

# Your Stay May Become Even Shorter

As Airbnb and Miami Beach battle over rentals, travelers are receiving surprise visitors.

By TARIRO MZEZEWA

On a recent Friday evening, David Igbokwe and his friends were relaxing in their Miami Beach Airbnb, listening to music and getting ready to go out to dinner.

Their plans were interrupted by a knock at the door.

"City of Miami Beach," said Jackie Caicedo, a code compliance officer who works for the city.

Mr. Igbokwe opened the door and began answering questions. Was he from Miami Beach?

No.

Was he on vacation?

Yes.

Did he find the apartment on Airbnb?

Yes.

Ms. Caicedo had some bad news. "I'm here because, basically, this is an illegal short-term rental," she said. "It's in a residential area. It's zoned in a residential area, so it's prohibited for anyone to rent a unit for less than six months and a day."

That same night, within a 45-minute period, Ms. Caicedo knocked on the doors of five other apartments in the building at 1300 15th Street, a two-story, eight-unit white structure. Apartment 101 had two older men who wouldn't reveal their plans. In Apartment 103, two men in their 20s were visiting from New York City for the weekend. Apartment 104 had an Argentine family of four. Apartment 201 had an older Chilean couple on vacation for the week. In Apartment 204, a young man and woman were visiting from nearby Hallandale Beach, Fla.

All of the apartments had been illegally rented out. The property manager of an apartment building next door had called in a complaint.

Typically, when the city's code compliance officers come across illegal short-term rentals, they ask renters to contact their hosts and ask to be moved. In situations



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Lockboxes, believed to be used for Airbnb rentals, at an apartment building.

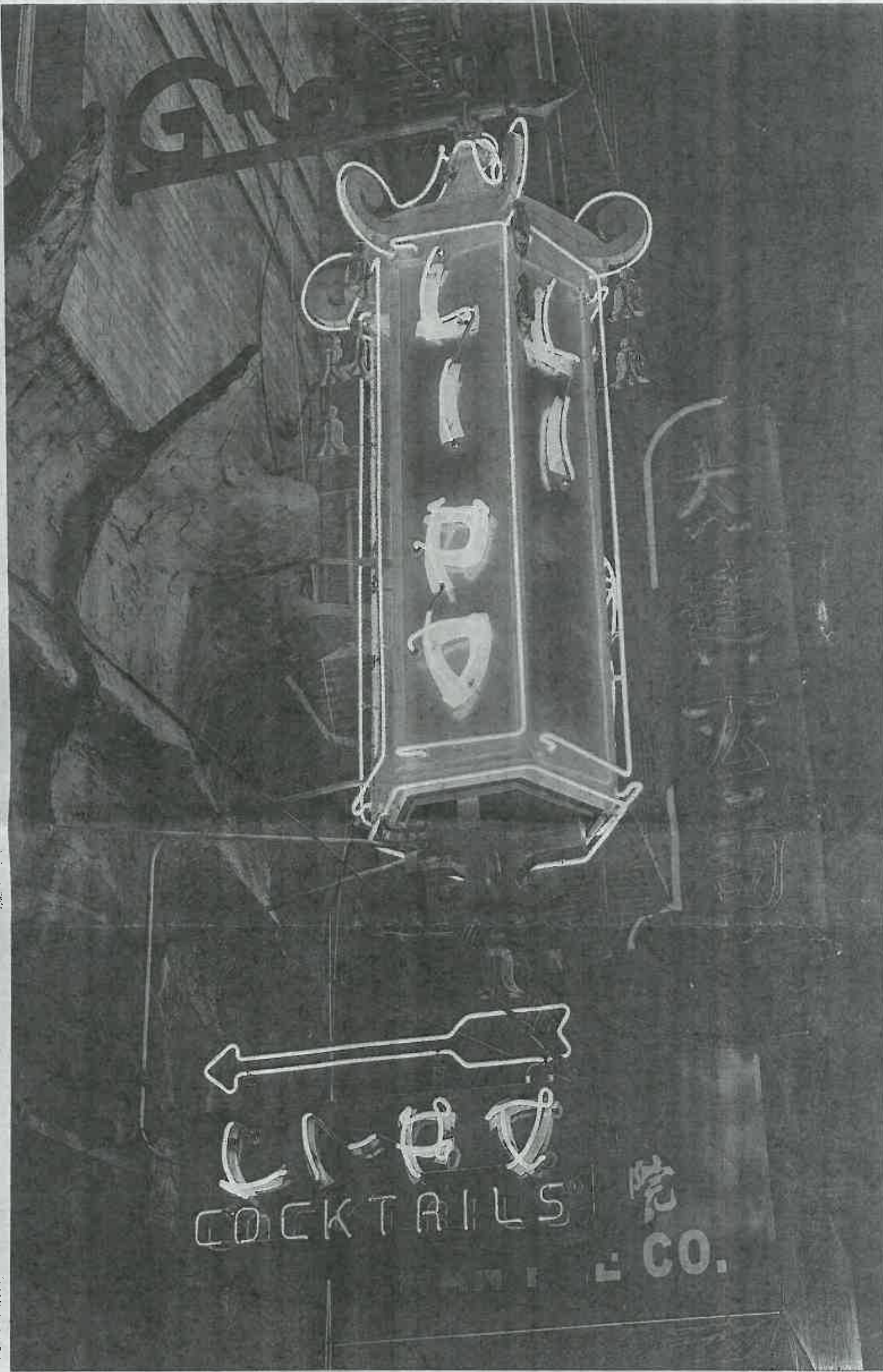
where the hosts won't cooperate, guests still have to leave. On occasion, the city helps them find a new place to stay. But since Mr. Igbokwe and his friends were cooperative and leaving after just two nights, Ms. Caicedo said she would recommend that they be allowed to stay in the apartment.

But when another officer arrived the next day, the friends became annoyed. They contacted the man who had rented them the apartment on Airbnb, who went by the name of Jason, to ask for a refund, and contacted Airbnb as well. They were told that, because they did not notify anyone immediately after Ms. Caicedo's visit on Friday evening, they could not get their money back. Mr. Igbokwe said that Jason, who was friendly on the first day, seemed angry with his guests when they complained about the officers coming by. The owner of the building was fined \$40,000.

Mr. Igbokwe's rental was on the edge of a neighborhood known as Flamingo Park, which has become a flash point in the battle between residents and companies that offer short-term rentals in Miami Beach, including Booking.com, VRBO, HomeAway, FlipKey and, in particular, Airbnb. Save for a few properties that have been grandfathered in, and in the city's overlay district, where short-term transient rentals are allowed, the city prohibits rentals of less than six months and a day in many residential neighborhoods.

"We have residential areas in our community and we have zoned them so when

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JASON HENRY FOR THE NEW YORK TIMES

## FOOTSTEPS

# Where Words Came Alive

Lawrence Ferlinghetti, the poet, activist and bookstore founder, is turning 100, and much of his San Francisco can still be found.

By DWIGHT GARNER

Lawrence Ferlinghetti, the poet, publisher, painter, social activist and bookstore owner, has been San Francisco's de facto poet laureate and literary Pied Piper for seven decades. He turns 100 this month, and the city is making preparations to celebrate him in style. The mayor's office has proclaimed March 24 his birthday. Lawrence Ferlinghetti Day. Readings and performances, and an open house will take place at City Lights, the venerable bookstore he co-founded in 1953. Parties and happenings and the screening of documentaries are planned at many other locations as well.

The most unlikely celebration will be the release party this month for "Little Boy," Mr. Ferlinghetti's slim new autobiographical novel, which is also a love song to his adopted hometown, a place with "endless street movies passing in cars and trams of desire."

Any reader's trip to San Francisco should start with a visit to City Lights. On a cool,



STACEL LEWIS

damp late morning in February, my wife and I walked the mile from the downtown Union Square area to the store, which sits near the border of Chinatown and its raffish North Beach neighborhood, and is within a stone's throw of more than one faded, gloomy topless joint.

Pound for pound, City Lights is almost

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people purchase a home they know they are in a residential community," said Mayor Dan Gelber of Miami Beach, saying that Airbnb was knowingly flouting the law.

Airbnb, for its part, is suing the city, saying that its regulations are overly burdensome. "Nobody benefits when cities impose laws written with the sole intent of punishing both residents and consumers," Benjamin Breit, a spokesman for the company, wrote in an email.

In the increasingly heated fight between the rental companies and communities, renters like Mr. Igbokwe and his friends, who unwittingly book rooms that are being offered illegally, are caught in the middle. They can end up out on the street, out hundreds of dollars and in need of a new place to stay, sometimes in the middle of the night.

"We 100 percent would have rented elsewhere if we'd known we couldn't stay there," Mr. Igbokwe said. "The whole thing was out of our hands, which is frustrating."

## A 'Postcard Perfect' Neighborhood

It's easy to understand why tourists want to stay in Flamingo Park. It's close to the beach. It's surrounded by popular restaurants. As one tourist who didn't want to be named because she was staying in an illegal rental said while rolling her bag down the street, Flamingo Park is "postcard perfect."

An outsider might not notice, but locals walking through Flamingo Park point out the signs that homes are being rented out. There are the lockboxes on the sides of buildings, attached to bike racks or slightly hidden behind hedges. These boxes are where renters pick up the keys to their vacation homes. Sometimes these are the people wandering through the neighborhood looking a little lost, or the ones who ring the wrong buzzer because they aren't quite sure where to go.

"You get to a point where you feel like you're living in a hotel room," said Kathaleen Smarsh, a neighborhood resident. "You don't know who is coming and going at all hours."

Another clue is usually heard before it's seen: the seemingly endless sound of suitcases rolling down the sidewalk, through a building's lobby or hallways, at all hours, residents said.

Then there's the loud music blasting out of car speakers that residents said awakened them at night, typically from Ubers, Lyfts and cabs depositing drunk young guests at their vacation homes. Often the music is blasting from the home.

Increasingly, residents have filed noise complaints with the city, which brings out officers like Ms. Caicedo. The code compliance department said that noise complaints were one way they find out about illegal rentals.

Night after night, officers like Ms. Caicedo knock on doors and tell renters that they're breaking the law, interactions that for the last two years have been captured on the body cameras code compliance officers wear when they're on duty.

"Young people often want to continue the party after they've left an actual party," she said. "Usually we only find out it's a short-term rental after we go to a place for another complaint like noise."

Residents say they also have to deal with the trash left behind by renters.

"If these were mom-and-pop operations, with people renting out a room here and there, we wouldn't all notice," said Jeff Donnelly, who has lived in Flamingo Park with his wife since 1992. "We notice because these are inns without innkeeping, and the innkeeping falls on the neighbors."

Mr. Donnelly and Ms. Smarsh also said the short-term rentals were taking away long-term rentals for people who worked in the area's hotels and restaurants.



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Top, a building where six units were occupied by short-term renters one weekend. Above, Jackie Caicedo, who is a city compliance officer. At left from top: Kathaleen Smarsh, Merik Aveli and Jeff Donnelly.

Ms. Smarsh said she and her neighbors were not motivated by renters' color or ethnicity.

"We have neighbors from all over South America, from Europe and around this country, and we want them here," Ms. Smarsh said. "We want to see appreciation, development, growth, diversity, but it's still a neighborhood."

## Fines Starting at \$20,000

Short-term rentals are available on numerous sites, but with more than five million listings in more than 81,000 cities and 191 countries, Airbnb is the largest player in the market. The company has approximately 4,500 active listings in Miami Beach.

Airbnb has said it works with cities around the world to create reasonable regulation. It is currently suing the City of Miami Beach for a rule that went into effect in December that requires platforms only to allow posts from hosts with resort tax regis-

tration and business license numbers. The rule also requires home-sharing platforms to remove listings in neighborhoods that, like Flamingo Park, don't allow short-term rentals.

Airbnb chose to follow the second rule, which it refers to as "geofencing." The company is arguing that the city initially said it expected companies to follow either the first requirement or the second, not both.

"It came as a shock," Airbnb says in its lawsuit, that the city "expected home-sharing platforms to comply both with the registration-number display requirements and the geofencing provision." The company added that it did not review the listings that appeared on its site and that it "also advises its hosts and guests to be aware of and comply with local laws."

The company declined to comment on the situation in Flamingo Park. Jason, the man who rented to Mr. Igbokwe, declined to be interviewed.

Emails and messages on booking platforms to 15 other hosts either went unanswered, or the hosts declined to comment. The other apartments in the building Mr. Igbokwe stayed in were not listed for rent online. The guests in those apartments said they had booked at a legal property through Booking.com, but were diverted to the 15th Street building by their host. The host did

not respond to a request for an interview.

"That property has never been open on Booking.com for customers," said Kimberly Soward, a spokeswoman for the company, who added, "Booking.com always abides by the applicable laws of the market we operate in."

Natalie Nichols, a longtime Miami Beach resident, is one of the rare former Airbnb hosts willing to be interviewed. She is suing the city over the steep fines Miami Beach imposes on homeowners. Ms. Nichols said she began renting out space in her own home as well as in another building that she had owned since 2006. But it wasn't until the financial crisis in 2008 that she depended on rentals for income.

That year, she said, "I was laid off of a pharmaceutical sales job I had for 14 years; long-term tenants of mine quit paying rent and broke leases." Renting out her properties short term allowed her to make money and avoid foreclosure, she said, as well as to pay taxes, mortgage and insurance.

But complaints about short-term rentals grew and the city increasingly cracked down. Owners caught renting illegally are fined \$20,000 the first time they are caught, with the fine going up in \$20,000 increments for every subsequent time they are caught. On a second violation there can be an added \$25,000 enhanced fine if the home is 5,000 square feet or larger.

A \$20,000 fine was enough for Ms. Nichols, who said she sold one home and was living in the other without the income to sustain it.

"I am depleting my retirement savings, and the city has taken a business from me that should have produced income and carried me through retirement," she said.

## Rejecting a Suggested Ruse

In December, Merik Aveli, an artist from Boston, traveled to Miami Beach for Art Basel. He reserved a shared room on Airbnb for a weekend but because of car trouble needed to extend his stay, which his host, a woman named Dina, welcomed. While Dina was out one morning, code compliance officers knocked on the door and told Mr. Aveli the rental was illegal and he had to leave. Dina returned to the house and tried to advise Mr. Aveli on what to say if the officers returned to ensure he'd left.

"The lady wanted me to tell housing I was her boyfriend," Mr. Aveli said. "I did not. Instead I showed them my receipt and was sent from the spot."

Had he known it was illegally listed, Mr. Aveli said, he would not have booked the room.

"Why was it even an option?" he asked. "It's not right."

Mr. Aveli ended up crashing on a friend's couch for the remainder of his stay. Knowing that the rental had been illegal and upset about the experience, he tried to get a refund for the two nights he had stayed at the apartment.

"I contacted Airbnb and they refused to refund me," he said. Mr. Aveli said he didn't bother trying to get a refund from Dina directly because he was frustrated.

Mr. Breit would not comment on Mr. Aveli's situation, but said the company wanted to "partner with Miami Beach to develop sensible and enforceable home-sharing regulations, which would help protect guests to the city against unfortunate incidents like this."

The apartment and the host are no longer listed on Airbnb.

Even if that rental is no longer available, walking around the neighborhood at midday, it's clear that many other homes are. Every few blocks there is a van parked on the street with its doors wide open. Inside are towels and bedding that smell freshly cleaned. When asked if the linens are for hotels, a man laughed and said: "You a reporter? I can't talk to you, but lots of Airbnbs around here. Good for business."