

HOUSE BILL NO. 1461

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology

on _____)

(Patron Prior to Substitute--Delegate Mundon King)

A BILL to amend and reenact § 15.2-983 of the Code of Virginia, relating to short-term rental property; locality's ability to prohibit lessee or sublessee operator.

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-983 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-983. Creation of registry for short-term rental of property.

A. As used in this section:

"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.

B. 1. Notwithstanding any other provision of law, general or special, any locality may, by ordinance, establish a short-term rental registry and require operators within the locality to register annually. The registration shall be ministerial in nature and shall require the operator to provide (i) the complete name of the operator and, (ii) the address of each property in the locality offered for short-term rental by the operator, and (iii) an attestation that the property owner has granted permission for use of such property as a short-term rental if the operator is a lessee or sublessee. A locality may charge a reasonable fee for such registration related to the actual costs of establishing and maintaining the registry.

2. No ordinance shall require a person to register pursuant to this section 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)

27 registered pursuant to the Virginia Real Estate Time-Share Act (§ 55.1-2200 et seq.); (iii) licensed or
28 registered with the Department of Health, related to the provision of room or space for lodging; or (iv)
29 licensed or registered with the locality, related to the rental or management of real property, including
30 licensed real estate professionals, hotels, motels, campgrounds, and bed and breakfast establishments.

31 C. 1. If a locality adopts a registry ordinance pursuant to this section, such ordinance may include
32 a penalty not to exceed \$500 per violation for an operator required to register who offers for short-term
33 rental a property that is not registered with the locality. Such ordinance may provide that unless and until
34 an operator pays the penalty and registers such property, the operator may not continue to offer such
35 property for short-term rental. Upon repeated violations of a registry ordinance as it relates to a specific
36 property, an operator may be prohibited from registering and offering that property for short-term rental.

37 2. Such ordinance may further provide that an operator required to register may be prohibited from
38 offering a specific property for short-term rental in the locality upon multiple violations on more than
39 three occasions of applicable state and local laws, ordinances, and regulations, as they relate to the short-
40 term rental.

41 D. No local ordinance shall prohibit an operator from offering a property as a short-term rental
42 solely on the basis that such operator is a lessee or sublessee, provided that the property owner has granted
43 permission for such property's use as a short-term rental. Localities may enact an ordinance that limits a
44 lessee or sublessee to one short-term rental within the applicable locality.

45 E. Except as provided in this section, nothing herein shall be construed to prohibit, limit, or
46 otherwise supersede existing local authority to regulate the short-term rental of property through general
47 land use and zoning authority. Nothing in this section shall be construed to supersede or limit contracts or
48 agreements between or among individuals or private entities related to the use of real property, including
49 recorded declarations and covenants, the provisions of condominium instruments of a condominium
50 created pursuant to the Virginia Condominium Act (§ 55.1-1900 et seq.), the declaration of a common
51 interest community as defined in § 54.1-2345, the cooperative instruments of a cooperative created
52 pursuant to the Virginia Real Estate Cooperative Act (§ 55.1-2100 et seq.), or any declaration of a property
53 owners' association created pursuant to the Property Owners' Association Act (§ 55.1-1800 et seq.).

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