

Virtual Q&A: Short-Term Residential Rentals

Transcript from live chat held on Thursday, Nov. 3 – 11a.m.-12p.m.

Moderator

Welcome! Thanks for joining Arlington County for this live Q&A about Short-Term Residential Rentals. We will be getting started in a few minutes.

Moderator

Thanks for joining us! You may submit your questions at any time and we will answer them as they come in.

Moderator

After the chat has concluded, we will post a complete transcript to the project webpage: <https://projects.arlingtonv...>

Comment From Cynthia Johnson

What is short term residential rentals

Debbie Albert:

A short-term residential rental is when an owner who occupies a dwelling unit as his/her primary residence, rents out that dwelling unit to a lodger and the lodger must compensate the host for the stay.

Kellie Brown

One of the questions we've been hearing a lot is if condo associations can make their own rules about short-term rentals. The answer is yes - condominium and homeowner associations can either prohibit or allow or further limit this use. Or they could choose to allow it consistent with any future regulations.

Greg Holcomb

Does this affect apartment complexes that rent for 30 days at a time?

Debbie Albert:

Rentals of units arranged on a month-to month (more than 30 days) or longer basis would not be regulated under proposed the accessory homestay regulations.

Comment From Robert H. Mandle

Will new Short Term Residential County Policy apply to site plan buildings?

Kellie Brown:

Yes, this regulation would not distinguish between site plans and by-right development. It could be applicable to all residential dwellings but when the County Board considers the proposed amendment in December it could limit it to certain dwelling types

Comment From Erin Bair

I assume there would be a cost for the permit to offer a short term rental. Do you know how much that permit would cost?

Debbie Albert:

Staff has not proposed a permit fee at this time, but may propose a fee as part of the Fiscal Year 2018 budget to be considered next Spring.

Moderator

These are great questions! If you have just joined us, you can submit a questions at any time. We will post it with a reply as they come in.

Comment From Jennifer Hill

Hi! Will the recent legislation in New York state (financial penalties for violations that escalate with each offense) inform the position of staff on their recommendation?

Kellie Brown:

We often look to other communities for information on comparable practices. But as part of this proposal financial penalties are not included.

Kellie Brown:

We updated our original response on this. This is the clarification "Currently a first violation would result in a verbal warning, then the next violation would result in a violation notice, then the third violation would result in a \$200 fine - escalating with each subsequent violation. Please see Sec 17 of the Zoning Ordinance for more information."

Comment From Greg Holcomb

Regarding apartments. I can go to booking.com and rent a 3 bedroom apartment for a night or a week at Instrata Pentagon City and other apartment complexes. Would this be affected by the proposal.

Kellie Brown:

The proposed regulation would not govern apartment complexes. It is intended to address short term rentals in owner-occupied dwelling units.

Comment From Greg Holcomb

"Accessory homestay would be allowed only in dwelling units occupied by the owner of the unit as his/her primary residence, which would require that he/she live there for a minimum of 185-275 days of the year (a range is proposed to be advertised)." How does the county plan on verifying that a person lives in a residence for any period of time as suggested above?

Debbie Albert:

The application would require that the owner provide proof that the dwelling unit is his/her primary residence, however, we do not have a specific list on hand of what proof will be eligible. We can provide additional details in the FAQ.

Comment From Christine Brittle

And, when does the County expect any new legislation on this topic to be in effect? Thanks.

Kellie Brown:

Upon adoption, which would be Dec 10th if the County Board votes to adopt.

Comment From Christine Brittle

Is there a legal way for homeowners in Arlington who want to do this now, other than applying for a B&B license, which is an expensive and lengthy process?

Debbie Albert:

No, short-term rental of residential dwelling units (for less than 30 days is not currently permitted by the Zoning Ordinance.

Comment From Christine Brittle

There are close to 1000 Arlington listings in AirBNB now. Is it the County's position that these are all illegal? If so, do you intend to enforce anything?

Debbie Albert:

Short-term rental is not allowed by the Zoning Ordinance now, so these listings are not legal. These listings would be enforced in response to complaints.

Comment From Erin Bair

Can you explain what the relationship is between the proposed amendment and the legislation being considered in the General Assembly?

Kellie Brown:

. The General Assembly legislation would apply to all local jurisdictions in Virginia and would have precluded Arlington's future ability to regulate this use at all whereas Arlington's proposed regulations would create standards to allow this use that are specific to Arlington County. Please check out our FAQ: <https://projects.arlingtonv...> for more info on the specific details of the proposal.

Comment From Amelia Frenkel

What are accessory dwelling units? Would a studio above a garage fall under that definition? Or is that considered part of the primary residence? And what are the options on the table?

Debbie Albert:

An accessory dwelling unit is a complete, independent dwelling unit that is attached to a single-family house. It has its own kitchen and bath and is allowed to be occupied by up to two people. If the studio/garage is attached to the house and meets all the standards for an accessory dwelling, it could be approved as an accessory dwelling. If the garage is not attached to the house, it would not be eligible for use as an accessory dwelling. The questions related to the proposed accessory homestay regulations, are whether or not houses with accessory dwellings should be eligible to use the accessory dwelling for short-term rental.

Comment From Jennifer Hill

If there are no financial penalties associated, what is the penalty for a violation to the current Zoning Ordinance or for the proposed?

Kellie Brown:

We should clarify an earlier response. Currently a first violation would result in a verbal warning, then the next violation would result in a violation notice, then the third violation would result in a \$200 fine - escalating with each subsequent violation. Please see Sec 17 of the Zoning Ordinance for more information.

Comment From Amelia Frenkel

To follow up, if such a unit is not separately approved as an accessory dwelling (because such approval has not been sought), would it be considered part of the primary residence? I don't really understand the distinction.

Debbie Albert:

Yes. If it is not approved as an accessory dwelling, it is part of the primary residence, and therefore must be occupied by the residents of the primary dwelling; whereas an accessory dwelling may be occupied by a separate family (up to a maximum of two people).

Comment From Robert H. Mandle

As follow-up to your response to the question about site plan buildings... Are you suggesting that the County Board could restrict short term residential rentals to single family housing only or restrict any short term residential rentals from multifamily rental apartments?

Debbie Albert:

Yes, proposed amendments could allow accessory homestay in all types of dwelling units (e.g. single-family, multiple-family, two-family, etc.), but the County Board could choose to limit accessory homestay only to certain zoning districts or dwelling types under the scope of the advertisement.

Comment From Claire Heerwagen W...

If we own a duplex or a small apartment building, can we rent out short term? Less than 30 days?

Kellie Brown:

Currently this is not allowed. The proposed regulation could apply to both duplexes and small apartment buildings for rentals less than 30 days. But in both cases you could only rent out the unit that is your primary residence as a short term rental.

Comment From Alejandra Underwood

Under the proposed legislation for primary residency, homeowners with a second investment property will be excluded from renting their home as an accessory homestay. Is this the case?

Debbie Albert:

Yes. The proposed regulations would only allow a person to use the unit he/she lives in as his/her primary residence for short-term rental.

Comment From Claire Heerwagen W...

Debbie which districts are being considered for approval? Dwelling types?

Kellie Brown:

All districts except for industrial districts are being considered. The dwelling types under consideration include single-family detached, townhouses, duplexes/semi-detached/two-family, and multi-family.

Comment From Claire Heerwagen W...

Does the proposed legislation allow for businesses operating properties to rent out short term?

Debbie Albert:

No. The proposed regulations would allow short-term rental only in owner-occupied units, and the owner must use the dwelling as his/her primary residence.

Moderator

Thanks for all of your great questions! We will continue to answer them as they come in until 12.p.m. If you have not already submitted your feedback to us via our online form, you can do that here: <https://projects.arlingtonv...>

Comment From Alejandra Underwood

Following up to my early question about investment properties, What's the reasoning behind this? Short term rentals allow for flexibility. For instance, family comes to town and stays at secondary home...

Debbie Albert:

One of the goals of the proposed regulations is to protect the character of neighborhoods. Limiting short-term rental to owner-occupied units helps to maintain residential use as the primary use of these units.

Comment From Claire Heerwagen W...

What is reasoning behind "owner occupied" only under consideration?

Debbie Albert:

As mentioned in the previous question, the owner-occupancy requirement promotes one of the primary goals of the regulations, which are to protect character of residential neighborhoods. It also discourages purchase of investment properties for this purpose, which can drive up the cost of housing and/or limit availability of affordable housing.

Comment From Christine Brittle

Thank you for taking the time to clarify some of these issues. I hope the County will create a path to make this use legal, and to set out clear guidelines so homeowners can comply. The existence of so many units now suggests there is a market demand. I would like to see the County realize tax revenue from these units. Would it be your plan to collect the transient tax on such stays? Regarding ADUs, it is a lot of trouble and expense to make a legally compliant unit. However, the current zoning ordinance prohibits homeowners from getting an ADU permit until you have lived there for one year. Allowing homeowners who are creating such a space to monetize it during that yearlong

wait period as a homestay is one way to encourage more owners to build such units, which is another way to help create affordable housing in the County, as well as to allow residents to better afford the cost of living here. Please take these issues into consideration. Thanks.

Kellie Brown:

Thanks for your comments and questions. The tax question is not something we are addressing right now but we are aware of it as an issue. Regarding ADUs, the County's Housing Division is currently studying this as part of the implementation of the Affordable Housing Master Plan and we will pass this comment along.

Comment From Alejandra Underwood

Following up to my early question about investment properties, What's the reasoning behind this? Short term rentals allow for flexibility. For instance, family comes to town and stays at secondary home...

Kellie Brown:

You can contact the Housing Division at 703 228 3525 for more information.

POLL: For our participants, was this Q&A helpful for you to understand more about short-term residential rental regulations?

Yes, very helpful for me.

100%

No, not helpful for me.

0%

Comment From Alejandra Underwood

Debbie, people buy investment properties all the time. People will continue to rent short terms or long terms. I don't see why Arlington is trying to regulate investment properties.

Debbie Albert:

The proposed regulations would not prohibit purchase of investment properties for residential use, but it would not allow them to be used for commercial lodging purposes.

Moderator

This will conclude our Q&A today. We encourage you to stay informed and participate throughout this process. Updates will continue to be posted to the website. A feedback form is posted to collect more of your input. There is also an email sign-up to receive updates to your inbox and a schedule of upcoming meetings and public hearings. <https://projects.arlingtonv...>