



# Northumberland County, Virginia

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## MEMORANDUM

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**TO:** Northumberland County Board of Supervisors

**FROM:** E. Luttrell Tadlock, County Administrator

**SUBJECT:** Consideration of Adding a new Chapter 43 Business to create a registry for short-term rental of property

**DATE:** August 29, 2023

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**Issue:** Consideration of adding a new chapter to the Northumberland County Code (Chapter 43 Business) to create the registering of short-term rental properties in Northumberland County.

**Discussion:** The Board of Supervisors requested additional information on the registering of short term rentals in the County. The registry would be administered by Zoning Administrator located in The Office of Building & Zoning. An annual fee of \$75 is also established to cover costs of administering and maintaining the registry.

Short-term rentals/vacation home rentals are allowed as a permitted use in all districts except for Residential Restricted (R-3) where a conditional use permit is required to operate.

(New) Chapter 43 Business

§43-1 Creation of a *registry* for *short-term rental* of property.

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.

Northumberland County, Virginia hereby establishes a *short-term rental registry*. All operators within Northumberland County shall register annually, on or before January 1st or within 60 days of the initial offering of a *short-term rental* and then thereafter annually on or before January 1st, with the Zoning Administrator for Northumberland County upon such forms as may be prescribed. The registration shall require the operator to provide the complete name of the operator and the address of each property in the county offered for *short-term rental* by the operator. A fee of \$75.00 shall be due and paid with each registration to cover the actual costs of establishing and maintaining the *registry*.

No registration shall be required 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) registered pursuant to the Virginia Real Estate Time-Share Act (§ 55-360 et seq.); (iii) licensed or registered with the department of health, related to the provision of room or space for lodging; or (iv) licensed or registered with Northumberland County, related to the *rental* or management of real property, including licensed real estate professionals, hotels, motels, campgrounds, and bed and breakfast establishments.

Failure to register as herein provided shall be subject to a penalty of \$500.00 per violation for an operator required to register who offers for *short-term rental* a property that is not registered with the county and unless and until an operator pays the penalty and registers such property, the operator may not continue to offer such property for *short-term rental*. Upon repeated violations of this article as it relates to a specific property, the operator shall be prohibited from registering and offering that property for *short-term rental*.

An operator required to register shall be prohibited from offering a specific property for *short-term rental* in the county upon multiple violations on more than three occasions of applicable state and local laws, ordinances, and regulations, as they relate to the *short-term rental*.

Nothing herein shall be construed to prohibit, limit, or otherwise supersede existing county authority to regulate the *short-term rental* of property through general land use and zoning authority. Nothing in this section shall be construed to supersede 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.), the declaration of a common interest community as defined in § 55-528, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55-424 et seq.), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§ 55-508 et seq.).