



The Mount Vernon Council of Citizens Associations, Inc.

P.O. Box 203, Mount Vernon, VA 22121-9998

<http://www.mvcca.org>

TO: VA Housing Commission Delegates
VA Housing Commission Senators
Citizen Representatives
Local Fairfax County State Elected Officials

Nov 2, 2016

Subject: MVCCA P&Z RESOLUTION 2016-06 OPPOSITION TO THE LIMITED RESIDENTIAL LODGING ACT AND SUPPORT FOR PROPOSED AMENDMENTS THERETO.

On behalf of the Mount Vernon Council of Citizen's Associations' (MVCCA) the attached resolution objecting to the "LIMITED RESIDENTIAL LODGING ACT" is being sent to you for your appropriate and positive action to implement our wishes.

The MVCCA is a non-profit citizen membership organization that represents 36 independent community associations comprised of over 11,000 private citizens.

The vote to approve the attached resolution/position was unanimously taken at the MVCCA membership general council meeting on Oct 26, 2016.

Katherine Ward

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MVCCA
CoChair

Enclosed: MVCCA P&Z RESOLUTION 2016-06 OPPOSITION TO THE LIMITED RESIDENTIAL LODGING ACT AND SUPPORT FOR PROPOSED AMENDMENTS THERETO.

MVCCA P&Z RESOLUTION 2016-06

OPPOSITION TO THE LIMITED RESIDENTIAL LODGING ACT AND SUPPORT FOR PROPOSED AMENDMENTS THERETO.

WHEREAS, the Virginia General Assembly passed legislation in the 2016 session known as SB416, (the "Limited Residential Lodging Act"), on April 1, 2016; and

WHEREAS, the Limited Residential Lodging Act requires the Virginia Housing Commission to convene a Working Group of interested parties to consider issues related to short term rentals who need to complete their work by December 1, 2016; and

WHEREAS, the Limited Residential Lodging Act creates a statutory mechanism for the regulation and taxation of short term rental transactions by allowing home owners and residents to rent out all or a portion of their homes on a temporary basis and provide procedures to collect and remit sales and uses taxes and transient occupancy taxes; and

WHEREAS, the Limited Residential Lodging Act provides no equivalent Virginia licensing, inspection and tax requirements that are mandated for traditional Bed and Breakfast facilities; and

WHEREAS, there is no one size fits all regulatory approach that will work for all communities in Virginia and regulations should be written and adapted to fit county, city and municipality circumstances and objectives; and

WHEREAS, the Limited Residential Lodging Act proposes to preclude county, city and municipal localities from enacting local ordinances that prohibit the use of a residential dwelling as short term or limited residential lodging or that would impose additional regulations on host homeowners; and

WHEREAS, § 15.2-2200 of the Code of Virginia states the General Assembly's legislative intent that localities are encouraged to improve the public health, safety, convenience and welfare of its citizens and that residential areas shall be provided with healthy surroundings for family life; and

WHEREAS, § 15.2-2283 of the Code of Virginia authorizes localities to enact zoning ordinances for the general purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objectives of § 15.2-2200. Furthermore, the zoning ordinance is to give reasonable consideration to reduce or prevent congestion in public streets, facilitate the creation of a convenient, attractive and harmonious community, protect against overcrowding of land; and

WHEREAS, the Mount Vernon Council of Citizens Associations ("MVCCA") supports the ability of Fairfax County to maintain local authority to plan and regulate land use within its boundaries with input of its residents; and

WHEREAS, Fairfax County has a Zoning Ordinance that contains limitations on the occupancy of a dwelling unit to one (1) family, which may consist of one (1) person or two (2) or more persons related by blood or marriage with any number of and with not to exceed two (2) roomers or boarders with a Home Occupation Permit; and

NOW, THEREFORE BE IT RESOLVED, that the MVCCA expresses its opposition to the Limited Residential Lodging Act as currently written and supports the following revisions:

- Permit local county, city or municipality to exercise discretion and authority to enact local ordinances that regulate the short term rental of residential dwellings and inspect and tax each dwelling or facility that rents or lease short term rental accommodations.
- Require any dwelling or facility that rents or leases accommodations for over 15 days per in Virginia to register as a business.

- Require full, open and transparent identification of every Virginia facility, listed on any on line short term rental platform, such as AirBnB, with the full identification of the owner/operator.
- Require that all dwellings and facilities that rent or lease accommodations for more than 15 days per year meet applicable State requirements and codes for Buildings, meet applicable State Fire and Safety requirements and codes, applicable State Health Department Regulations and meet applicable State ABC laws and Regulations.
- Require all short term on line platforms or the actual host owner/operator, to collect and pay all applicable state sales tax and transient occupancy taxes.
- Require all short term rental on line platforms to provide a full accounting of all income/revenue collected by its dwellings or facilities, and account for any taxes collected and paid by the hosting "platform".
- Require that all facilities that rent or lease accommodations for more than 15 days per year money have appropriate commercial business insurance.
- Permit Homeowner Associations, Condominium Associations and similar organizations to have covenants that include leasing restrictions, such as a minimum leasing periods of six months.

APPROVED BY THE MVCCA GENERAL COUNCIL ON OCTOBER 26, 2016