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SENATE BILL NO. 1701

Offered January 15, 2019

A *BILL to address local ordinances concerning the regulation of short-term rentals in the urban county executive form of government.*

Patron—Ebbin

Referred to Committee on Local Government

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 any county that operates under the urban county executive form of government (the County) relating to short-term rental of property shall comply with the following requirements:*

1. *The County may limit in its ordinance the total number of nights permitted annually for short-term rentals, provided that the number of nights is no fewer than 180 days.*

2. *The County shall not limit in its ordinance the number of short-term rental properties owned by any one person or entity to less than one primary residence or one secondary dwelling unit, as that term is defined in § 55-248.4 of the Code of Virginia, or both.*

3. *The County 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 County's short-term rental ordinance. Inspections and enforcement of short-term rentals shall be consistent with regulations provided by the Uniform Statewide Building Code (§ 36-97 et seq. of the Code of Virginia).*

4. *The County 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 of the Code of Virginia.*

§ 2. *Nothing in this act shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Condominium Act (§ 55-79.39 et seq. of the Code of Virginia), the declaration of a common interest community as defined in § 55-528 of the Code of Virginia, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55-424 et seq. of the Code of Virginia), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§ 55-508 et seq. of the Code of Virginia).*

2. **That the provisions of this act shall apply to all short-term rentals, whether the ordinance of the governing body of any county that operates under the urban county executive form of government refers to such rentals as "short-term lodging" or by any other term.**

3. **That the provisions of this act shall be construed to prohibit, limit, or otherwise supersede any existing local authority of the governing body of any county that operates under the urban county executive form of government 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.**

INTRODUCED

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