

Ordinance to revise the Code of the County of Washington, Virginia (2002, as amended) by addition of new Article V in Chapter 18 to establish a registration requirement for short-term rental properties

WHEREAS, section 15.2-983 of the Code of Virginia (1950, as amended) (Va. Code) established that any locality may, by ordinance, establish a short-term rental registry and require operators within the locality to register annually;

WHEREAS, Washington County requires operators of certain short-term rental properties to pay a transient occupancy tax as enabled by Article 6 of Virginia Code Title 58.1, Chapter 38; and

WHEREAS, the Board of Supervisors of the County of Washington, Virginia, having considered the possibility of establishing a short-term rental registry for the purpose to support the administration of the transient occupancy tax collections, has determined that establishment of a registry would benefit the consistent application and collection of such tax.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of Washington County, Virginia, after public notice, public hearing, and consideration of the best interests of the public health, safety, and welfare, that the Code of the County of Washington, Virginia, shall be revised, as follows:

1. This ordinance shall be effective immediately;
2. Should any section or provision of this ordinance be decided by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or of the Washington County Code.
3. The Code of the County of Washington, Virginia (2002, as amended) shall be revised as set forth herein, subject to Article, Division, Section, and Subsection titles and numbers amendment by the Editor as necessary for Code consistency. New language is indicated by underline and deletions are indicated by strikethrough.
4. Revisions:

CODE OF THE COUNTY OF WASHINGTON, VIRGINIA

CHAPTER 18 – BUSINESSES

ARTICLE V. – SHORT-TERM RENTAL REGISTRY

State Law Reference — Code of Virginia § 15.2-983.

Sec. 18-120. – Definitions

For the purposes of this article, unless context in the article or the definition stated in Code of Virginia section 15.2-983 requires a different meaning:

Commissioner means the county commissioner of revenue.

Operator means the proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity.

Short-term rental means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

Sec. 18-121. – Short-term rental registry established.

- a. The operator of any dwelling, lodging or sleeping accommodation who offers, for a charge, or rents such to persons for short term rental must register with the commissioner on the county’s short-term rental registry. After initial registration, registration shall be deemed renewed on an annual basis until the operator advises the commissioner of discontinued short-term rental operations.
- b. The registration shall state the name, residence, business address of the operator and the addresses of all properties within the county offered by such operator for short-term rental.
- c. There shall be no fee for such registration.

Sec. 18-122. – Exceptions to short-term rental registry requirement.

No person shall be required to register pursuant to this article if such person is (i) licensed by the real estate board or is a property owner who is represented by a real estate licensee; (ii) registered pursuant to the Virginia Real Estate Time-Share Act (Code of Virginia § 55.1-2200 et seq.); (iii) licensed or registered with the department of health, related to the provision of room or space for lodging; or (iv) licensed or registered with the locality, related to the rental or management of real property, including licensed real estate professionals, hotels, motels, campgrounds, and bed and breakfast establishments. Should such licensure or registration cease, the person shall forthwith register with the commissioner on the county’s short-term registry.

Sec. 18-123. – Failure to register, fine and penalty, appeal.

- a. Any operator who is required to register under this article but fails to register shall be subject to a penalty in accordance with the following schedule.
 1. First notice of violation: A penalty of \$20 for failure to register within 30 days of any of the following: offering a property for rent, renting said property, or both offering and renting said property;
 2. Second notice of violation: An additional \$200 penalty, for a total \$220 in accrued penalties, for failure to register within 30-days of operator receipt of first notice of violation and continued offering a property for rent, renting said property, or both offering and renting said property;
 3. Third notice of violation: Additional \$250 penalty, for a total \$470 in accrued penalties, for failure to register within 60-days of operator receipt of first notice of violation and continued offering a property for rent, renting said property, or both offering and renting said property; and
 4. Fourth and additional notices of violation: A \$300 penalty, in addition to the previously accrued \$470 in penalties, for each day of rental in the absence of registration occurring 61 or more days after the first notice of violation. Each day of rental prior to registration shall constitute a separate violation.
- b. Notice of violation shall be deemed received seven business days after commissioner placement of such notice in U.S. mail to the operator.
- c. Unless and until an operator pays the penalty and registers such property, the operator shall not continue to offer such property for short-term rental.
- d. Any operator required to register under this article may be prohibited from offering a specific property upon more than three violations within a two-year period of applicable state and local laws, ordinances, and regulations, as they relate to short-term rental, including any applicable county transient occupancy taxes or other county taxes.
- e. Penalties shall be paid into the general fund of the county.

State Law Reference — Code of Virginia § 15.2-983(C).

Sec. 18-124. – Non-contravention.

Except as provided in this article, nothing herein shall be construed to prohibit, limit, or otherwise supersede existing local authority to regulate short-term residential rental of property through general land use and zoning authority. Nothing in this article 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

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For consideration by the Board of Supervisors after Public Hearing at its meeting on June 28, 2022

the Condominium Act (Code of Virginia § 55.1-1900, et seq); the declaration of a common interest community as defined in Code of Virginia § 54.1-2345; the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (Code of Virginia § 55.1-2100 et seq); or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (Code of Virginia § 55.1-1800 et seq).

Sec. 18-125. – Administration and enforcement.

It shall be the responsibility of the commissioner to administer, interpret, and enforce the provisions of this article.