



**The Mount Vernon Council of Citizens Associations, Inc.**

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

<http://www.mvcca.org>

June 28, 2018

Supervisor Dan Storck  
And the Fairfax County Board of Supervisors

On behalf of The Mount Vernon Council of Citizen's Associations (MVCCA) the attached resolution is forwarded for your support and action. It was unanimously approved and ratified by the MVCCA's General Council on June 27, 2018.

This resolution was previously sent to the Planning Commission for their consideration at their Planning Commission meeting on June 19, 2018. It is our understanding that the ordinance as presented by staff was approved by a slim margin by the Planning Commissioners.

The MVCCA is hopeful that the Supervisors will consider our resolution and resolves in order to make the ordinance much more rigorous and protective of neighborhoods throughout Fairfax County and in particular the historically significant district of Mount Vernon.

Thank you for your support.

*Katherine Ward*

Katherine Ward  
Co-Chair  
MVCCA

Enclosed: MVCCA Resolution (Board 2018-04) Short Term Lodging Zoning Ordinance

**Mount Vernon Council of Citizens' Associations (MVCCA) Resolution (Board 2018-04) to Deny Fairfax County Proposed Zoning Ordinance Amendment as Proposed Regarding Short Term Lodging Unless Significantly Amended as addressed in this resolution.**

1. **WHEREAS**, recently popular online firms such a AirBnB, Vacation Rental by Owner, HomeAway, TripAdvisor, and FlipKey (generally called AirBnBs hereafter) have encouraged many homeowners and renters nationwide to offer their homes for transient lodging within part or all of their dwellings for Short-Term Lodging (STL) of up to 30 days with a firm management fee shared with the owner or renter, and
2. **WHEREAS**, as a result, the Commonwealth of Virginia legislature in 2017 adopted a statute, section 15.2-983 of the Code of Virginia, that enables, local jurisdiction to deny or provide for the registry and regulation of STL after July 1, 2018; and
3. **WHEREAS**, Fairfax County does not permit transient use of dwellings except by Special Exception for Bed and Breakfasts (BNBs), but a recent survey revealed about 1500 illegal STL dwellings Countywide and known as Air Bed and Breakfasts (AirBnbs) because they sometimes use air mattresses to supplement existing beds, and
4. **WHEREAS**, as a result of the survey and legislation the Fairfax County Board of Supervisors in 2017 directed staff to draft for their consideration changes to the zoning ordinance/regulations for Fairfax County that would allow STL of any residential property for fewer than 30 days in all neighborhoods of Fairfax County; and
5. **WHEREAS**, the Fairfax County Planning Commission and the Fairfax County Board of Supervisors are considering in this proposed regulation whether, during a STL, that neither the homeowner or the long-term tenant be required to live in the residential property during rental by transients and that, instead, either the homeowner or the long-term tenant can establish an agent not living in the residential property and available only by phone to resolve neighborhood problems; and
6. **WHEREAS**, the proposed regulation has no effective enforcement mechanism to prevent a homeowner or STL renter from violating the regulation; and
7. **WHEREAS**, the proposed regulation limits occupancy to 6 adults in a STL, but there is no limit to the number of children that may accompany the adults; and
8. **WHEREAS**, the proposed regulation has no limit to the number of STL dwellings in any given neighborhood; and
9. **WHEREAS**, the proposed regulation for a STL would limit the number of days for such rental in a calendar year to 90 days with the potential for the Fairfax County Board of Supervisors to increase this limit to 180 days; and
10. **WHEREAS**, the proposed regulation would not allow a STL in work force housing or affordable housing; and ;
11. **WHEREAS**, under section 15.2-110 of the Code of Virginia, a homeowners' association and Condominium Associations can restrict an STL if the association's covenants contain such a restriction before the Board of Supervisors has voted in favor

of the proposed regulation; this section of the Code of Virginia, however, does not apply to Civic Associations with or without covenants, and

12. **WHEREAS**, the proposed regulation does not address the type of insurance that an operator of the STR business must have depending on whether an operator is the owner, tenant or absentee agent, and
13. **Whereas**, the proposed regulation does not address the type of vehicle that may be parked by the STL renters or any restrictions on where any vehicles may park, and
14. **Whereas**, the proposed regulation does not require the STL applicant to provide written evidence that demonstrates any restriction such as covenants on the use of STL in a dwelling.

**THEREFORE, BE IT RESOLVED** that the MVCCA requests that the Board of Supervisors deny the Proposed Zoning Ordinance Amendment regarding Short-Term Lodging for many defects in addition to those listed in the preceding 14 Whereas, and

**FURTHER BE IT RESOLVED** since the current 1500 illegal AirBnb uses in Fairfax County is .004% of existing dwellings and a similar number Bed and Breakfast uses, the MVCCA requests that AirBnbs if permitted at all should not be a by-right use but a Special Exception use as now required for any Bed and Breakfast (B and B), and

**FURTHER BE IT RESOLVED** the proposed regulation must limit occupancy to no more than 6 persons in a STL; and

**FINALLY BE IT RESOLVED** that the MVCCA requests all presently illegal AirBnBs be required to file for a Special Exception when made a requirement.

UNANIMOUSLY APPROVED BY THE MVCCA BOARD JUNE 12, 2018 AND RATIFIED  
AND APPROVED BY THE GENERAL COUNCIL MEMBERSHIP ON JUNE 27, 2018