

21. DISCUSS POSSIBLE LEGISLATION REGULATING TEMPORARY AND/OR
TRANSITIONAL HOUSING
Applicable Area:

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee Members

FROM: Eric Carpenter, City Manager

DATE: May 8, 2025

TITLE: DISCUSS POSSIBLE LEGISLATION REGULATING TEMPORARY AND/OR TRANSITIONAL HOUSING

RECOMMENDATION

The Administration recommends that the Land Use and Sustainability Committee (LUSC) continue the item to a future date.

Although the LDRs include applicable definitions and regulations related to housing and medical treatment, the Administration would like to explore potential regulations specific to transient uses. In order to study this in more detail, it is recommended that the item be continued to a future date.

BACKGROUND/HISTORY

On February 3, 2025, at the request of Commissioner Alex Fernandez, the Mayor and City Commission (City Commission) referred a discussion item pertaining to the regulation of temporary and transitional housing (C4 W) to the LUSC.

ANALYSIS

As noted in the attached referral memorandum, the item sponsor has requested that the LUSC discuss possible legislation regulating temporary and/or transitional housing in our City due to new and unforeseen conditions regarding this use. For purposes of this discussion, the following are current definitions in the Land Development Regulations of the City Code (LDRs) pertaining to housing:

- **Homes for special services** means a residential facility where specialized health care services are provided, including personal and custodial care, but not full-time nursing services. Home for special services are licensed by the State of Florida.
- **Assisted living facility** means a facility that provides full-time living arrangements in the least restrictive and most home-like setting where personal services are provided. Intense medical services are to be obtained off-site. The basic services include but are not limited to: Housing and nutritional meals; help with the activities of daily living, like bathing, dressing, eating, walking, physical transfer, giving medications or helping residents give themselves medications; arrange for health care services; provide or arrange for transportation to health care services; health monitoring; respite care; and social activities. Assisted living facilities are licensed and surveyed by the State of Florida. These facilities are intended for residency of six months and a day or more.
- **Residential treatment facility** means a facility that provides long-term residential care with coordinated mental health services for adults (18 years or older) diagnosed with a serious and persistent major mental illness. A state license covers five levels of care that range from having full-time nurses on staff to independent apartments that receive only weekly staff

contact. Residential treatment facilities are licensed and surveyed by the State of Florida.

- **Transitional living facility** means a facility that provides services to persons with a spinal cord-injury or head-injury. Specialized health care services include rehabilitative services, community reentry training, aids for independent living, counseling, and other services. This term does not include a hospital licensed under F.S. ch. 395, or any federally operated hospital or facility. A transitional living facility is licensed by the State of Florida.

Although the LDRs include applicable definitions and regulations related to housing and medical treatment, the Administration would like to explore potential regulations specific to transient uses. In order to study this in more detail, it is recommended that the item be continued to a future date.

FISCAL IMPACT STATEMENT

No Fiscal Impact

Does this Ordinance require a Business Impact Estimate? (FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on .

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

Not Applicable

CONCLUSION

The Administration recommends that the LUSC continue the item to a future date.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?

Yes

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

Planning

Sponsor(s)

Commissioner Alex Fernandez

Co-sponsor(s)

Condensed Title

Discuss Possible Legislation Regulating Temporary and/or Transitional Housing

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Commissioner Alex Fernandez

DATE: February 3, 2025

TITLE: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE TO DISCUSS POSSIBLE LEGISLATION REGULATING TEMPORARY AND/OR TRANSITIONAL HOUSING.

RECOMMENDATION

Please place on the February 3, 2025, agenda a referral to the Land Use and Sustainability Committee to discuss possible legislation regulating temporary and/or transitional housing in our City due to new and unforeseen conditions regarding this use.

BACKGROUND/HISTORY

ANALYSIS

FISCAL IMPACT STATEMENT

Does this Ordinance require a Business Impact Estimate? (FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

CONCLUSION

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?

Is this item related to a G.O. Bond Project?

Yes

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

Office of Commissioner Alex Fernandez

Sponsor(s)

Commissioner Alex Fernandez

Co-sponsor(s)

Condensed Title

Ref: LUSC - Possible Legislation Regulating Temporary/Transitional Housing. (Fernandez)

Previous Action (For City Clerk Use Only)