



ARLINGTON COUNTY, VIRGINIA
INSPECTION SERVICES DIVISION
 2100 Clarendon Boulevard, Suite 1000, Arlington, VA 22201

CODE INTERPRETATION/POLICY

Code/Year	Section of Code	Title of Code Section/Subsection/Policy
VCC/2012	310.4	Residential Group R-2/Short-term stay in multi-family buildings

Statement/Background of Issue

Widespread marketing of apartments and condominiums as limited stay units such as those found on AirBNB is a relatively new business and is not explicitly described in the current edition of the Virginia Construction Codes. Traditionally buildings such as these were identified as either transient (less than a 30-day stay), such as a hotels and motels, or non-transient (over a 30-day stay), such as apartments or condominiums. This led us to our initial interpretation of such uses as R-1 use group classification. ISD's initial code interpretation of accessory homestay properties was based on our research for an apartment complex which provides provisions for short-term stay for limited number of units.

Contacting many industry specialists both in the public and private sector made us realize that there are many facets to this issue. It quickly became clear that there is not a majority opinion on how to regulate these units.

In addition to provisions for transient and non-transient housing, the Virginia Construction Code defines hotels and motels as containing sleeping units while apartments and condominiums contain both sleeping and dwelling units. Condominium/ Apartment Uses also emphasize that **the primary use (more than 50% of the time)** is permanent residency, which aligns with the limited stay definition. Also, historically, vacation timeshare properties have been classified as R-2 condominium units, not as hotels, which is a similar use to these limited stay properties.

Limited stay units are an example of the building codes having not caught up with the industry and its practices.

Division Interpretation/Policy

Limited stay units in multi-family dwellings are considered R-2 Condominium/ Apartment use, which means from a building code perspective there are no regulatory issues with these units.

Interpretation/Policy No.	Date	Chief Building Official
P 17-01	1/23/2017	Shahriar Amiri