



Proposed Zoning Ordinance Amendment

Short-Term Lodging (STL)

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What is a Short-Term Lodging (STL)?

- Transient occupancy of a dwelling unit for a period of **less than 30 consecutive days**
- Often advertised and processed through online platforms such as Airbnb, FlipKey, HomeAway, and VRBO
- Listings include the rental of a whole house or just a room(s) within a house
 - STRs are located in all types of dwellings

Background: State Code Changes

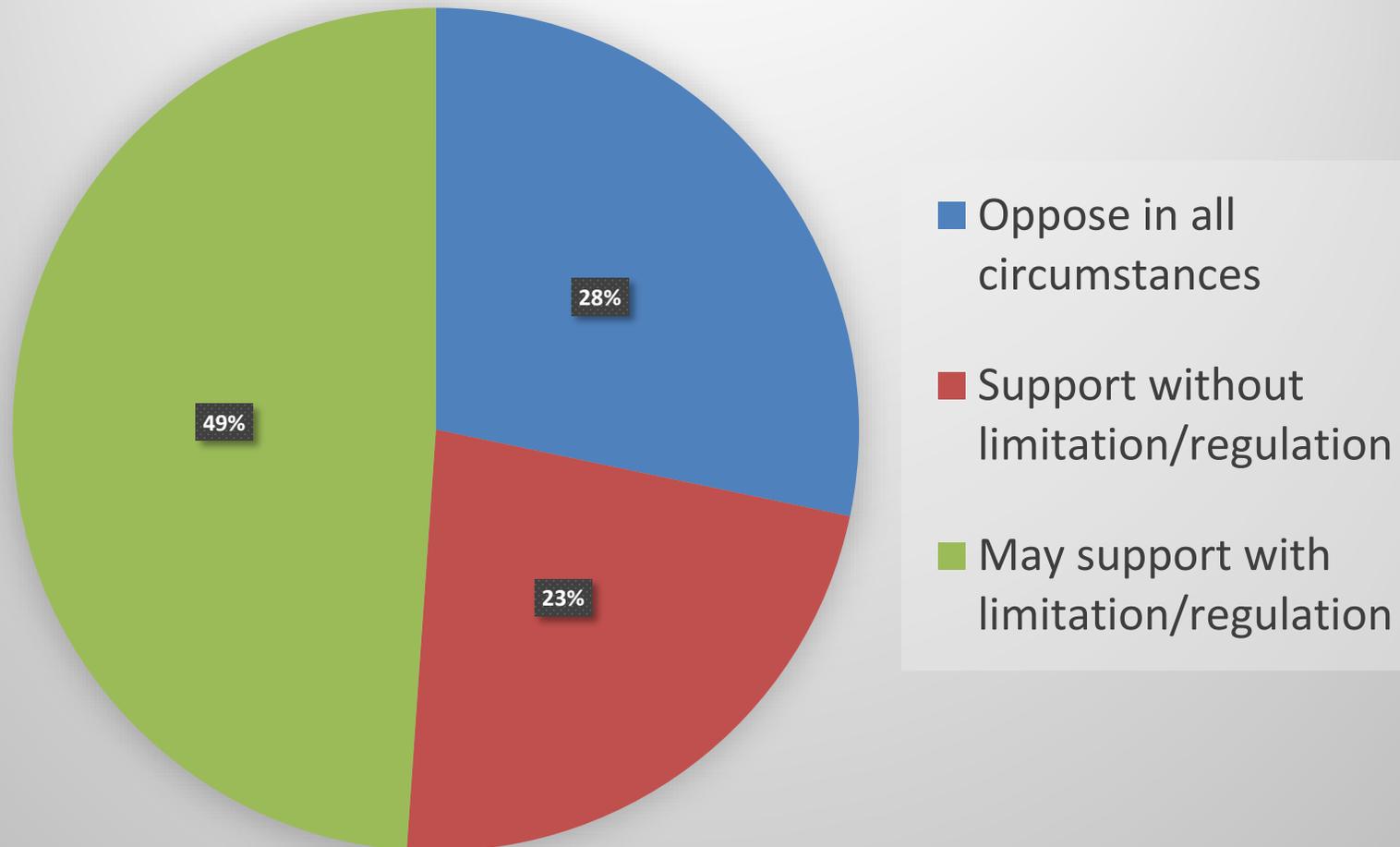
- 2015-2016: Initial review by the General Assembly
 - Potential to limit or prohibit local regulation
- 2017: General Assembly passed SB 1578
 - Preserves ability to establish local regulation & allows for creation of a registry for STRs
- Window of opportunity to adopt local regulation
 - Board Matter (3-14-17) directed staff to form work group & recommend possible changes to ZO

Outreach

- One-on-one meetings with residents and stakeholders
- Created a dedicated STL website and conducted an online survey
- Community meetings and briefings of standing committees including:
 - PC Land Use Process Committee – June and September 2017
 - Development Process Committee – July, October, and December 2017
 - Open House (Herrity Building) – July 2017
 - PC Workshop – November 2017
 - Community Meetings (Reston, McLean, South County & Government Center) – September & October 2017

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.

STLs Operated by an Owner/Renter

Limit on number of nights w/o Operator:

- Proposed – 30-90 nights
- Advertised Range – up to a maximum of 180 nights (this range gives Board option to allow all rentals without Operator present.)
- “Authorized Agents” will be responsible to address issues that may arise with STLs (either from renter’s perspective or neighbor’s perspective) in addition to the Operator, in the event an Operator is unavailable.

STLs Operated by an Owner/Renter

- Proposed **Maximum # of Lodgers: 6**, excluding minor children or other minors for whom the lodger has guardianship
- Proposed **Life Safety Standards**:
 - Interconnected **smoke detectors** and **carbon monoxide** detectors, where applicable
 - Multi-purpose **fire extinguisher**
 - An **emergency exit plan** showing the path to the nearest exit from the area of the home must be posted within each bedroom used for STL
- STL Permit required & by signing STL Permit, **operator affirms** that :
 - Life safety standards are met within each unit offered for STL
 - STL unit may be inspected by County staff with reasonable notice

Fees

- Proposal – Zoning Permit/Registration fee of \$100/year (which may be a 2 year approval at \$200, if the Board chooses not to enact a registry ordinance)
 - Advertised Range – \$60 - \$250/year

Potential Enforcement Strategies

- Staff is working to identify resources to obtain Short-Term Lodging operation/use data from a third party company.
 - Cost for such subscription service is approximately \$30,000/year.
 - Service would be utilized by DCC, DPZ and Tax Admin.
 - Data would allow identification of all hosts in Fairfax County and rental activity.
- Allow **delayed effective date** or grace period for Operators to obtain a permit.
 - Consider issuance of one **warning letter** upon receipt of a complaint.

Tentative Public Hearing Timeline

- Board Authorization - March 20, 2018
- Planning Commission Public Hearing - May 3, 2018
- Board Public Hearing - June 19, 2018



Questions?

Call: 703-324-1314 or

Email: Lily Yegazu at lily.yegazu@fairfaxcounty.gov

Amendment Website

<https://www.fairfaxcounty.gov/dpz/short-term-rentals.htm>

VIRGINIA ACTS OF ASSEMBLY -- 2016 SESSION

CHAPTER 458

An Act to amend the Code of Virginia by adding in Chapter 1 of Title 15.2 a section numbered 15.2-110, relating to local permitting or licensure; requiring consent of homeowners' association prohibited.

[H 1146]

Approved March 23, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 1 of Title 15.2 a section numbered 15.2-110 as follows:

§ 15.2-110. Authority to require approval by common interest community association.

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.