

AN ORDINANCE FOR THE CREATION OF A REGISTRY
FOR SHORT-TERM RENTAL OF PROPERTY

As used in this Ordinance: "Operator" means the proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity. "Short-term rental" means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

The County of Lancaster, Virginia hereby establishes a short-term rental registry. All operators within Lancaster County shall register annually, on or before January 1st or within sixty (60) days of the initial offering of a short-term rental and then thereafter annually on or before January 1st, with the Director of Planning for Lancaster County upon such forms as may be prescribed. The registration shall require the operator to provide the complete name of the operator and the address of each property in the County offered for short-term rental by the operator. A fee of fifty dollars (\$50.00) shall be due and paid with each registration to cover the actual costs of establishing and maintaining the registry.

No registration shall be required if such person is (i) licensed by the Real Estate Board or is a property owner who is represented by a real estate licensee; (ii) registered pursuant to the Virginia Real Estate Time-Share Act (§ [55-360](#) et seq.); (iii) licensed or registered with the Department of Health, related to the provision of room or space for lodging; or (iv) licensed or registered with Lancaster County, related to the rental or management of real property, including licensed real estate professionals, hotels, motels, campgrounds, and bed and breakfast establishments.

Failure to register as herein provided shall be subject to a penalty of \$500 per violation for an operator required to register who offers for short-term rental a property that is not registered with the County and unless and until an operator pays the penalty and registers such property, the operator may not continue to offer such property for short-term rental. Upon repeated violations of this ordinance as it relates to a specific property, the operator shall be prohibited from registering and offering that property for short-term rental.

An operator required to register shall be prohibited from offering a specific property for short-term rental in the County upon multiple violations on more than three occasions of applicable state and local laws, ordinances, and regulations, as they relate to the short-term rental.

Nothing herein shall be construed to prohibit, limit, or otherwise supersede existing County authority to regulate the short-term rental of property through general land use and zoning authority. Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Condominium Act (§ [55-79.39](#) et seq.), the declaration of a common interest community as defined in § [55-528](#), the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ [55-424](#) et seq.), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§ [55-508](#) et seq.).

Adopted: September 27, 2018

Attest: _____



Don G. Gill, County Administrator



COUNTY OF LANCASTER

FOUNDED 1651 IN VIRGINIA

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Don G. Gill
County Administrator

SHORT TERM RENTAL (RESIDENTIAL PROPERTY) REGISTRY

DEFINITION:

Properties offered for short term rental are defined as “the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.”

REQUIREMENTS:

Pursuant to §15.2-983 and §58.1-3819 of the *Code of Virginia*, 1950, as amended, the Lancaster County Board of Supervisors adopted ordinances on September 27, 2018 requiring all short-term rental properties to:

- 1) Register annually by completing this one-page form and pay an annual fee of \$50 (payable to Treasurer, Lancaster County) and return both to the Director of Planning and Land Use at the address on this letterhead. FAILURE TO REGISTER PENALTY = \$500.
- 2) Pay a Transient Occupancy Tax of 2% of the amount received for lodging by filing the attached one-page Transient Occupancy Tax Return with the Commissioner of Revenue by the 20th day of the month following receipt of lodging revenues. FAILURE TO REMIT TAX PENALTY = 5% of the tax due per month, not to exceed 25% in the aggregate PLUS 8% interest per annum PLUS 50% of the tax due if deemed fraudulent.

REGISTRY EXEMPTIONS:

You ***are not*** required to register if you are one of the following:

1. Licensed by the Real Estate Board or are a property owner who is represented by a real estate licensee.
2. Registered pursuant to the Virginia Real Estate Time-Share Act.
3. Licensed or registered with the Department of Health, related to the provision of room or space for lodging.
4. Licensed or registered with the locality related to the rental or management of real property, including licensed real estate professionals, hotels, motels, campgrounds and bed and breakfast establishments.

OPERATOR'S INFORMATION:

MAIL (name) _____
 (street address) _____
 (town/state /zip) _____

PHONE () _____

EMAIL _____

PROPERTY OFFERED FOR SHORT TERM RENTAL:

TAX MAP # _____

ADDRESS: (street address) _____
 (town/state/zip) _____

HOSTING PLATFORM(S): _____

SIGNATURE OF PROPERTY OWNER: _____

TRANSIENT OCCUPANCY TAX

WHEREAS, the Board of Supervisors of Lancaster County has determined, after public hearing duly advertised, to adopt a transient occupancy tax in the County of Lancaster, Virginia pursuant to the provisions of §58.1-3819, Code of Virginia, 1950, as amended;

NOW, THEREFORE, BE IT ORDAINED, that there is hereby imposed a transient occupancy tax in Lancaster County, Virginia, in the amount and under the following terms and conditions:

TRANSIENT OCCUPANCY TAX

Levied.

There is hereby levied and imposed, in addition to all other taxes and fees of every kind now imposed by law, on each transient, a tax of two (2) percent of the amount paid for lodging by or for any such transient to any hotel, motel, boardinghouse, travel campground or other facility offering guest accommodations rented out for continuous occupancy for fewer than 30 consecutive days for the occupancy of any room or space that is suitable or intended for occupancy by transients for dwelling, lodging or sleeping purposes. The tax shall be collected from such transient at the time and in the manner provided by this article.

Definitions.

The following words and phrases, when used in this article, shall, for the purpose of this ordinance, have the following respective meanings except when the context clearly indicates a different meaning:

Commissioner: The commissioner of revenue of Lancaster County and any duly authorized agents.

Lodging: Space or room furnished any transient, including the cost of all services when furnished with such space or room for a unit price.

Person: Any individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise; and any combination or group of individuals acting as a unit.

Transient: Any person who, for a period of not more than thirty (30) consecutive days, either at his own expense, or at the expense of another, obtains lodging as defined herein.

Treasurer: The treasurer of Lancaster County and any duly authorized agents.

Collection procedure.

Every person receiving any payment for lodging with respect to which a tax is levied under this article shall collect the amount of such tax so imposed from the transient on whom such tax is

levied or from the person paying for such lodging at the time payment for such board and lodging is made. The taxes required to be collected under this section shall be deemed to be held in trust by the person required to collect such taxes until remitted as required in this article.

Reports and remittance of tax collected.

a) It shall be the duty of every seller of lodging in acting as the tax collection medium or agency for the county to collect from the purchaser of lodging, for the use of the county, the tax hereby imposed and levied at the time of collecting the purchase price charged for the lodging, and the taxes collected during each calendar month shall be reported to the commissioner and remitted by each seller to the treasurer on or before the twentieth day of the following calendar month. The taxes collected by a seller shall be deemed to be held in trust by such seller until they have been remitted to the treasurer. The required report shall be in such form as may be prescribed by the commissioner.

b) Any seller collecting the tax on transactions exempt or not taxable under the article shall transmit to the treasurer such erroneously or illegally collected tax unless and until he can affirmatively show that the tax has since been refunded to the purchaser or credited to his account.

Interest and penalties upon failure or refusal to remit tax.

a) If any person shall fail or refuse to remit to the treasurer the tax required to be collected and paid under this article within the time and in the amount specified in this article, there shall be added to such tax by the treasurer a penalty in the amount of five (5) percent thereof if the failure is not for more than thirty (30) days with an additional five (5) percent for each additional thirty-day period or fraction thereof during which the failure continues, not to exceed twenty-five (25) percent in the aggregate, and interest thereon at the rate of eight (8) percent per annum, which shall be computed upon the taxes and penalty from the date such taxes are due and payable.

b) In the case of a false or fraudulent report to the commissioner with the intent to defraud the county of any tax due under this article, a penalty of fifty (50) percent of the tax shall be assessed against the person required to collect such tax.

Failure or refusal to collect and report tax.

If any person shall fail or refuse to collect the tax imposed under this article and to make, within the time provided in this article, the reports and remittances required in this article, the commissioner shall proceed to obtain facts and information on which to base an estimate of the tax due. When any such facts and information are obtained upon which to base the assessment of any tax payable by any person who has failed or refused to collect such tax, and to make such report and remittance, the commissioner shall proceed to determine and assess against such person such tax, penalty and interest as provided for in this article, and shall notify such person by registered mail sent to his last known place of address, of the amount of such tax, interest and penalty, and the total amount thereof shall be payable to the treasurer within ten (10) days from the date of the mailing of such notice.

Records to be kept by person liable for collection and payment of tax.

It shall be the duty of every person liable for the collection and payment to the county of any tax imposed by this article to keep and to preserve for a period of three (3) years such suitable records as may be necessary to determine and show accurately the amount of any such tax for which he has been responsible. The treasurer or the commissioner may inspect such records at all reasonable times.

Tax immediately due and payable upon cessation of business.

Whenever any person required to collect and remit the tax imposed and levied by this article shall go out of business, dispose of his business or otherwise cease to operate, all of such taxes collected and any tax payable under this article shall thereupon be reported to the commissioner and remitted to the treasurer of the county.

Exemptions from tax.

No tax shall be payable under this division on charges for lodging paid to any hospital, medical clinics, convalescent home or home for the aged.

Penalty for violation of article.

Any person violating or failing to comply with any of the provisions of this article shall be guilty of a class 1 misdemeanor. Each violation or failure shall constitute a separate offense.

Adopted: September 27, 2018

Attest: 

Don G. Gill, County Administrator

Virginia Local Transient Occupancy Tax Return

INSTRUCTIONS

- Complete Sections A, B, and C.
- To avoid penalty and/or interest, this return must be filed and paid on or before the 20th day of the following tax month.
- Make check payable to the Jurisdiction.

SECTION A - BUSINESS INFORMATION

Trade Name / DBA*

Account Number (if known)

*required field

Business / Owner Name*

Physical Address*

Accommodations Intermediaries MUST provide an itemized listing of addresses with the gross receipts attributable to each address reflected in this filing

SECTION B - CALCULATE THE TAX

Name of Jurisdiction* City County Town Tax Rate* Per Night Charge Timely Filing Discount Rate
 _____ % \$ _____ %

| | | | Totals (\$) |
|---|----------------------|---------|-------------|
| 1. Total Gross Receipts for | Month of | Year of | \$ |
| 2. Less Allowable Deductions - MUST attach supporting documents (if zero, enter '0') | | | \$ |
| 3. Taxable Gross Receipts | | | \$ |
| 4. Calculate Tax | | | \$ |
| 5. Per Night Charges (if applicable) | Number of Nights | | \$ |
| 6. Taxes and Fees | | | \$ |
| ACCOMMODATIONS PROVIDERS ONLY | | | |
| 7. Less Tax or Charges Remitted on Your Behalf by Third Party Intermediaries - You MUST provide supporting documentation to claim this deduction. | a. Lodging Tax | \$ | \$ |
| | b. Per Night Charges | \$ | |
| 8. Subtotal | | | \$ |
| 9. Timely Filing Discount (if applicable) | | | \$ |
| 10. Total Due | | | \$ |

SECTION C - DECLARATION OF OWNER OR PREPARER

Virginia Code §58.1-3907: I hereby certify this return has been examined by me, the below signee, and is to the best of my knowledge, a true, correct and complete return.

Signature*

Date*

Mailing Address*

Print Name and Title*

Phone Number*

Email Address*

Virginia Local Transient Occupancy Tax Return

Section B - Definitions and Formulas

1. TOTAL GROSS RECEIPTS

All revenue collected during the immediately preceding month.

2. LESS ALLOWABLE DEDUCTIONS

Examples: Exempt Rentals, refund on rentals, discounts, etc.

3. TAXABLE GROSS RECEIPTS

Subtract Line 2 from Line 1

4. CALCULATE TAX

Multiply Line 3 with the jurisdiction tax rate

5. PER NIGHT CHARGES (IF APPLICABLE)

In addition to a lodging tax rate on gross receipts, some jurisdictions also require collection of a per night fee. Check with the jurisdiction to see if this fee applies and the amount

Multiply the number of nights by the per night charge.
If no per night charge, enter '0' or leave blank.

6. TAXES AND FEES

Add Line 4 and Line 5

7. LESS TAX OR CHARGES REMITTED ON YOUR BEHALF BY THIRD PARTY INTERMEDIARIES

For Accommodations Providers ONLY. If lodging tax or per night charges were remitted on your behalf by one or more third party intermediaries, enter those amounts in 'a' and 'b' and their total. Submit documentation for each intermediary.

8. SUBTOTAL

Subtract Line 7 from Line 6

9. TIMELY FILING DISCOUNT (IF APPLICABLE)

Some localities allow a percentage discount for the timely filing and payment of transient occupancy tax. Check with the jurisdiction to determine if such a discount is allowed and the percentage. Percentage must be entered manually.

Multiply Line 8 by the timely filing discount rate. If no discount applies, enter '0' or leave blank

10. TOTAL DUE

Subtract Line 9 from Line 8

Transient Occupancy Tax returns are due by the 20th day of each month; if the payment is made after the 20th, a penalty, late filing fee, or interest may apply. Rates vary by jurisdiction.