

NORTH VIRGINIA BEACH CIVIC LEAGUE

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Fletcher Bryant©

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Opposition to SB 544 and Portions of HB 695 and SB 304/HB 900

To: Chairs and Members of the Virginia General Assembly Senate Committee on Local Government, and House Committees on Finance and on Counties, Cities and towns
Senator Bill DeSteph
Delegate Anne Ferrell Tata
Other members of the Virginia Beach Legislative Delegation to the General Assembly

CC : Attorney General Jason Miyares
Chair, Vice Chair, and Members of the Virginia Housing Commission
Co-Chairs of the Short-Term Rental Work Group of the Virginia Housing Commission
Virginia Beach Mayor Bobby Dyer
Virginia Beach City Council Members, and Legislative Affairs Director
Various Civic Leagues, Neighborhood Associations, and Local/State media (under separate cover)

The North Virginia Beach Civic League (NVBCL), STRONGLY OPPOSES any action by the Virginia General Assembly that would:

- **Compel localities to allow Short-Term Rentals (STRs), or**
- **Limit the ability of localities to regulate STRs,**
- **Override local authority for STR land use or planning, such as by exempting realtors or other entities from compliance with local ordinances regarding STRs.**

This NVBCL position was unanimously approved by our Board and members at a general membership meeting, and by over 500 residents who co-signed our April 17, 2023 letter about this to the Virginia Housing Commission¹. And the City of Virginia Beach incorporated this position into its General Assembly Legislative Agenda for the 2023 and 2024 Sessions.

Our position on STRs also applies to Accessory Dwelling Units (ADUs), by which we support the process in Virginia Beach that is currently underway to draft ADU ordinances. We encourage the Virginia General Assembly to give localities MORE authority, not less, to enforce ordinances regarding STRs and ADUs.

(continued)

¹ The Virginia Housing Commission formed an STR Work Group last year at the request of the House and Senate Committees that considered and deferred STR legislation in the 2023 session. That Work Group met only once on May 16, 2023 (other VHC Work Groups met several times since then) without doing any follow-up, making any recommendations, or informing Work Group members or the public why no further meetings would be conducted.

Consistent with this position, NVBCL takes exception to the following bills introduced in the 2024 Session of the Virginia General Assembly, either in full or in part:

SB 544 Relating to short-term rental property; locality's ability to prohibit use of accessory dwelling unit [for short-term rental]. (Referred to Senate Committee on Local Government)

NVBCL STRONGLY OPPOSES THIS BILL. Localities must retain authority to regulate both STRs and accessory dwelling units (ADUs) as appropriate to local circumstances and needs. Virginia Beach, like other localities, are actively working to define appropriate zoning ordinances and building codes for ADUs. NVBCL opposes any legislation that compels localities to allow STRs in ADUs, limits the ability of localities to regulate STRs in ADUs, or overrides local authority for land use or planning for STRs or ADUs.

HB 695 Short-term rentals; Department of Taxation to establish a registry, civil penalty. (Referred to House Committee on Finance)

NVBCL requests the following modifications to resolve our exceptions to this bill:

1. Paragraph D, states “The commissioner of the revenue or other assessing official may share the information described in subdivisions C 1, 2, and 3 with the officials responsible for zoning in his locality; however, the information described in subdivision C 4 shall remain confidential and shall not be shared.”
 - a. We request that the word “may” be changed to “will”, AND that a reasonable time period be specified for how frequently local revenue officials will provide this information to local zoning officials, ideally monthly but not less than quarterly. Otherwise, the existing language of this bill gives total discretion to the commissioner of the revenue or other assessing official to:
 - i. decline to share any of the information, or
 - ii. determine the types of allowed information they will or will not provide, or
 - iii. determine specific STRs, providers, or intermediaries for which they will or will not provide information, or
 - iv. delay sharing the information for so long that zoning officials cannot enforce the provisions of this bill timely and effectively.
 - b. We request that “The individual period of rental by calendar date” be moved from C 4 to a separate subdivision, and that it be INCLUDED in information that will be shared with local zoning officials. This information is critical to allow local zoning officials to enforce the provisions of this bill timely and effectively.
2. We request that paragraph F be modified to apply the SAME enforcement and penalties apply equally to BOTH PROVIDERS AND INTERMEDIARIES.
 - a. As drafted, the enforcement and penalties in this bill apply ONLY to accommodations PROVIDERS, but not to accommodations INTERMEDIARIES.
3. We request this bill be amended to state EXPLICITLY that it applies to real estate licensees. Otherwise, Code of Virginia Section 58.1-602 specifically excludes real estate licensees from the definition of an “accommodations intermediary”.

- a. As currently drafted, this bill does not apply to real estate licensees offering STRs, whether owned by them OR a client, or whether they are located near the STRs that they offer to be able to deal with problems timely. Real estate licensees must be subject to the same requirements as all other accommodations providers and intermediaries. NOTHING in the Code of Ethics, Fiduciary Duties, or training for real estate licensees specifically addresses STRs, so there is no basis to exempt them from the same requirements that otherwise apply to all accommodations providers and intermediaries.
4. We request that language be added to this bill stating that nothing set forth in this section shall limit localities from regulating or prohibiting short-term rentals.

SB 304/HB 900 Relating to zoning; development and use of accessory dwelling units.

(Referred respectively to Senate Committee on Local Government and House Committee on Counties, Cities and Towns.)

NVBCL requests the following modifications to resolve our exceptions to these bills:

1. We request that paragraph B be modified to give localities full authority to determine whether and where ADUs shall be a permitted use, whether to require a special use permit for an ADU, and what zoning ordinances, building codes, or other requirements shall apply to ADUs.
2. We request that paragraph C be modified to allow localities to determine the amount of permit fees for ADUs, and to determine the zoning ordinances, building codes, and other requirements that will apply to ADUs. Localities need authority to regulate ADU as appropriate and applicable to the circumstances and needs of their communities.
3. We request that paragraph D.6 include “local zoning ordinances” in the list of requirements that localities may require.
4. We request that paragraph E.1 be deleted. Conditions and capacities for parking vary across localities, and across neighborhoods within localities. Localities must retain authority to determine parking requirements that apply to ADUs.
5. We request that paragraph E.2 be moved to subsection D, removing it from the list of what localities shall NOT require, and adding it to the list of what localities MAY require. Localities must have authority to determine lot sizes and setbacks as applicable to conditions and needs of localities and neighborhoods.
6. We request that paragraph E.4 be moved to subsection D, removing it from the list of what localities shall NOT require, and adding it to the list of what localities MAY require. Localities must retain the authority to manage water, sewer, and septic capacity.

Respectfully,

Steven L. Gibson
President

Stephanie Adler Calliott
Vice President

Andrew H. Cohen and Parker S. Hannahs
Legislative Affairs Committee Co-Chairs

Contact Andrew H. Cohen, Legislative Affairs Committee Co-Chair at acohen@gmail.com