

VIRGINIA ACTS OF ASSEMBLY -- 2018 SESSION

CHAPTER 758

An Act to address local ordinances concerning the regulation of short-term rentals in the City of Lexington and the City of Virginia Beach.

[H 824]

Approved April 4, 2018

Be it enacted by the General Assembly of Virginia:

1. *§ 1. Notwithstanding any provision of law to the contrary, general or special, any ordinance in effect and any ordinance adopted by the governing body of the City of Lexington ("the City") shall comply with each of the following provisions:*

1. The provisions of this act shall apply to all short-term rentals, whether the City ordinance refers to such rentals as "45 Nights or Less Rentals" or by any other terms.

2. The provisions of this act and subsections A, B, and C of § 15.2-983 of the Code of Virginia shall be construed to prohibit, limit, or otherwise supersede any existing local authority of the City to regulate the short-term rental of property through its general land use and zoning authority or any other local authority through its charter or through any provision of Title 15.2 of the Code of Virginia. The City shall not have any provision in its ordinance that is inconsistent with, or not expressly authorized by, subsections A, B, and C of § 15.2-983 of the Code of Virginia. However, subject to this act and subsections A, B, and C of § 15.2-983 of the Code of Virginia, the City may regulate short-term rentals through its general land use and zoning authority as authorized in subsection D of 15.2-983 of the Code of Virginia.

3. The City shall not regulate the short-term rental of real property except for such rentals that are for a period of fewer than 30 consecutive days, in compliance with § 15.2-983 of the Code of Virginia.

4. The City shall not require a business license for, nor require payment of license taxes by, any person engaged in the rental of real property, in compliance with subdivision C 7 of § 58.1-3703 of the Code of Virginia.

5. The City may include in its ordinance a provision for a short-term rental registry only in compliance with § 15.2-983 of the Code of Virginia, including exemptions as provided in subdivision B 2 of § 15.2-983.

6. The City shall comply with the provisions of § 15.2-2311 of the Code of Virginia with respect to any determinations made by the zoning administrator or other administrative officials concerning any alleged violations of the City's short-term rental ordinance, including complying with the requirement to provide the recipient with a statement informing him that he may have a right to appeal the notice of a zoning violation or written order within 30 days.

2. That the City of Lexington shall amend and reenact its existing ordinance to come into compliance with this act on or before September 30, 2018.

3. That any short-term rental located in the Sandbridge Special Service District in the City of Virginia Beach shall be a principal use subject to the City's regulations applicable to short-term rentals. Whether a short-term rental located in any other area of the City of Virginia Beach is a permitted use shall be determined by the provisions of the City's zoning ordinance.