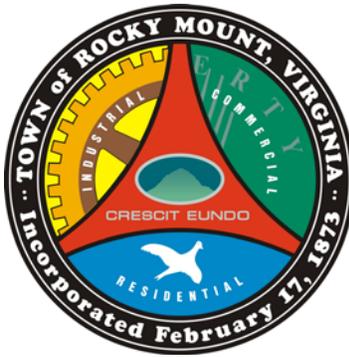


TOWN OF ROCKY MOUNT
345 DONALD AVE.
ROCKY MOUNT, VIRGINIA 24151

540.483.7660
FAX : 540.483.8830

E-MAIL: MHANKINS@ROCKYMOUNTVA.ORG
WWW.ROCKYMOUNTVA.ORG



PLANNING COMMISSION
JANET STOCKTON, CHAIR
JOHN SPEIDEL, VICE CHAIR

BUD BLANCHARD JERRY W. GREER, SR.
INA CLEMENTS DERWIN HALL
JOHN TIGGLE

MATTHEW C. HANKINS
*Assistant Town Manager &
Community Development Director*

PLANNING COMMISSION AGENDA
TUESDAY, SEPTEMBER 3, 2019
6:00 P.M.

COUNCIL CHAMBERS, ROCKY MOUNT MUNICIPAL BUILDING
345 DONALD AVENUE, ROCKY MOUNT, VIRGINIA

Call to Order and Welcome

- I. Roll Call of Members Present
- II. Election of Officers
- III. Approval of Agenda
- IV. Review and Consideration of Minutes
 - a. August 6, 2019-Regular Meeting Minutes
- V. Public Hearing
 - a. Donna Hale and Jaime Johnson are requesting a Special Exception/Use Permit to operate a licensed family day home at property located at 45 LAKEVIEW DRIVE ROCKY MOUNT, VA, 24151, Franklin County Tax Map and Parcel Number 2020115400. The applicant intends to establish a licensed family day home to allow up to 12 children at their residence, which is zoned R1 (Residential District)
 - i. Staff Comments
 - ii. Public Comments
- VI. New Business
 - Short term rental discussion
- VII. Old Business
- VIII. Commissioner Concerns
- IX. Staff Updates
- X. Adjournment

**TOWN OF ROCKY MOUNT
PLANNING COMMISSION
REGULAR MEETING MINUTES
August 6, 2019
6:00 p.m.**

The Planning Commission of the Town of Rocky Mount, Virginia met in the Council Chambers of the Rocky Mount Municipal Building, located at 345 Donald Avenue, Rocky Mount, Virginia, at 6:00 p.m. on August 6, 2019, for its regular monthly meeting with Madame Chair Janet Stockton presiding.

Commission Members Present:

- Chair Janet Stockton
- Vice Chairman John Speidel
- Member Derwin Hall
- Member Bud Blanchard
- Member John Tiggle
- Member Jerry Greer
- Member Ina Clements

Staff Members Present:

- Assistant Town Manager Matthew Hankins
- Planning Commission Clerk Cherie Compton
- Town Planner Jessica Heckman
- Town Attorney John Boitnott

APPROVAL OF AGENDA

Additions or Corrections: None

Motion: To approve agenda as presented
Motion By: Member Ina Clements

Second: Member Bud Blanchard

Action: Approved by a unanimous vote of members present

REVIEW AND CONSIDERATION OF MINUTES

Let the record show that prior to the meeting, Planning Commission received the following draft minutes for review and consideration of approval:

July 2, 2019- Regular Meeting Minutes

Additions or Corrections: None

Motion: To approve minutes as presented
Motion By: Member Ina Clements
Second: Vice Chair John

Speidel

Action: Approved by unanimous vote of members present

New Business

Matthew Hankins addressed his role as the Planning & Zoning Administrator and Subdivision Agent and what duties consisted of; he asked that Town Planner Jessica Heckman take over these duties and be appointed Subdivision Agent. An open discussion ensued.

Motion: To appoint Town Planner Jessica Heckman as Subdivision Agent with Matthew Hankins being deputy

Motion by: Member Jerry Greer

Second: Vice Chairman John Speidel

Action: Approved by unanimous vote of members present

Matthew Hankins spoke on the Comprehensive Plan in regards to the North Main Street Revitalization. He suggested taking a look at what could be done under a Community Development Block Grant or applying for a Planning Grant that could be used to hire a consultant to assess community needs and make recommendations about things that should be included in applying for the block grant. An open discussion ensued.

Motion: Planning Commission recommended for Town of Rocky Mount Planning to apply for Planning Grant/ Community Development Block Grant

Motion by: Member Derwin Hall

Second: Member Jerry Greer

Action: Approved by unanimous vote of members present

Old Business:

Planning Commission Members reviewed the event application that was presented and asked for fees to be added for such items as police staffing and cleanup deposit.

Motion: To approve the event application with an attached fee schedule

Motion by: Member Derwin Hall

Second: Vice Chair John Speidel

Action: Approved by unanimous vote of members present

Staff Updates:

Town Planner Jessica Heckman showed a sketch of the mural that was presented for the Angle Hardware building. Matthew Hankins gave an update on the Cox Property, Warren Street Festival, Town of Rocky Mount weather station, and the test that was done with the outside speakers in front of Haywood's. An open discussion ensued.

With no further discussion, a motion was made to adjourn.

ADJOURNMENT

Motion to Adjourn By: Member Jerry

Greer Second: Member Ina Clements

Action: Approved by a unanimous vote of members present

Time of Adjournment: 6:38 p.m.

Janet Stockton, Chairman

ATTEST:

Cherie Q. Compton, Clerk

TOWN OF ROCKY MOUNT
345 DONALD AVE.
ROCKY MOUNT, VIRGINIA 24151

540.483.7660
FAX : 540.483.8830

E-MAIL: JHECKMAN@ROCKYMOUNTVA.ORG
WWW.ROCKYMOUNTVA.ORG



TOWN COUNCIL
STEVEN C. ANGLE, *MAYOR*
BILLIE W. STOCKTON, *VICE MAYOR*

BOBBY M. CUNDIFF BOBBY L. MOYER
MARK H. NEWBILL JON W. SNEAD
GREGORY B. WALKER

JESSICA H. HECKMAN
Town Planner

STAFF REPORT

PETITIONER:	Donna Hale and Jaime Johnson
REQUEST:	Special Exception/Use Permit in the R1(Residential District) in order to operate a family day home
LOCATION:	45 Lakeview Drive, Rocky Mount, VA
HEARING DATE:	Planning Commission, September 3, 2019 Town Council, September 9, 2019
TAX PARCEL:	2020115400

EXECUTIVE SUMMARY:

Donna Hale and Jaime Johnson have applied for a special use permit in order to operate a family day home at their home located on Lakeview Drive, which is zoned as R1-Residential.

If approved, the applicants intend to become a licensed family day home, allowing them to care for more than five but less than 13 children at the residence per Virginia Licensing requirements and Town code. This application has been advertised in the Franklin News-Post as required by law, and the public hearing notice sign been posted on the site.

I. APPLICABLE REGULATIONS:

DEFINITIONS

RESIDENTIAL DISTRICT-R1, Statement of Intent -This district is composed of certain quiet, low-density areas where the density of housing may range from one to three units per acre. This district also contains certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children and to prohibit all intensive commercial activities. To these ends, development is limited to relatively low concentrations and permitted uses are limited basically to dwellings providing homes for the residents plus certain additional uses such as schools, parks, churches and certain public facilities that serve the residents of the district.

Family day home: A single-family dwelling in which a facility as defined in § 63.2-100 of the Code of Virginia (1950), as amended, is operated for the purpose of providing care for more than five but less than 13 children separated from their parents or guardians during a portion of the day, exclusive of the provider's own children and any children who reside in the home. The care of five or less children for portions of a day shall be considered a home occupation.

II. EXISTING CONDITIONS:

The subject property is approximately a half acre with a one story dwelling, with an approximately 1624 square foot footprint. Currently, the applicants operate a home childcare service providing care for four children.

III. PROPOSED CONDITIONS:

If approved, the applicants intend to become a licensed family day home. While a licensed family day home allows up to twelve children, the applicants are only asking approval for up to eight. The applicants will provide child care primarily for children ages infant-five years of age; but would consider providing after school care for children up to age 10. The applicant states Virginia Licensure will be obtained once zoning approval is acquired. The applicants intend to make any changes in or outside the home necessary to meet the Standards for Licensed Family Day homes in Virginia. They will be adding a 30x30 fenced in play area to the rear of the home once all approvals are received. Upon filling all eight childcare spots, the applicants state they will be hiring one additional part-time employee to provide assistance between 9am - 2pm each day.

According to the Virginia Department of Social Services, "Family day home care is the most common form of child care in this country, especially for younger children. Parents may choose family child care for its intimate, home-like setting, flexible hours, consistency of care-giver, and small group size." According to the applicants, they have been contacted by many families needing childcare for children under five years of age, they hope to be able to accommodate some of those requests with this approval. Family day homes, by definition are best suited for residential districts as they must be operated in a single family residence. Town code allows for home occupations such as childcare in any residential district, however in order to become a licensed "family day home", caring for more than five children, code requires a special use permit. We must determine if allowing more than five children,(three more in this case) has a negative impact on the surrounding properties or community.

Staff does not anticipate any negative impacts resulting from allowing three additional children. Traffic will be minimal during the day and will only have drop off and pick up times in the morning and the evening. The childcare hours will be from 5:45am-6:00pm. The drop off window will be from 5:45- a.m. - 7:30 a.m. and the pick-up window from 4:00-6:00 p.m. The childcare currently has about four cars that drop off or pick up during those times and anticipate no more than eight with the additional children. By becoming a licensed family day home, the Town can be assured they have met all of the requirements under the Virginia Department of Social Services.

IV. CONFORMANCE WITH COMPREHENSIVE PLAN:

The Comprehensive plan calls for us to encourage economic development and services that will provide a benefit to the community. This proposed use will not only create at least one new job, but by providing child care, it allows citizens to enter the workforce.

V. STAFF ANALYSIS

Staff supports granting the special use permit. It is in alignment with our Comprehensive Plan, supports economic development, and helps meet the needs of

residents by providing child care services for working citizens in the town and county. While we understand childcare can be seen as a business, staff recognizes it as more of a community service, and like other home occupations would not in any way change the character of the neighborhood. Staff feels it would be a benefit to town citizens needing childcare and seeking a more intimate, home-like setting.

Staff recommends approval of the special use permit, pending additional public input from the public hearing.

POSSIBLE MOTIONS:

Approval: I move to approve the special exception request for Tax Map Parcel 2020115400 (on the following grounds, if needed): _____

ONLY IF APPLICABLE:

Approval, with Imposed Conditions: I move to approve the special exception request for Tax Map Parcel 2020115400 **with the following conditions:** _____

Denial: I move to deny the special exception request for Tax Map Parcel 2020115400 (on the following grounds, if needed): _____

PREPARED BY: Jessica H. Heckman
HEARING DATES: Planning Commission, September 3, 2019
Town Council, September 9, 2019

Attached are examples of code and applications from surrounding localities pertaining to short term rentals or "homestays" for discussion at this meeting. Would like to get input from Planning commission regarding homestays and if its something we should research and consider developing code for Rocky Mount in order to increase potential lodging.



TOWN OF CHRISTIANSBURG

100 East Main Street
Christiansburg, VA 24073

Phone: (540) 382-6120
Email: planning@christiansburg.org

DATE RECEIVED _____

For additional information, see
www.christiansburg.org/homestay

Homestay Permit Application

Instructions: Please complete the first page of the application and pay the safety inspection fee. Applications may be submitted in person, via mail, or through email with electronic signature. Once the payment is received, the Building Department will contact you to schedule a safety inspection. Once your application is approved, you will be required to obtain a business license from the Finance Department and remit the applicable lodging tax on a monthly basis.

Applicant Name _____ Phone _____

Applicant Address _____ Email _____

Property Owner _____ Property Owner Address _____

Applicant Self-Certification of Homestay Use Regulations

By affirming the following statements, the applicant certifies the homestay shall be operated in compliance with the homestay use regulations, as required in Sec. 42-664 (b) of the Christiansburg Town Code

- Yes No This is my primary residence. (*Primary residence means a person's principal home. If an applicant has more than one home, their primary residence is the home where they live for more than half of the calendar year).
- Yes No No additional services other than short-term rental will be provided for compensation.
- Yes No Living accommodations for guests shall only be provided in the main home.
- Yes No The minimum contract rental period will be at least 24 hours.
- Yes No The guest party occupancy shall not exceed two families or eight occupants, whichever number is greater and there shall never be more occupants than permitted by the Virginia Uniform Statewide Building Code.
- Yes No No outdoor signs in conjunction with the homestay shall be displayed on the property.
- Yes No Parking will be limited to the driveway, garage, or portion of the street in front of the property.
- Yes No Guests will not park recreational vehicles, trailers, buses, or commercial vehicles on the property.
- Yes No The garbage/recycling collection schedule and guidelines shall be posted in a prominent location inside the home.

The undersigned applicant hereby understands and agrees to the provisions of Chapter 18 "Finance" and Chapter 42 "Zoning" of the Christiansburg Town Code regarding homestays. **This permit expires on December 31 and must be renewed annually by March 1.**

Applicant Signature / Acknowledgement of Conditions

Date

Property Owner Signature (if other than applicant) / Acknowledgement of Conditions

Date

FOR OFFICE USE ONLY:

HOMESTAY SAFETY INSPECTION

Emergency Escape and Rescue Openings

- Yes No Any designated sleeping room(s) shall have (1) emergency and escape rescue opening.
- Yes No The required opening shall comply with the code in effect at the time the dwelling was constructed.

Smoke Alarms

- Yes No Smoke alarms shall be located in the following locations:
1. In each sleeping room.
 2. Outside each sleeping area in the immediate vicinity of the bedrooms.
 3. On each story of dwelling including the basement.
- Battery powered smoke alarms are permitted if the dwelling does not have electrically connected alarms.

Carbon Monoxide Detectors:

- Yes No Carbon monoxide detectors shall be located in the following locations for dwellings with gas appliance or attached garages.
1. In the immediate vicinity of the bedrooms and in each sleeping area.

Fire Extinguishers:

- Yes No Fire extinguishers shall be located in the kitchen area to be visible and easily accessible.
- Yes No Fire extinguisher shall be of Type 2-A: 10-B: C or an approved equivalent.

Egress and Emergency Contact:

- Yes No The Homestay operator should make available to their guests a map showing escape routes and emergency contact information in case of emergency.
- Yes No Access (Main Entrance) to the dwelling shall be safe and in compliance with the Virginia Maintenance Code.

Pass Fail **Safety Inspection** Inspector: _____ Date: _____

Remarks: _____

Zoning District: _____	Safety Inspection Fee: \$ _____									
Parcel ID: _____	State Surcharge (2%): \$ _____									
Dwelling Type: _____	Total: \$ _____									
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Approved</td> <td style="width: 15%;">Disapproved</td> <td style="width: 70%;"></td> </tr> <tr> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td>Planning Director _____ Date: _____</td> </tr> <tr> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td>Building Official _____ Date: _____</td> </tr> </table>	Approved	Disapproved		<input type="checkbox"/>	<input type="checkbox"/>	Planning Director _____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	Building Official _____ Date: _____	
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<input type="checkbox"/>	<input type="checkbox"/>	Building Official _____ Date: _____								



HOMESTAY INSPECTION CHECKLIST

This checklist is provided as a courtesy to assist in quickly facilitating the homestay inspection and approval process. The inspection is not inclusive of the entire dwelling and shall consist of only the following items.

EMERGENCY ESCAPE AND RESCUE OPENINGS

- Any designated sleeping room(s) shall have (1) emergency and escape rescue opening.
- The required opening shall comply with the code in effect at the time the dwelling was constructed.

SMOKE ALARMS

- Smoke alarms shall be located in the following locations:
 1. In each sleeping room.
 2. Outside each sleeping area in the immediate vicinity of the bedrooms.
 3. On each story of dwelling including the basement.
- Battery-powered smoke alarms are permitted if the dwelling does not have electrically-connected alarms.

CARBON MONOXIDE DETECTORS:

- Carbon monoxide detectors shall be located in the following locations for dwellings with gas appliance or attached garages.
 1. In the immediate vicinity of the bedrooms and in each sleeping area.

FIRE EXTINGUISHERS:

- Fire extinguishers shall be located in the kitchen area to be visible and easily accessible.
- Fire extinguishers shall be of Type 2-A: 10-B: C or an approved equivalent.

EGRESS AND EMERGENCY CONTACT:

- The homestay operator should make available to their guests a map showing escape routes and emergency contact information in case of emergency.
- Access (Main Entrance) to the dwelling shall be safe and in compliance with the Virginia Maintenance Code.





Town of Christiansburg

100 E Main Street, Christiansburg VA 24073

Transient Lodging Tax Monthly Submission Form

Transient Lodging Tax for Month _____ Year _____ Account _____

Business Name _____ Location _____

Mailing Address _____

City _____ State _____ Zip _____

Phone _____ Fax _____

Email _____

1. **GROSS TRANSIENT LODGING RECEIPTS** (do not include any tax receipts) _____
2. **ALLOWABLE DEDUCTIONS**
 - a. Lodging paid for by a public institution in connection with any educational conference or program. _____
 - b. Lodging paid for by Federal, State or Local governments _____
 - c. Other (please specify) _____
 - d. Total Deductions _____
3. Item 1 less 2d (taxable receipts) _____
4. Transient Lodging Tax (9% of Item 3) _____
5. Less 3% discount for tax collection **If paid by 20th of month due** _____
6. Unpaid balance from previous month _____
7. **TOTAL TRANSIENT LODGING TAX DUE** _____
8. 10% Penalty for late payment _____
9. 10% Interest per annum _____
10. **TOTAL MEALS TAX, PENALTY, & INTEREST DUE** (sum of Items 7, 8 and 9) _____

REPORT AND PAYMENT DUE ON OR BEFORE THE 20TH OF THE MONTH FOLLOWING THE MONTH DURING WHICH THE TAX WAS COLLECTED

CHECKS AND MONEY ORDERS SHOULD BE MADE PAYABLE TO TOWN OF CHRISTIANSBURG

IF PAID AFTER THE DUE DATE A PENALTY OF 10% OF THE TAX, AND INTEREST AT THE RATE OF 10% PER ANNUM WILL BE COMPUTED UPON THE TAX AND PENALTY FROM THE DATE SUCH WERE DUE AND PAYABLE.

I (we) declare under penalty of law that I (we) have examined this return and to the best of my knowledge it is true, correct and complete.

SIGNATURE

DATE

Make a copy of this form and keep for your records. Submit original copy with your check or money order.

Homestay Ordinance

On Jan. 22, 2019, Christiansburg Town Council passed a [homestay ordinance](#) in response to the growing popularity of home-based lodging options. The ordinance – which goes into effect July 1, 2019 – requires Christiansburg residents to obtain an annual permit with the Town to be a homestay host and to register with the finance department to collect and remit the applicable fees and taxes.

The homestay dwelling – which cannot include any accessory structures (i.e. detached garages, converted sheds, etc.) – must be the primary residence of the host, which means the host must live in the dwelling for more than half of the calendar year. There are no limitations on the number of days the host can rent out the dwelling. A safety review of the dwelling will be performed by the building and fire departments prior to issuance of a permit for homestay use.

How do I register my residence as a homestay?

- Residents who are currently homestay hosts must submit a homestay permit to the Town of Christiansburg prior to July 1, 2019 - the date the homestay ordinance goes into effect. We encourage residents to submit their applications early; taxing and reporting will not be required until July 1. **Failure to register as a homestay can result in a \$500 fine.**
 - [The homestay permit application can be found here.](#)
 - *Please note that the permit will expire on December 31, 2019, and must be renewed by March 1, 2020. The Town will send a reminder letter to your registered address by early February.*
- Once the homestay permit has been submitted in-person at Town Hall, via mail to 100 E. Main Street, or via email with an electronic signature, the Building Department will contact the applicant to schedule an on-site safety review. It may take up to 10 business days to schedule the safety review, depending on the volume of applications at the time.
 - [This checklist includes the items the Building Department will be inspecting.](#) Please review it prior to the safety review.
- Once the safety review is complete, the homestay permit will be approved. You will then need to [submit a business license form](#). Upon submittal and payment of an initial \$30 business license fee, the Town's Finance Department will issue your business license.
 - *Subsequent year business license fees are based on gross receipts; the minimum fee is \$30.*
- Once your business license has been issued, you will be responsible for filing monthly lodging tax forms, which are due by the 20th of each month. The first return will be due Aug. 20, 2019, for the month of July.
 - [The lodging tax form can be found here.](#)
 - Are your sales and lodging taxes included in your total receipt numbers? [Here's a simple form to help you calculate your gross receipts.](#)

REGISTERING AS A HOMESTAY

01

COMPLETE A PERMIT APPLICATION

02

ONCE PERMIT APPLICATION IS SUBMITTED, THE BUILDING DEPARTMENT WILL CONTACT YOU TO SCHEDULE AN ON-SITE SAFETY REVIEW

03

ONCE SAFETY REVIEW IS COMPLETE, YOUR PERMIT WILL BE APPROVED

04

SUBMIT A BUSINESS LICENSE FORM

05

ONCE YOUR BUSINESS LICENSE HAS BEEN ISSUED, YOU WILL BE RESPONSIBLE FOR FILING MONTHLY LODGING TAX FORMS

06

REGISTER WITH VIRGINIA TAX



How do I register with Virginia Tax?

The Virginia Retail Sales and Use Act establishes a tax on the sale, lease, rental, or use or consumption of tangible personal property in Virginia, as well as taxable services in Virginia. A seller is subject to the sales tax imposed on gross receipts from retail sales. "Retail sales" means sales made for any purpose other than for resale. The tax may also apply to the furnishing of transient accommodations and the lease or rental of personal property.

As a homestay host, you must register with Virginia Tax. [Please click here to learn more and review instructions for registering.](#)

Quick Links

[WebGIS](#)

Helpful Links

[New Residents](#)

[Request for Service](#)

[Town Code](#)

[Public Records \(FOIA\)](#)

[Council Meeting Videos](#)



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[Accessibility](#)

Town of Christiansburg

100 E Main Street

Christiansburg, VA 24073

Phone: [540-382-6128](tel:540-382-6128)

Fax: [540-382-7338](tel:540-382-7338)



Government Websites by [CivicPlus®](#)

Homestay

What is homestay?

Homestay is the rental of residential property (your home), or a portion of it, to guests for short term stay. Often homeowners use web-based platforms such as AirBnB, Craigslist or HomeAway for advertising and booking of this type of short term or transient rental. As of January 1, 2017, this type of rental activity is allowed in the Town of Blacksburg subject to standards adopted by Town Council. To qualify, you must (i) be the property owner and (ii) live in the home you plan to rent. There are other requirements related to the number of times you may rent your home in a year, host and guest information, and guest safety standards. Lodging taxes must be paid for this type of rental.

How to I apply?

To apply, please fill out the application below and submit the completed application and associated tax forms to the Planning and Building Department. When approved, you will received a confirmation from the town. At present there is no fee for processing of a homestay application. The homestay application form includes more explanation about the use and the applicable standards with which you must comply. The appropriate financial forms for the payment of lodging taxes are also found below.

If you have any questions about the homestay use or how to fill out the application, please contact the Planning and Building Department at 540-443-1300. The Planning and Building Department is located in the Blacksburg Motor Company at 400 S. Main St. Office hours are Monday - Friday from 8 a.m. – 5 p.m. The primary staff contacts for homestay applications are Hillary Moore and Paul Patterson.

If you have questions about the lodging tax or business license please contact the Finance Department at 540-443-1050. The Finance Department is located on the second floor of the Blacksburg Municipal Building at 300 S. Main St. Office hours are Monday - Friday from 8 a.m. – 5 p.m. The primary staff contact for homestay is Karen Quesenberry.

Application and tax forms

[Homestay application](#) (PDF)

[Homestay monthly tax form](#) (PDF)

[Homestay frequently asked questions](#) (PDF)

[Meals and lodging homestay registration form](#) (PDF)

[Transient lodging tax information sheet](#) (PDF)

[Signed Ordinance 1807](#) (PDF)

Section 6-601. - Definitions.

As used in this article, unless the context requires a different meaning:

Booking transaction means any transaction in which there is a charge to a transient by a host for the occupancy of any dwelling, sleeping, or lodging accommodations.

Hosting platform means any person or entity that is not a host but facilitates reservations or collects payments for any booking transaction on behalf of a host through an online digital platform.

Guest or transient means a person who occupies a homestay unit.

Homestay means the accessory or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended for short term transient rental purposes in exchange for a charge for the occupancy. The primary use of the homestay unit shall remain residential. For each booking transaction, all applicable taxes must be collected and remitted to the town as required by chapter 22 by either the host or the associated hosting platform. Such accessory or secondary use shall not create a landlord/tenant relationship.

Host means the person who is the primary resident of a homestay unit offered for homestay lodging. In determining compliance with these regulations, the host has the burden of demonstrating that the dwelling unit is his or her primary residence.

Primary resident means the owner of the homestay unit who occupies the property as his or her principal place of residence and domicile.

Residential dwelling unit means a residence where one (1) or more persons maintain a household.

Type A rentals means rentals where the host is present during the homestay and no more than two (2) bedrooms of the homestay unit are rented.

Type B rentals means all other rentals, including ones where more than two (2) bedrooms of the homestay unit are rented or the host is not present during the homestay.

(Ord. No. 1807, § 1, 12-13-16)

Section 6-602. - Registration and other requirements.

- (a) No host shall operate a homestay unit or advertise a residential property for homestay use without the host first having registered with the department of planning and building.
- (b) The registration form shall include the following information:
 - (1) The name, telephone number, address, and email address of the host.
 - (2) A reminder about the importance of having appropriate levels of insurance that covers the homestay unit, the host and the guests.
 - (3) If the homestay unit shares a common wall or a common driveway with another property owner, proof of written notification to such neighboring property owner(s) prior to filing the registration application.
- (c) Signs, advertising, or any other display on the property indicating that the homestay unit is being

utilized, in whole or in part, as a homestay are not permitted.

- (d) The host shall register with the finance department to collect and remit the town's transient lodging tax as set forth in chapter 22, article V.
- (e) A host may only register and operate one (1) residential dwelling unit as a homestay in the town.
- (f) The registration shall be valid January 1st (or from whatever date the registration first occurs) through December 31st of the calendar year, and shall be renewed annually.
- (g) A valid registration will permit a maximum ninety (90) days of type A and type B rentals in each calendar year. Of these ninety (90) days of rentals, no more than thirty (30) days may be type B rentals. On each lodging tax return form filed with the director of finance, the number of type A and type B rentals shall be listed.

(Ord. No. 1807, § 1, 12-13-16)

Section 6-603. - Safety.

- (a) The unit shall have smoke alarms and carbon monoxide detectors meeting current Underwriters Laboratory standards installed as follows:
 - (1) In all sleeping areas.
 - (2) In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.
 - (3) In each story within the sleeping unit, including basements.
- (b) Any sleeping area must have one (1) other adequate method of egress beyond the entrance point.
- (c) As part of the registration process, the host shall certify that the homestay unit meets the requirements of this section. The registration forms shall also provide that, as part of the registration, the host is agreeing to permit inspections of the home (at reasonable times and after notice has been provided) to address complaints. The failure to permit such an inspection is grounds for registration suspension.

(Ord. No. 1807, § 1, 12-13-16)

Section 6-604. - Use regulations.

- (a) No recreational vehicles, buses, or trailers shall be parked on the adjoining street or visible on the property in conjunction with the homestay use.
- (b) The dates for trash and recycling collection shall be posted prominently in the homestay unit.
- (c) During each stay at the homestay unit, a principal guest shall be designated as the contact person for town officials in the event of safety or behavioral issues at the unit. The host shall provide this information upon request to authorized town officials.
- (d) The host shall not permit occupancy of a homestay unit for a period of less than twenty-four (24) hours.
- (e) The name and telephone number of the host or the host's designee shall be conspicuously posted within the homestay unit. The host shall answer calls twenty-four (24) hours a day, seven (7) days a week for the duration of each short term rental to address any problems associated with the homestay

unit.

- (f) The principal guest of a homestay unit shall be at least eighteen (18) years of age.
- (g) The maximum number of adult guests in a homestay unit is limited to six (6).

(Ord. No. 1807, § 1, 12-13-16)

Section 6-605. - Registration suspension or cancellation.

- (a) A registration may be suspended or cancelled for the following reasons:
 - (1) Failure to collect and/or remit the transient occupancy tax.
 - (2) Three (3) or more substantiated complaints (including, but not limited to, parking on grass, noise, excess trash) within a twelve-month period.
 - (3) The failure of any homestay host to maintain his or her principal place of residence or domicile at the dwelling unit used as a limited residential lodging.
- (b) Before any suspension or cancellation can be effective, a duly designated officer of the town shall give written notice to the homestay host. The notice of suspension or cancellation issued under the provisions of this chapter shall contain:
 - (1) A description of the violations constituting the basis of the suspension or cancellation;
 - (2) If applicable, a statement of acts necessary to correct the violation; and
 - (3) A statement that if no request for a hearing is made within ten (10) days from the date of the notice, the registration will be suspended or cancelled;
- (c) The notice shall be given to the host by delivering a copy of the notice in person. If the host cannot be found, such notice shall be sent by:
 - (1) Certified mail or e-mail to the addresses in the registration form; and
 - (2) A copy of the notice shall be posted in a conspicuous place on the premises.
- (d) If requested, a hearing shall be held before a deputy town manager or the deputy manager's designee. It is the burden of the host to demonstrate, by a preponderance of the evidence, why the suspension or cancellation should not go into effect. The decision of the deputy town manager or designee may be appealed to the town council.

(Ord. No. 1807, § 1, 12-13-16)

Section 6-606. - Penalty.

It shall be unlawful to operate a homestay without registering as required by this article, after a registration has been suspended or cancelled or in violation of any other requirement of this article; the penalty shall be a fine of one thousand dollars (\$1,000.00) per occurrence.

(Ord. No. 1807, § 1, 12-13-16)

TOWN OF BLACKSBURG HOMESTAY APPLICATION

Date Received: _____

Permit Number: _____

- NOTE:**
1. Submit completed application to the Planning and Building Department.
 2. Contact information and helpful hints can be found at the bottom of this form.
 3. Approved registrations are valid through the calendar year in which approved.
 4. Registration must be renewed annually. The deadline for submitting renewal application is December 1st for the following year.
 5. Regulations apply only to homestay within the Town limits of the Town of Blacksburg.

Owner Information

Name of Property Owner:

Address of Homestay:

Ownership as Listed on Montgomery County Property Records:

Email address (please print): _____

Phone: _____

Number of days of Type A rental anticipated? _____

Number of days of Type B rental anticipated? _____

Hosting Platforms you are considering using (such as AirBnB, Craigslist, HomeAway)

Does your homestay share any common walls or driveways with another property? YES NO

If yes, you must provide proof with this application that you have notified the adjoining property owner in writing of your intent to apply for a homestay. Please provide the letter and a certified mailing receipt with this application.

OFFICE USE ONLY:

Approved by: _____

Date: _____

Denied by: _____

CERTIFICATIONS

I HEREBY CERTIFY THE FOLLOWING:

I am the owner of the property where the homestay use is proposed and live at the homestay address.

I have read Sections 6-601 through 6-605 of the Blacksburg Town Code and agree to conform to all of the homestay regulations contained therein, including the safety requirements of Section 6-603.

I understand that violations of the terms of this permit can result in its revocation.

To address complaints, I agree to allow inspection of the homestay at reasonable times and after notice has been provided.

I agree to pay all applicable lodging taxes.

Property Owner Signature: _____

Please Print Name: _____

Date: _____

NEED HELP?

If you have any questions about the homestay use or how to fill out this application, please contact the Planning and Building Department at 540-443-1300. The Planning and Building Department is located in the Blacksburg Motor Company at 400 South Main Street. Office hours are M-F from 8:00 am to 5:00 pm. The primary staff contacts for homestay applications are Lisa Browning and Paul Patterson.

If you have questions about the Lodging Tax or Business License please contact the Finance Department at 540-443-1050. The Finance Department is located on the second floor of the Municipal Building at 300 South Main Street. Office hours are M-F from 8:00 am- 5:00 pm. The primary staff contact for homestay is Karen Quesenberry.

The Town Code containing the adopted homestay regulations may be accessed at www.blacksburg.gov. Look for Municipal Code at the bottom of the home page and find Chapter 6.

Montgomery County property records information can be found on the County Website at www.montva.com. You can use the iGIS map portal on the County website to locate your property and to verify how you have listed the ownership of your property.

Submit Application

Note: You will need to download the form and fill it out before submitting.

Homestay Rules and Regulations

Chapter 6 of the Blacksburg Town Code

Definitions of Homestay and the two different types of Homestay uses.

Homestay: the accessory or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended for short term transient rental purposes in exchange for a charge for the occupancy. The primary use of the homestay unit shall remain residential. For each booking transaction, all applicable taxes must be collected and remitted to the town as required by Chapter 22 by either host or the associated hosting platform.

Type A Rentals: rentals where the host is present during the homestay and no more than two of the bedrooms in the homestay unit are rented. Example: you rent a room in your home to a visiting faculty member for six weeks. **A maximum of 90 days of this type of rental is allowed in each calendar year. Any Type B Rentals count in the 90 maximum.**

Type B Rentals: all other rentals, including ones where more than two bedrooms of the homestay are rented or the host is not present during the homestay. Example: you rent your home out for game day and you go visit friends. **A maximum of 30 calendar days of this type of rental is allowed in each calendar year.**

Important Homestay Standards and Information:

- ❖ You must own the property and live there to have a homestay. The property registered for the homestay must be your primary residence. You may have only one homestay in the Town of Blacksburg.
- ❖ Failing to comply with all homestay regulations may result in revocation or suspension of your ability to have the homestay use.
- ❖ You must post conspicuously the name and contact telephone number for the host, or hosts designee. The host must answer call 24 hours a day/7 days a week for the duration of the rental should there be any problems associated with the homestay. Your guests need a way to contact you if there is an issue with the homestay.
- ❖ The principal guest of your homestay must be at least 18 years of age.
- ❖ During each homestay visit a principal guest shall be designated as the contact person for town officials in the event of safety or behavioral issues at the homestay. The host shall provide this information to the Town upon request by authorized town officials. We hope this will not be necessary but we need to be able to identify the guest if the need arises.
- ❖ The maximum number of adult guests in your homestay is limited to six.
- ❖ No one can rent your homestay for a period of less than 24 hours.

- ❖ You must post the day for trash and recycling collection prominently in the homestay. Please make sure your guests know that carts need to be out to the street by 7:00 am on collection day and that no trash placed in bags not in the cart will be collected. Only the carts are emptied.
- ❖ Every room in which you have guests sleeping must have a smoke detector. Carbon monoxide detectors are required as well if you have gas heat or gas appliances in your home.
- ❖ Every room in which you have guests sleeping must have adequate egress in case of emergency other than the entrance point. For example, a window that a person could open and fit through to exit the sleeping area in case of an emergency.
- ❖ No recreational vehicles, buses or trailers may be parked on the street or visible on your property in conjunction with the homestay use.
- ❖ No signs for the homestay use are allowed on the property.
- ❖ You are required to pay the Town lodging tax which is 7% of the total amount paid for the rental. You will need to complete and submit a Town of Blacksburg Meals and Lodging Tax Registration form to the Town Finance Department. You may attach the form to this application and staff will provide it to the Finance Department. The lodging tax may be new to you so please ask if you have any questions.
- ❖ The lodging tax you collect needs to be remitted on a monthly basis to the Finance Department. You will need to specify Type A or B rentals. If the lodging tax is being collected by the hosting platform, please let the Finance Department know. Please refer to Lodging Tax Remittance Form for more information. Please contact the Finance Department for more information on the lodging tax requirements.
- ❖ Have you checked on insurance? Make sure that your homeowner's policy covers this use or you obtain other insurance to cover the rental of your home for transient occupancy.
- ❖ Please make sure your guests are good neighbors. You want them to respect your home and also your neighbors. Repeated substantiated complaints can result in loss of ability to have the homestay use.

8/23/17



Town of Blacksburg
Transient Lodging/Homestay Tax
Remittance
P O Box 90003
300 S Main St
Blacksburg, VA 24062-9003
Email: mltax@blacksburg.gov

INSTRUCTIONS

- **Complete Sections A, B & C below.**
- **File on or before the 20th day of the month following the month being reported. In person** – Deliver to our office by 5:00 pm on the 20th of each month. **By mail** – postmark on or before the 20th of the month.
- Make check payable to **Town of Blacksburg**.
- **Mail to:** Town of Blacksburg, P O Box 90003, Blacksburg, VA 24062-9003.

A. Owner & Business Information

Owner's Name			Phone	
Mailing Address: Block/ Street Name		City	State	Zip
Business / Trade Name			Phone	
Physical Address: Block/ Street Name (no PO Boxes)		City	State	Zip
Social Security Number of Owner	Federal Id Number		Email Address	

B. Calculating Tax

1.	Total Gross Receipts for the Month of	Month	Year	\$
2.	Less Allowable Deductions (Attach List of Items) If Zero, enter "0."			\$
3.	Taxable Gross (Subtract Line 2 from Line 1)			\$
4.	7% Tax of Gross from Line 3 (Multiply Line 3 by 7%)			\$
5.	Less 2% Discount-Only when filed & paid on or before the 20 th (Multiply Line 4 by 2%)			\$
6.	Total Tax Less Discount (Subtract Line 5 from Line 4)			\$
7.	Penalty (Multiply line 6 by 10%)			\$
8.	Interest 10% per Annum			\$
9.	Total Due (Remember to include Penalty and Interest from line 7 & 8 if paid late)			\$

C. Declaration of Seller

I declare that the foregoing statement and figures are true, full and correct to best of knowledge and belief.

Signature of Owner or Agent

Date

Title

Phone

INSTRUCTIONS

- Complete Section below for Homestay type A and type B monthly rental totals.

- “Type A rentals” means rentals where the host is present during the homestay and no more than two bedrooms of the homestay unit are rented.
- “Type B rentals” means all other rentals, including ones where more than two bedrooms of the homestay unit are rented or the host is not present during the homestay.
- A valid registration will permit a maximum ninety (90) days of Type A and Type B rentals in each calendar year. Of these ninety (90) days of rentals, no more than thirty (30) days may be Type B rentals. Report the number of rentals for the month below.

Homestay Rentals			
Type A rentals for the month of	Month	Year	# of Rentals
Type B rentals for the month of			# of Rentals

Declaration of Seller	
I declare that the foregoing statement and figures are true, full and correct to best of knowledge and belief.	
_____ Signature of Owner or Agent	_____ Date
_____ Title	_____ Phone



Town of Blacksburg
Meals and Transient Lodging/Homestay Tax Registration

Federal Id # _____ Social Security Number _____

1. Name of Business: _____

2. Owner's Name: _____

3. Location of Business or Homestay address: _____
Street and Number

4. Class: _____
Restaurant, Cafeteria, Delicatessen, Snack bar, Caterer, Hotel, Homestay, etc.

5. Are you a Hosting Platform or Self collecting Homestay? _____

6. Business Mailing Address: _____

7. Home Address of Contact Person: _____

8. Phone: _____ Phone: _____
Business Contact Person (Cell phone)

Email: _____

9. If business is corporation provide copy of Articles of Incorporation; if business is a LLC, provide copy of Article of Organization.

10. Names of Officials signing (if Corp): _____

11. Date Business Began at Above Location: _____

12. Name of person Responsible for Submitting Monthly Tax Information:

13. Address of above (#11): _____

14. Telephone Number of above (#11) including area code: _____

Date

Signature and Title

Transient Lodging/Homestay Tax

- Pursuant to Section 22-500 of the Town of Blacksburg Code, there is hereby levied and imposed on each transient obtaining lodging or the use of space at any hotel or other place offering lodging to transients, a tax equal to seven (7) percent of the total amount paid for such lodging or the use of space by or for any such transient. Transient means any person who, for any period of not more than ninety (90) consecutive days, either at his or her own expense or at the expense of another, obtains lodging at any hotel or place offering lodging.
- New businesses are to complete the Town of Blacksburg Meals and Transient Lodging/Homestay Tax Registration form and send it to the Financial Services Department at

Town of Blacksburg
Department of Financial Services
P O Box 90003
300 S Main St.
Blacksburg VA 24062

- The tax is remitted monthly with a Transient Lodging/ Homestay form on or before the 20th of the following month. The form can be obtained from the Office of Financial Services or on the Town of Blacksburg website at <http://www.blacksburg.gov/departments/departments-a-k/financial-services/taxes>. The form is at the bottom of the webpage.
- For further information regarding Transient Lodging/Homestay Tax, please call 540-961-1105.

Transient Lodging/Homestay Tax

- Pursuant to Section 22-500 of the Town of Blacksburg Code, there is hereby levied and imposed on each transient obtaining lodging or the use of space at any hotel or other place offering lodging to transients, a tax equal to seven (7) percent of the total amount paid for such lodging or the use of space by or for any such transient. Transient means any person who, for any period of not more than ninety (90) consecutive days, either at his or her own expense or at the expense of another, obtains lodging at any hotel or place offering lodging.
- New businesses are to complete the Town of Blacksburg Meals and Transient Lodging/Homestay Tax Registration form and send it to the Financial Services Department at

Town of Blacksburg
Department of Financial Services
P O Box 90003
300 S Main St.
Blacksburg VA 24062

- The tax is remitted monthly with a Transient Lodging/ Homestay form on or before the 20th of the following month. The form can be obtained from the Office of Financial Services or on the Town of Blacksburg website at <http://www.blacksburg.gov/departments/departments-a-k/financial-services/taxes>. The form is at the bottom of the webpage.
- For further information regarding Transient Lodging/Homestay Tax, please call 540-961-1105.



FAQs for Hosts

1. Q – Who is responsible for paying Occupancy Taxes on bookings made prior to the date that Airbnb begins collecting and remitting in this jurisdiction?
A – Each host is responsible for collecting the applicable Occupancy Taxes and remitting directly to the tax authority for any bookings made through Airbnb prior to the date that Airbnb begins collecting and remitting.
2. Q – Do I still need to register for Occupancy Taxes if Airbnb is collecting the taxes?
A – If your rentals are booked exclusively through Airbnb, then you may, but will not be required to, register for Occupancy Taxes. You will need to register and collect Occupancy Taxes on rentals booked through other methods or platforms.
3. Q – Do I still need to have a business license if Airbnb is collecting the taxes?
A – Depending on the jurisdiction, there may be business license requirements for hosts. Please refer to your jurisdiction’s regulations to determine whether business license requirements apply.
4. Q – What if I book my home through other websites?
A – The collection and remittance of Occupancy Taxes is required for all short-term rentals. Although Airbnb is handling the taxes for bookings on their site, you are still required to collect and remit the taxes for bookings made outside of the Airbnb platform.
5. Q – How do I report my Airbnb activity?
A – You should not be reporting your Airbnb activity. Airbnb will be remitting Occupancy Taxes on your behalf.
6. Q – Where do I find information about the taxes Airbnb has remitted on my behalf?
A – You can view detailed information about your Airbnb bookings at any time from your [Transaction History](#), including the gross amount you charged the guest for the stay, and the amount of taxes Airbnb collected and remitted on your behalf.
7. Q – Any further recommendations to Hosts?
A – While Airbnb has contractually agreed to collect TOT on your behalf, we strongly recommend that you maintain your books and records of all transactions running through the Airbnb platform.

For more information regarding Airbnb, please refer to [Airbnb.com Help Center](#).



Exhibit A Host Gross Earnings

Dashboard Stats Inbox Your Listing Host Assist Your Trips Profile **Account** Invite Friends

- Notifications
- Payment Methods
- Payout Preferences
- Transaction History**
- Privacy
- Security
- Connected Apps
- Settings
- Badges

Invite Friends

Completed Transactions Future Transactions **Gross Earnings**

Earnings Summary | [Export to CSV](#)

2016 From: January To: December

Date	Type	Details	Gross Earnings	Occupancy Taxes
12/31/2016	Reservation	Dec 30, 2016 - Jan 01, 2017	\$389	\$61
12/30/2016	Reservation	Dec 29 - 30, 2016	\$165	\$26
12/29/2016	Reservation	Dec 28 - 29, 2016	\$170	\$27
12/27/2016	Reservation	Dec 26 - 28, 2016	\$378	\$59
12/25/2016	Reservation	Dec 24 - 26, 2016	\$284	\$45
12/22/2016	Reservation	Dec 21 - 24, 2016	\$569	\$89
12/21/2016	Reservation	Dec 20 - 21, 2016	\$165	\$26
12/17/2016	Reservation	Dec 16 - 20, 2016	\$695	\$109
12/16/2016	Reservation	Dec 15 - 16, 2016	\$165	\$26
12/12/2016	Reservation	Dec 11 - 15, 2016	\$761	\$119
12/11/2016	Reservation	Dec 10 - 11, 2016	\$186	\$29
12/06/2016	Reservation	Dec 5 - 10, 2016	\$880	\$142
12/03/2016	Reservation	Dec 2 - 5, 2016	\$531	\$83
12/02/2016	Reservation	Dec 1 - 2, 2016	\$193	\$30
11/29/2016	Reservation	Nov 28 - Dec 1, 2016	\$411	\$65
11/26/2016	Reservation	Nov 25 - 28, 2016	\$573	\$90
11/25/2016	Reservation	Nov 24 - 25, 2016	\$165	\$26
11/21/2016	Reservation	Nov 20 - 24, 2016	\$744	\$120
11/18/2016	Reservation	Nov 17 - 20, 2016	\$532	\$86



Exhibit B Guest Receipt

Receipt:

Booked by:
Wednesday, Sep 21, 2016

Accepted

Check In **Dec 30, 2016** > Check Out **Jan 1, 2017**

Entire home/apt

Hosted by:
Phone:

2 Travelers on this trip

Cost per traveler
This trip was \$124 per person, per night, including taxes and other fees.

Charges

\$170 × 2 nights	\$339
Cleaning fees ●	\$50
Service Fee ●	\$47
Occupancy taxes	\$61

Total **\$497**

Payment

\$497
September 21, 2016

Balance **\$0**

[Add billing details](#)



Exhibit C CSV Download

Date	Nights	Guest	Listing Name	Details Reference	Currency	Amount	Paid Out	Host Fee	Cleaning Fee	Gross Earnings	Occupancy Taxes
1/30/16	2	Guest Name	Listing Name		USD	377		12	50	389	61
1/29/16	1	Guest Name	Listing Name		USD	160		5	50	165	26
1/28/16	1	Guest Name	Listing Name		USD	165		5	50	170	27
1/26/16	2	Guest Name	Listing Name		USD	367		11	50	378	59
1/24/16	2	Guest Name	Listing Name		USD	275		9	50	284	45
1/21/16	3	Guest Name	Listing Name		USD	552		17	50	569	89
1/20/16	1	Guest Name	Listing Name		USD	160		5	50	165	26
1/16/16	4	Guest Name	Listing Name		USD	674		21	50	695	109
1/15/16	1	Guest Name	Listing Name		USD	160		5	50	165	26
1/11/16	4	Guest Name	Listing Name		USD	738		23	50	761	119
1/10/16	1	Guest Name	Listing Name		USD	180		6	50	186	29
2/5/16	5	Guest Name	Listing Name		USD	854		26	50	880	142
2/2/16	3	Guest Name	Listing Name		USD	515		16	50	531	83
2/1/16	1	Guest Name	Listing Name		USD	187		6	50	193	30
2/28/16	3	Guest Name	Listing Name		USD	399		12	50	411	65
2/25/16	3	Guest Name	Listing Name		USD	556		17	50	573	90
2/24/16	1	Guest Name	Listing Name		USD	160		5	50	165	26
2/20/16	4	Guest Name	Listing Name		USD	722		22	50	744	120
1/17/16	3	Guest Name	Listing Name		USD	516		16	50	532	86
1/16/16	1	Guest Name	Listing Name		USD	163		5	50	168	26
1/15/16	1	Guest Name	Listing Name		USD	178		6	50	184	29
1/13/16	2	Guest Name	Listing Name		USD	339		11	50	350	55
1/11/16	2	Guest Name	Listing Name		USD	372		11	50	383	62
1/9/16	2	Guest Name	Listing Name		USD	412		13	50	425	67
1/8/16	1	Guest Name	Listing Name		USD	160		5	50	165	26

CITY OF ROANOKE – COMMISSIONER OF THE REVENUE

SHORT TERM RENTAL TAX - IMPORTANT FILING INFORMATION

~What is the short term rental tax?

The short term rental tax is a tax on the total amount charged to each person for the rental of short term rental property excluding any state and local sales tax paid under the provisions of section 58.1-600 et seq., Code of Virginia. The short term rental tax is a 'trust tax.' This means that the taxes are collected from customers and temporarily held in trust before being remitted to the City of Roanoke. Please remember that 'trust taxes' collected and held for remittance cannot be used for any other financial obligation.

~How do I know if I must collect and remit short term rental tax?

A person (sole proprietor, partnership, LLC, Corporation) is engaged in the short-term rental business if:

1. Eighty (80) percent or more of gross rental receipts of the business during the preceding year arose from transactions involving the rental of short term rental property, other than heavy equipment property as defined in this section, for ninety-two (92) consecutive days or less, including all extension and renewals to the same person or a person affiliated with the lessee; or,
2. Sixty (60) percent or more of gross rental receipts of such business during the preceding year arose from transactions involving the rental of heavy equipment property for periods of two hundred seventy (270) consecutive days or less, including all extensions and renewals to the same person or a person affiliated with the lessee. For purposes of this section, 'heavy equipment property' means rental property of an industry that is described under Code 532412 or 532490 of the 2002 North American Industry Classification System as published by the United States Census Bureau, excluding office furniture, office equipment, and programmable computer equipment and peripherals as defined in section 58.1-3505A.16., Code of Virginia.
3. Based on Virginia State Code 58.1-3510.5, every person (sole proprietor, partnership, LLC or Corporation) engaging in the short term rental business activity is required to file the Short Term Rental Annual Certification Form
4. Any person who grosses less than four thousand dollars (\$4,000) *in any year* in short term rental receipts from such business shall not be deemed to be engaged in the short term rental business for purposes of local short term rental tax.

~When do I need to register as a short term rental business?

Every person (sole proprietor, partnership, LLC, Corporation) engaging in the business of short term rental shall file an application for certificate of registration with the Commissioner of the Revenue's Office for each place of business in the City from which short term rental business will be conducted by the applicant. The application must be filed within thirty (30) days of beginning short term rental business activity.

~What is the tax rate for the short term rental tax?

1. The tax rate for short term rental (92 consecutive days or less) is one (1) percent of total gross rental receipts.
2. The tax rate for short term rental 'heavy equipment' (270 consecutive days or less) is one and one half (1.5) percent of total gross rental receipts.

~What are the filing requirements for the short term rental tax?

1. ALL businesses with a rental classification on their City of Roanoke Business License are required to file an annual certification form listing total gross receipts from all business classifications/activity and total gross receipts from all rental activity in the preceding year (business license class codes: 1380 – lease/rent under 90 days & 0964 – lease/rent over 90 days). The annual certification form is due on or before January 31 for the prior tax year (ex. Gross receipts for tax year 2017 are due on or before January 31, 2018).
2. Qualified businesses must file the quarterly form with the Commissioner of the Revenue's Office on or before the 15th day of April, July, October and January.
3. A legal USPS postmark will be accepted as timely filed/paid (metered mail is not considered timely filed). If the filing/payment due date falls on a weekend or holiday, the next business day becomes the due date.

~What is exempt from the short term rental tax?

Exemptions to the short term rental tax are:

1. Rentals to the Commonwealth of Virginia, to any political subdivision of the Commonwealth, or to the United States.
2. Rental of durable medical equipment as defined in subdivision 10 of section 58.1-609.10, Code of Virginia.
3. Rentals exempt from the Virginia Sales and Use Tax pursuant to Chapter 6 of Title 58.1, Code of Virginia, are exempt from the local short term rental tax.
4. Trailers as defined in 46.2-100, Code of Virginia, and other tangible personal property required to be licensed or registered with the Department of Motor Vehicles, Department of Game and Inland Fisheries, and the Department of Aviation are excluded from the local short term rental tax.
5. Although documentation to verify/prove exemptions is not required at the time of filing, it may be requested by the Commissioner of the Revenue's Office at any time.

~How is business personal property tax assessed on short term rental equipment?

1. If your business is required to file and remit the quarterly short term rental tax, the rental inventory (items, equipment, etc... rented to others) is not taxable on the annual Business Personal Property filing form. Although an inventory list of rental items is not required with the quarterly short term rental tax filing, the Commissioner of the Revenue's Office may request it at any time.
2. If your business does not meet the requirements to file and remit the quarterly short term rental tax, the rental inventory (any/all items rented to others) is taxable for the annual business personal property tax. A list of all items **MUST** be included with the annual business personal property filing form and include a description of the item, the purchase/received date, and the original cost. The annual filing for the business personal property tax form and detailed fixed asset list is due on or before February 15.

~Where can I get more information?

For more information about the business taxes administered by the City of Roanoke Commissioner of the Revenue's Office, please visit our website at www.roanokeva.gov – Government – Elected and Appointed Officials – Commissioner of the Revenue, or contact the Commissioner's Business Tax Center at (540) 853-2524

Sherman A. Holland
Commissioner of the Revenue
City of Roanoke
215 Church Avenue SW, Room 251
Roanoke, Virginia 24011
(540) 853-2524

SHORT TERM RENTAL - QUARTERLY FILING

Trade Name:
Owner, LLC, or CORP Name:
Physical Location Address:
Mailing Address:
Contact Name:
Telephone Number:
E-Mail Address:

Tax Year (Jan – Dec):	Business License#:
Filing Quarter (Please Circle):	<input type="radio"/> Jan-Mar <input type="radio"/> April-June <input type="radio"/> July-Sept <input type="radio"/> Oct-Dec
Total gross receipts for the QUARTER for all business activity:	

Short Term Rental Other Than Heavy Equipment (92 consecutive days or less)

Total gross rental receipts <i>excluding</i> heavy equipment (92 days or less)		
Less exempt rentals (please include supporting documentation)	-	
Taxable gross rental receipts	=	
Tax Due (taxable gross rental receipts x 1%)	=	
Penalty for late remittance (10% or \$10 if tax due is less than \$100)	+	
TOTAL TAX DUE	=	

Short Term 'Heavy Equipment' Rental (270 consecutive days or less)

Total gross rental receipts from 'heavy equipment' (270 days or less)		
Less exempt rentals (please include supporting documentation)	-	
Taxable gross rental receipts	=	
Tax Due (taxable gross rental receipts x 1.5%)	=	
Penalty for late remittance (10% or \$10 if tax due is less than \$100)	+	
TOTAL TAX DUE	=	

Authorized Signature

Date

Title

Make Checks Payable to: City Treasurer
PO Box 1451
Roanoke, VA 24007

Quarterly Filing Deadlines: April 15, July 15, October 15, January 15

Sherman A. Holland
Commissioner of the Revenue
City of Roanoke
215 Church Avenue SW, Room 251
Roanoke, Virginia 24011
(540) 853-2524

Short Term Rental – Annual Certification Form

Tax Year (Jan – Dec):	Business License#:
Trade Name:	
Owner, LLC, or CORP Name:	
Physical Location Address:	
Mailing Address:	
Contact Name:	
Telephone Number:	
E-Mail Address:	

Complete the following Short Term Rental Annual Certification information and return to the City of Roanoke Commissioner of the Revenue’s Office on or before **January 31**

Total Gross Receipts for ALL business activity and business license classifications for the tax year stated above:	\$
Total Gross Receipts for all rental activity	\$
Total Gross Receipts for regular short term rental equipment <u>excluding</u> ‘heavy equipment’ rentals – 92 consecutive days or less	\$
Total Gross Receipts for ‘heavy equipment’ rental – 270 consecutive days or less:	\$

I (we), the undersigned, hereby certify under penalty of perjury that the information provided on this certification is true and correct to the best of my (our) knowledge and belief:

Authorized Signature
Date

Title

**CITY OF ROANOKE, VIRGINIA
COMMISSIONER OF THE REVENUE**

**SHERMAN A. HOLLAND
215 CHURCH AVE SW, ROOM 251
ROANOKE, VA 24011
(540) 853-2524**

SHORT-TERM RENTAL TAX REGISTRATION

Date

Entity Type

Owner

ID# (Social Security or Fed ID)

Trade Name

Mailing Address

City

State

Zip

Physical location (City Street Address)

Type of Rental(s) (e.g. Heavy Equipment, Video, Tools, Etc.)

Percentage of Total Yearly Rental of Each Type

(____) _____
Phone

(____) _____
Fax

I (we), the undersigned hereby certify under penalty of perjury, that the information provided on this application, is true and correct to the best of my (our) knowledge and belief.

Authorized Signature

Title



SHORT TERM/DAILY RENTAL TAX
QUARTERLY REPORT FOR COLLECTION AND REMITTANCE
(Pursuant to City of Salem Code Section 82-176 through 82-183)

Owner Name: _____

Trade Name: _____

Mailing Address: _____

Salem City Rental Location: _____

Business Tax Contact Name: _____ Phone #: _____

Federal Tax ID #: _____ VA Sales Tax #: _____

Description of Rental Property: _____

The receipts reported are for the quarter ending:
____ March 31 ____ June 30 ____ September 30 ____ December 31

Gross Receipts for all Rentals	\$
Gross Receipts for Short Term Rentals	\$
Computation of Tax (1% of line 2)	\$

I, the undersigned, hereby certify under penalty of perjury, that the information provided herein, is true and correct to the best of my knowledge and belief. By signing, written or electronically, I also certify that I am the owner or authorized agent for the company named above.

SIGNATURE: _____ DATE: _____

PRINT NAME: _____ TITLE: _____

https://www.roanoke.com/business/as-airbnb-grows-so-does-enforcement-challenge-for-zoning-officials/article_345c9cb8-e01e-56c9-89a1-d37cf116a6db.html

As Airbnb grows, so does enforcement challenge for zoning officials

By Jacob Demmitt jacob.demmitt@roanoke.com 381-8621 May 13, 2017



Tim Dayton and his wife rent out two rooms in their Roanoke home through Airbnb. The Daytons are among just a handful of property owners who have gone through the laborious process to get approval from the city.

There are nearly 100 Roanoke properties listed on Airbnb right now, but just seven are sanctioned by the city.

Those are owned by the few who, like Tim Dayton, chose to apply for a so-called homestay zoning exemption, as mandated in most neighborhoods. It was a monthslong process that required him to pay \$350, meet with city planners, make safety improvements to his Old Southwest home as requested and agree to abide by the city's rules for these types of operations. He also had to stand in front of the Board of Zoning Appeals so neighbors could raise public complaints about his Airbnb intentions.

Meanwhile, competing renters continue to operate down the street without authorization — or repercussions.

The same is happening in Blacksburg, where Airbnb lists more than 100 properties for rent. The town has received just 31 applications for homestay exemptions.

Both Roanoke and Blacksburg have passed local ordinances designed to regulate properties listed on Airbnb and similar sites such as Expedia-owned HomeAway. Roanoke passed its homestay ordinance in 2015, and Blacksburg began enforcing its own earlier this year.

The rules were pitched as a way to monitor these relatively new types of hospitality operations in order to make sure they were held to professional standards and didn't disrupt the community.

But no homeowner in either locality has been fined or found guilty in court of ignoring the rules, even as officials in both places acknowledge widespread violations.

The Roanoke City Council is now considering a new measure that could up the stakes, as it may revise the lodging tax code so it would apply to these homestay operations.

Acting City Manager Brian Townsend said the primary goal is to level the playing field with other overnight businesses. But it would also introduce the possibility of prosecutors seeking tax-related charges against those who choose to rent out rooms on Airbnb without notifying the

city and receiving a homestay exemption.

Explicit approval isn't required in every zoning district, but it is in most neighborhoods.

The Roanoke City Council will hold a public hearing Monday as it considers the lodging tax proposal.

An enforcement struggle

Roanoke's and Blacksburg's enforcement issues aren't unique, as localities across the country struggle to keep up with a technology industry that moves faster than the average government bureaucracy.

Airbnb, the largest facilitator of the so-called "sharing economy," was founded in 2008 and soon turned the hospitality industry upside-down by giving average homeowners the ability to make extra cash by renting rooms inside their homes.

Dayton estimates he makes about \$300 a month renting two rooms in his home on Mountain Avenue. He charges \$70 a night and has accommodated tourists, locals in town for special events and job applicants looking for somewhere to stay for a night.

It's not so much a business for Dayton as it is a way for him and his wife to justify holding on to their 3,400-square-foot, six-bedroom house years after the couple's four children moved out.

The Virginia General Assembly considered bills designed to regulate these kinds of rentals at the state level in 2016, but in the end passed legislation this year that left it up to each locality to decide what to do with Airbnb.

That means jurisdictions such as Roanoke and Blacksburg will have to continue their quest to stare down billion-dollar tech giants and sort through a largely unknown and unregulated industry in order find a way to make it all work.

While the rental properties are advertised online, addresses are obscured until a room is booked. Code enforcers say it can be difficult to identify the violators behind each listing.

Townsend said that many of these properties only rent one bedroom for a couple of days each month. Without specific address information from the website, property owners identifying themselves or neighbors coming forward, the homestays can be tough to spot.

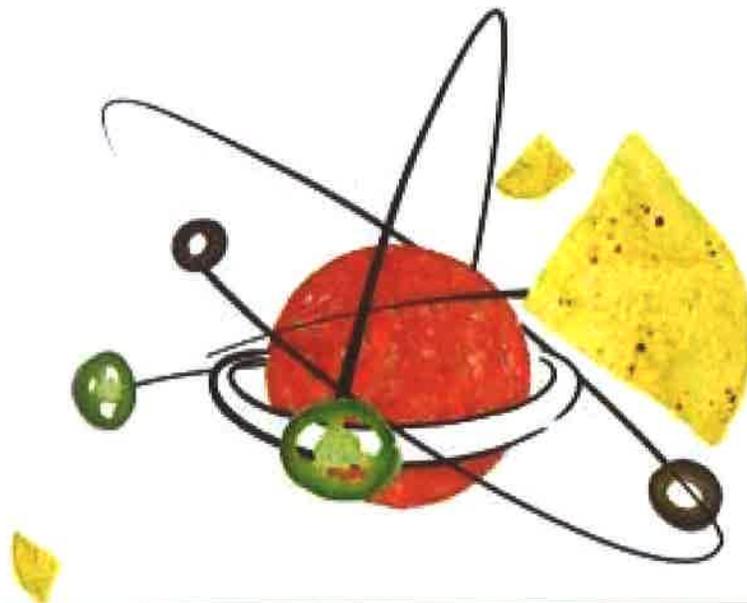
“It was obvious to us that owners of these establishments, at least more recently, have become more coy, if you will, about giving out specific street addresses,” Townsend said. “We’re trying every way we can to get compliance. I think it’s still an emerging type of business.”

The city for years has tried, with varying degrees of success, to monitor Airbnb and sites such as Craigslist.

Through those efforts, the city has formally cited 14 properties for operating without the homestay special exemption.

The next step toward repercussions would be for prosecutors to file charges in General District Court. If the homeowner was found guilty, fines would come from the court.

But that’s never happened.



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AD

SKIP AD >

River Laker was one of the first to receive a violation notice in 2014. There was no homestay special exemption for Airbnbs at the time, so planning officials told him he needed to apply to the zoning board as if he was running a full bed and breakfast.

Laker ignored the warnings for about six months but decided to get licensed after he kept receiving the letters.

He realizes now he probably could have gotten away without the special exemption, but he doesn't regret doing it anyway. He just wants to see everyone playing by the same rules.

"I would say until the city is able to successfully enforce the homestay license, don't even talk about additional regulations," Laker said of the tax proposal. "It's just going to affect the few who are trying to comply with the city. The rest of the people will just continue to ignore the whole deal."

Dayton says he put himself through the regulatory process because that's just the way he likes to conduct business. He's not a fan of rules, but he thinks the city took appropriate steps to make sure his rental wouldn't disrupt his neighborhood.

But he also doesn't blame his fellow Airbnb users who aren't in compliance. Dayton admits that even he operated for about a year before he knew he needed the special exemption. He just wishes enforcement was more uniform.

"I think its destroys people's confidence in the government and why they did it," Dayton said. "If you create something, you need to be able to follow through."

Neighbors against neighbors

Of course, convincing homeowners to apply for a homestay exemption is only the first step.

Michael Woolwine, a member of the Roanoke Board of Zoning Appeals who must vote on which property owners receive the homestay exemption, said neighbors get involved in about a third of cases.

Those are the ones that can get tricky.

Out of 16 homestay exemption applications in Roanoke, three have been denied by the board and another three have been voluntarily withdrawn by homeowners.

When Suzanne Gandy decided to list her South Roanoke home of 18 years on Airbnb, she said she was careful to closely follow the city's guidelines.

Gandy paid \$350 to apply. She submitted photos to show that she had plenty of off-street parking and a big enough home to give guests privacy. She promised to limit herself to two guests at a time and to follow local rules that require Airbnb homeowners to be present when they have customers staying at the house.

Her application was recommended for approval by the city's planning officials.

But more than 10 neighbors showed up for the public comment portion of the application, some pointing to a petition they said was signed by 49 people who were worried about Gandy's plans.

According to minutes from a June 2016 board meeting, one neighbor said she didn't want to have to worry about a "stranger knocking on her door or taking her children." Another said "commercialism has no place in a residential neighborhood" and another cited "heavier traffic" as a top concern.

In the end, the board voted down Gandy's application, with three members in favor of granting the special exemption and four against.

Gandy knows she likely could have listed her home anyway, joining the crowd of those operating without proper approval. But she said she didn't, adding that she supports the city and its attempts to regulate Airbnb rentals.

But she does feel like a group of neighbors stirring up fear shouldn't be enough to stop a homeowner.

"It's totally frustrating," Gandy said. "I do support the city and the planning department. They did what they could but there was an onslaught of xenophobic neighbors who operate with the premise of 'not in my backyard.'"

Woolwine, who voted in favor of Gandy's application, said neighbors have a right to be concerned about new and unknown operations popping up near their homes. That's why the city and the Board of Zoning Appeals will continue to search for a way to make it all work for everyone involved.

"I think we'll see more of them. Especially this millennial generation, this isn't something they mind doing," Woolwine said of homestay operations. "It's a process, but it's all for the protection of the system and the neighborhoods."

Representatives for Airbnb did not respond to interview requests for this article.

Roanoke council waits to talk to Airbnb before considering tax on homestay businesses

Jacob Demmitt

Jacob Demmitt covers business and technology out of the New River Valley bureau.

