



Montgomery County Planning Department
December 5, 2016

Agenda

1. Ground rules
2. Background
3. Concerns/ Benefits
4. Q & A with Planning Staff, HHS (Health and Human Services),
DPS (Department of Permitting Services)

Ground Rules

1. No interrupting whoever has the floor to speak.
2. Respect each other.
3. Try not to be repetitive.
4. Remember, no decisions are being made tonight.
5. Use microphones- this meeting is being recorded.
6. The meeting time ends promptly at 9pm.

Background: Current Zoning

- Currently, the County allows any resident to rent out a home or part of a home for 30 days or longer:
 - Occupancy is limited to a “household” (as defined in the Z.O.)
 - Landlord must register with the County
- Bed and Breakfasts are also allowed as a “limited” use in certain zones. As a limited use, they must satisfy a number of requirements including:
 - A Bed and Breakfast must be in a detached house, and the owner must live there.
 - Parking cannot be located in front of the house.
 - A guest may only stay at the Bed and Breakfast for up to 14 days in any one visit.
- In the R-60 and R-90 zones, Bed and Breakfasts are allowed as a “conditional” use, which must be approved by the Hearing Examiner following a public hearing.

Background: Legislative History

- May 2015: Council enacted a bill (14-15) requiring short-term renters to pay a hotel tax (7%).
- Feb 2016: Council introduced a zoning text amendment (ZTA 16-03) to modify **the standards for Bed and Breakfasts** to accommodate short-term residential rentals. Bill (2-16) was also introduced to update **licensing requirements for all rental housing less than 6 months** in duration.
- March 2016: Planning Board made a recommendation to Council about ZTA 16-03

Background: Planning Board Recommendation about ZTA 16-03

- Create a new use in the "**Accessory Residential Use**" category called *Short-Term Tenancy* defined as “*the residential occupancy of a dwelling unit by a household for less than a month.*” It would be allowed as a "limited" use in all but the Industrial zones.
- The Planning Board recommended as a starting point:
 - Restricting rental occupancy to a maximum of **14 days per month** and **90 days per year**
 - Requiring the host to reside in the home at least **6 months per year**
 - Licensing under Chapter 54 of the County Code
 - Requiring host to maintain a record of visitors
- During the outreach process, it was decided that the proposed use should be called a *Short-Term Residential Rental (STRR)*.

Outreach/ Next Steps

- Planning Staff set up a website:
<http://www.montgomeryplanning.org/functional/short-term-rentals/>
- Planning Staff will make a recommendation to the Planning Board that will be transmitted to the County Council
- The County Council will make a decision on the ZTA and any associated changes to Chapter 54

Concerns heard to date

- Create nuisances (noise, traffic, underage drinking, litter, public urination, drugs, and other illegal activities)
- Bring an influx of strangers to the neighborhood on a regular basis
- Diminish property values (loss of tax revenue)
- Do not meet fire and safety standards/ hosts are not equipped to respond to emergencies
- Destabilize and disrupt community by driving out long-term residents
- Compete with accessory apartments and reduce the availability of affordable housing
- Coordination of enforcement efforts
- Party houses
- Lack of visitor parking
- Hosts that have multiple listings
- Overconcentration in unincorporated areas of the County
- How to hold web platforms accountable for listings in terms of: safety, security, tax and fee collection.
- Level the playing field with hotels because STRRs do not currently have to comply with regulations. Could potentially lead to loss of revenue for the hospitality industry, and tax revenue for the County.

Potential Benefits

- Allow residents to earn extra income/ increase housing affordability as part of the sharing economy
- Benefit small businesses
- Generate business for areas not usually visited by tourists
- Provide affordable, comfortable places to stay
- Allow visitors to get local knowledge of areas to see
- Provide enriching experience for hosts and guests
- Make it more affordable to age in place

Draft regulations under discussion in Arlington County

- <https://projects.arlingtonva.us/plans-studies/land-use/zoning-studies/short-term-residential-rentals/zoning-elements/>
- County Board will discuss on December 10

Short-Term Residential Rentals

Draft zoning recommendations

- Allow as a “limited” use in all zones (except Industrial zones)
- Written proof of notification of neighbors (shared walls or shared lot lines)
- Restrict rental occupancy to a maximum of **14 days per month** and **90 days per year**
- Require proof that the home is the primary residence of the host (tax records, also look at home occupations). Proof of home address as established by Executive regulations under Method 2 of Chapter 2 (section 2A-15)
- License under Chapter 54 of the County Code
- Require host to maintain a record of visitors which are subject to audit
- Limit occupancy by definition of a household (no more than 5 unrelated people)
- Require one off-street parking space per two bedrooms or the listing must indicate that parking a vehicle is not allowed.
- Parties are not allowed/ visitors are not allowed.
- Post rules and regulations, including mandatory designated representative (define this term) inside the rental room.