



# **Short-Term Rentals**

**Proposed Zoning Ordinance Amendment**

**Item Type: Update & Recommendation**

Development Process Committee

October 3, 2017

Donna Pesto, Deputy Zoning Administrator

Lily Yegazu, Sr. Assistant to the Zoning Administrator

# Status Update

Present status update on:

- Survey Results
- Outreach and Engagement

Present proposed outline of possible provisions

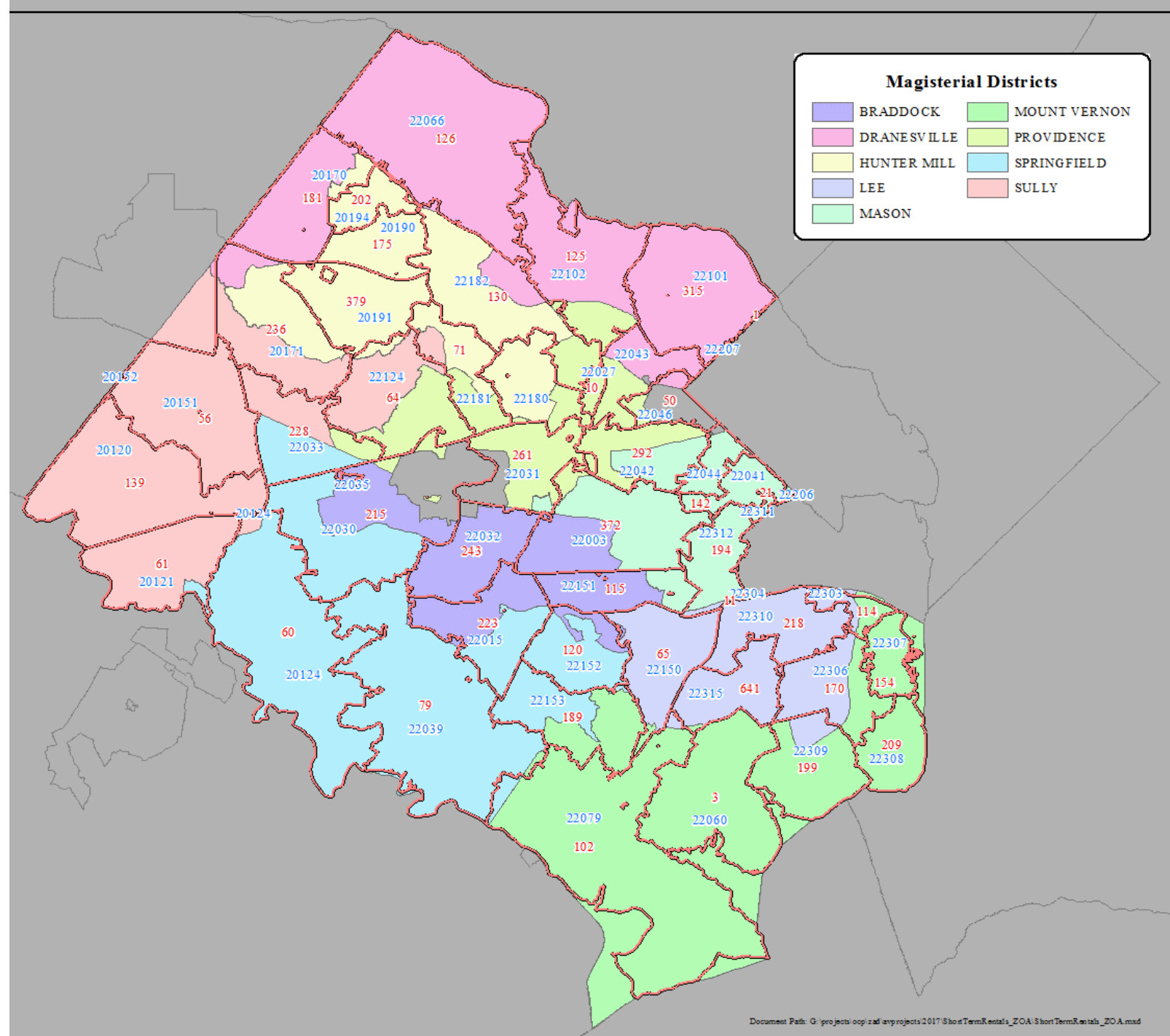
# Survey Summary

Total Responses at close of survey (August 31, 2017):

7,671

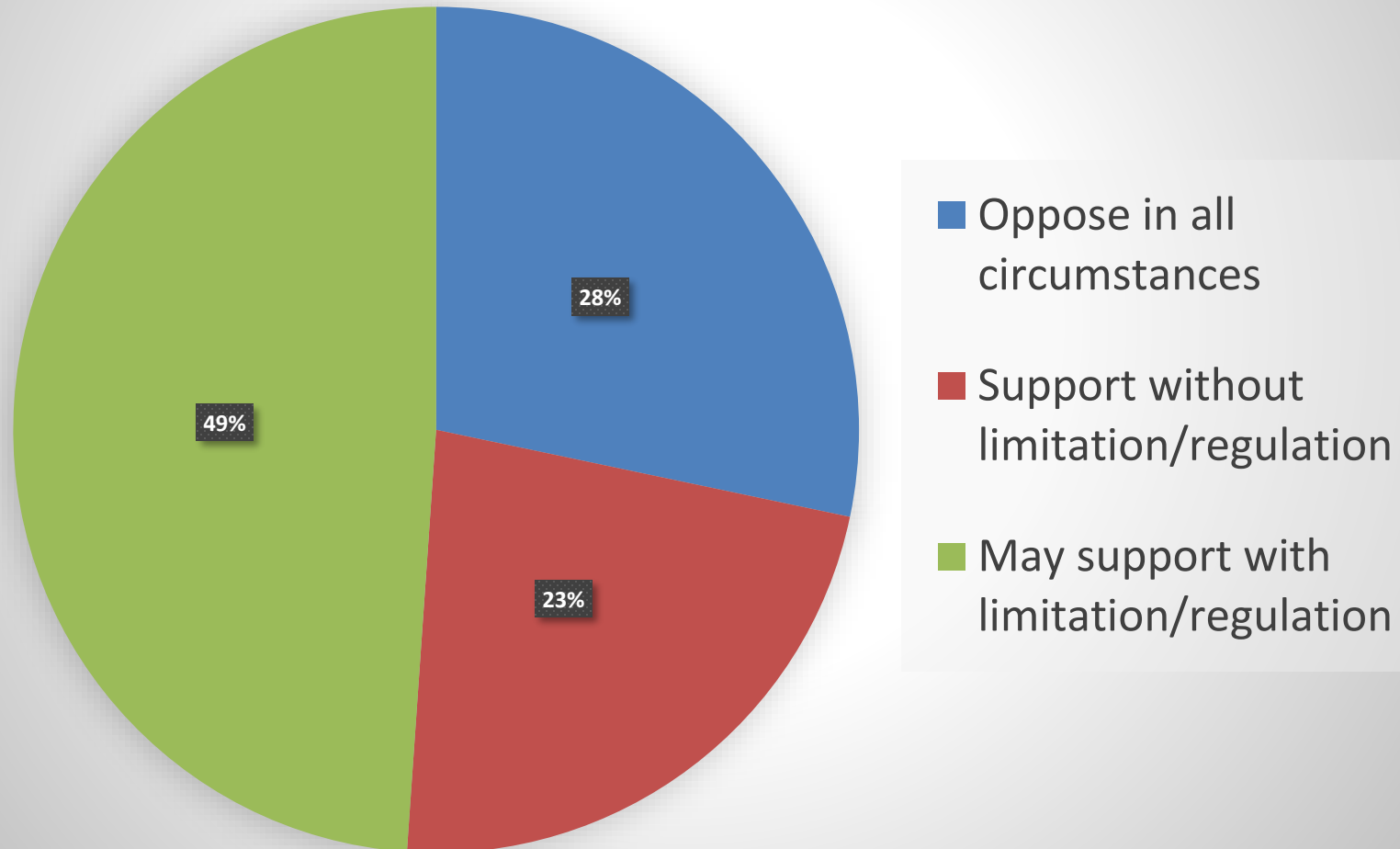
3,295 survey participants provided written comments

# Location of Survey Participants By Zip Code and Magisterial District



# Survey Summary

## Summary of 3,295 Written Comments (Question 12)



# Topic Area Summary of Written Comments

(Top 4 in Red)

## Topic Area Identified

Neighborhood Character (1,078)	Inspection/Enforcement/Complaint (502)
Safety/Security (474)	Parking/Traffic (470)
Taxes/Income (440)	Noise/Events (296)
Homeowner/Condominium Association (214)	Affordability/Housing Supply (123)
Trash/Litter (75)	No specific topics identified (999)

# Topic Areas Noted in Community Meetings

- Negative impacts on property values and neighborhood character.
- Parking and safety related to more people in neighborhoods.
- Operation by primary resident desired over investor living offsite.
- Offers affordable accommodations for military family, job interview candidates, travelling nurses.
- Provides opportunity to earn income to make homeownership more affordable.

# Outline of Possible Provisions: Definitions

**Short-Term Lodging:** *the provision of a room or space that is suitable or intended for occupancy for sleeping or lodging purposes, for a period fewer than 30 consecutive days, in exchange for a charge for the occupancy. Such use does not include ACCESSORY DWELLING UNIT, BED AND BREAKFAST, or HOTEL/MOTEL.*

**Operator:** *the proprietor of any dwelling, sleeping or lodging accommodations offered as Short-Term Lodging, whether as owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity.*



# Outline of Possible Provisions: Standards

## Related to Operator:

- Should dwelling be operator's primary residence?  
Established by minimum # of days per year  
*Other Jurisdictions – Arlington: 185 days/year*  
*San Francisco: 275 days/year*
- Tenancy of resident:  
Owner of unit  
Renter of unit - Require owner consent to operate?  
*Other Jurisdictions – Most jurisdictions allow owners and renters to operate short-term rentals*

# Outline of Possible Provisions: Standards

## Related to Dwelling Unit:

- Allow in all dwelling types  
*Survey Response - 74%+ recommend allowing in SFD, SFA, MF-condo, 63% in MF-rental, and 45% in mobile homes*
- Allow limited amount in multiple family rental buildings (10-15%?)
- Require smoke & CO detectors, fire extinguisher, emergency exit plan & second means of egress  
*Other Jurisdictions - Required by most jurisdictions*
- Consent for reasonable access for inspections by County staff

# Outline of Possible Provisions: Standards

## Standards related to Operation:

Limit # of overnight rentals per year when Operator is present

*Survey Results - almost half specified no limit; 18% recommend 30 days, others recommend everything between 0-365 days/year.*

*Other Jurisdictions - Arlington & San Francisco: no limit,  
Blacksburg: 90 days/year*

Limit # of overnight rentals per year when Operator is NOT present

*Survey Results - 57% support a limit with 25% recommending 0 days and 15% recommending 30 days; 33% recommend no limit*

*Other Jurisdictions – Arlington: no limit, San Francisco: 90 days,  
Blacksburg: 30 days out of 90 days total*

# Outline of Possible Provisions: Standards

## Standards related to Operation:

Limit # of bedrooms available for rental

*Other Jurisdictions - Arlington & Blacksburg: no limit*

*San Francisco: not more than 5 bedrooms*

Limit # of adult guests per bedroom

*Survey Results - 76% recommend a limit with 75% recommending 2 adults/room*

*Other Jurisdictions - Arlington: 2 adults/bed & 6 total*

*Blacksburg: not more than 6 guests total*

# Outline of Possible Provisions: Standards

## Standards related to **Operation**:

Prohibit events (weddings, seminars, parties, etc.)

*Other Jurisdictions - Both Arlington & San Francisco limit events & commercial activities*

Limit number of contract per night

*Survey Results - 58% supported limit & 32 % did not support limit*

*Other Jurisdictions - Arlington: 1 max*

*San Francisco: 5 max*

# Outline of Possible Provisions: Standards

## Related to Operation:

- Annually renewable permit & registration (Va. Code § 15.2-983)  
*Other Jurisdictions - Most are valid for one to two years*
- Establish reasonable fee  
*Other Jurisdictions - Arlington: \$63/year, San Francisco: \$250/2 years*
- Permit revocable for non-compliance  
*Other Jurisdictions - Most jurisdictions have revocation provisions*
- Transient Occupancy Tax (TOT) remittance  
*Other Jurisdictions - Required by most jurisdictions, method of reporting amount due varies*

# Other Provisions/Regulations

- Revise Chapter 4 of County Code - Tax remittance obligation
- Develop registry database, application forms, and website specific to this use
- Adjust other Zoning Ordinance provisions, as appropriate

# Request Board Direction

Guidance is needed from the Board on the following items:

- Primary residency requirement?
- Owner and/or renter eligibility?
- Different requirement for rental multiple-family buildings?
- Limit on the available number of bedrooms for rent per unit?



# Next Steps?

- Conduct community meeting at Gov. Ctr. on **October 12** (Tentative) and possibly a Planning Commission Public Input Session (TBD) to vet strawman
- Continue participation in multi-jurisdictional work group to gain/share ideas about regulations & registry
- Return to full Board for Authorization early 2018



# Questions?

**Information on upcoming meetings found at:**  
**<http://www.fairfaxcounty.gov/dpz/short-term-rentals.htm>**



# Short-Term Rentals Survey Results Summary (as of August 31, 2017)

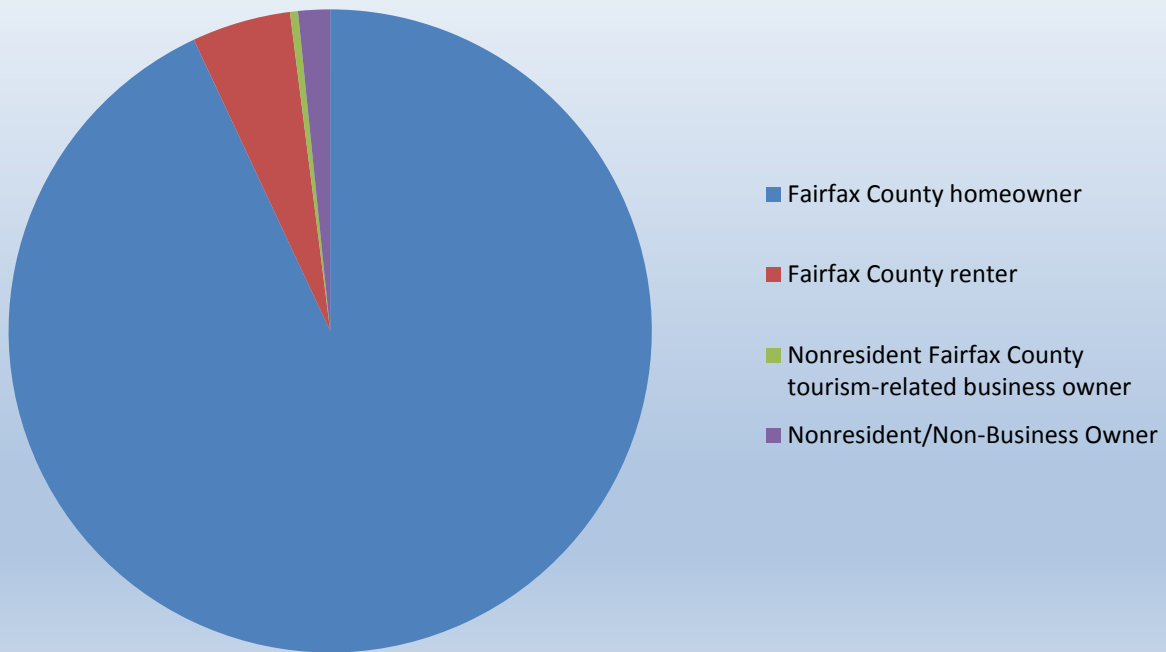
**ATTACHEMENT A**

## Question #1

**Please select the option that best describes you.**

Answer Choices	Responses	
Fairfax County homeowner	93.03%	7136
Fairfax County renter	4.97%	381
Nonresident Fairfax County tourism-related business owner	0.40%	31
Nonresident/Non-Business Owner	1.60%	123
<b>Answered</b>		<b>7671</b>
<b>Skipped</b>		<b>0</b>

Please select the option that best describes you.



## Question #2

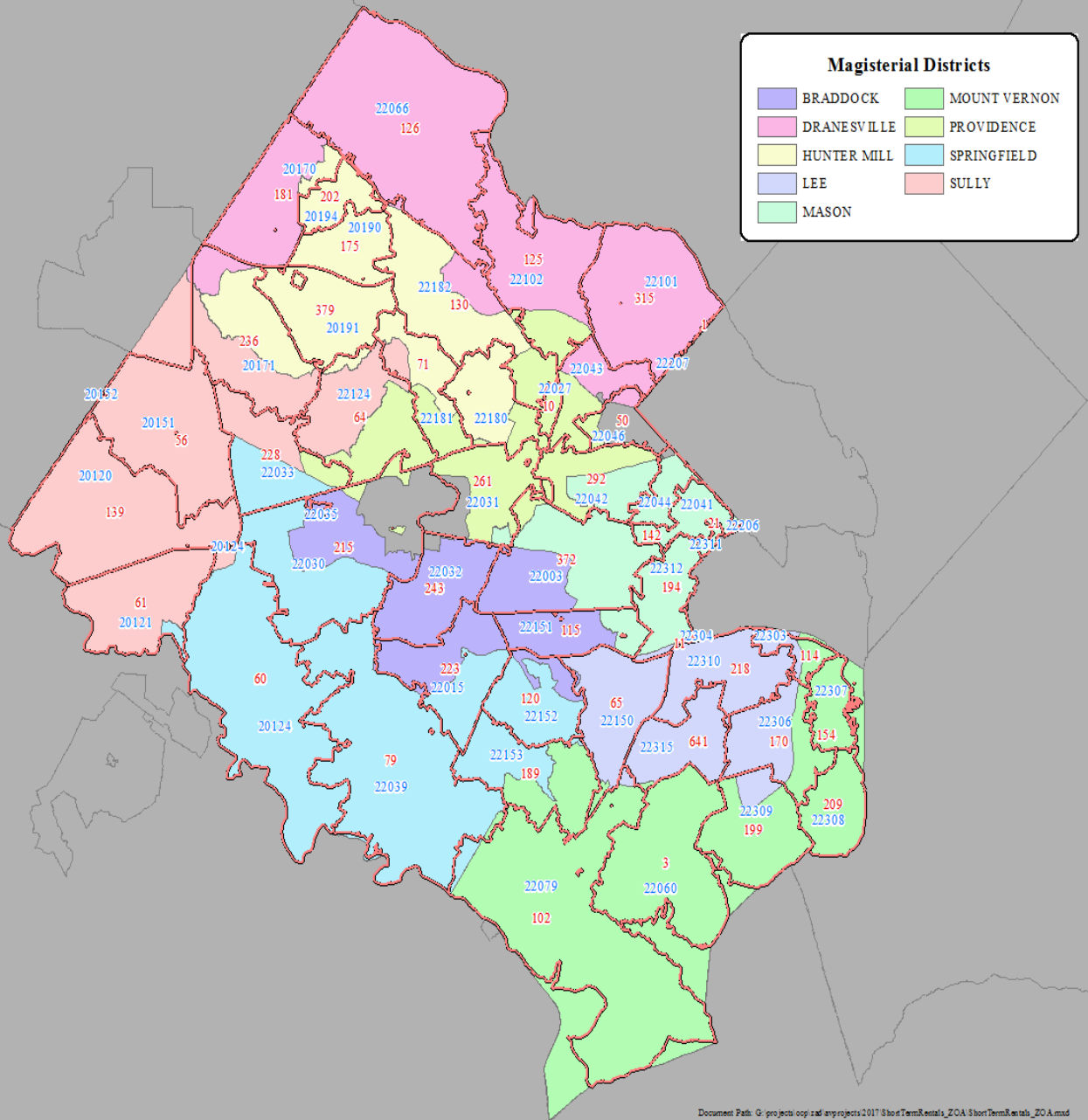
### Short-Term Rentals Survey: Proposed Regulations

Please enter the zip code where you live.

Answered 7481

Skipped 190

ZIP CODE	RESPONDENTS
20101	1
20120	139
20121	61
20124	60
20151	56
20152	1
20170	181
20171	236
20190	175
20191	379
20194	202
20315	12
22003	372
22015	223
22027	10
22030	215
22031	261
22032	243
22033	228
22035	3
22039	79
22041	142
22042	292
22043	181
22044	154
22046	50
22060	3
22066	126
22079	102
22101	315
22102	125
22124	64
22150	65
22151	115
22152	120
22153	189
22180	126
22181	71
22182	130
22206	1
22207	1
22303	114
22304	11
22306	170
22307	154
22308	209
22309	199
22310	218
22311	21
22312	194
22313	1
22315	641



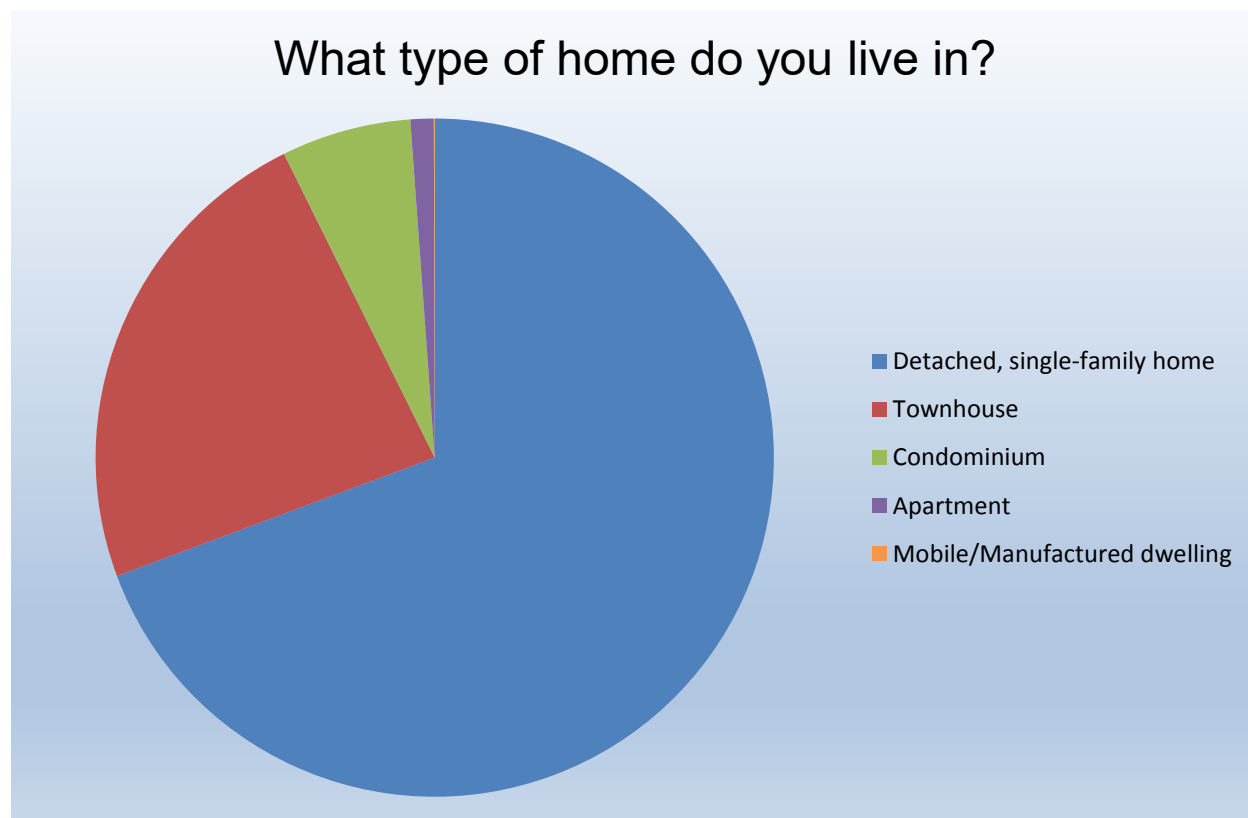
### Question #3

Short-Term Rentals Survey: Proposed Regulations

#### What type of home do you live in?

Answer Choices	Responses	
Detached, single-family home	69.32%	5172
Townhouse	23.35%	1742
Condominium	6.18%	461
Apartment	1.11%	83
Mobile/Manufactured dwelling	0.04%	3
Answered		7461
Skipped		210

#### What type of home do you live in?



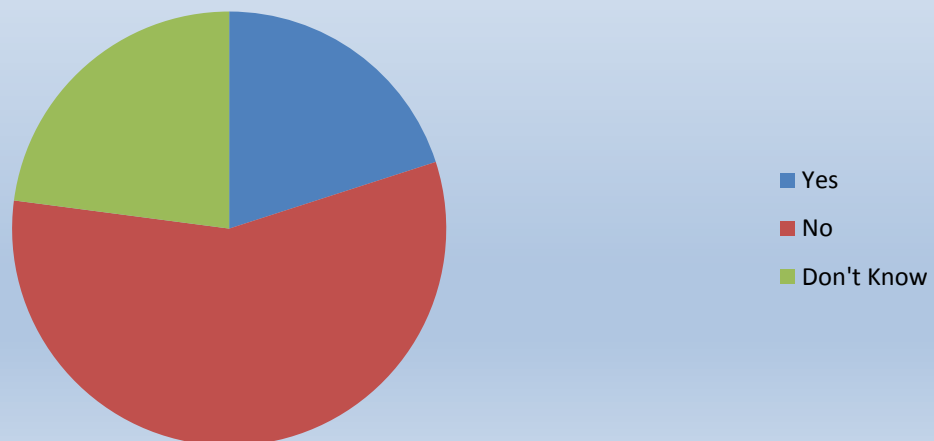
## Question #4

### Short-Term Rentals Survey: Proposed Regulations

Short-term rentals are rentals of **less than 30 consecutive days** that are **often listed on platforms such as Airbnb, HomeAway, FlipKey, or Roomarama**. Are you aware of short-term rentals operating in your neighborhood?

Answer Choices	Responses	
Yes	20.03%	1499
No	57.04%	4268
Don't Know	22.93%	1716
Answered		7483
Skipped		188

Short-term rentals are rentals of less than 30 consecutive days that are often listed on platforms such as Airbnb, HomeAway, FlipKey, or Roomarama. Are you aware of short-term rentals operating in your neighborhood?



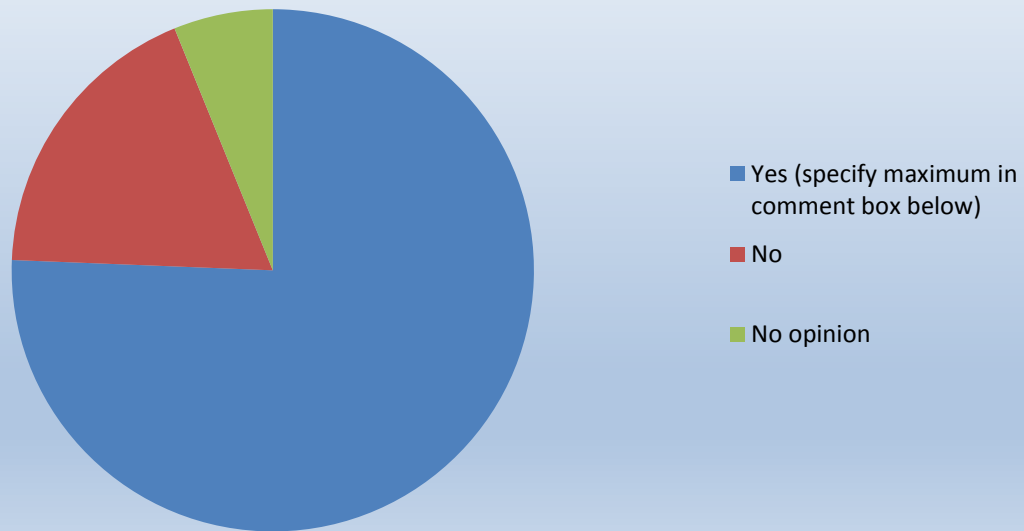
## Question #5

### Short-Term Rentals Survey: Proposed Regulations

Should Fairfax County **limit the number of adult guests per bedroom** in a short-term rental?

Answer Choices	Responses	
Yes (specify maximum in comment box below)	75.63%	5643
No	18.23%	1360
No opinion	6.14%	458
If you answered yes, please tell us what is the maximum number of adults that should be allowed.		5551
Answered		7461
Skipped		210

Should Fairfax County limit the number of adult guests per bedroom in a short-term rental?



# of Adults/Bedroom	Responses (5,316)	Percentage
2	3,988	75%
4	393	7%
0	368	7%



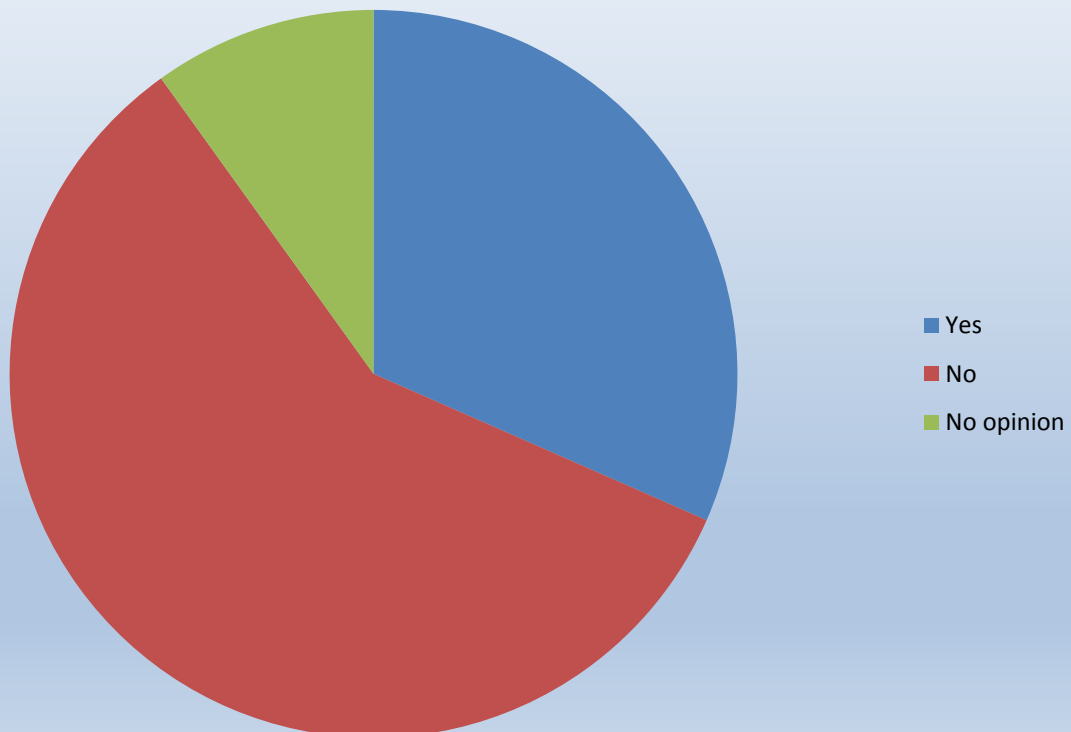
## Question #6

### Short-Term Rentals Survey: Proposed Regulations

Should a short-term rental operator be able to **rent rooms to different people/groups during the same time period**? For example, if there are three rooms available to rent, can one group book two rooms and a different person/group book the other room for the same period of time.

Answer Choices	Responses	
Yes	31.59%	2362
No	58.49%	4373
No opinion	9.92%	742
Answered		7477
Skipped		194

Should a short-term rental operator be able to rent rooms to different people/groups during the same time period?



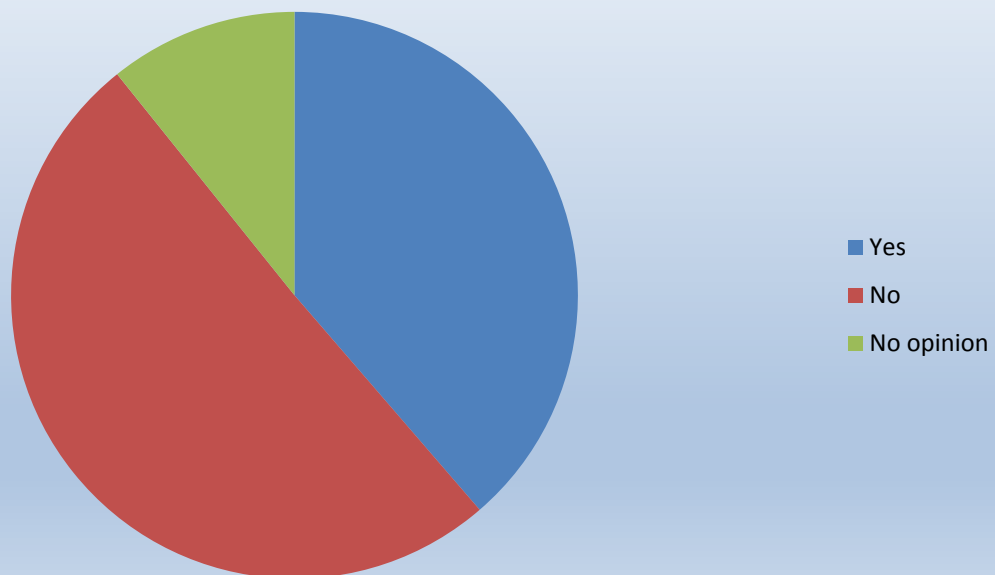
## Question #7

### Short-Term Rentals Survey: Proposed Regulations

Should Fairfax County require that short-term rental **operators be present** in the short-term rental while it is being used?

Answer Choices	Responses	
Yes	38.66%	2838
No	50.57%	3712
No opinion	10.76%	790
Answered		7340
Skipped		331

Should Fairfax County require that short-term rental operators be present in the short-term rental while it is being used?



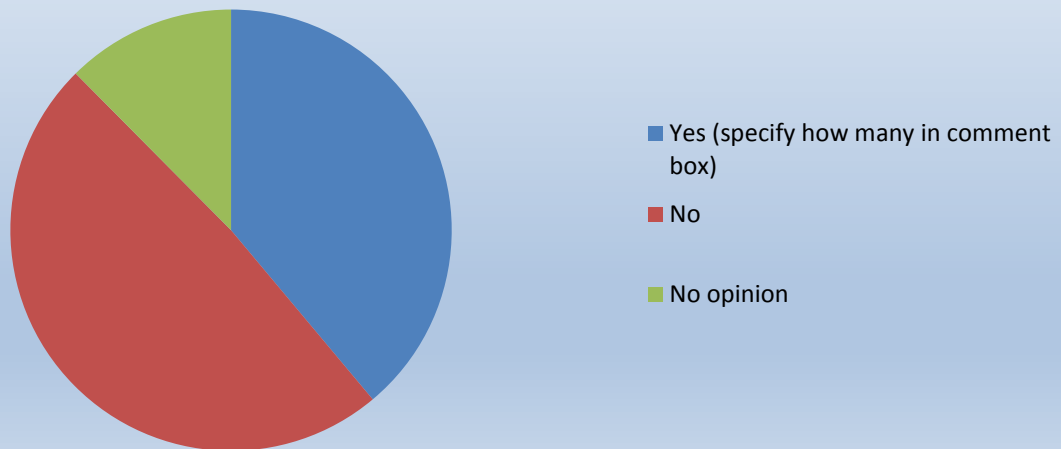
## Question #8

Short-Term Rentals Survey: Proposed Regulations

Should Fairfax County **limit the maximum number of nights per year a dwelling may be rented** as a short-term rental unit **if the homeowner/operator is present** in the short-term rental while it is being used?

Answer Choices	Responses	
Yes (specify how many in comment box)	38.90%	2853
No	48.67%	3570
No opinion	12.43%	912
If you answered yes, please tell us how many nights per year.		2786
	Answered	7335
	Skipped	336

Should Fairfax County limit the maximum number of nights per year a dwelling may be rented as a short-term rental unit if the homeowner/operator is present in the short-term rental while it is being used?



# of Nights/Year	Responses (2,662)	Percentage
30	471	18%
0	438	16%
60	161	6%

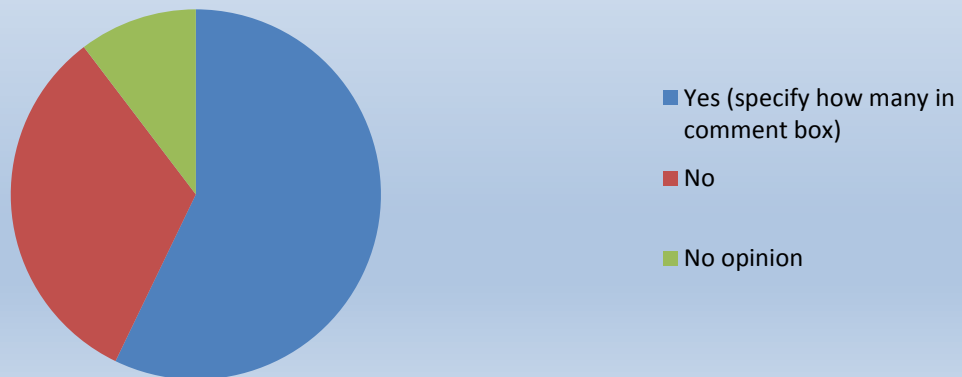
## Question #9

### Short-Term Rentals Survey: Proposed Regulations

Should Fairfax County **limit the maximum number of nights per year** a dwelling may be rented as a short-term rental unit **if the homeowner/operator is not required to be present** in the short-term rental while it is being used?

Answer Choices	Responses	
Yes (specify how many in comment box)	57.14%	4188
No	32.51%	2383
No opinion	10.34%	758
If you answered yes, please tell us how many nights per year.		4012
	Answered	7329
	Skipped	342

Should Fairfax County limit the maximum number of nights per year a dwelling may be rented as a short-term rental unit if the homeowner/operator is not required to be present in the short-term rental while it is being used?



# of Nights/Year	Responses (3,853)	Percentage
0	944	25%
30	580	15%
60	214	6%

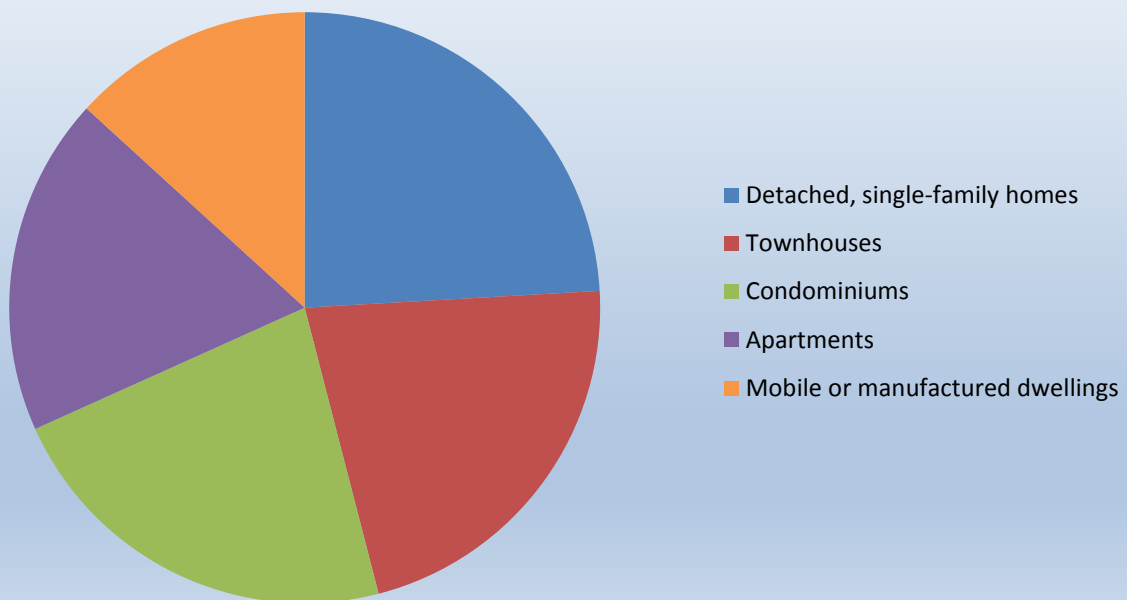
## Question #10

Short-Term Rentals Survey: Proposed Regulations

Fairfax County should **allow short-term rentals in** (select all that apply):

Answer Choices	Responses	
Detached, single-family homes	81.96%	5189
Townhouses	74.43%	4712
Condominiums	75.85%	4802
Apartments	62.96%	3986
Mobile or manufactured dwellings	44.97%	2847
Answered		6331
Skipped		1340

Fairfax County should allow short-term rentals  
in (select all that apply):



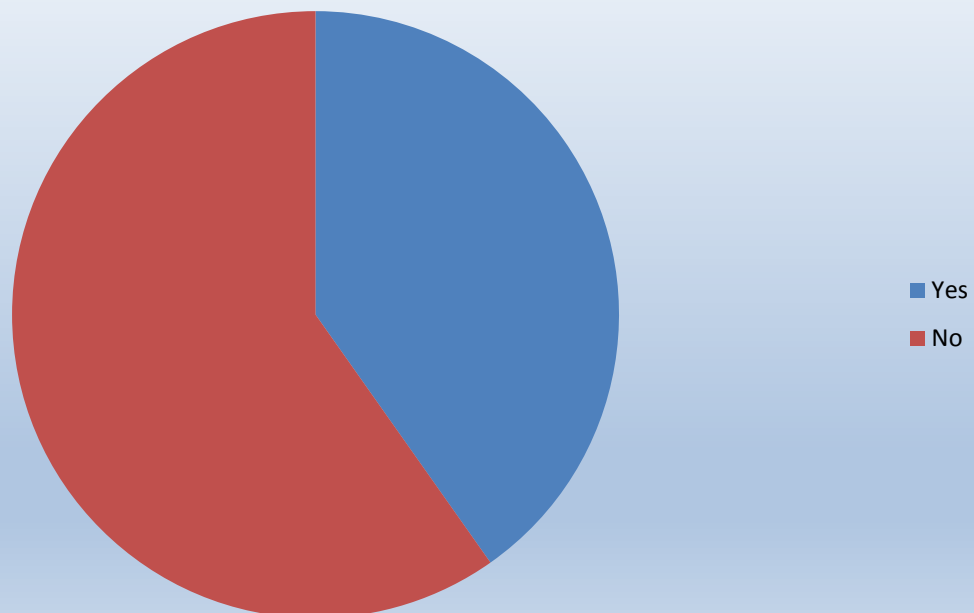
## Question #11

### Short-Term Rentals Survey: Proposed Regulations

Have you ever **rented a room or entire home** through a short-term rental website?

Answer Choices	Responses	
Yes	40.22%	2923
No	59.78%	4344
Answered		7267
Skipped		404

Have you ever rented a room or entire home through a short-term rental website?

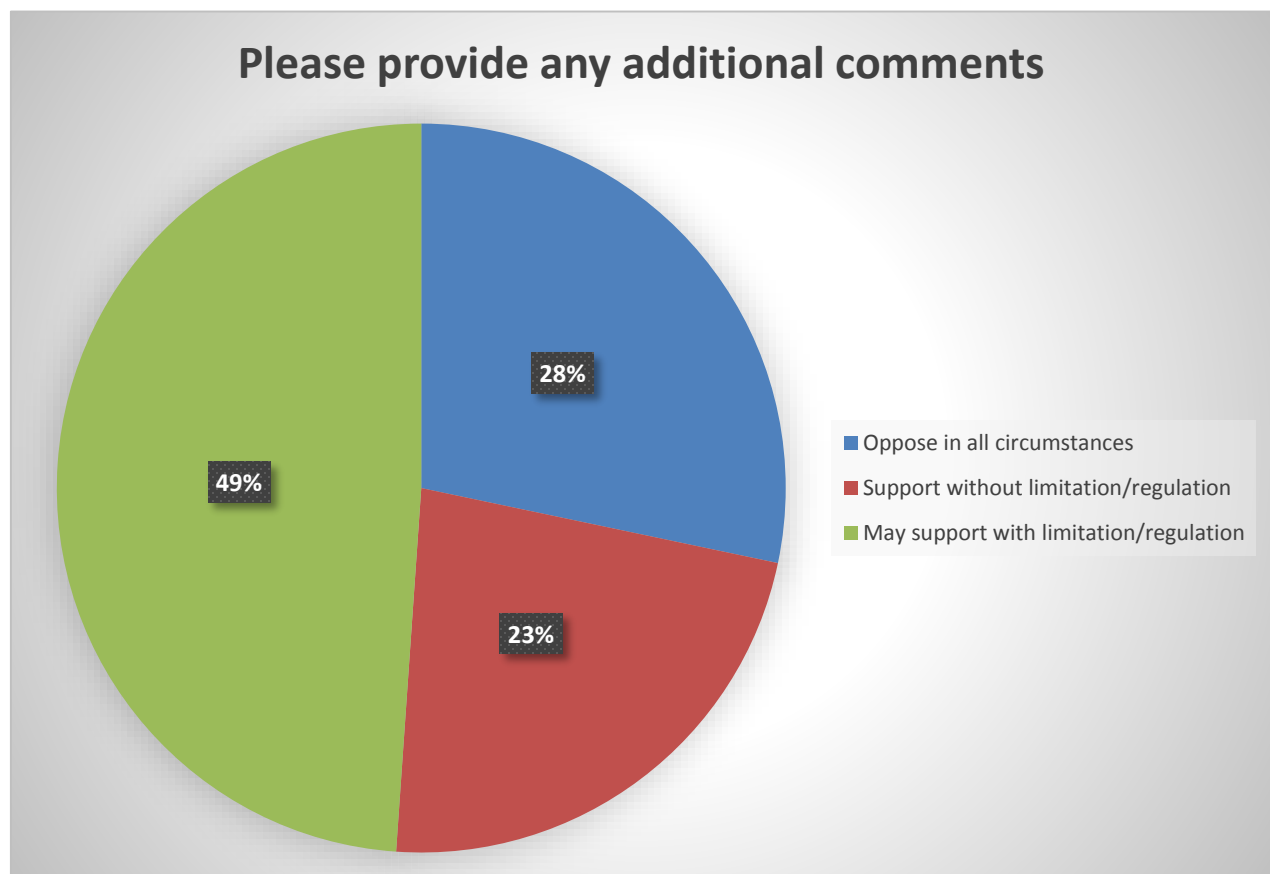


## Question #12

### Short-Term Rentals Survey: Proposed Regulations

Please provide any additional comments?

	Responses	
Oppose in all circumstances	28.3%	934
Support without limitation/regulation	22.8%	751
May support with limitation/regulation	48.9%	1,610
Answered		3,295
Skipped		4,376



Jurisdiction	Arlington County VA	Town of Blacksburg VA	City of Charlottesville VA	Montgomery County MD (Draft Regulations)
Definitions	<p><b>Accessory Homestay:</b> A home occupation in which an owner(s) or tenant(s) of a dwelling unit who uses such dwelling unit as his/her primary residence, rents to a lodger, either such dwelling unit, or any portion thereof.</p> <p><b>Responsible party:</b> The owner or tenant, or an individual or business entity designated by the owner or tenant, of a dwelling unit in which an accessory homestay is permitted, who is available 24 hours a day, 7 days a week to respond to and resolve issues and complaints that arise during all times in which the dwelling unit is being used for an accessory homestay, so that a reasonably prompt, in-person response can be made at the accessory homestay when necessary.</p>	<p><b>Homestay:</b> accessory or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended for a short term transient rental purposes in exchange for a charge for the occupancy. The primary use of the homestay unit shall remain residential.</p>	<p><b>Bed and Breakfast (Homestay):</b> a temporary lodging facility operated within a single family residence which is owner occupied and managed; having no more than two (2) guest rooms; and wherein food service shall be limited to breakfast and light fare for guests only.</p> <p><b>Responsible Party:</b> Individual or business entity located within 30 miles who will be available 24 hours a day, 7 days a week, to respond to resolve issues and complaints (in person, if necessary) that arise during the period of time in which the dwelling is being used as a homestay.</p>	<p><b>Short-Term Rental:</b> the residential occupancy of a dwelling unit for a fee for less than 30 consecutive days. Short-Term Residential Rental is not a Bed and Breakfast.</p> <p>(Record of all overnight visitors must be maintained and readily available for inspection by HHS staff)</p>
Primary Residence Requirement	Established with minimum of <b>185 days/year</b>	Only proof of primary residency required.	Established with minimum of <b>180 days/year</b>	Only proof of primary residency required.
Tenancy of Resident	Both owners and renters may participate	Only owner that lives at homestay may participate	Owner or resident manager or responsible party located not more than 30 miles from rental unit	Both owners and renters may participate
Allowable Dwelling Type	All dwelling types except detached accessory structures	All dwelling types	All dwelling types	All dwelling types except Farm Tenant Dwelling or on a site that includes an Accessory Apartment.
Life Safety Compliance	Smoke detectors, fire extinguishers and where applicable carbon monoxide detectors required	Smoke and carbon monoxide detectors in all sleeping areas, in every room in the path of the means of egress from sleeping area and in each story including basements. Second means of egress in each sleeping area	Working smoke and carbon monoxide detectors and fire extinguishers required	Working smoke and carbon monoxide detectors and fire extinguishers required
Consent for Inspections and Access	Signing application gives consent to enter unit for inspection at reasonable times and after notice has been provided.	Signing application gives consent to enter unit for inspection at reasonable times and after notice has been provided	Signing application gives consent to enter unit for inspection at reasonable times and after notice has been provided.	Pending regulations



Jurisdiction	Arlington County VA	Town of Blacksburg VA	City of Charlottesville VA	Montgomery County MD (Draft Regulations)
Permit Type	Annually renewable <b>Accessory Homestay Permit</b> . Revocable for 3 or more violations, non-compliance or failure to allow inspections.	Annually renewable <b>Homestay Permit</b> . Only one permit per host allowed. Revocable for 3 or more substantiated complaints, non-compliance and failure to allow inspections.	Annually renewable <b>Home Occupation Provisional Use Permit / Homestay</b> . Revocable by ZA with 3 or more substantiated complaints within a calendar year.	Annually renewable <b>license (Issued by HHS)</b> .
Application Fee	\$63.00	None	\$100.00	Pending
TOT Remittance	Required	Required	Required	
Limit on # of Days/Year	N/A	Type A: 90 days/year with host present. Type B: 30 days out of 90 days total without host present.	14 days in any 30-day period.	No limit with host present. 90 days/year without host present.
Events & Commercial Activities	Prohibited	N/A	N/A	Pending regulations
Limit on # of Contracts/Day	One/night	N/A	N/A	Pending regulations
Limit on # of Bedrooms for Rent/Day	Determined by limits on occupants	Type A: 2 bedrooms maximum Type B: No limit	N/A	Pending regulations
Limit on # of Adult Guests/Bedroom	Larger of either 6 guests or 2 guests/bedroom. (NTE that allowed by Building Code)	N/A (NTE 6 guests total per night per unit)	N/A (NTE 6 adults per night per tax map parcel)	2 guests/bedroom. (NTE 6 adults per night unit)
Adjacent Property Notification	N/A	N/A	N/A	Required
Parking	N/A	N/A	N/A	One off-street parking space per contract unless the online listing indicates that vehicle parking is prohibited

Jurisdiction	City of Santa Monica CA	City & County of San Francisco CA	City of Austin TX
Definitions	<p><b>Home-Sharing:</b> The rental of a person’s private residence while the primary occupant is present during the rental and whereby the person is hosting the visitor. PERMITTED CITYWIDE</p> <p><b>Vacation Rental:</b> The exclusive rental of a private residence for transient use. In such cases the resident is either not present or there is no full time resident that lives in the unit. - PROHIBITED CITYWIDE</p>	<p><b>Short-Term Residential Rental:</b> A Tourist or Transient Use where all of the following conditions are met:</p> <p>(a) the Residential Unit is offered for Tourist or Transient Use by the Permanent Resident of the Residential Unit;</p> <p>(b) the Permanent Resident is a natural person;</p> <p>(c) the Permanent Resident has registered the Residential Unit and maintains good standing on the Department's Short-Term Residential Rental Registry; and</p> <p>(d) the Residential Unit: is not subject to the Inclusionary Affordable Housing Program set forth in Planning Code Section 415et seq.</p>	<p><b>Type 1:</b> Rental of a dwelling unit for less than 30 consecutive days; and includes the rental of <u>less</u> than the entire unit.</p> <p><b>Type 2:</b> Rental of a dwelling unit for less than 30 consecutive days; is <u>not</u> part of a multifamily residential use; may <u>not</u> include the rental of less than the entire unit; may not be located within 1,000 feet of another Type 2 short-term rental; and includes secondary dwelling units.</p> <p><b>Type 3:</b> Rental of a dwelling unit for less than 30 consecutive days; is part of a multifamily residential use; and may not include the rental of less than the entire unit.</p>
Primary Residence Requirement	Only proof of primary residency required.	Established with minimum of <b>275 days/year</b> . New residents must have occupied the unit for at least 60 consecutive days prior to application.	<p><b>Type 1:</b> owner occupied or associated with owner-occupied principal residential unit.</p> <p><b>Type 2:</b> <u>Not</u> owner-occupied and <u>not</u> associated with an owner-occupied principal residential unit.</p>
Tenancy of Resident	Both owners and renters may participate	Both owners and renters may participate provided primary residency is established.	Both owners and renters may participate
Allowable Dwelling Type	All dwelling types except detached accessory structures	All dwelling types where residential use is permitted except in RV, Camper Vans, temporary structures, commercial or industrial buildings.	All dwelling types
Life Safety Compliance	Emergency exist route information required to be provided	Unit must not have any outstanding Planning, Building, Housing, Fire, Health, Police, or other applicable City code violations.	Working smoke and carbon monoxide detectors and fire extinguishers required. Third party inspection required
Consent for Inspections and Access	Signing application gives consent to enter unit for inspection at reasonable times and after notice has been provided.	Signing application gives consent to enter unit for inspection at reasonable times and after notice has been provided.	Subject to inspection by the building official every three years

Jurisdiction	City of Santa Monica CA	City & County of San Francisco CA	City of Austin TX
Permit Type	Home-Sharing Permit.	Registration and Certifications as a Host by the Office of STR every two years. Monthly affidavit affirming compliance.	Annually renewable and revocable license. <b>Type 2</b> license may be issued if no more than 3% of the single-family, detached residential units within a census tract are short-term rentals. <b>Type 3</b> license in a non-commercial zoning district may be issued if no more than 3% of the total number of dwelling units at the property and no more than 3% of the total number of dwelling units located within any building or detached structure at the property are short-term rental uses.
Application Fee	None	\$250.00 every two years	\$443 non-refundable one-time application fee \$235 licensing fee (annual renewal) \$50 notification fee (Planning Dept. to notify adjacent neighbors)
TOT Remittance	Required	Required	Required
Limit on # of Days/Year	No limited when host present. Not permitted without host present.	No limit with host present. 90 days/year without host present.	N/A
Events & Commercial Activities	Prohibited	Prohibited	Prohibited between 10 pm & 7 am. No outside assembly of more than 6 adults between 7 am & 10 pm.
Limit on # of Contracts/Day	N/A	Maximum of five/night	<b>Type 1:</b> One/night
Limit on # of Bedrooms for Rent/Day	N/A	N/A	N/A A short-term rental unit is presumed to have two bedrooms
Limit on # of Adult Guests/Bedroom	N/A	N/A (NTE 5 guests per unit)	Not more than 2 adults/bedroom plus 2 additional adults may be present between 10:00 pm and 7:00 am. (NTE 10 adults at one time or 6 unrelated adults)
Adjacent Property Notification	N/A	N/A	Required
Parking	N/A	N/A	N/A