

2018 SESSION

HOUSE SUBSTITUTE

18106883D

HOUSE BILL NO. 824

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws
on February 8, 2018)

(Patron Prior to Substitute—Delegate Knight)

A *BILL to address local ordinances concerning the regulation of short-term rentals in the City of Lexington.*

Be it enacted by the General Assembly of Virginia:

1. *§ 1. Notwithstanding any provision of law to the contrary, general or special, any ordinance in effect and any ordinance adopted by the governing body of the City of Lexington ("the City") shall comply with each of the following provisions:*

1. *The provisions of this act apply to all short-term rentals, whether the City ordinance refers to such rentals as "45 Nights or Less Rentals" or by any other terms.*

2. *The provisions of this act shall be construed to prohibit, limit, or otherwise supersede any existing local authority of the City to regulate the short-term rental of property through its general land use and zoning authority or any other local authority through its charter or through any provision of Title 15.2 of the Code of Virginia.*

3. *The City shall not regulate the short-term rental of real property except for such rentals that are for a period of fewer than 30 consecutive days, in compliance with § 15.2-983 of the Code of Virginia.*

4. *The City shall not require a business license for, nor require payment of license taxes by, any person engaged in the rental of real property, in compliance with subdivision C 7 of § 58.1-3703 of the Code of Virginia. Any business license that was required by any ordinance in effect regulating short-term rentals shall be null and void, and any license taxes collected for short-term rentals subject to any ordinance in effect shall be refunded on or before September 30, 2018, to the taxpayer who paid such tax.*

5. *The City shall refund tax payments to any taxpayer who was required to pay transient occupancy taxes for rental of real property for more than 30 days as prohibited by § 58.1-3825 of the Code of Virginia, to be refunded to such taxpayer on or before September 30, 2018.*

6. *The City may include in its ordinance a provision for a short-term rental registry only in compliance with § 15.2-983 of the Code of Virginia, including exemptions as provided in subdivision B 2 of § 15.2-983.*

7. *The City shall not regulate occupancy in short-term rental properties differently in its ordinance from the occupancy provisions in the Uniform Statewide Building Code (§ 36-97 et seq.) of the Code of Virginia.*

8. *The City shall comply with the provisions of § 15.2-2311 of the Code of Virginia with respect to any determinations made by the zoning administrator or other administrative officials concerning any alleged violations of the City's short-term rental ordinance, including complying with the requirement to provide the recipient with a statement informing him that he may have a right to appeal the notice of a zoning violation or written order within 30 days.*

9. *The City shall not have any other provision in its ordinance that is inconsistent with, or not expressly authorized by, § 15.2-983 of the Code of Virginia.*

2. *That the City of Lexington shall amend and reenact its existing ordinance to come into compliance with this act on or before September 30, 2018.*

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