

SENATE BILL 1225

L2, C2, Q8

8lr3842

By: **Senator Astle**

Introduced and read first time: March 1, 2018

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Short-Term Residential Rentals – Taxation and**
3 **Regulation**

4 FOR the purpose of imposing the Anne Arundel County hotel occupancy tax on certain
5 consideration paid for the use or occupancy of a short-term residential rental in the
6 county; providing for the administration and collection of the Anne Arundel County
7 hotel occupancy tax on short-term residential rentals; prohibiting a person from
8 operating a short-term residential rental in Anne Arundel County without a certain
9 license; requiring that the application for the license contain certain information and
10 that the applicant certify certain information in the application; requiring the Anne
11 Arundel County Director of Inspections and Permits to provide the application for a
12 short-term residential rental license; establishing the amount of a license fee and a
13 certain late fee; authorizing certain individuals and entities to file a certain
14 challenge of the certification made by a license applicant; requiring the Director to
15 take certain actions if a certain challenge is filed; requiring the Director to suspend
16 the license of a licensee under certain circumstances; authorizing certain aggrieved
17 persons to appeal certain decisions to the Board of Appeals; requiring the Board of
18 Appeals to take certain actions within certain periods of time; prohibiting the
19 Director from issuing a license to certain individuals under certain circumstances;
20 prohibiting the Director from issuing a license unless the Health Officer makes a
21 certain determination; requiring a certain license to be displayed in a certain area;
22 requiring a licensee to give the Director certain notice; authorizing certain
23 short-term residential rentals as a conditional use allowed in certain residential
24 districts; defining certain terms; and generally relating to short-term residential
25 rentals in Anne Arundel County.

26 BY repealing and reenacting, without amendments,
27 Article – Local Government
28 Section 20-603(b)(3) through (6) and (c)
29 Annotated Code of Maryland
30 (2013 Volume and 2017 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 The Public Local Laws of Anne Arundel County
3 Section 4–6–105 and 18–4–106
4 Article 2 – Public Local Laws of Maryland
5 (2005 Edition and September 2017 Supplement, as amended)

6 BY adding to
7 The Public Local Laws of Anne Arundel County
8 Section 11–13A–101 through 11–13A–110 to be under the new title “Title 13A.
9 Short–Term Residential Rentals”; and 18–10–145.1
10 Article 2 – Public Local Laws of Maryland
11 (2005 Edition and September 2017 Supplement, as amended)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That the Laws of Maryland read as follows:

14 **Article – Local Government**

15 20–603.

16 (b) (3) Except as provided in paragraph (6) of this subsection, any revenue
17 generated in the City of Annapolis from the hotel tax shall be collected by Anne Arundel
18 County.

19 (4) From any revenue generated in the City of Annapolis from the hotel
20 tax, Anne Arundel County shall distribute:

21 (i) 3% to the Arts Council of Anne Arundel County, Inc.; and

22 (ii) 17% to the Annapolis and Anne Arundel County Conference and
23 Visitors Bureau.

24 (5) After making the distributions required under paragraph (4) of this
25 subsection, the balance of the revenue generated in the City of Annapolis from the hotel
26 tax shall be distributed to the City of Annapolis.

27 (6) (i) Anne Arundel County may authorize the City of Annapolis to
28 collect revenue generated in the City of Annapolis from the hotel tax.

29 (ii) If Anne Arundel County authorizes the City of Annapolis to
30 collect revenue generated in the City of Annapolis from the hotel tax, the City of Annapolis
31 shall distribute a percentage of the revenue in accordance with paragraph (4) of this
32 subsection and retain the balance of the revenue generated.

33 (c) (1) From the county’s share of revenue from the hotel tax, Anne Arundel
34 County shall distribute:

- 1 (i) 3% to the Arts Council of Anne Arundel County, Inc.; and
2 (ii) 17% to the Annapolis and Anne Arundel County Conference and
3 Visitors Bureau.

4 (2) After making the distributions required under paragraph (1) of this
5 subsection, the balance of the county's share of revenue from the hotel tax shall be credited
6 to the general fund of the county.

7 Article 2 – Anne Arundel County

8 4–6–105.

9 (a) In this section, the following words have the meanings indicated.

10 (1) “Additional rent” means the rent paid by an occupant to a room
11 remarketer that is in excess of the net rent.

12 (2) “Collecting authority” means the County Controller except as provided
13 in subsection (k).

14 (3) (i) “Hotel” means a facility that offers sleeping accommodations to
15 the transient public.

16 (ii) “Hotel” includes a motel, inn, bed and breakfast home or inn,
17 rooming or guest house, and tourist home.

18 (iii) “Hotel” does not include a bed and breakfast home, rooming or
19 guest house, or tourist home that has fewer than three bedrooms for the lodging of
20 occupants.

21 (4) [“Hotel owner or operator” means a person who possesses or has an
22 ownership interest in a hotel or is engaged in the business of operating a hotel.

23 (5)] “Net rent” means the rent received by a hotel owner or operator from a
24 room remarketer.

25 [(6)] (5) “Occupant” means a person who uses or occupies a room in a
26 hotel.

27 (6) “OWNER OR OPERATOR” MEANS A PERSON:

28 (I) WHO POSSESSES OR HAS AN OWNERSHIP INTEREST IN A
29 HOTEL OR IS ENGAGED IN THE BUSINESS OF OPERATING A HOTEL; OR

1 **(II) WHO OPERATES A SHORT-TERM RESIDENTIAL RENTAL.**

2 (7) (i) “Rent” means the consideration paid for the use or occupancy of
3 **A SHORT-TERM RESIDENTIAL RENTAL OR** a room in a hotel in the County.

4 (ii) “Rent” includes both the “net rent” and the “additional rent”
5 when the use or occupancy of **A SHORT-TERM RESIDENTIAL RENTAL OR** a room is
6 reserved, booked, brokered, or otherwise arranged for by a room remarketer and the full
7 amount of the rent is not paid by the occupant directly to the [hotel] owner or operator.

8 (iii) “Rent” includes charges for services and booking fees that are a
9 condition of use or occupancy and any amount for which credit is allowed by the [hotel]
10 owner or operator or room remarketer to the occupant.

11 (iv) “Rent” does not include charges for optional services provided by
12 the **OWNER OR OPERATOR OF A SHORT-TERM RESIDENTIAL RENTAL OR A** hotel to the
13 occupant that are in addition to the charge for use or occupancy and that are set forth
14 separately on the bill presented to the occupant.

15 (8) “Room remarketer” means a person, other than the owner or operator
16 of a **SHORT-TERM RESIDENTIAL RENTAL OR A** hotel, who has the right, access, ability
17 or authority, through an internet transaction or any other means, to offer, reserve, book,
18 arrange for, remarket, distribute, broker, or resell **THE SHORT-TERM RESIDENTIAL**
19 **RENTAL OR** rooms for which use or occupancy is subject to the tax levied under this section.

20 **(9) “SHORT-TERM RESIDENTIAL RENTAL” HAS THE MEANING STATED**
21 **IN § 11-13A-01 OF THIS CODE.**

22 (b) There is a hotel occupancy tax levied on the rent paid for the use or occupancy
23 of a **SHORT-TERM RESIDENTIAL RENTAL OR** room in a hotel in the County. The rate of
24 the tax is 7% of the rent.

25 (c) If the full amount of the rent is paid by the occupant directly to the [hotel]
26 owner or operator, the [hotel] owner or operator shall collect the tax from the occupant and
27 remit the tax to the collecting authority as provided in subsection (g).

28 (d) If the use or occupancy of a room is reserved, booked, or otherwise arranged
29 for by a room remarketer and the full amount of the rent is not paid by the occupant directly
30 to the [hotel] owner or operator, the room remarketer shall:

31 (1) collect the tax from the occupant based on the net rent and remit the
32 tax to the [hotel] owner or operator who shall remit it to the collecting authority as provided
33 in subsection (g); and

34 (2) collect the tax from the occupant based on the additional rent and remit
35 the tax to the collecting authority as provided in subsection (g).

1 (e) The tax does not apply to the rent paid for the use or occupancy of a
2 **SHORT-TERM RESIDENTIAL RENTAL OR A** room in a hotel that continues for 90 or more
3 consecutive days, provided that this exemption does not apply to a room remarketer that
4 offers, reserves, books, arranges for, remarkets, distributes, brokers, or resells the
5 **SHORT-TERM RESIDENTIAL RENTAL OR** room for use or occupancy by others.

6 (f) **[A hotel] AN** owner or operator or **A** room remarketer that offers, reserves,
7 books, arranges for, remarkets, distributes, brokers, or resells **SHORT-TERM**
8 **RESIDENTIAL RENTALS OR** rooms for which use or occupancy is subject to the tax levied
9 under this section shall register with the collecting authority on the form prescribed by the
10 collecting authority.

11 (g) The tax collected by **[a hotel] AN** owner or operator or **A** room remarketer shall
12 be remitted to the collecting authority no later than the 25th day of each month. The **[hotel]**
13 owner or operator or room remarketer shall at the same time file with the collecting
14 authority a return on forms prescribed by the collecting authority that sets forth the
15 amount of taxes collected during the preceding period and such other information as the
16 collecting authority may require.

17 (h) (1) **[A hotel] AN** owner or operator or **A** room remarketer that fails to
18 collect, remit, or file a return for the tax levied by this section within the time prescribed
19 shall be assessed the amount of tax due, interest at the rate of 0.5% for each month or
20 fraction of a month, and a penalty of 10% of the tax due. The interest and penalty shall be
21 collected as part of the tax.

22 (2) **[A hotel] AN** owner or operator or **A** room remarketer that fails to
23 register as required by subsection (f) shall be subject to a civil penalty of \$1,000 in addition
24 to any other amount owed under this subsection.

25 (i) If a taxpayer has erroneously, illegally, or unconstitutionally paid the tax
26 levied by this section, the collecting authority shall refund the tax if the refund is applied
27 for in writing within three years after payment of the tax, and if there is good and sufficient
28 grounds for the refund. The application shall be in the form approved by the collecting
29 authority, signed by both the taxpayer and the proper officer of the **[hotel]** owner or
30 operator or room remarketer, and submitted to the collecting authority.

31 (j) Not less than 10 days before taking possession or control of a hotel that is
32 subject to the tax levied by this section, the purchaser, transferee, or assignee shall notify
33 the collecting authority by certified mail of the sale, transfer, conveyance, or assignment.
34 The notice shall set forth the name and mailing address of the purchaser, transferee, or
35 assignee, and the anticipated date of taking possession or control. If notice to the collecting
36 authority is not provided or if the collecting authority informs the purchaser, transferee, or
37 assignee that a possible claim for taxes exists, the sums of money, property, or choses in
38 action, or other consideration in which the purchaser, transferee, or assignee has an
39 interest are subject to a first priority, right, and lien to the County, or the Mayor and

1 Aldermen of the City of Annapolis, as appropriate, for the tax. The purchaser, transferee,
2 or assignee is liable to the extent of the amount of the claim for unpaid taxes due under
3 this section.

4 (k) Except as otherwise provided by an agreement executed in accordance with
5 this subsection, the collecting authority for the tax levied by this section is the County
6 Controller. For the tax levied on the occupancy of **SHORT-TERM RESIDENTIAL RENTALS**
7 **OR** hotels located in the City of Annapolis, the County may enter into an agreement with
8 the Mayor and Aldermen of the City of Annapolis delegating to the City of Annapolis the
9 authority to act as collecting authority.

10 **TITLE 13A. SHORT-TERM RESIDENTIAL RENTALS.**

11 **11-13A-101.**

12 **IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

13 (1) **“LICENSE” MEANS A LICENSE ISSUED UNDER THIS TITLE**
14 **AUTHORIZING A PERSON TO USE A DWELLING UNIT FOR SHORT-TERM RESIDENTIAL**
15 **RENTALS.**

16 (2) **“SHORT-TERM RESIDENTIAL RENTAL” MEANS THE RESIDENTIAL**
17 **OCCUPANCY OF A DWELLING UNIT FOR A FEE FOR LESS THAN 30 CONSECUTIVE**
18 **DAYS.**

19 **11-13A-102.**

20 (A) (1) **A PERSON MAY NOT OPERATE A SHORT-TERM RESIDENTIAL**
21 **RENTAL WITHOUT A LICENSE ISSUED BY THE DEPARTMENT.**

22 (2) **A SEPARATE LICENSE IS REQUIRED FOR EACH DWELLING UNIT**
23 **USED FOR SHORT-TERM RESIDENTIAL RENTALS.**

24 (B) **AN APPLICATION FOR A LICENSE SHALL BE SIGNED BY THE APPLICANT**
25 **AND INCLUDE:**

26 (1) **THE APPLICANT’S STATE SALES AND USE TAX REGISTRATION**
27 **NUMBER; AND**

28 (2) **CERTIFICATION BY THE APPLICANT THAT:**

29 (I) **THE BUILDING IN WHICH THE SHORT-TERM RESIDENTIAL**
30 **RENTAL IS LOCATED COMPLIES WITH ALL APPLICABLE ZONING STANDARDS UNDER**
31 **ARTICLE 18 OF THIS CODE;**

1 (II) THE TOTAL NUMBER OF OVERNIGHT ADULT GUESTS IN THE
2 SHORT-TERM RESIDENTIAL RENTAL WILL BE LIMITED TO SIX, AND THE TOTAL
3 NUMBER OF OVERNIGHT ADULT GUESTS PER BEDROOM WILL BE LIMITED TO TWO;

4 (III) ONLY HABITABLE ROOMS WILL BE USED BY GUESTS;

5 (IV) SMOKE DETECTORS IN A SHORT-TERM RESIDENTIAL
6 RENTAL AND CARBON DIOXIDE DETECTORS IN ANY SHORT-TERM RESIDENTIAL
7 RENTAL USING NATURAL GAS OPERATE AS DESIGNED;

8 (V) SANITATION FACILITIES OPERATE AS DESIGNED;

9 (VI) THE APPLICANT HAS NOT BEEN FOUND GUILTY OF A
10 VIOLATION OF THIS TITLE OR TITLE 10 OF THIS ARTICLE;

11 (VII) ALL LOCAL TAXES AND REQUIRED FEES ARE PAID IN FULL;

12 (VIII) THE DWELLING UNIT WHERE THE SHORT-TERM
13 RESIDENTIAL RENTAL IS LOCATED IS THE PRIMARY RESIDENCE OF THE APPLICANT;

14 (IX) THE APPLICANT IS THE OWNER-AUTHORIZED AGENT OF
15 THE SHORT-TERM RESIDENTIAL RENTAL;

16 (X) THE APPLICANT HAS POSTED RULES AND REGULATIONS
17 INSIDE THE SHORT-TERM RESIDENTIAL RENTAL;

18 (XI) THE APPLICANT HAS POSTED CONTACT INFORMATION
19 INSIDE THE SHORT-TERM RESIDENTIAL RENTAL FOR A DESIGNATED
20 REPRESENTATIVE WHO:

21 1. RESIDES WITHIN 15 MILES OF THE SHORT-TERM
22 RESIDENTIAL RENTAL; AND

23 2. IS AVAILABLE FOR EMERGENCY PURPOSES AT ALL
24 TIMES DURING THE RENTAL PERIOD THAT THE PRIMARY RESIDENT IS NOT
25 AVAILABLE;

26 (XII) A RECORD OF ALL OVERNIGHT VISITORS WILL BE
27 MAINTAINED AND READILY AVAILABLE FOR INSPECTION;

28 (XIII) AS APPLICABLE, THE FOLLOWING PARTIES HAVE BEEN
29 NOTIFIED OF THE USE OF THE DWELLING UNIT AS A SHORT-TERM RESIDENTIAL

1 RENTAL:

2 1. FOR A SINGLE-UNIT OR ATTACHED UNIT, ABUTTING
3 AND CONFRONTING NEIGHBORS;

4 2. FOR A MULTI-UNIT BUILDING, NEIGHBORS LIVING
5 ACROSS THE HALL AND THOSE THAT SHARE A CEILING, FLOOR, OR WALLS WITH THE
6 APPLICANT'S UNIT;

7 3. THE MUNICIPALITY IN WHICH THE APPLICANT'S
8 DWELLING UNIT IS LOCATED; AND

9 4. ANY HOMEOWNERS ASSOCIATION, CONDOMINIUM
10 ASSOCIATION, OR HOUSING COOPERATIVE, AND THE OWNER OF THE DWELLING UNIT
11 OR THE OWNER'S RENTAL AGENT, IF THE APPLICANT IS NOT THE OWNER;

12 (XIV) THE APPLICATION IS NOT PROHIBITED BY ANY
13 HOMEOWNERS ASSOCIATION OR CONDOMINIUM DOCUMENT OR A RENTAL LEASE;

14 (XV) ANY COMMON OWNERSHIP COMMUNITY FEES FOR THE
15 DWELLING UNIT ARE NO MORE THAN 30 DAYS PAST DUE;

16 (XVI) EXCEPT FOR INDIVIDUALS VISITING THE PRIMARY
17 RESIDENT, ONLY REGISTERED GUESTS WILL BE ALLOWED ON THE PROPERTY; AND

18 (XVII) ANY ONLINE RENTAL LISTING WILL INCLUDE THE
19 SHORT-TERM RESIDENTIAL RENTAL LICENSE NUMBER AND STATE SALES AND USE
20 TAX REGISTRATION NUMBER.

21 (C) THE DIRECTOR SHALL:

22 (1) ESTABLISH AN ELECTRONIC METHOD FOR SUBMITTING, ISSUING,
23 RENEWING, DENYING, AND REVOKING AN APPLICATION FOR A LICENSE THROUGH
24 THE INTERNET;

25 (2) ACCEPT THE SELF-CERTIFICATION OF THE APPLICANT AFTER
26 VERIFYING COMPLIANCE BY REVIEWING ANY AVAILABLE RECORDS;

27 (3) APPROVE OR DENY A LICENSE OR A LICENSE RENEWAL WITHIN 15
28 WORKING DAYS AFTER RECEIPT OF THE APPLICATION AND ALL REQUIRED FEES,
29 UNLESS THE DIRECTOR RECEIVES A CHALLENGE TO CERTIFICATION UNDER §
30 11-13A-104 OF THIS TITLE; AND

1 **(4) ISSUE THE LICENSE FOR A TERM OF 1 YEAR, RENEWABLE FOR**
 2 **ADDITIONAL 1-YEAR TERMS, SUBJECT TO PAYMENT OF THE LICENSE FEE AND**
 3 **COMPLIANCE WITH ALL APPLICABLE LAWS AND CERTIFICATIONS REQUIRED FOR**
 4 **THE LICENSE.**

5 **11-13A-103.**

6 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B), FEES FOR INITIAL ISSUANCE**
 7 **OF A LICENSE AND EACH RENEWAL OF A LICENSE ARE:**

8 NUMBER OF UNITS	FEE
9 1 TO 4, PER UNIT	\$30
10 5 TO 50	\$120, PLUS \$25 PER UNIT
11 51 AND ABOVE	\$1,370 PLUS \$18 PER UNIT

12 **(B) IN ADDITION TO ANY OTHER REMEDY, FOR EACH 30 DAYS OR FRACTION**
 13 **THEREOF THAT THE OWNER OR OPERATOR OF A SHORT-TERM RESIDENTIAL**
 14 **RENTAL HAS OPERATED WITHOUT A CURRENT AND VALID LICENSE, THE COUNTY**
 15 **MAY IMPOSE A LATE FEE OF 10% OF THE APPLICABLE LICENSE FEE OR \$25,**
 16 **WHICHEVER IS GREATER.**

17 **(C) ANY LICENSE FEES, INCLUDING LATE FEES, REMAINING UNPAID FOR 6**
 18 **MONTHS AFTER THE LICENSEE HAS BEEN NOTIFIED OF THE IMPOSITION OF THE**
 19 **FEES BY THE COUNTY SHALL BE COLLECTED AS PROVIDED IN § 1-9-101 OF THIS**
 20 **CODE.**

21 **11-13A-104.**

22 **(A) WITHIN 30 DAYS AFTER AN APPLICATION FOR A LICENSE OR**
 23 **APPLICATION FOR RENEWAL OF A LICENSE UNDER THIS TITLE, A CHALLENGE TO**
 24 **THE REQUIRED CERTIFICATION MADE BY THE APPLICANT MAY BE FILED WITH THE**
 25 **DIRECTOR BY:**

26 **(1) A RESIDENT OR OWNER OF REAL PROPERTY LOCATED WITHIN 300**
 27 **FEET OF THE LICENSED SHORT-TERM RESIDENTIAL RENTAL OR THE DWELLING**
 28 **UNIT FOR WHICH A LICENSE HAS BEEN APPLIED FOR;**

29 **(2) THE MUNICIPALITY IN WHICH THE DWELLING UNIT IS LOCATED;**

30 **(3) ANY HOMEOWNERS ASSOCIATION, CONDOMINIUM ASSOCIATION,**
 31 **OR HOUSING COOPERATIVE; OR**

32 **(4) THE OWNER OF THE DWELLING UNIT OR THE OWNER'S RENTAL**

1 AGENT, IF THE APPLICANT IS NOT THE OWNER.

2 (B) WITHIN 60 DAYS AFTER RECEIPT OF THE CHALLENGE, THE DIRECTOR
3 SHALL:

4 (1) NOTIFY THE APPLICANT OR LICENSEE OF THE CHALLENGE;

5 (2) PROVIDE THE APPLICANT OR LICENSEE AN OPPORTUNITY TO
6 RESPOND TO THE CHALLENGE;

7 (3) INVESTIGATE ANY QUESTIONS OF FACT RAISED BY THE
8 CHALLENGE; AND

9 (4) IF THE DIRECTOR FINDS THAT AT LEAST ONE OF THE FACTS
10 CERTIFIED BY THE APPLICANT OR LICENSEE IS FALSE, REVOKE OR DENY THE
11 LICENSE.

12 11-13A-105.

13 (A) THE DIRECTOR SHALL SUSPEND THE LICENSE OF ANY LICENSEE THAT
14 RECEIVES AT LEAST THREE COMPLAINTS WITHIN ANY 12-MONTH PERIOD THAT ARE
15 VERIFIED TO BE A VIOLATION OF THIS CODE.

16 (B) THE DIRECTOR SHALL ESTABLISH PROCEDURES FOR THE
17 REINSTATEMENT OF LICENSES.

18 11-13A-106.

19 (A) A PERSON AGGRIEVED BY AN APPROVAL, DENIAL, REVOCATION, OR
20 SUSPENSION OF A LICENSE MAY APPEAL THE DECISION TO THE BOARD OF APPEALS.

21 (B) THE BOARD OF APPEALS SHALL:

22 (1) HOLD A HEARING ON THE APPEAL WITHIN 30 DAYS AFTER THE
23 APPEAL IS FILED; AND

24 (2) ACT ON THE APPEAL WITHIN 30 DAYS AFTER THE HEARING.

25 11-13A-107.

26 IF A SHORT-TERM RESIDENTIAL RENTAL LICENSE IS REVOKED, THE
27 DIRECTOR MAY NOT ISSUE, FOR 3 YEARS AFTER THE REVOCATION, A LICENSE TO:

1 **(1) THE FORMER LICENSEE WHO HAD THE LICENSEE'S LICENSE**
2 **REVOKED OR A MEMBER OF THE FORMER LICENSEE'S HOUSEHOLD; OR**

3 **(2) ANY APPLICANT FOR A LICENSE TO USE THE SAME DWELLING**
4 **UNIT FOR WHICH A LICENSE HAS BEEN REVOKED.**

5 **11-13A-108.**

6 **(A) THE DIRECTOR MAY NOT ISSUE OR RENEW A LICENSE FOR A**
7 **SHORT-TERM RESIDENTIAL RENTAL WITHOUT THE APPROVAL OF THE HEALTH**
8 **OFFICER.**

9 **(B) THE DIRECTOR AND THE HEALTH OFFICER SHALL APPROVE THE**
10 **ISSUANCE OR RENEWAL OF A LICENSE IF AN INSPECTION OF THE DWELLING UNIT**
11 **FOR WHICH THE LICENSE IS SOUGHT REVEALS THAT THE DWELLING UNIT COMPLIES**
12 **WITH ALL APPLICABLE REQUIREMENTS OF THIS CODE AND ALL APPLICABLE**
13 **HEALTH AND SAFETY PROVISIONS OF STATE LAW OVER WHICH THE DEPARTMENT**
14 **OR THE HEALTH OFFICER HAS JURISDICTION.**

15 **(C) IF AN APPLICANT FOR INITIAL LICENSURE OR THE RENEWAL OF A**
16 **LICENSE FOR A SHORT-TERM RESIDENTIAL RENTAL DOES NOT COMPLY WITH ALL**
17 **APPLICABLE REQUIREMENTS OF THIS CODE AND ALL APPLICABLE HEALTH AND**
18 **SAFETY PROVISIONS OF STATE LAW OVER WHICH THE DEPARTMENT OR THE**
19 **HEALTH OFFICER HAS JURISDICTION AFTER AN INITIAL INSPECTION AND ONE**
20 **RE-INSPECTION, THE HEALTH OFFICER MAY CHARGE A FEE OF \$80 FOR A SECOND**
21 **RE-INSPECTION AND FOR ANY ADDITIONAL INSPECTIONS NEEDED UNTIL THE**
22 **DWELLING UNIT IS APPROVED FOR INITIAL LICENSURE OR THE RENEWAL OF A**
23 **LICENSE.**

24 **11-13A-109.**

25 **A LICENSE ISSUED UNDER THIS TITLE SHALL BE DISPLAYED IN A**
26 **CONSPICUOUS PLACE WITHIN A COMMON WAY OF THE SHORT-TERM RESIDENTIAL**
27 **RENTAL.**

28 **11-13A-110.**

29 **(A) A LICENSE ISSUED UNDER THIS TITLE IS NOT TRANSFERABLE TO**
30 **ANOTHER PERSON OR ANOTHER DWELLING UNIT.**

31 **(B) A LICENSEE SHALL GIVE WRITTEN NOTICE TO THE DIRECTOR WITHIN 1**
32 **WEEK AFTER TRANSFERRING OR DISPOSING OF THE LEGAL CONTROL OF A**
33 **SHORT-TERM RESIDENTIAL RENTAL.**

1	the ground								
2	Commercial telecommunication	C	C	C	C	C	C	C	C
3	facilities permanently located on								
4	the ground on land owned by a								
5	governmental entity or a volunteer								
6	fire company or located in a								
7	transmission right-of-way and not								
8	attached to a transmission line pole								
9	or tower or within 100 feet of a								
10	transmission line right-of-way								
11	Commercial telecommunication	P	P	P	P	P	P	P	P
12	facilities that are antennas								
13	attached to a nonresidential								
14	structure if the antenna does not								
15	exceed 15 feet in height above the								
16	structure, does not project more								
17	than two feet beyond the facade,								
18	and does not support lights or signs								
19	unless required for safety reasons								
20	Commercial telecommunication	P	P	P	P	P	P	P	P
21	facilities for testing purposes or								
22	emergency services for a period not								
23	exceeding 30 days if the facility is a								
24	monopole not exceeding 100 feet in								
25	height and is located at least 300								
26	feet from any dwelling								
27	Composting facilities	C							
28	Conference retreat facilities	SE	SE	SE					
29	Construction or sales trailers,	P	P	P	P	P	P	P	P
30	temporary, in an approved								
31	development actively under								
32	construction								
33	Conversion of existing single-				SE	SE			
34	family detached dwellings to								
35	duplex dwellings								
36	Country clubs, private clubs, and	C	C	C	C	C	C	C	C
37	service, nonprofit, charitable								
38	organizations with less than 125								
39	onsite parking spaces								
40	Country clubs, private clubs, and	SE	C	C	C	C	C	C	C
41	service, nonprofit, and charitable								
42	organizations with 125 or more								
43	onsite parking spaces								
44	Dwelling units, accessory	C	C	C	C	C	C	C	
45	Dwelling units, adult independent	P	P	P	P	P	P	P	P
46	Dwelling unit, abutting heavy			P	P				
47	industrial zone								

1	Religious facilities on a lot of at	P		P	P	P	P	P	P
2	least two acres with less than 300								
3	onsite parking spaces								
4	Religious facilities on a lot of at	SE		P	P	P	P	P	P
5	least two acres with 300 or more								
6	onsite parking spaces								
7	Religious facilities on a lot of at		P						
8	least 5 acres if the coverage for all								
9	buildings, including onsite parking,								
10	is not more than 30% of the lot								
11	Restaurants, taverns, retail sales,							C	C
12	and consumer services in a								
13	multifamily structure								
14	Rifle, pistol, skeet, or archery	SE		SE					
15	ranges								
16	Roadside stands consisting of	P	P	P	P				
17	temporary seasonal structures that								
18	sell produce and other agricultural								
19	goods								
20	Rooming houses							P	P
21	Schools, private academic, in	P	P	P	P	P	P	P	P
22	existence on or before May 12, 2005								
23	Schools, public charter and private	C	C	C	C	C	C	P	P
24	academic, with less than 125 onsite								
25	parking spaces								
26	Schools, public charter and private	SE	C	C	C	C	C	P	P
27	academic, with 125 or more onsite								
28	parking spaces								
29	SHORT-TERM RESIDENTIAL	C							
30	RENTAL								
31	Small wind energy systems or	C	C	C	C	C			
32	meteorological towers on a lot of at								
33	least three acres								
34	One small wind energy system or	SE	SE	SE	SE	SE			
35	meteorological tower on a lot less								
36	than three acres								
37	Solar energy systems—accessory	C	C	C	C	C	C	C	C
38	Solar energy systems—principal	C							
39	Stables, commercial or community,	C	C	C					
40	and riding clubs								
41	Staging areas for County capital	P	P	P	P	P	P	P	P
42	projects								
43	Storage, bulk for agricultural	SE							
44	products								
45	Swimming pools and recreational	P	P	P	P	P	P	P	P
46	facilities, community, if located at								
47	least 50 feet from each residential								

1	lot line or dwelling unit								
2	Swimming pools, private	P	P	P	P	P	P	P	P
3	Taxidermists, excluding	P							
4	butchering, rendering, or tanning								
5	Theaters, live performances,	P		P	P				
6	temporary outdoor								
7	Volunteer fire stations	P	P	P	P	P	P	P	P
8	Waterman's home commercial use	C	C	C	C	C			
9	Wildlife and game preserves	P	P						
10	Wineries	C	C	C	C				
11	Workforce housing						SE	SE	

12 **18-10-145.1.**

13 **A DWELLING UNIT USED TO PROVIDE SHORT-TERM RESIDENTIAL RENTALS**
 14 **SHALL COMPLY WITH ALL OF THE FOLLOWING REQUIREMENTS.**

15 **(1) THE DWELLING UNIT MAY NOT BE A FARM TENANT HOUSE.**

16 **(2) THE DWELLING UNIT SHALL BE THE PROPERTY OWNER'S OR THE**
 17 **OWNER-AUTHORIZED RESIDENT'S PRIMARY RESIDENCE.**

18 **(3) IF THE PROPERTY OWNER OR AN OWNER-AUTHORIZED RESIDENT**
 19 **IS NOT PRESENT IN THE DWELLING UNIT, THE DWELLING UNIT MAY ONLY BE USED**
 20 **AS A SHORT-TERM RESIDENTIAL RENTAL FOR UP TO 120 DAYS EACH CALENDAR**
 21 **YEAR.**

22 **(4) THE DWELLING UNIT'S USE MUST BE LICENSED UNDER ARTICLE**
 23 **11, TITLE 13A OF THIS CODE.**

24 **(5) THE TOTAL NUMBER OF OVERNIGHT GUESTS IN THE SHORT-TERM**
 25 **RESIDENTIAL RENTAL WHO ARE ADULTS MAY NOT EXCEED SIX AND THE TOTAL**
 26 **NUMBER OF OVERNIGHT GUESTS WHO ARE ADULTS IN EACH BEDROOM MAY NOT**
 27 **EXCEED TWO.**

28 **(6) AT LEAST ONE OFF-STREET PARKING SPACE MUST BE PROVIDED**
 29 **FOR EACH RENTAL CONTRACT UNLESS THE ONLINE LISTING INDICATES THAT**
 30 **VEHICLE PARKING IS PROHIBITED.**

31 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July**
 32 **1, 2018.**