

ORDINANCE NO. 5091

AN ORDINANCE to amend and reordain Section 3-2-141 (DEFINITIONS), and adopt 3-2-152 (SHORT-TERM RESIDENTIAL RENTAL REGISTRY) of Article K (TRANSIENT LODGING TAX) of Chapter 2 (TAXATION) of Title 3 (FINANCE, TAXATION AND PROCUREMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 3-2-141 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby, is amended and reordained to read as follows.

Sec. 3-2-141 Definitions.

The following words and phrases when used in this article shall, for the purposes of this article, have the following respective meanings, except where the context clearly indicates a different meaning:

- (1) *Hotel*. Any public or private hotel, inn, apartment hotel, hostelry, tourist home or house, motel, rooming house, short-term residential rental as defined in section 3-2-152, or other lodging place within the city offering lodging to any transient as hereinafter defined for compensation and, except for short-term residential rental as defined in section 3-2-152, which can lodge four or more persons at any one time.
- (2) *Lodging*. Any space or room furnished any transient.
- (3) *Person*. Any individual, firm, partnership, association, corporation, person acting in a representative capacity or any group of individuals acting as a unit.
- (4) *Room rental*. The total charge, exclusive of any tax imposed on such charge, made by any hotel for lodging furnished any transient. If the charge made by any hotel to a transient includes any charge for services or accommodations in addition to that of lodging, then that portion of the total charge as represents only lodging rental shall be distinctly set out and billed to the transient by the hotel as a separate item.
- (5) *Transient*. Any person who, for a period of not more than 90 consecutive days or, for short-term residential rentals, for a period of fewer than 30 consecutive days, either at his own expense or at the expense of another obtains lodging in any hotel, as hereinabove defined, for which lodging a charge is made.

Section 2. That Section 3-2-152 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby, is ordained to read as follows.

Sec. 3-2-152 Short-Term Residential Rental Registry.

(a) The following words and phrases when used in this section shall, for the purposes of this section, have the following respective meanings, except where the context clearly indicates a different meaning:

(1) *Operator.* The proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term residential rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity.

(2) *Short-term residential rental.* 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) There is hereby established a short-term residential rental registry. Upon offering any short-term residential rentals, all operators shall register with the department of finance. This shall be an annual registration for each property offered for short-term residential rental and shall require the operator to provide the complete name of the operator and the address of each property in the city offered for short-term residential rental by the operator.

(c) *Registry exemptions.* The following shall not be required to register pursuant to this section if such person is (i) licensed by the Commonwealth of Virginia Real Estate Board or is a property owner who is represented by a real estate licensee; (ii) registered pursuant to the Virginia Real Estate Time-Share Act (§ 55-360 et seq.) of the Code of Virginia, 1950, as amended; (iii) licensed or registered with the Commonwealth of Virginia Department of Health, related to the provision of room or space for lodging; or (iv) licensed or registered with the city, related to the rental or management of real property, including licensed real estate professionals, hotels, motels, campgrounds, and bed and breakfast establishments.

(d) *Penalties.* Failure to register a property within 30 days of being offered for short-term residential rental shall result in a penalty to be paid by the operator in the amount of five hundred dollars (\$500). The director may waive such penalty if the failure to register was due to no fault of the operator. Until such time as the operator pays the penalty and registers such property, the operator may not continue to offer such property for short-term residential rental. Upon repeated violation of the registration requirement as it relates to a specific property, and upon notice, the operator shall be prohibited from registering said property and from offering that property for short-term residential rental. Such prohibition may, for good cause, be appealed to the director.

(e) *Multiple violations of other laws.* An operator required to register a property may be prohibited by the city from offering a specific property for short-term residential rental within the city, upon multiple violations on more than three occasions of applicable state and local laws, ordinances, and regulations, as they relate to the short-term residential rental.

(f) *Non-contravention.* Except as provided in this section, nothing herein shall be construed to prohibit, limit, or otherwise supersede existing local authority to regulate the short-term residential rental of property through general land use and zoning authority. Nothing in this section shall be construed to supercede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants; the provisions of condominium instruments of a condominium created pursuant to the Condominium Act (§ 55-79.39 et seq.) of the Code of Virginia, 1950, as amended; the declaration of a common interest community as defined in § 55-528 of the Code of Virginia, 1950, as amended; the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55-424 et seq.) of the Code of Virginia, 1950, as amended; or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§ 55-508 et seq.).

(g) *Administration.* Notwithstanding any other provision of this article, the director may enter into agreements, subject to local law, with computer platform hosts of short-term residential rentals, and with data-analytic vendors for short-term residential rentals, to facilitate the efficient collection of the transient lodging tax pursuant to this article.

Section 3. That this ordinance shall become effective upon January 1, 2018.

ALLISON SILBERBERG
Mayor

Final Passage: November 18, 2017