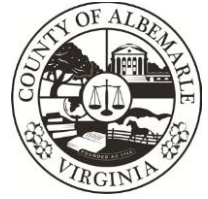


Homestays

Information Packet and Application Form



Albemarle County Community Development

401 McIntire Rd.
Charlottesville, VA 22902
Phone 434-296-5832
www.albemarle.org

New Homestay Approval Steps Summary

1.	Contact Zoning Staff to discuss your homestay.
2.	Obtain VDH Food Service Permit if required. (p.2)
3.	Make sure you meet safety requirements. (p.3)
4.	Submit homestay clearance application. (p.2)
5.	Get your homestay safety inspection. (p.3)
6.	Receive homestay clearance approval.
7.	Register on the Homestay Registry. (p.5)
8.	Apply for your Business License and pay taxes.
9.	Renew your registration and safety inspection annually.

This packet is designed to provide homestay operators with the information and materials needed for successful compliance with Zoning regulations.

What is a homestay?

A "homestay" provides lodging and rooms to guests for less than 30 days, is accessory to a full-time residence, and may offer no more than five guest bedrooms for lodging. Homestays are also known as "short term rentals," "Airbnb," "VRBO," or "transient lodging," and were previously known in Albemarle County Zoning as "Bed and Breakfasts" or "Accessory Tourist Lodging."

How do I start a new homestay?

These steps are for property owners who have not yet rented out a homestay.

- Apply for and be approved for a Homestay Clearance. Before you apply for your Zoning Clearance, make sure you meet the homestay regulations on pages 3.
- Apply for a Business License, and pay your Transient Occupancy Taxes and any required sales, food and beverage, or other tax as directed by the [Finance department](#).
- Enroll your Homestay on the [Short Term Rental Registry](#) (\$0 fee for first enrollment).
- Renew your enrollment on the [Short Term Rental Registry](#) annually (\$27 for renewal - see page 2).

How do I bring my existing homestay into compliance?

These steps are for property owners who have already rented out a homestay, but do not have a zoning permit.

- Apply for a Business License.
- Pay any unpaid Transient Occupancy Taxes, required sales, food and beverage, or other tax, and interest on the homestays you have already had, as directed by the [Finance department](#).
- Review the homestay regulations (page 3) to ensure you may operate a homestay.
- If you will need a Special Exception to operate your homestay per the regulations table, contact Zoning staff (contact information on page 2) to discuss your application before you submit.
- If you meet the requirements, apply for your Homestay Clearance and enroll on the [Short Term Rental Registry](#) (\$0 fee for first enrollment).
- Renew your enrollment on the [Short Term Rental Registry](#) annually (\$30 for renewal - see page 2).

If you do cannot meet the homestay regulation requirements, stop renting your homestay, take down your listings, and contact Finance and Zoning (contact information on page 2) to alert them that you are closing your homestay.

What is not allowed?

- Renting a homestay for special events, including weddings, without a Special Use Permit.
- Homestays in townhouses, apartments, duplexes, or condominium buildings.
- Camping is not permitted as a homestay use.

What if I already have an approved Bed and Breakfast or Accessory Tourist Lodging permit?

- You may continue your use in the way it was approved.
- If you want to intensify your use (e.g. offer whole house rentals in the RA on a 5+ acre parcel) you will need to submit a new application.
- You must enroll on the [Short Term Rental Registry](#) (\$0 fee for first enrollment). Every 12 months, pass a safety inspection (\$50 fee) and renew your enrollment on the [Short Term Rental Registry](#) (\$30 for renewal - see page 2).

What is a responsible agent?

The responsible agent is a person available to answer questions and address noise or other disturbance complaints at the homestay at all times. The contact information for the responsible agent must be provided to neighbors.

The owner may be a responsible agent, but must be within 30 miles of the homestay at all times during the rental.

Homestay **Zoning Clearance Instructions**

1. Verify you meet all the regulations on page 3. If you aren't sure whether you meet them, or will need a special exception, contact a Zoning staff member (contact information below) to discuss your application before applying.
2. If your home is served by a private well, the Virginia Department of Health (VDH) strongly recommends a water sample test for coliform. If you will be serving food to your guests, contact the VDH (contact information below) to determine whether you must pursue a Food Service Permit.
3. Submit your application to Community Development through the [online application portal](#) or via mail or in person to:

Albemarle County Community Development
 401 McIntire Road
 Charlottesville, VA 22902

Your application must include:

- a. Completed homestay application (page 5 of this application).
 - b. A floor sketch plan labeled with (i) all structures used for the homestay, (ii) guest bedrooms and guest spaces; (iii) access to the parcel, on-site parking, outdoor lighting, signage, and setbacks (basic example at right).
 - c. Two forms of identification showing proof of residence (driver's license and voting registration are preferred).
 - d. Application fee
5. Submit a [Short Term Rental Registry](#) application to enroll on the Registry (\$0 fee for first enrollment).
 6. County Zoning staff will email or mail you a list of abutting parcel owners and a notice template. Send mailed notice of your application to the owners on the list and provide a copy of the notice to Albemarle County.
 7. Complete the Homestay Safety Checklist (page 4), then contact the Safety Inspection Official (contact information below) to arrange for your safety inspection.
 8. If all inspections and reviews are approved, you will receive an emailed copy of your approved Zoning Clearance application.

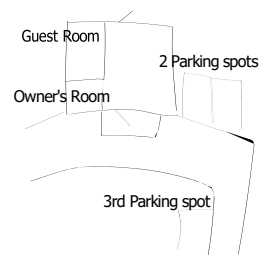
Following approval

- Apply for a Business License (if not already completed).
- Each year following the approval of your application, Zoning staff will contact you when it is time to renew your enrollment on the Short Term Rental Registry. Schedule your fire safety inspection with the Fire Marshal's office (\$50 fee - contact information below). Following a passing inspection, submit a new [Short Term Rental Registry](#) application to renew your enrollment on the Registry (\$30 fee for renewal).
- If you close your homestay, contact the Finance office and Zoning staff within 30 days to confirm the date of closure.

<Can I get a Special Exception?

A Special Exception may be requested to allow rental of up to five guest rooms, the use of an accessory structure if not otherwise allowed, the use of a resident manager, or to reduce the setbacks required, but approval is up to the Board of Supervisors, and is not guaranteed.

If staff determines your homestay would require a Special Exception, submit a Special Exception application prior to Step 3. Your homestay special exception will be scheduled on the Board of Supervisors' agenda and Zoning staff will send notices to abutting parcel owners prior to the scheduled agenda item. Staff will also prepare a report containing evidence to support approval or denial of the Special Exception, including feedback from your neighbors if provided. The Board will grant or deny your Special Exception at a public meeting.



< Example Floor Plan Sketch:

<Do I need a VDH Food Service Permit?

If you serve food to your guests as part of your homestay, contact the VDH Food Service contact below.

Albemarle County Zoning	Lea Brumfield or Rebecca Ragsdale	434-972-4017	lbrumfield@albemarle.org or ragsdale@albemarle.org
Albemarle County Fire Marshal		434-296-5833	
Albemarle County Homestays Inspection	Keith Bradshaw	434-296-5832 x3415	kbradshaw@albemarle.org
Albemarle County Finance office		434-296-5851 opt. 3	albemarlecountyfinance@albemarle.org
Virginia Department of Health - Wells	Alan Mazurowski		alan.mazurowski@vdh.virginia.gov
Virginia Department of Health - Food Service	Eric Myers		eric.myers@vdh.virginia.gov

Homestay Regulations

Zoning	Dwelling Type Required	Required Setbacks	Maximum Permitted Guest Bedrooms	Whole House Rental Permitted	Use of Accessory Structure** Permitted	Required Occupancy
Residential (R-1, 2, 4, 6, 10, 15, VR, PRD, PUD, NMD, DCD)	Detached single family	Primary structure*	2*	No	No*	Owner only*
Rural Areas less than 5 acres	Detached single family	125 feet from all parcel boundaries*	2*	No	No*	Owner only*
Rural Areas 5+ acres	Detached single family	125 feet from all parcel boundaries*	5	Yes, for 7 days/month, up to 45 days/year	Yes, if built before August 7, 2019*	Owner only

*May be waived or modified through a Special Exception

**An Accessory Structure is a structure approved by permit for human occupation that does not qualify as a dwelling, with a bathroom, kitchen facilities, bedroom. E.g. a guest cottage without a kitchen, a pool house, a bedroom over a detached garage, etc.

Residency

The owner of the parcel on which a homestay is located must reside on the parcel for a minimum of 180 days in a calendar year and be present during homestay rentals. Standard homestays are only permitted during the 180 days of residency. (See whole house rental below.)

Proof of residency

Acceptable proof of permanent residence includes: driver's license, voter registration card, U.S. passport, or other document(s) that the zoning administrator determines provide equivalent proof of permanent residence at the subject property.

Notice

The owner of a parcel conducting a homestay use must provide the name, telephone number, and emergency contact information of the owner and other any responsible agent to abutting property owners on an annual basis. Provide a copy of the notice to the zoning administrator within five business days upon request.

Whole house rental

Whole house rental is a homestay during which the owner is not staying on the parcel. A responsible agent must be nearby during these rentals. The owner must track whole house rentals and be able to provide this list to the zoning administrator upon request. Only 5+ acre Rural Areas (RA) parcels may have whole house rentals.

Parking

Requirement of two parking spaces per single-family dwelling, plus one parking space per guest room. All parking spaces must be on-site and not on the street.

Responsible agent

The responsible agent must be available within 30 miles of the homestay at all times during a homestay use and must respond and attempt in good faith to resolve any complaint(s) within 60 minutes of being contacted. The responsible agent may initially respond to a complaint by requesting homestay guest(s) to take such action as is required to resolve the complaint. The responsible agent also may be required to visit the homestay if necessary to resolve the complaint.

Building code, fire, health approvals

Before the homestay application is submitted, obtain approval of the use from the Virginia Department of Health if necessary (see page 2). After the application is submitted, obtain a safety inspection approval (see page 2).

Pre-existing uses

Any bed and breakfast or tourist lodging use approved prior to August 7, 2019 may continue, as it was approved on that date. Pre-existing homestays seeking to offer whole house rentals must reapply.

Accessory structures

Homestays on 5+ acre parcels in the RA may use accessory structures like detached garage apartments, renovated barns, guest houses, etc if the structures were built on or before August 7, 2019. Accessory structures built after August 7, 2019, or on residentially-zoned parcels or RA parcels smaller than 5 acres.

Number of homestay uses

Each homestay located on a parcel of five acres or more in the Rural Areas district may have up to two homestay uses, provided development rights for a second dwelling are available.

Building Official and Fire Rescue Safety Checklist

- Post the address of the property at the driveway and on all structures, if the property has more than two structures. Each structure used for sleeping must have its own address. Contact County GIS division at remerick@albemarle.org to obtain additional address numbers if needed.
- Install a 2A:10BC fire extinguisher in the kitchen area, preferably on a wall and not in a cabinet. Fire extinguisher ratings are located on the fire extinguisher.
- Post an emergency evacuation floor plan showing direction to the exterior and containing the 911 address of the property in each guest room. This is similar to the diagram you see on the back of your hotel room door showing where to go in an emergency.
- Ensure each bedroom has at least one window or second door that can open large enough to permit escape in the case of a fire. Windows may not be painted shut.
- Ensure no extension cords are used in lieu of permanent wiring. Power strips are allowed if sized properly and contain overcurrent protection built into the strip.
- Make access to the electrical panel box available to the guests at all times.
- Install and connect smoke alarms per the code sections below:

R314.3 Location.

Smoke alarms shall be installed in the following locations:

1. In each sleeping room.
2. Outside each sleeping area in the immediate vicinity of the bedrooms.
3. On each additional story of the dwelling, including basements and habitable attics and not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
4. Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section R314.3.

R314.3.1 Installation near cooking appliance

Smoke alarms shall not be installed in the following locations unless this would prevent placement of a smoke alarm in a location required by Section R314.3.

1. Ionization smoke alarms shall not be installed less than 20 feet (6096 mm) horizontally from a permanently installed cooking appliance.
2. Ionization smoke alarms with an alarm-silencing switch shall not be installed less than 10 feet (3048 mm) horizontally from a permanently installed cooking appliance.
3. Photoelectric smoke alarms shall not be installed less than 6 feet (1828 mm) horizontally from a permanently installed cooking appliance.

R314.4 Interconnection

Where more than one smoke alarm is required to be installed within an individual dwelling unit in accordance with Section R314.3, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all the alarms in the individual dwelling unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm.

R314.6 Power Source

Smoke alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and, where primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.

R314.7 Fire alarm systems

Fire alarm systems shall be permitted to be used in lieu of smoke alarms and shall comply with Sections R314.7.1 through R314.7.4.

R314.7.1 General

Fire alarm systems shall comply with the provisions of this code and the household fire warning equipment provisions of NFPA 72. Smoke detectors shall be listed in accordance with UL 268.

R314.7.2 Location

Smoke detectors shall be installed in the locations specified in Section R314.3.

R314.7.3 Permanent fixture

Where a household fire alarm system is installed, it shall become a permanent fixture of the dwelling unit.

R314.7.4 Combination detectors

Combination smoke and carbon monoxide detectors shall be permitted to be installed in the fire alarm systems in lieu of smoke detectors, provided that they are listed in accordance with UL 268 and UL 2075.

Questions? Contact the Safety Inspection Official at kbradshaw@albemarle.org or 434-296-5832 x3415



Homestay Zoning Clearance Application



**Albemarle County
Community Development**
401 McIntire Rd., North Wing
Charlottesville, VA 22902
Phone 434.296.5832 | Fax 434.972.4126

Application fee: \$170 + 4% Technology Surcharge

Submit this completed application with the following [online](#) or to the address above:

1. Floor plan/property sketch with labeled structures used for the homestay, guest bedrooms, owner's bedroom, outdoor lighting and signage for the homestay, labeled setbacks, and parking (minimum 2 + 1 spot/guest bedroom).
2. Copies of two forms of verification of residency (one government issued with photo ID + one listing the address - acceptable forms include driver's license, voter registration card, U.S. passport, others as approved by the Zoning Administrator)

1. Homestay Information

Residentially zoned and rural area parcels of less than 5 acres may have 2 guest bedrooms by-right. Use of accessory structures (if built before August 7, 2019) is only permitted by-right on rural area parcels of 5+ acres. Whole house rental is only permitted on rural area parcels of 5+ acres.

ADDRESS:							
CITY, STATE, ZIP:							
TAX MAP PARCEL (IF KNOWN):					ZONING (IF KNOWN):		
ADVERTISED NAME OF HOMESTAY (IF APPLICABLE):					ACREAGE OF PARCEL:		
NO. OF GUEST BEDROOMS:		USING ACCESSORY STRUCTURES?	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	WHOLE HOUSE RENTAL?	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

2. Property Owner/Operator Information

NAME:			
HOME ADDRESS:			
CITY, STATE, ZIP:			
PHONE NUMBER:		EMAIL:	

3. Responsible Agent Information

The responsible agent must be available within 30 miles of the homestay at all times during a homestay use, and must respond and attempt in good faith to resolve any complaints within 60 minutes of being contacted.

NAME:			
HOME ADDRESS:			
CITY, STATE, ZIP:			
PHONE NUMBER:		EMAIL:	

4. Signature

I hereby apply for approval to conduct the homestay identified above, and certify that this address is my legal residence, and that I own the property or that I have received a special exception to operate the homestay as a resident manager. I also certify that I have read the restrictions on homestays, that I understand them, and that I will abide by them.

SIGNATURE:		DATE:	
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FOR OFFICE USE ONLY

Fee Amt: \$170 + 4%	Date Paid: _____	Safety inspection date: _____	<input checked="" type="checkbox"/> Pass	<input checked="" type="checkbox"/> Fail	2nd inspection date: _____	<input checked="" type="checkbox"/> Pass	<input checked="" type="checkbox"/> Fail
Receipt #: _____		VDH Food Service (if necessary): _____	<input checked="" type="checkbox"/> Floorplan	<input checked="" type="checkbox"/> Parking	<input checked="" type="checkbox"/> ID		
Ck#: _____		Notes: _____	Reviewed By: _____		Date: _____		
Received by: _____			<input checked="" type="checkbox"/> Approved		<input checked="" type="checkbox"/> Denied		
HS# _____							