



Short-term Residential Rental Uses

Proposed accessory homestay regulations
Economic Development Commission

CHPD, Planning Division
November 8, 2016

Overview of presentation

- Background
 - Why regulate short-term rental
 - Why now?
- Models for proposed amendment
- Overview of key elements of proposed amendment
- Opportunities to provide feedback
- Questions

- On Tuesday, Sept 27 the County Manager recommended that the County Board ask staff to prepare a Request to Advertise for amendments to the Zoning Ordinance to regulate short term residential rental uses (e.g. Airbnb, VRBO, Craigslist and other on-line rental services)
- On October 15, the County Board authorized advertisement of proposed amendments for public hearings:
 - November 30 – Planning Commission
 - December 10 – County Board

- Why regulate this use?
 - Protect character of residential neighborhoods
 - Protect public health and safety
 - Zoning has received both complaints about illegal such use in residential neighborhoods, as well as inquiries about how to conduct short term residential rental legally
 - This use is not currently allowed under zoning; with no regulations in place, it is difficult to enforce

- Why now and why the short time frame?
 - The 2016 Virginia General Assembly passed legislation that would have precluded local governments from regulating short term rentals, regardless of zoning code regulations
 - The Governor referred the legislation to the Virginia Housing Commission asking them to study and develop a version of the bill that could be acted upon by the 2017 General Assembly
 - Staff does not know what the 2017 General Assembly will do, however, implementing regulations in Arlington now could help inform the State's decision

- Goals for public outreach
 - Articulate primary goals of proposed regulations
 - To protect public health and safety
 - To protect neighborhood character
 - Articulate elements of proposed regulations
 - Gather general and specific feedback to help inform final recommendations
 - Specific feedback on flexible elements of proposed regulations
 - General feedback on proposed regulations

- How was proposed amendment developed?
 - Interdepartmental team comprised of subject experts
 - Planning and zoning
 - Building code
 - Housing
 - Economic development
 - Study of practices in other jurisdictions
 - Charlottesville, Roanoke, Botetourt County, VA
 - Portland, OR
 - Denver, CO
 - San Francisco, CA

What is accessory homestay?

- Accessory homestay
 - A short term rental (“accessory homestay”) is a home occupation in which an owner who occupies a dwelling unit as his/her primary residence, rents out that dwelling unit, or portion thereof, to a lodger
- Lodger
 - No individual lodger may rent the same dwelling for more than 30 days in one year. Compensation must be provided to the host.

- Where is accessory homestay proposed?

- Any or all of:

- Single-family residential (R)
- Multiple-family (RA)
- Commercial/mixed-use (C)

- May include units with:

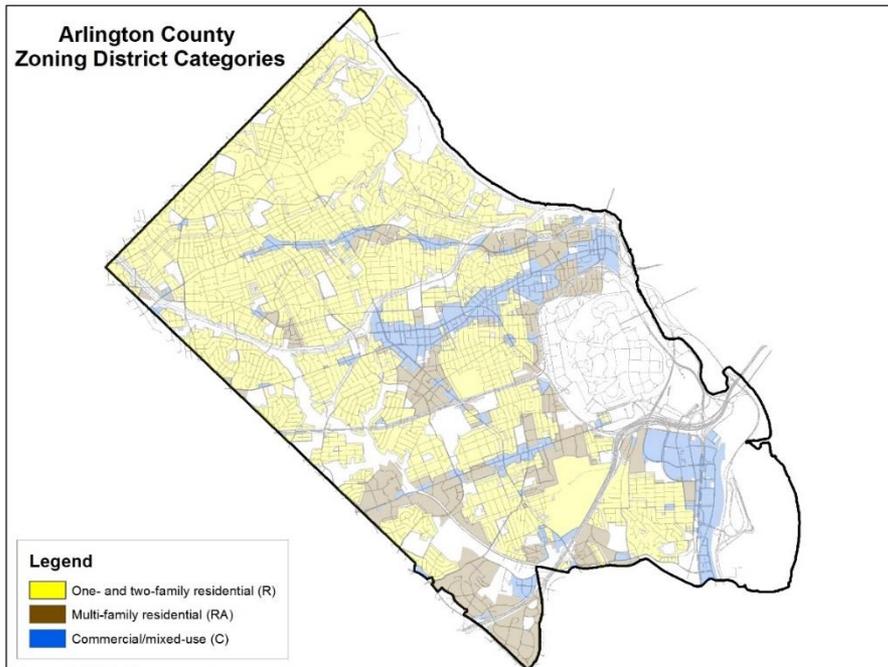
- Accessory dwelling
- Family/caregiver suite

- May not include:

- Detached accessory buildings

- Requires:

- Owner-occupancy
- Primary residency (185-270 days/year)



How many lodgers? Per multifamily building?

Element	Authorized Advertisement and Community Discussion
Cap	Could include a cap on maximum number of units within an individual multiple-family building that can be approved for accessory homestay
Maximum number of lodgers	<p>Would limit the number of overnight lodgers per night to the larger of:</p> <ul style="list-style-type: none"> ▪ 6 people; or ▪ 2 people per bedroom <p>Or fewer lodgers</p>
Number of simultaneous contracts	Would limit the accessory homestay to no more than one contract for any overnight stay (e.g. all lodgers have to be in one party)

Authorized advertisement

Element	Authorized Advertisement and Community Discussion
Safety equipment	Would require: <ul style="list-style-type: none"> ▪ Smoke and CO detector ▪ Fire extinguisher
Building code	Would require compliance with Virginia USBC for the dwelling and any room used as a sleeping room
Commercial meetings	The accessory homestay permit would not allow any other commercial use as part of the accessory homestay, such as use for banquets, parties, etc.
Food and beverages	Could allow the owner to prepare and serve food/meals

Authorized advertisement

Element	Authorized Advertisement and Community Discussion
Accessory homestay application	<p>Would require:</p> <ul style="list-style-type: none"> ▪ Contact information for owner or responsible party ▪ Proof that unit is the owner's primary residence
Accessory homestay permit	<p>Required, and issued by the Zoning Administrator upon approval of application.</p> <ul style="list-style-type: none"> ▪ Valid for up to 2 years ▪ Must be renewed by the owner upon expiration ▪ Requires owner (and responsible party) to abide by all regulations and permit conditions ▪ Authorizes County inspectors to enter the 1x/yr to ensure compliance with all regulations and permit conditions

- Accessory homestay is subject to other federal, state and local laws, including the Virginia USBC (Building Code)
- Multiple-family buildings
 - Building code issues may preclude accessory homestay in some multiple-family buildings
 - Different building code requirements apply to multiple-family buildings for fire protection, accessibility accessible parking and means of egress than required for single-family units
 - Probable that existing or older multiple-family buildings would require retrofitting in order to accommodate an accessory homestay consistent with building code requirements
 - New multiple-family buildings could be developed with these standards in place to accommodate future accessory homestay use, if desired

- Parking – up to one space
- All or a portion of a dwelling unit
- New and revised definitions
 - Accessory homestay
 - Lodger
 - Responsible party
 - Guest (revised)
 - Dwelling or dwelling unit (revised)

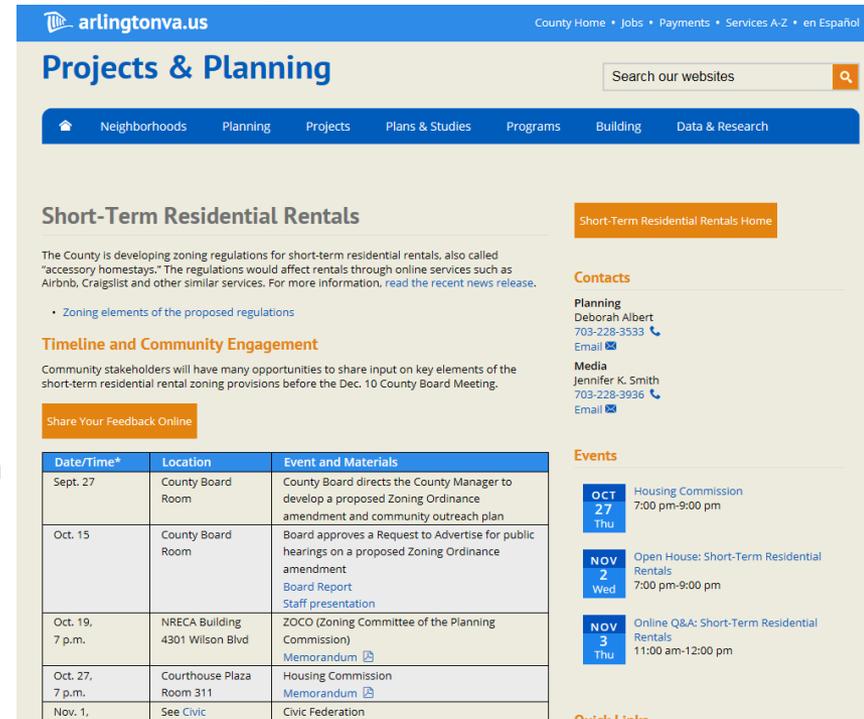
- Fees

- No fee proposed at this time
- Staff may propose as part of FY18 budget

- Enforcement

- Staff proposes any potential issues are easier to resolve when there are a set of standards in place
- Zoning office has fielded inquires from residents looking for a legal path
- Enforcement will be on a complaint-basis

- **Schedule**
 - October 19 – ZOCO
 - October 27 – Housing Commission
 - November 1 – Civic Federation
 - November 2 – Chamber of Commerce
 - **November 2 – Public open house**
 - **November 3 – Virtual Q&A**
 - November 8 – Economic Development Commission
 - November 21 – Commission on Aging
 - November 21 – Transportation Commission
- **Share your feedback online**
- **Public hearings**
 - November 30 - Planning Commission final consideration
 - December 10 – County Board final consideration
- **Web site – search “homestay” on County home page**
 - Subscribe to email updates



The screenshot shows the Arlington Virginia website's 'Projects & Planning' page. The main heading is 'Short-Term Residential Rentals'. Below this, there is a paragraph explaining that the County is developing zoning regulations for short-term residential rentals, also called 'accessory homestays'. A link is provided for 'Zoning elements of the proposed regulations'. There is a section for 'Timeline and Community Engagement' which states that community stakeholders will have many opportunities to share input on key elements of the short-term residential rental zoning provisions before the Dec. 10 County Board Meeting. A 'Share Your Feedback Online' button is visible. A table lists the following events:

Date/Time*	Location	Event and Materials
Sept. 27	County Board Room	County Board directs the County Manager to develop a proposed Zoning Ordinance amendment and community outreach plan
Oct. 15	County Board Room	Board approves a Request to Advertise for public hearings on a proposed Zoning Ordinance amendment Board Report Staff presentation
Oct. 19, 7 p.m.	NRECA Building 4301 Wilson Blvd	ZOCO (Zoning Committee of the Planning Commission) Memorandum 📄
Oct. 27, 7 p.m.	Courthouse Plaza Room 311	Housing Commission Memorandum 📄
Nov. 1.	See Civic	Civic Federation

On the right side of the page, there are sections for 'Contacts' (Planning: Deborah Albert, Media: Jennifer K. Smith) and 'Events' (OCT 27 Thu: Housing Commission 7:00 pm-9:00 pm; NOV 2 Wed: Open House: Short-Term Residential Rentals 7:00 pm-9:00 pm; NOV 3 Thu: Online Q&A: Short-Term Residential Rentals 11:00 am-12:00 pm).

Questions?