



County of Fairfax, Virginia

MEMORANDUM

DATE: September 28, 2017

TO: Planning Commission Land Use Process Review Committee

FROM: Donna Pesto, Deputy Zoning Administrator
Lily Yegazu, Senior Assistant to the Zoning Administrator
Department of Planning and Zoning

SUBJECT: Short-Term Rental Update and Discussion of Regulation Parameters

Attached is a summary of the on-line survey regarding short-term rental operations. Additionally, a table outlining various regulations from other jurisdictions (in Virginia and outside the state) that pertain to short-term rentals. These are provided for context and background to inform the Planning Commission's consideration of this potential amendment.

For consideration and discussion at the Land Use Process Review Committee, staff would like to present and discuss the following regulation parameters related to the establishment of a short-term rental operation in a dwelling:

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.

Standards Related to the Operator:

1. Should the dwelling be the operator's primary residence?
2. Establish minimum number of days per year for primary residence?

Other Jurisdictions: Arlington: 185 days/year, San Francisco: 275 days/year

3. Tenancy of resident

- a. Allow for owner of dwelling
- b. Allow for renter of dwelling? Require Owner's consent?

Other Jurisdictions: Most jurisdictions allow owners and renters to operate short-term rentals

Standards Related to the Dwelling Unit:

1. Allow in all dwelling types

Survey Response: 74%+ recommend allowing in SFD, SFA, MF-condo, 63% in MF-rental, and 45% in mobile homes

2. Allow limited amount in multiple family rental buildings (10-15%?)
3. Require smoke & CO detectors, fire extinguisher, emergency exit plan & second means of egress

Other Jurisdictions: Required by most jurisdictions

4. Consent for reasonable access for inspections by County staff

Standards related to Operation:

1. 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

2. 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

3. 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

4. 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

5. Limit # of bedrooms available for rental

Other Jurisdictions: Arlington & Blacksburg: no limit; San Francisco: not more than 5 bedrooms

6. 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

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

Other Jurisdictions: Both Arlington & San Francisco limit events & commercial activities

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8. 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

9. Annually renewable permit & registration (Va. Code § 15.2-983)

Other Jurisdictions: Most are valid for one to two years

10. Establish reasonable fee

Other Jurisdictions: Arlington: \$63/year; San Francisco: \$250/2 years

11. Permit revocable for non-compliance

Other Jurisdictions: Most jurisdictions have revocation provisions

12. 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

On-Line Survey Results

Total Responses at close of survey (August 31, 2017): **7,671**

Survey participants provided written comments: **3,295**

- 49% May support with limitations
- 28% Oppose under any circumstances
- 23% Support without any limitations

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/Condo Association (214) | Affordability/Housing Supply (123) |
| Trash/Litter (75) | No specific topics identified (999) |

Summary of Community Meetings

September 5, 2017 – Hunter Mill Governmental Center
September 13, 2017 – South County Governmental Center
September 25, 2017 – Dranesville Governmental Center

Topic Areas Noted in Community Meetings

- o Negative impacts on property values and neighborhood character.
- o 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.

Next Steps

Provide update to and request recommendation from the Board of Supervisor's Development Process Committee on October 3, 2017.

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

Attachments: A/S

