



Albemarle County

Legislation Text

File #: 19-417, **Version:** 1

AGENDA DATE: 8/7/2019

TITLE:

Short-Term Rental Registry Ordinance

SUBJECT/PROPOSAL/REQUEST: Public hearing to consider an ordinance to amend County Code Chapter 7 (Health and Safety) to establish a short-term rental (homestay) registry

ITEM TYPE: Regular Action Item

STAFF CONTACT(S): Richardson, Walker, Kamptner, Herrick, McCulley

PRESENTER (S): Andy Herrick

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: At the Board's direction, County staff has prepared proposed regulations to address short-term rentals (also known as homestays). Though the majority of these proposed regulations would be within the zoning ordinance, the General Assembly has also enabled localities to establish short-term rental registries. These registries allow localities to better track short-term rentals and monitor their compliance with applicable laws.

STRATEGIC PLAN: *Quality Government Operations:* Ensure County's government capacity to provide high quality service that achieves community priorities.

DISCUSSION: Enacted in 2017, *Virginia Code* § 15.2-983 enables the creation of local registries for the short-term rental of property. Under this State law, any locality may, by ordinance, establish a short-term rental registry and require operators within the locality to register annually. The registration may require the operator to provide the complete operator name and the address of each property offered for short-term rental. A locality may charge a reasonable fee for such registration related to the actual costs of establishing and maintaining the registry.

The State law further provides that local registry ordinances 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. The ordinance may provide that unless and until an operator pays the penalty and registers the property, the operator may not continue to offer the 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.

Under the State law, local registry ordinances may further provide that an operator required to register may be prohibited from offering a specific property for short-term rental upon more than three violations of applicable State and local laws, ordinances, and regulations, as they relate to the short-term rental.

Though the County is not required to have either a homestay ordinance or a registry ordinance, a registry ordinance would allow staff to better track short-term rentals and monitor their compliance with applicable laws.

BUDGET IMPACT: As noted above, the State enabling authority allows localities to charge a reasonable fee related to the actual costs of establishing and maintaining the registry. Staff initially is proposing a registry fee of \$27, equal to Community Development's lowest existing fee (for home occupations). This fee may require future adjustment(s) to ensure that it covers (only) the actual costs of establishing and maintaining the registry.

RECOMMENDATION:

Staff recommends that the Board adopt the attached proposed ordinance (Attachment A).

ATTACHMENTS: Attachment A - Proposed Ordinance