

SHORT-TERM RENTALS

COMMUNITY MEETING AGENDA

September 5, 2017, 7:00-9:00 PM - Hunter Mill District Community Room, 1801 Cameron Glen Drive, Reston, VA

September 13, 2017, 7:00-9:00 PM - South County Government Center, 8350 Richmond Highway, Alexandria, VA

September 25, 2017, 7:00-9:00 PM - Dranesville District Community Room, 1437 Balls Hill Road, McLean, VA

7:00 Opinion Poll (15 mins)

Staff will present each participant with “sticky dots” to use to identify up to four main areas of interest/concerns with Short Term Rentals on the boards provided in the meeting room.

7:15 Welcome, Introductions, and History of Proposal (10-15 mins)

Discuss Senate Bill 1578 and Board of Supervisors directive for the analysis

7:30 Discussion of Survey Results/Dot Exercise (10-15 mins)

Summary of results of on-line survey and “Dot Exercise” results from participants

7:50 Open for Questions and Comments (1-1.5 hours)

Using the results of the “Dot Exercise”, staff will identify the areas of most interest/concern to the participants and we will focus questions on specific topics for discussion. Given that there may be multiple topics of interest/concern, we will spend about ten minutes per topic before moving to the next issue, leaving time at the end to revisit topics.

Ground rules – use the microphone; one question/comment opportunity per person until everyone has had a chance and then we’ll circle back again; be as brief as possible with questions/comments so that everyone has a chance to participate; be considerate of other participants.

8:55 Summarize Next Steps and End Meeting at 9:00

SHORT TERM RENTALS

Issue: A short-term rental (STRs) is any occupancy of a dwelling for a period of less than thirty days. The Zoning Ordinance currently does not permit such uses in any dwelling unit and only allows short-term overnight stays as a hotel/motel or bed and breakfast, both of which could require a rezoning or special exception. The Code of Virginia was changed in 2017 to allow localities to require the registration of STRs. In order to implement the registration, the Zoning Ordinance would need to be revised to specify the parameters under which short-term rentals could be allowed. As such, staff will be developing options for the Board's consideration and potential adoption.

Board Directive: The Board of Supervisors adopted the Zoning Ordinance Amendment Work Program for 2017 to include the following amendment:

8. State Code Changes

- a. Short-term/homestay rentals - Initiate an analysis of short-term/homestay rental business models in residential areas and develop regulations that balance the interests of entrepreneurs with those of the community, safeguard local revenue sources and mitigate land use impacts. The State Code changes grant considerable flexibility to allow localities to establish regulations for short-term/homestay rental business models.

Staff Coordinator: Lily Yegazu, Senior Assistant to the Zoning Administrator
Email: lily.yegazu@fairfaxcounty.gov Phone: 703-324-1314

Timing: Staff conducted an online survey from June 15-August 31, 2017. Survey results are currently being compiled and categorized. Staff is currently conducting Community Meetings, as follows:

September 5, 7:00 PM – Hunter Mill District Community Room
1801 Cameron Glen Drive, Reston

September 13, 7:00 PM – South County Government Center
8350 Richmond Highway, Alexandria

September 25, 7:00 PM –Dranesville District Community Room
1437 Balls Hill Road, McLean

Additional Information:

The Zoning Administration Division has developed a specific website for STRs, which can be found here: <http://www.fairfaxcounty.gov/dpz/short-term-rentals.htm> This website includes a link to the survey, the State Code provisions, a calendar of events and frequently asked questions. Staff will primarily use this website to provide you with the most current information regarding this topic.

RELEVANT PROVISIONS FROM THE CODE OF VIRGINIA

§ 15.2-110. Authority to require approval by common interest community association. (2016 H1146)

No locality shall require, prior to the issuance of any permit, certificate, or license, including a building permit or a license for a business, profession, or child care facility, that the governing board of an association subject to the Condominium Act (§ 55-79.39 et seq.), the Property Owners' Association Act (§ 55-508 et seq.), or the Virginia Real Estate Cooperative Act (§ 55-424 et seq.) consent to the activity for which the permit, certificate, or license is sought. The provisions of this section shall not be applied to limit or otherwise impinge upon the provisions of a condominium instrument as defined in § 55-79.41, the declaration of a common interest community as defined in § 55-528, or the declaration of a real estate cooperative as defined in § 55-426.

§ 15.2-983. Creation of registry for short-term rental of property. (2017 SB1758)

A. As used in this section:

"Operator" means the proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity.

"Short-term rental" means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

- B. 1. Notwithstanding any other provision of law, general or special, any locality may, by ordinance, establish a short-term rental registry and require operators within the locality to register annually. The registration shall be ministerial in nature and shall require the operator to provide the complete name of the operator and the address of each property in the locality offered for short-term rental by the operator. A locality may charge a reasonable fee for such registration related to the actual costs of establishing and maintaining the registry.
2. No ordinance shall require a person to register pursuant to this section if such person is (i) licensed by the Real Estate Board or is a property owner who is represented by a real estate licensee; (ii) registered pursuant to the Virginia Real Estate Time-Share Act (§ 55-360 et seq.); (iii) licensed or registered with the Department of Health, related to the provision of room or space for lodging; or (iv) licensed or registered with the locality, related to the rental or management of real property, including licensed real estate professionals, hotels, motels, campgrounds, and bed and breakfast establishments.
- C. 1. If a locality adopts a registry ordinance pursuant to this section, such ordinance may include a penalty not to exceed \$500 per violation for an operator required to register who offers for short-term rental a property that is not registered with the locality. Such ordinance may provide that unless and until an operator pays the penalty and registers such property, the operator may not continue to offer such property for short-term rental. Upon repeated violations of a registry ordinance as it relates to a specific property, an operator may be prohibited from registering and offering that property for short-term rental.

2. Such ordinance may further provide that an operator required to register may be prohibited from offering a specific property for short-term rental in the locality upon multiple violations on more than three occasions of applicable state and local laws, ordinances, and regulations, as they relate to the short-term rental.
- D. Except as provided in this section, nothing herein shall be construed to prohibit, limit, or otherwise supersede existing local authority to regulate the short-term rental of property through general land use and zoning authority. Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Condominium Act (§ 55-79.39 et seq.), the declaration of a common interest community as defined in § 55-528, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55-424 et seq.), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§ 55-508 et seq.).