

Short-Term Residential Rental

Comments received through outreach meetings, email and phone

*All comments are from individuals; identified organizations/commissions simply identify the meeting during which the comment was received; comments should not be construed to reflect any official position from that organization/commission

	Comment	Meeting and Date*
Zoning Districts and Unit Types		
1	The County is making a mistake in not allowing accessory homestay in detached accessory dwellings, because if in the future we might want to allow in detached buildings and if the State passes legislation that precludes future amendments to this provision, we have unnecessarily limited ourselves.	Civic Federation Member 10/19/2016
2	Lots used for accessory homestay should meet minimum requirements of the zoning district. Nonconforming lots should not be eligible.	Community member (email) 11/3/2016
Parking		
3	If you are in a residential parking zone, you should not have to have a parking space, because it is a good proxy for walkable, near transit etc.	ZOCO member 10/19/2016
4	Why require parking in the urban corridors where there is access to Metro?	Civic Federation member 10/19/2016
5	Hotels have a lot of parking, but most travelers do not arrive with cars.	Property manager (ZOCO mtg) 10/19/2016
6	Public street parking is for everybody on a first come basis and no provisions should set aside specific parking space(s) or create additional off-street parking spaces to accommodate accessory homestay guests	Community member (email) 11/3/2016
7	An off-street parking requirement does not seem necessary because it seems like there will be self-selection built into the rental process. Those looking to bring a car will search for units with available parking and those looking to use transit will search for a unit closer to Metro and/or bus routes. It seems like it would be good to require clear advertising of parking availability.	ZOCO member 11/15/2016
8	Perhaps there could be a requirement in the low density residential areas but not others.	ZOCO member 11/15/2016
9	As an alternative, off-street parking seems like something that should not be required, but could be revisited in the future if needed.	ZOCO member 11/15/2016
10	There are many houses in the neighborhoods that do not have space to create an off-street parking requirement. They would be excluded from participating if an off-street parking requirement were adopted.	ZOCO member 11/15/2016
11	Allowing addition of off-street parking spaces after an application is approved does not seem favorable because we do not want excessive paving.	ZOCO member 11/15/2016

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12	Would an owner be allowed to create an additional parking space as long as they do not exceed lot coverage requirements?; People will find ways around the rules but we do not want to provide a clear path to encourage additional paving.	ZOCO member 11/15/2016
13	If no off-street parking is required, the question of allowing additional off-street parking is a moot point.	ZOCO member 11/15/2016
Owner-occupancy and primary residency		
14	I believe that the primary users of the sharing economy are not going to be home or town home owners. The proposed regulations will not get to the core of the problem or the users. If the policy considered renters, who had a year or more lease, as owners, and subject to all the rules for owners, much of the illegal use would be eliminated (e.g. the leaser uses the apartment as their primary residence, the same as owners; and the unit complies with building code. This proposed amendment will seem tilted toward rich home owners and penalize younger and poor residents of Arlington. Also think they will be perceived as a joke/silly because people are going to rent out their apartments no matter what the regulations state. I think we need to make it so the maximum number of people can be in compliance.	Civic Federation member (email) 10/20/2016
15	Why not allow renters to host accessory homestay?	Civic Federation 11/1/2016
16	Renters are typically lower-income than homeowners so it would make sense to allow renters to host accessory homestay as a means of income	Housing Commission 10/27/2016
17	In New York City, there are people in rent-controlled buildings using their apartments for short-term rental.	Housing Commission 10/27/2016
18	What is behind the decision to allow in condominium buildings but not apartment buildings – why allow in one type of multifamily, but not another?	Chamber of Commerce 11/2/2016
19	How do the requirements for residency compare to the requirements in the bed and breakfast regulations?	Chamber of Commerce 11/2/2016
20	Have heard from apartment building managers, interest in being able to use apartments for short-term rental on a limited basis, during lease-up – this could be used to create a business opportunity for those buildings – and as a way of generating additional revenue.	Chamber of Commerce 11/2/2016
21	The accessory homestay occupancy requirement should be 275 days/year	Community member (email) 11/3/2016
22	Thanks for the thoroughness with which the County has looked at this issue. But take exception with one element: owner vs renter – after the housing crisis many people choose to live their lives in rented homes, as long as they were primary residents. Not sure why renters would not be allowed to host accessory homestay	Economic Development Commission 11/8/2016
23	Owner-occupancy seems to be a good requirement because owners will look for lodgers to take care of their property.	ZOCO member 11/15/2016

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24	As with off-street parking, a minimum primary residency requirement (i.e. 6 months) could be adopted and then revisited in the future if issues emerge.	ZOCO member 11/15/2016
Maximum number of lodgers		
25	Six guests in six cars coming and going in an R-5 or R-6 district could have a very adverse effect on preserving the character of many of Arlington's neighborhoods and would cause the potential for adverse impacts on residential streets. Limit homestays to 3 or 4 guests.	Community member (email) 11/3/2016
26	Agree with limiting to one contract per party, because if something goes wrong, don't expect an on-line company to cooperate. Today Arlington has 986 illegal Airbnb's.	Community member (email) 11/3/2016
27	It seems like flexibility for children could allow for more options for families but it could lead to greater impacts, especially in multi-family buildings.	ZOCO member 11/15/2016
Accessory dwellings and family/caregiver suites		
28	Why not allow accessory homestay in detached buildings?	Civic Federation 11/1/2016
29	Accessory dwellings units should not be allowed to be approved for accessory homestays, but if they are the accessory homestay should be subject to a minimum lot width of fifty (50) feet, and the lot conforms to all zoning regulations for the zoning district in which the lot is located, including the minimum lot area for recordation of newly created lots in the district	Community member (email) 11/3/2016
30	Family/caregiver suites should not be allowed to be used for accessory homestay	Community member (email) 11/3/2016
31	It seems like if a homeowner makes a significant investment to create a family/caregiver suite but then it is no longer needed then the homeowner should have the ability to use it for another purpose.	ZOCO member 11/15/2016
Food service		
32	An important distinction with respect to food service is whether or not the host may charge for or advertise food service; is less of an issue if the host invites a lodger to join the family for dinner	Chamber of Commerce 11/2/2016
33	If food is served to guests then the accessory homestay should be considered a bed and Breakfast and should not be allowed and should require a use permit and restricted to major/minor arterial roads	Community member (email) 11/3/2016
34	<ul style="list-style-type: none"> ▪ Why should we be concerned about food service? ▪ If allowed, would an owner need to become a certified food handler? ▪ It seems like regulating food service may be necessary to provide limits. 	ZOCO members 11/15/2016

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Accessory homestay permit		
35	<p>Permit should be contingent upon the following requirements:</p> <ul style="list-style-type: none"> ▪ Unanimous approval by adjacent neighbors ▪ The lot meets minimum lot area requirements for the zoning district (no non-conforming lots) ▪ The dwelling/sleeping room/bath must be inspected/approved for building code compliance before a permit is issued ▪ Short-term rental should not be allowed in detached buildings ▪ Lodgers must use the main entrance; use of a side, back or basement entrance should be prohibited ▪ Parking must be specified and require unanimous approval by adjacent neighbors ▪ Applicant must produce certified letter from their insurance company as proof of homeowners' and liability coverage ▪ The owner of the unit is limited to ONE Business home occupation license ▪ No more impact on adjacent property than normal residential use and must be subordinate to the principal use of the premises for dwelling purposes ▪ No audible noise, detectable vibration or odor beyond the confines of the subject dwelling or accessory building, including transmittal through vertical or horizontal party walls ▪ A Human Services Permit is required if food is serviced or provided ▪ Hotel/Motel health permit is required and the property must comply with the State regulations for hotels (bed bugs, mold, chemical or physical hazardous, vector control and toilet and bathroom; all plumbing installations in accordance with the Virginia USBC) 	Community member (email) 11/3/2016
Revocation of Accessory homestay permit		
36	Publish the County's official policies and procedures on investigation, documenting, issuing code violations and fines to businesses that are operating without proper use permits or business licenses	Community member (email) 11/3/2016
Definitions		
37	Consider how the definition of employee is used in the regulations? Would it allow use of services such as Pillowcloud or Guestee? These are different from an on-premises employee. Is there still an opportunity to define what employee means? Could a "responsible party" be a paid employee?	Chamber of Commerce 11/2/2016
Distinctions between accessory homestay and other lodging uses (e.g. hotels and bed & breakfasts)		

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38	From a legal standpoint, it is good to illustrate the differences between hotels and apartment buildings. Hotels have certain zoning and safety requirements, such as signage notating exits; sprinklers, etc. In an apartment building, the onus is on the resident to tour the building and understand where exits are etc., whereas in a hotel the onus is on the operator to ensure that guests are provided with safety information. Legally there will be issues down the road about people not knowing how to get out of a building.	Chamber of Commerce 11/2/2016
39	Extended stay hotel/corporate rental is a legitimate use that includes 30-plus day renters; appreciate that the ordinance is looking at this use in a flexible way and not eliminating the homestay use entirely. Corporate housing is a legitimate field and should not be categorized with the homestay use.	Chamber of Commerce 11/2/2016
40	Airbnb [and similar uses] are competing with legitimate hotels. It will be a challenge to make sure there is compliance and that all lodging uses are required to meet the same standards that hotels are required to meet. This use is already occurring and there is little enforcement, as nobody is checking	Chamber of Commerce 11/2/2016
41	It is great that there is an opportunity to make this use happen in a way that is above board and incorporates public safety requirements. Innovation is painful sometimes; putting public safety first and foremost can stymie innovation and may not always be the best approach. It is not necessarily the case that hotels are being held to a different standard than short-term residential rental. Some older hotel buildings are likely less safe than new apartment buildings; some hotels probably allow stays longer than the allowed thirty day stays; not everybody follows the rules	Chamber of Commerce 11/2/2016
42	The tax base provided by hotels is a huge number for the community to consider. In Arlington alone, there are roughly 25,000 people who make their living and spend their money through hotels	Chamber of Commerce 11/2/2016
43	Support for equality on the tax standpoint. It is important that the County Board talk about how the use gets taxed. If someone is profiting from accessory homestay they should pay taxes in the same way that hotels do	Chamber of Commerce 11/2/2016
44	The hotel industry does not have an issue with the sharing economy - but if it is not a level playing field, then it is not a shared economy. The industry is not against encouraging innovation through new technologies or uses, but the regulations need to treat everyone fairly	Chamber of Commerce 11/2/2016
45	There is a big difference between a bed and breakfast and home sharing. Have reviewed the bed and breakfast application on the County Board agenda, and would like to better understand the differences under the Zoning Ordinance	Chamber of Commerce 11/2/2016

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46	An important next step will be to look at the tax issues, safety issues, business licensing issues, etc. and how/to what degree the regulations create a level playing field. It will be important to follow-up on these aspects as/if the regulations move forward	Chamber of Commerce 11/2/2016
47	From the hospitality industry perspective, many companies have interests in both hotels and apartment buildings. The greatest hurdle for hotels is the entry fee – the significant financial investment in becoming associated with a reputable brand. Could see issues with allowing short-term rental of apartment building units on a broad basis; it would be concerning to have spaces that can be defined in different ways – if approved as a hotel, the rooms should be a hotel; if as an apartment, they should be dwelling units. Hotel taxes are among the highest in the County, and this use creates a slippery slope with respect to adding additional inventory that competes with the hotel market.	Chamber of Commerce 11/2/2016
48	Is the tax issue addressed. Would these unit owners have to pay the transit occupancy tax like hotels do?	Economic Development Commission 11/8/2016
Building Code		
49	It is conceivable that the State could amend the Building Code at some point in the future to allow this type of use in residential dwellings, even in multiple-family	ZOCO member 10/19/2016
50	Will older homes have to be brought up to current code standards?	Civic Federation 11/1/2016
51	How will the county building inspector conduct building code inspections? My neighbor at 3618 S 6th St was operating an illegal Airbnb rental, renting out a converted basement equipped with full bath and built out with NO building permits, electrical/plumbing permits, or final inspection documentation on file with the county. Would the building inspector cite the homeowner of an accessory homestay for building code violations such as ceiling height; bedroom egress window size?	Community member (email) 11/3/2016
52	Many residents in Arlington have renovated their older homes and some of these homes have been renovated without building permits. When a home owner applies for an accessory Homestay short-tern rental permit it's imperative that the building inspectors be prepared by reviewing the property's building permit records to ensure that the short-term rental spaces/sleeping rooms/bathrooms if renovated have the proper permits to include building, electrical and plumbing permits on file and have passed a final inspection/approval	

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Application, Permit and Enforcement		
53	Illegal accessory dwellings are not enforced. This will create additional illegal uses in residential dwellings. Of the 900-1600 short-term rentals identified as being listed in August and September, how many of those meet current requirements	Civic Federation 11/1/2016
54	Arlington County government does not have the resources to adequately regulate/enforce this proposed accessory homestay use. Using substantiated complaints as an enforcement mechanism is an abdication of the County Board's responsibilities to protect the character of Arlington's residential neighbors and to protect public health and safety. The County Board must definitively define the meaning of "substantiated complaint." Substantiated means by proof or evidence. Based on my experience with County zoning officials, it was an ordeal to prove that my neighbor's Airbnb was a zoning violation because 1) the zoning office was reluctant to get involved and 2) when my wife provided evidence, including eye witness accounts, photographs, the Airbnb Inc. link advertising the listing, copies of Airbnb guest reviews, a log of the number of guests, listing of guest license plate numbers, and a log of arrivals and departures, the zoning office responded that "a County zoning official must personally witness the violation."	Community member (email) 11/3/2016
55	The County must provide a simple complaint process; that includes a 24 hrs. /day 7 days/week hot line number and web site available to the public and the zoning office must have a zoning official available 24 hrs. /day, 7 days/week to answer the hot line.	
56	The contact information for the accessory homestay host and their designated responsible party must be on the permit and available to the public. If the contact information is incorrect or out of date this should be defined as a permit or zoning violation	Community member (email) 11/3/2016
57	An application fee should be charged to compensate the County for services rendered. Fire, police, zoning inspectors, building inspectors, complaint investigations, tax collection, administrative and enforcement activities. When a neighbor of an accessory homestay has a problem in the middle of the night who do they call? The police? The county accessory homestay administrator? The property owner or the responsible party? A County Board member? A zoning official? And how is the process administered?	Community member (email) 11/3/2016
General Comments on Amendment		
58	There will be a lot of people looking to skirt the rules. It needs to be really clear what is accessory homestay and what is not. From the discussion tonight, it seems like we are mostly there, but it needs to be crystal clear and user-friendly to the public so there are no loopholes.	ZOCO member 10/19/2016

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59	The proposed definition of lodger is 30 days. Does the 30 days apply to a “lease” or a “stay.” If it is a 30 day lease, then this could create a loophole to allow people to skirt the rules	Property manager (ZOCO mtg) 10/19/2016
60	What about people who may want to host an accessory homestay infrequently? Are there too many barriers? Would this result in people hosting without following the rules?	Housing Commission 10/27/2016
61	I received an email from my neighborhood listserv regarding input requested for short term rental regulations for Arlington county. I'd like to offer to provide input. We just bought a house and have a space that we would like to use to host on these sites	Community member 10/16/2016 (email)
62	Are we going to be seeing this use pop up everywhere, in all of our neighborhoods?	Civic Federation 11/1/2016
63	It will be important as this goes forward, that there are penalties for lack of compliance	Chamber of Commerce 11/2/2016
64	What will the County do to require that accessory homestay hosts have liability insurance? How will the County ensure that accessory homestay hosts express a statement about complying with regulations to provide public accommodations equally and with the Civic Rights Act?	Civic Federation 11/1/2016
65	Research on homeowners’ insurance policies indicates that homeowners’ insurance may not cover you if you use your home for short-term rentals.	Community member 11/1/2016 (phone call)
66	Ensure that all short-term rental properties have proper insurance coverage, business license, permits, reporting of business income, payment of federal, state and local taxes, and published schedule for periodic inspections by the county zoning/code enforcement professionals, the Commissioner of the Revenue and the Building Inspector	Community member (email) 11/3/2016
67	Information provided by the County on this issue, such as the FAQ , should clarify that condominium and homeowners’ associations, and other restrictive covenants also govern this type of use. Most condominium associations include a prohibition on rentals for any term less than six months.	Community member 11/4/2016 (phone call)
68	There should be a public registry for inspection by the public for every accessory homestay location with associated guest information.	Community member (email) 11/3/2016
69	It would be difficult to enforce the requirement for no commercial meetings	Community member (email) 11/3/2016
70	As a homeowner, I am very concerned about the short term rentals and am pleased the county is taking a hard look at this issue. Security, parking, noise, trash, property devaluations are all important issues and a critical point as to why zoning exists.	Community member (email) 12/1/2016

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71	The Board has already reviewed the scope on this issue. Threshold questions to consider are introducing a new commercial use into residential areas, challenges to residential/home affordability and potential for investor interest, challenge to character of neighborhoods	ZOCO member 11/15/2016
72	It seems like the participants at the public meeting may have been coming from a different perspective than the participants we've heard from so far in the online feedback form. The feedback received at the public meeting should be considered in that context.	ZOCO member 11/15/2016
Process and Outreach		
73	The Civic Federation is interested in this issue and will be putting together a survey for its members and hopes to share the results with the County Board to help inform its decision	Civic Federation (ZOCO mtg) member 10/19/2016
74	The staff presentation should articulate early-on that short-term rental is not allowed right now.	Housing Commission 10/27/2016
75	Staff should utilize social media and online media to help publicize the proposed amendments and process	Housing Commission 10/27/2016
76	It would be helpful to have a shorter list of the proposed provisions that one can browse through quickly (see FAQ)	Housing Commission 10/27/2016
Other Topics		
77	Believe that transit occupancy tax (TOT) is required for any stay less than 30 days for which you are compensated, regardless of zoning requirements. Staff should clarify this and should have a position	Property manager 10/19/2016
78	It will be difficult to collect TOT on this use, even for people who are trying to operate the use legally	Civic Federation member 10/19/2016