior to the violation, notwithstanding the violations occur at different locations)
- **Residency** (a person's true, fixed location of bona fide domicile. It is the place a person intends to remain and return to when one leaves without intending to establish domicile elsewhere. Residency for the purpose of this article may only be demonstrated by the address listed on a Florida state-issued driver's license or a Florida state-issued identification card)

# Short Term & Vacation Rental Regulations

## DEFINITIONS (cont.)

- **Short-Term Rental**
- **Vacation Rental**
- **Vehicle** (any vehicle or conveyance which is designed to travel along the ground or water. The term " vehicle" includes, but is not limited to, automobiles, buses, mopeds, motorcycles, trucks, tractors, trailers, go-carts, golf carts, motor homes, boats, watercraft, and recreational vehicles)
- **Violation**
- **Violator** (the person or entity in violation of...[this article] which are within the jurisdiction of the special magistrate...shall include...the owner of the property where the violation exists; the person in immediate control of the property where the violation exists....the person or entity that manages the property where the violation exists.... Multiple violators may be cited for a single violation

# Standards & Requirements

- **All rental units must meet the minimum standards for habitable structures set forth in the Florida Building Code, the Florida Fire Code, the Florida Life Safety Code, the Federal Emergency Management Agency laws and regulations, and the Code of Ordinances, subject to legal nonconformities.**
- **Rental units shall be required to have an updated rental unit registration issued by the City Clerk's Office. A rental unit registration is nontransferable between owners. A change of ownership of the rental unit shall require the new owner or his agent to obtain a new rental unit registration.**
- **Swimming pools, spas, and hot tubs shall comply with current standards of the Residential Swimming Pool Safety Act, Chapter 515, Florida Statutes & the Florida Building Code. Proof of inspection for compliance by a licensed residential or commercial pool contractor required.**

# Standards & Requirements

- **A working smoke alarm and carbon monoxide (CO) alarm system shall be provided. A portable, multi-purpose fire extinguisher shall be installed, inspected, and maintained on each floor.**
- **Halls, entrances, and interior stairways within a rental unit shall be clean and lit. Hall and stair runners shall be kept in good condition. Rails shall be installed on all stairways. A safe, continuous, and unobstructed path of travel shall be provided from any point in a building or structure to the exit.**
- **At least one land line telephone or cellular telephone with the ability to call 911 or the local emergency number shall be available in the main level common area in the rental unit.**
- **Rental unit owners shall supply City-approved carts for containment of solid waste, etc.**
- **Elevators (if present) shall meet all requirements.**

# Standards & Requirements

## PARKING

- **The minimum required on-site parking for dwelling rentals shall be one (1) 9'6" x 19' space.**
- **The maximum allowed on-site parking for each rental single-family dwelling shall be based on the number of dedicated 9'6" x 19' spaces on the lot in which the dwelling rental occupies & shall comply with the surface material requirements in City Code.**
- **In multi-family residential instances, the maximum number of parking spaces allowed for each dwelling rental shall be limited to those spaces which are assigned to the rental unit and not those which would be shared by all of the building tenants' guests.**
- **No overnight on-street parking shall be allowed by the responsible person/entity, renters, or their guests.**
- **On-street parking shall only be allowed in marked and designated on-street parking areas.**
- **No on-site parking shall be allowed on grassed surfaces, including boats, recreational vehicles, and other vehicles as defined in this article.**

# Standards & Requirements

## NOISE

Daytime noise regulations.

- **The operating or amplifying of any radio, tape player, or other mechanical or electronic sound making device or instrument or similar device which produces or reproduces sound is unlawful:**
  - On the public rights-of-way in such a manner as to be plainly audible to any person other than the operator of the device.**
  - In such a manner that it is unreasonably loud, raucous, jarring, disturbing, or a nuisance to reasonable persons of normal sensitivities within the area of audibility.**
  - Which causes physical vibration that is perceptible to reasonable persons of normal sensitivities within the closed confines of a residence.**
  - In a motor vehicle in a manner as to be plainly audible at a distance of 25 feet.**

# Standards & Requirements

## NOISE

### Nighttime noise regulations.

- **Noise which is plainly audible from beyond the rental unit's property line, between the hours of 10 PM and 7 AM, in any direction from the source of the noise shall constitute a violation of this section. This includes, but is not limited to, amplified sound and self-contained, portable, hand-held music or sound amplification or reproduction equipment operated on private property, public property, or public right-of-way.**

# Standards & Requirements

- **No rental unit may be leased as a location for a commercial event. It shall be prima facie evidence of a violation of this article for anyone to advertise or hold out the property to be used as a location for a commercial event.**
- **Each rental unit may host guests who are not counted towards the maximum occupancy of the unit. Guests may only park in code-permitted parking spaces and must vacate the premises between the hours of 12 AM (midnight) and 8 AM.**
- **Camping tents shall only be allowed on single-family lots and residences. Their placement shall be limited to the rear yards of these lots and shall be used exclusively by the individual tenants of the rental unit agreement.**
- **Fireworks shall only be permitted for a 24-hour period on December 31st and July 4th.**

# Standards & Requirements

- **Rental units which may allow domesticated animals to stay on-premises shall require that each animal wear a collar with an identification tag displaying, at minimum, the animal's name, the owner's name, and the owner's phone number or a microchip with the same information. Renters must be able to provide, upon request by any city or county official, a copy of proof of valid rabies vaccination for each animal. Such animals shall be at all times secured within the property lines or on a leash, but shall not be tethered. Continual nuisance barking by the animals is prohibited. The keeping of animals shall be subject to the regulations of this section and chapter 6 of the code regarding animals.**
- **All occupants of the rental unit shall be required to promptly evacuate from the premises upon posting of any evacuation order issued by state or local authorities.**

# Standards & Requirements

- **Advertising requirement. All advertising for rental units shall identify the City-issued business tax receipt number. This number shall be included on all advertising, including, but not limited to print & internet-based advertising. Advertisements that do not contain this information or that contain inaccurate information shall be deemed a violation of this section for each day that the advertisement runs. Advertisements shall be consistent with section 22-XXXX of this Ordinance.**

# Standards & Requirements

## Sexual Offenders

- **It is the responsibility of the property owner and rental unit responsible person to ensure that sexual offenders register with the St. Lucie County Sheriff's Department (SLCSD).**
- **At the time of reservation, the property owner or rental unit responsible person shall inquire if any rental unit occupant is a sexual offender & shall notify SLCSD within 24 hours of being affirmatively informed.**
- **A property owner's failure to comply with the provisions of this subsection shall constitute a violation of this section, and may subject the property owner to revocation of the rental unit registration.**

# Standards & Requirements

- **Posted & Displayed Information (interior)** to include information on responsible person, maximum occupancy, maximum parking, trash pick-up information, location of hospital & police station, including non-emergency numbers, copy of: rental unit registration, BTR, this article, and rental agreement.
- **Posted & Displayed Information (exterior):** Unless prohibited by association, condominium, or similar restrictions, there shall be provided outside the rental unit within ten (10) feet of the front door, or in a common area provided for multi-unit dwellings, and encased in a weatherproof display, the contact information for the property owner or responsible person.

# Existing Legal Nonconformities

- **It is not the intent of this article that legal nonconformities be corrected as a condition of receipt of a rental unit registration. However, it shall be the responsibility of each rental unit to come into compliance with all of the minimum standards and requirements set forth in this article, as applicable.**
- **Legal existing nonconformities shall be identified and inventoried by the Code Enforcement Department.**
- **If it is the determination of the Code Enforcement Department that there are nonconformities not identified and inventoried with the original rental unit registration, the Code Enforcement Department shall require nonconformities to come into compliance prior to issuing a new rental unit registration.**

# Exemption for Pre-Existing Rental Agreements

- **Rental agreements with prospective occupants for rental units that were pre-existing as of December 31, 2021, are exempt from the occupancy provisions of this chapter for maximum occupancy limits. Any pre-existing agreements for occupancy through 2021, shall be disclosed to the City by October 1, 2021. All bookings made subsequent to January 1, 2022, are subject to the occupancy provisions of this article. All advertising must be compliant for occupancy limits no later than October 1, 2021.**
- **If a rental unit is cited for a violation of this article, (that would not be a violation if it were not for this section), when the rental unit is occupied under the terms of a pre-existing agreement, the rental owner may defend such violation based on the fact that the rental unit was exempt from this section due to it being occupied pursuant to a pre-existing agreement.**

# Management Company or Responsible Person

- **An owner of a rental unit may designate a management company or responsible person to manage the unit on his/her behalf.**
- **Said management company shall have an office located within St. Lucie County. The responsible person shall officially reside in a dwelling unit located within St. Lucie County. Proof of residency shall be demonstrated to the City Clerk's Office in the form of a Florida Driver's License or Florida Identification Card only.**
- **Upon a change of ownership or a transfer of management company or responsible person of a rental unit, the owner shall notify the City of the new owner, manager, and/or responsible person within 10 business days of such change.**
- **The management company or responsible person shall respond to any and all calls within 1 hour. The failure of a management company or responsible person to respond within 1 hour, 3 times within a 12-month period shall result in the revocation of the entity's ability to manage the rental unit on behalf of the property owner for a period of 12 months from the time that their management abilities are rescinded.**

# Application for Rental Unit Registration

- **Property owner.** (name, address, mailing address (if different), telephone number, e-mail address)
- **Property management or responsible person.** (name, address, mailing address (if different), telephone number, e-mail address, Local emergency and contact phone with 24-hour availability for receiving notice of violations)
- **Property and rental unit address and telephone number.** (number and street address, including individual unit numbers or letters, the name of the rental unit property, if one is used, the cell phone or landline number for the rental unit)
- **Proof of ownership.** (copy of recent profile from property appraiser & active Sunbiz registration for corporate ownership, if applicable)
- **Parcel identification number.**
- **Property description type.**
- **Maximum occupancy.**
- **Parking.** (number of onsite parking spaces & location of onsite parking spaces)

# Application for Rental Unit Registration (cont.)

- **Exterior site sketch (including designated parking spaces).**
- **Interior building sketch (including all bedrooms, extinguishers, alarms, ingress/egress, living spaces, etc.).**
- **Florida Department of Business & Professional Regulation license number (if applicable).**
- **Florida Sales Tax Identification Number.**
- **St. Lucie County Tourist Development Tax Account Number.**
- **St. Lucie County Business Tax Receipt (if applicable).**
- **Payment of all applicable fees.**
- **Copy of initial inspection from Code Enforcement Department.**
- **Copy of pool inspection from licensed pool contractor.**
- **Verification of no pending Code Enforcement proceedings for the rental unit.**
- **Proof of no outstanding balance due to the City for the rental unit.**

# Rental Unit Advertising Requirement

- **All advertising for rental units shall indicate the City rental unit BTR number, the maximum occupancy limit of the rental unit, and the maximum parking available on the property as specified on the rental unit registration on file with the City Clerk. The advertisement shall also include the following:**
  - A reference to rental unit regulations as found in Chapter 22, Article X;**
  - A reference to sea turtle protection requirements (for coastal areas only) as found in Section 16-82;**
  - A reference to domestic animal regulations as found in Chapter 6;**
  - A reference to limited pet-friendly parks and beaches in the area;**  
**and**
  - A link to the City's Code of Ordinances found on [municode.com](http://municode.com).**

# Modification & Duration of Rental Unit Registration

- **An amendment of a rental unit registration shall be required in the event that any of the following changes to the rental unit are proposed:**
  - An increase in the number of bedrooms in the rental unit;**
  - An increase in the maximum occupancy of the rental unit;**
  - An increase or decrease in the number of parking spaces, or a change in the location of parking spaces for the rental unit; or**
  - A change in ownership, management company, or responsible person of the rental unit.**
- **Rental unit registrations shall expire on September 30 of each year.**

# Renewal of Rental Unit Registration

- **Rental unit registrations must be renewed annually prior to the expiration date of September 30.**
- **The renewal shall consist of a completed renewal application, copy of current state required licenses, updated management company or responsible person information, certification of no pending code enforcement proceedings for the rental unit, certification of no outstanding balance due to the City for the rental unit, attestation that no modifications have been made to the unit, all applicable fees, bi-annual pool inspection certification from a licensed residential or commercial pool contractor (if applicable), & bi-annual rental unit inspection certification (as appropriate).**
- **In the event the renewal is not completed within the specified timeframe, a written request for an extension must be submitted to the City Clerk no later than fifteen 15 days prior to the expiration date. The request for an extension must specify the reason for the extension and the extension period being requested. The decision of the City Clerk shall be in writing.**

# Inspection of Units for Rental Unit Registration

- For existing rental units properly registered with the City and with a current BTR as of the date of the adoption of this article, an inspection of the rental unit to verify compliance with this article shall be required subsequent to the initial registration of the rental unit in accordance with the bi-annual schedule based upon address prior to renewal.
- For new rental units or existing units where a BTR is expired, inspection of the rental unit to verify compliance with this article shall be required subsequent to the initial registration of the dwelling rental, and bi-annually after each renewal.
- For units with even numbered addresses, the bi-annual inspection will be required in even fiscal years prior to registration renewal.
- For units with odd numbered addresses, the bi-annual inspection will be required in odd fiscal years prior to registration renewal.
- If instances of non-compliance with this article are found, all such instances of non-compliance shall be handled per Section 22-521.

# Denial & Revocation of Rental Unit Registration

- **The City Clerk may revoke or deny the issuance of a rental unit registration if it is determined that an applicant:**
  - Has obtained the registration by fraud, false statement, misrepresentation, or failure to truthfully answer any question in the required registration application;**
  - Has failed to satisfy the standards and requirements contained in this article;**
  - Has failed to obtain required approvals from the state or obtain a City business tax receipt; or**
  - Has received three (3) orders of violation as determined by the Special Magistrate within the same fiscal year.**

# Denial & Revocation of Rental Unit Registration (cont.)

- **Not later than 30 days after the filing of a completed application for a rental unit registration, the applicant shall be notified by the City Clerk's office of the decision on the issuance or denial of the registration.**
  - If the issuance of the rental unit registration is approved, the City Clerk shall issue the registration.**
  - If the registration is denied, the applicant shall be provided with a statement of the reasons for denial, which reasons shall be entered in writing on the application.**
  - Failure of the City Clerk to place notification of said decision in the mail or personally notify the applicant with acknowledgment shall require immediate issuance of the requested registration to the applicant.**

## Denial & Revocation of Rental Unit Registration (cont.)

- **Any person aggrieved by the denial or revocation of a registration as provided in this article shall have the right to appeal to the City Commission.**
- **Such appeal shall be taken by filing with the City Clerk's office, within 14 days after notice of the action complained of has been mailed to such person's last-known address, a written statement setting forth specifically the ground of the appeal.**
- **The City Clerk shall set a date and the time and place of hearing of such appeal.**
- **Such notice shall be mailed, postage prepaid, to the applicant at his last-known address at least five days prior to the date set for hearing.**
- **The decision and order of the City Commission on such appeal shall be final and conclusive.**

# Enforcement of Rental Units

- **Provisions of this article may be enforced by the City as a civil violation pursuant to Chapter 1, Article II, Division 2 or Chapter 1, Article II, Division 3.**
  - ❑ **Violations of this Article addressed by Chapter 1, Article II, Division 3 shall be addressed via a citation and shall:**
    - **Be issued directly to the violator (tenant/occupant).**
    - **Be issued for each individual and separate violation.**
    - **Be considered a Class II violation.**

# Enforcement of Rental Units (cont.)

- ❑ **Violations of this article addressed by Chapter 1, Article II, Division 2 shall be addressed via notice of violation and shall:**
  - **Be issued to the property owner, per state statute 162.12(1)(a), with additional copies provided to the management company or responsible person.**
  - **Be issued as a result of any violation of any provision of this section or be issued as a result of the issuance of a citation to a tenant or occupant.**
  - **Shall be considered irreversible and, per state statute 162.09(2)(a), may result in a fine of up to \$5,000 per violation.**
- **Each consecutive day that a violation continues may be considered a separate violation.**
- **Copies of all enforcement activities shall be provided to the City Clerk's office.**

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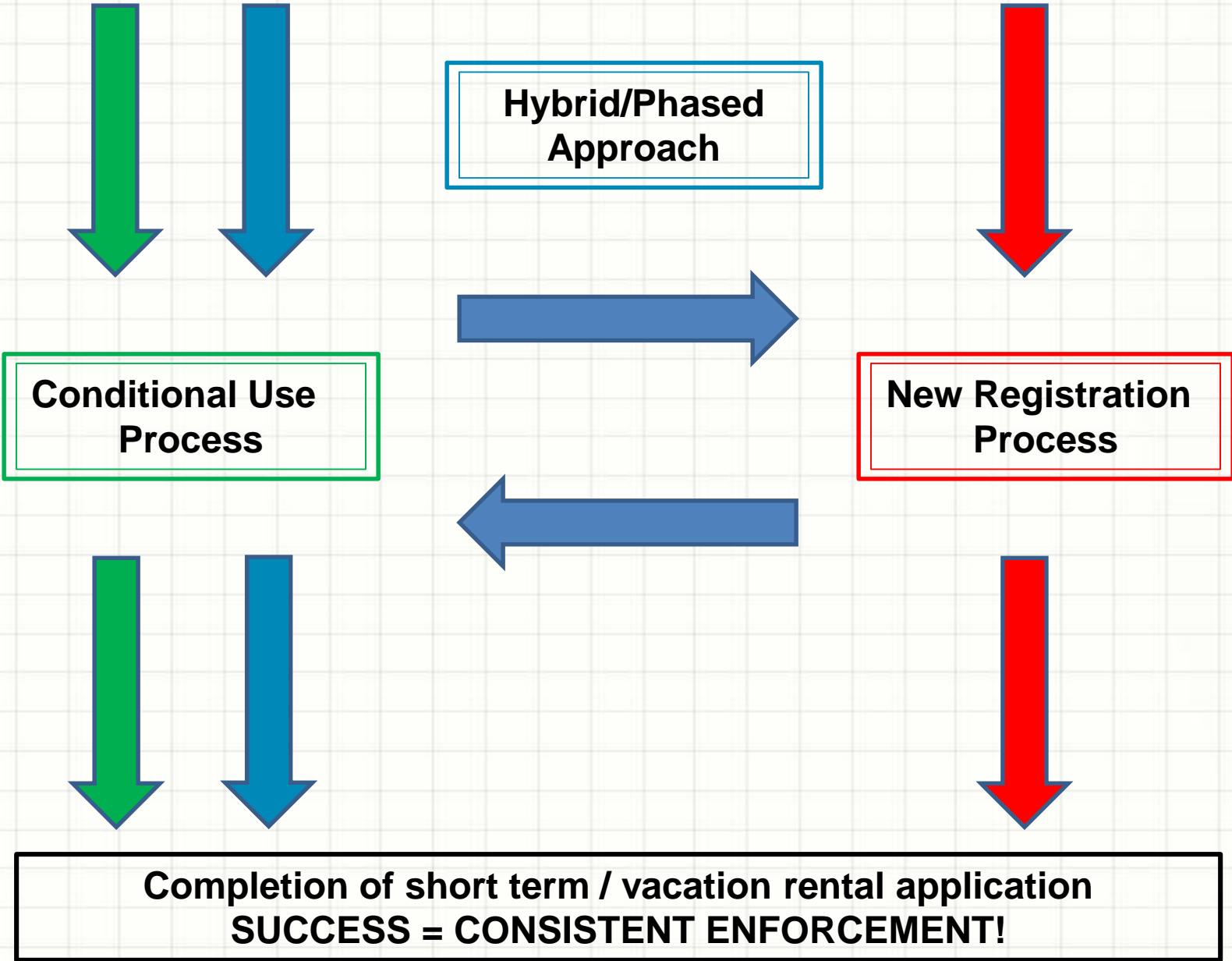
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# Eliminate or Keep Conditional Uses?



# Proposed Fees

## FEE SCHEDULE

- Rental unit annual registration.....\$1,200
- Re-inspection fee.....\$100
- Change of responsible person.....No charge

# Staffing Requirements

**SUCCESS = ENFORCEMENT = STAFF**

## **Projected Income Stream**

- 187 properties are currently operating with registered BTRs.
- 187 times \$1,200 per year equates to \$224,000 in current projected yearly income.
- Two to Three new trained Code Enforcement employees are required for successful management of Short Term & Vacation Rentals.
  - 2 new employees, however, would be the minimum needed, initially.
- Having a new process without adequate enforcement = failure.

## **Overlap of Departments**

- Overlap of Planning, City Clerk's office, and Code Enforcement is required.

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