

BLACKLINE

ORDINANCE – To Amend and Reordain Section 20-273 Titled “Definitions” and Sections 20-280 through 20-282 Titled “Reserved” of the Code of the County of Henrico to Impose Transient Occupancy Tax on Short-Term Rentals and Establish a Short-Term Rental Registry

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA:

1. That Section 20-273 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-273. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

• • • •

Hotel includes, but is not limited to, any public or private hotel, inn, apartment hotel, hostelry, tourist home or house, motel, boardinghouse, **short-term rental** or other lodging place within the county, offering lodging to any transient for compensation, ~~and which can lodge four or more persons at any one time.~~

• • • •

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.

• • • •

2. That Section 20-280 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-280. Reserved Short-term rental registry established; annual registration required; fee.

There is hereby established a short-term rental registry in the county. Operators within the county are required to register annually with the director of the department of finance and 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. The operator must pay a fee of \$.00 at the time of registration each year. Registrations are valid for one year from the date of registration. No operator may offer a property for short-term rental without a valid registration.

3. That Section 20-281 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-281. Reserved Exemptions.

The following operators are exempt from the registration requirement of Section 20-280:

(1) Operators licensed by the Real Estate Board or who are property owners represented by a real estate licensee;

(2) Operators registered pursuant to the Virginia Real Estate Time-Share Act, Code of Virginia, § 55.1-2200 et seq.;

(3) Operators licensed or registered with the Department of Health, related to the provision of room or space for lodging;

(4) Operators licensed or registered with the county, related to the rental or management of real property, including licensed real estate professionals, hotels, motels, campgrounds, and bed and breakfast establishments.

4. That Section 20-282 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-282. Reserved Penalties.

(a) Penalties for violations of registration requirement. Any operator required to register who violates section 20-280 is liable to the county for a penalty of \$500 for each violation. Unless and until the operator pays the penalty and registers the property, the operator may not continue to offer such property for short-term rental. Upon more than one violation of this article as it relates to a specific property, the operator will be prohibited from registering and offering that property for a short-term rental.

(b) Penalty for violations of other applicable laws and regulations. Any operator required to register will be prohibited from offering a specific property for short-term rental upon three or more violations on more than three occasions of applicable state and local laws, ordinances, and regulations, as they relate to the short-term rental.

5. That this ordinance will be in full force and effect on [date three months from adoption], except that Sec. 20-280 is in full force and effect immediately upon passage.