

Summary of Zoning Regulations for Short-term Rental of Dwellings

Henrico County has earned a reputation as a great place to live, work, shop, and play. The County encourages a wide variety of tourist attractions and events, particularly in the area of sports tourism. Recently, the short-term rental of dwellings through online platforms such as Airbnb and VRBO has increased the County's profile as a destination. However, short-term rentals have also resulted in disruption of the quiet enjoyment of our established neighborhoods.

To adapt to new technology and the rapidly growing peer-to-peer economy, while also protecting our neighborhoods from the disruption that can result from short-term rentals, the County has adopted regulations to allow short-term rentals within certain guidelines. This was done to create a convenient, safe, and harmonious environment in which short-term rentals can be permitted, consistent with neighborhood tranquility.

"Short-term rental" is defined as renting a home, or a space in a home, for less than 30 days at a time. (Rentals for longer periods, such as a 12-month lease or a month-to-month lease, would not be regulated by this amendment.) Short-term rentals would be allowed only at the homeowner's primary residence. If the owner lives in the house year-round, they can rent it for hosted stays. If the owner is out of town for a period of time, they could rent the house for unhosted stays while they are gone. (Buying a house solely for the purpose of short-term rentals would not be permitted.)

Short-term rentals are allowed in the one-family residence districts (R-0 through R-4A). They are not allowed in zero-lot-line, townhouse, or multifamily districts (R-5A, R-5, R-6, RTH, or UMU).

Short-term rentals are categorized as "hosted" or "unhosted" based on whether the homeowner is in the home during the rental. If the homeowner is living in the house and renting a room or two, similar to a traditional bed and breakfast inn, that is a "hosted" stay. If the homeowner is out of town and renting the whole house in their absence, that is "unhosted."

Hosted short-term rentals are allowed with no special zoning approval under the following circumstances:

- The rental is in the principal dwelling, and
- The lot has at least 80 feet of frontage on a public street, and
- There are no more than six renters at any time, and
- The total number of days per year does not exceed 60.

A conditional use permit must be obtained if the owner wants to rent for any of the following:

- **Any unhosted stays**, or
- Any rental in a guest house, or
- Any rental of a lot with less than 80 feet of public street frontage, or
- Any rental to more than six renters, or
- If the total number of days per year exceeds 60.

The Board of Zoning Appeals may approve or deny a conditional use permit based on the specific circumstances of the request. The County notifies the neighbors and holds a public hearing, so the neighbors will be aware of the proposed short-term rental and will have an opportunity to express their support or opposition.

Summary of Draft Regulations for Short-term Rental of Dwellings, continued

All short-term rentals are subject to the following requirements:

- Either the homeowner, or a designated responsible party, must be available to respond to complaints in person at any time during the rental.
- At least one member of the party must be an adult. There can be no more than two persons per bedroom on the property at any time, and they must all book together (they cannot rent one part of the house to one party and another part of the house to a different party at the same time).
- A dwelling used for short-term rental cannot be used for a family day home, group home, assisted living home, massage therapy business, taxi or carrier service, or noncommercial kennel.
- The short-term rental cannot be used for commercial uses such as parties, banquets, weddings, receptions, meetings, filming, or advertising activities.
- Rental periods must be at least one day.
- Check-in and check-out may only be offered between the hours of 7:00 am and 11:00 pm.
- Smoke detectors, carbon monoxide detectors, and fire extinguishers must be provided as required by the building code. Exits required by the building code must not be obstructed.
- The following information must be conspicuously posted inside the dwelling: the dwelling address; contact information for the homeowner and, if applicable, the responsible person; detailed instructions for emergency shut-off of gas, electricity, and water; recycling and trash collection schedules; and the county noise ordinance.
- The total number of pets on the property must not exceed three. This includes the homeowner's pets and any pets belonging to the short-term renters.
- The homeowner must keep a record of all short-term rentals and provide it to County officials upon request.

A separate ordinance requires all owners of short-term rentals to register with the County. They are also required to pay transient occupancy tax, just like a hotel or a traditional bed and breakfast inn. The tax amount of 8% of the room rental charge must be remitted to the County monthly.

Please note this is a summary. If you have questions about the actual ordinance language, please contact us at planning@henrico.us or (804) 501-4602.