

# The 30-Day Lease Scheme

1. **Did You Know? A Pattern Emerged During the Peak of Short-Term Rentals** - During the height of short-term rental activity, a recurring **leasing workaround** began to surface.
2. **What is it about?** Multiple 30-day leases were repeatedly submitted within the same time period—often justified by claims that tenants vacated after only a few days. This effectively enabled **continuous leasing within a single month**, despite the appearance of compliance.
3. **Why wasn't this stopped at the time?** Under the existing bylaws, there was **no limit on the number of leases permitted per unit, the length or any process**. Without a clearly defined lease approval process outlined in the governing documents, the Association has **very limited legal authority** to challenge or prevent this practice.
4. Simply put, **if a process is not included in the bylaws, there is no legal mechanism to enforce it**.
5. **Documented evidence:** This issue is detailed in the **2025 lawsuit**, specifically on **pages 5 and 6**, where the pattern and its implications are formally described (see below).

## II. Defendants Facilitate Illegal Hotel Operations at BORS.

15. A group of unit owners at BORS have long used their apartments as short-term, transient rentals, effectively operating an illegal hotel inside a residential building. Until the prior Board of Directors received a legal opinion letter concluding that BORS units could not be used as “vacation rentals,” this practice was open and widespread. *See* Ex. D (Miami Management report, disclosing 27 pages worth of short-term rental activity in a single month).

16. It is not merely the volume of rentals that reveals this practice, but the pattern: back-to-back stays of one or two nights, with a rotating cast of guests, hallmarks of a commercial lodging operation, not lawful residential use. Three units from the May 2024 report illustrate the situation:

A. Unit 706 hosted different transient guests throughout all of May 2024.

Rental Start Date	Rental End Date	Duration of Stay (in Days)
05/03/2024	05/06/2024	3
05/06/2024	05/12/2024	6
05/13/2024	05/16/2024	3
05/17/2024	05/21/2024	4
05/24/2024	05/27/2024	3

- B. Unit 617 was similarly used on a nightly basis, with no long-term occupant.

Rental Start Date	Rental End Date	Duration of Stay (in Days)
05/02/2024	05/05/2024	3
05/04/2024	05/06/2024	2
05/06/2024	05/08/2024	2
05/09/2024	05/11/2024	2
05/11/2024	05/12/2024	1
05/15/2024	05/22/2024	7
05/23/2024	05/27/2024	4

- C. Unit 2312 operated continuously as a revolving door of short-term guests.

Rental Start Date	Rental End Date	Duration of Stay (in Days)
05/01/2024	05/04/2024	3
05/04/2024	05/06/2024	2
05/06/2024	05/08/2024	2
05/09/2024	05/12/2024	3
05/12/2024	05/14/2024	2
05/15/2024	05/17/2024	2
05/16/2024	05/20/2024	4
05/17/2024	05/18/2024	1
05/18/2024	05/21/2024	3
05/22/2024	05/24/2024	2
05/24/2024	05/27/2024	3
05/27/2024	05/28/2024	1

- D. In response to the city's citations, some participants have updated the listings for specific units to indicate a minimum stay of 30 days. However, for their *other units*, listings remain active, and guest reviews posted *after* the Code Enforcement Board hearing are accompanied by Airbnb-generated tags indicating stays of "a few nights." These tags reflect the actual booking length, not guest opinion, and confirm that short-term rentals have continued even after the Code Enforcement Board hearing. *See* Ex. J.

B. Alternatively, enjoining Defendants, and anyone acting in concert with them, from authorizing, permitting, or facilitating short-term rentals (defined as rentals of less than 30 days) at

BORS, in violation of the City of Miami Code, the building's Certificate of Use, or the City of Miami Code Enforcement Board's orders;

### **INTRODUCTION**

1. This action is brought by long-term unit owners at Brickell on the River South Tower ("BORS") to confront the Board's alarming and deliberate disregard for the common interest, health, and safety of residents. In direct violation of Miami-Dade ordinances and clear adverse rulings by the City of Miami Code Enforcement Board, the Defendants—BORS's three current Board members—have not only permitted but actively promoted unlawful daily and short-term rentals (30 days or less) at BORS through online platforms such as Airbnb and VRBO. These illicit short-term rentals have wreaked havoc on the BORS community, leading to severe issues such as rampant criminal activity, significant property damage, and incessant disturbances from transient "hotel" guests, creating an untenable living situation for long-term residents.