

January 17, 2023

To the Virginia Beach Delegation to the Virginia General Assembly:

Sen. Lynwood W. Lewis, Jr.	Dist. 6	district06@senate.virginia.gov	(804) 698-7506
Sen. Aaron R. Rouse	Dist. 7	district07@senate.virginia.gov	(not yet available)
Sen. William R. DeSteph, Jr.	Dist. 8	district08@senate.virginia.gov	(804) 698-7508
Sen. John A. Cosgrove, Jr.	Dist. 14	district14@senate.virginia.gov	(804) 698-7514
Del. Kelly K. Convors-Fowler	Dist. 21	DelKConvors-Fowler@house.virginia.gov	(804) 698-1021
Del. C.E. "Cliff" Hayes, Jr.	Dist. 77	DelCHayes@house.virginia.gov	(804) 698-1077
Del. Barry D. Knight	Dist. 81	DelBKnight@house.virginia.gov	(804) 698-1081
Del. Anne Ferrell Tata	Dist. 82	DelAFTata@house.virginia.gov	(804) 698-1082
Del. Timothy V. Anderson	Dist. 83	DelTAnderson@house.virginia.gov	(804) 698-1083
Del. Glenn R. Davis, Jr.	Dist. 84	DelGDavis@house.virginia.gov	(804) 698-1084
Del. Karen S. Greenhalgh	Dist. 85	DelKGreenhalgh@house.virginia.gov	(804) 698-1085
Del. Angelia Williams-Graves	Dist. 90	DelAWilliamsGraves@house.virginia.gov	(804) 698-1090
Del. Robert S. Bloxom, Jr.	Dist. 100	DelRBloxom@house.virginia.gov	(804) 698-1000

Subject: SB1391, HB2271, and HB 1362 Regarding Locality Authority to Regulate Short Term Rentals

Honorable Senators and Delegates,

The North Virginia Beach Civic League (NVBCL)* Board of Directors requests that you OPPOSE SB 1391, HB2271, and HB 1362 (carried over from the 2022 session), and any other legislation that would override or limit the authority of localities to regulate Short Term Rentals (STRs).

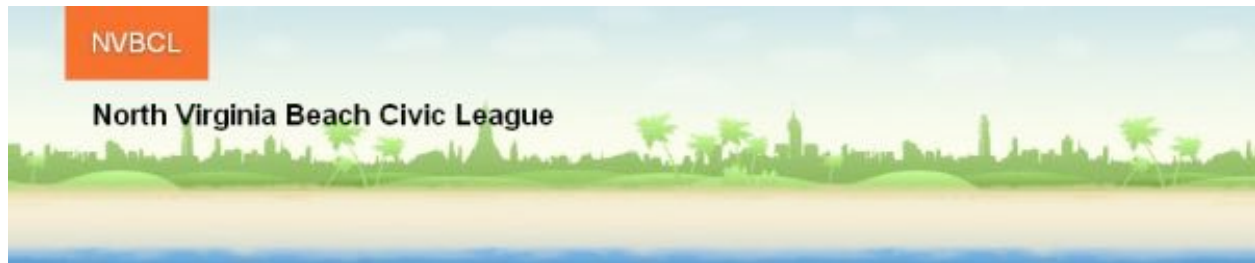
Our position is fully consistent with, and supportive of, the **Policy Statement of the City of Virginia Beach on Short Term Rentals**, as our City Council recently adopted in its **General Assembly Legislative Agenda for the 2023 Session**¹:

“The City Council is opposed to any legislation that:

- Compels localities to allow Short-Term Rentals (STRs)
- Limits the ability of localities to regulate STRs
- Overrides local authority for STR land use or planning”

In response to recurring incidents of disruptive STR tenants and unresponsive STR owners and operators, INCLUDING LICENSED REALTORS, the City of Virginia Beach invested over 3 years of public hearings, drafting, and debate by a special task force, our Planning Commission, and our City Council to develop STR ordinances that were enacted in September 2021.

¹ Page 21, https://www.vbgov.com/government/departments/city-manager/Documents/2023_Legislative_Agenda.pdf



NVBCL supports these ordinances, and we welcome the General Assembly to give localities greater authority, not less, to enforce these and similar ordinances. Multiple petitions of Virginia Beach residents in mid-2021², not limited to NVBCL members or residents of North Virginia Beach, confirmed overwhelming opposition to STRs by more than a 20 to 1 margin.

During the Virginia General Assembly 2022 session, we opposed both SB602 (Short-term rental properties; definition, locality requirements and restrictions) and HB 1362 (Short-term rentals; localities' ability to restrict).

We appreciate that in 2022, Senator DeSteph requested to strike SB 602, for which he was the patron, in the Senate Committee on Local Government in recognition of significant concerns and multiple pending lawsuits (some are still pending) about it in Virginia Beach. He stated in writing, and made a similar comment in committee, that "The General Assembly **does not** [his emphasis] pass bills to change the code on an issue with pending law suits."

The Virginia Association of Realtors and the Hampton Roads Realtor Association currently have a lawsuit pending in Virginia Beach Circuit Court against the City Council for the City of Virginia Beach (Civil Action No. CL21-4787) in which they are challenging the validity of the Virginia Beach STR ordinance and asking the court to declare it invalid and also have it stricken from the governmental regulations of the City of Virginia Beach. Thus, the same group of people who would benefit from both SB1391 and HB1362, are the people challenging the legality of the ordinance. In accordance with Senator DeSteph's statement last year, this bill should not be advanced since the very subject matter of these bills are being challenged in court. It should also be noted that this lawsuit was filed on October 7, 2021, but the Realtor plaintiffs have done next to nothing to advance this case in the court system.

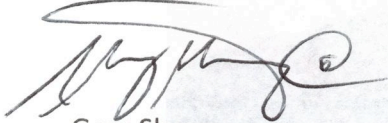
When the Senate Local Government Committee carried over HB1362 from the 2022 session to the 2023 session, the chair stated during the meeting that the matter would be referred to the Department of Housing and Community Development (DHCD) for further study. In October, we contacted Kristen Dahlman, Policy and Legislative Director for DHCD, about the status of any DHCD study regarding STRs. She told us that DHCD received no request for such a study. **The General Assembly should not consider this or any other bill regarding STRs until DHCD conducts a comprehensive study of STR impact on residential communities, including appropriate opportunities for citizen input.**

² <https://www.change.org/p/north-virginia-beach-civic-league-members-north-virginia-beach-civic-league-short-term-rental-petition>
<https://www.change.org/p/city-of-virginia-beach-permanently-allow-strs-at-the-virginia-beach-oceanfront-resort-area>

SB1391 and HB2271 would improperly exempt Virginia realtors from locality enforcement of ANY ordinance related to STRs that they manage, without addressing any of the zoning, compatible use, safety, due diligence, or community integrity that Virginia Beach and other localities address through ordinances.

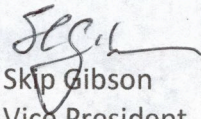
We request that you, the Virginia Beach Delegation to the 2023 Virginia General Assembly, discontinue further consideration of SB1391, HB2271, and HB1362, and that you support existing ordinances of the City of Virginia Beach and other localities regarding Short Term Rentals which reflect the majority opinion of residents and voters.

Respectfully,



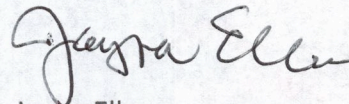
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Members of Virginia House of Delegates Committee on Counties, Cities, and Towns

Virginia Beach Mayor and City Council Members

Debra Bryan, Director of Legislative Affairs, City of Virginia Beach

** With nearly 1,000 active members, the North Virginia Beach Civic League (NVBCL) serves the area of the City of Virginia Beach often referred to as the “North End” which has been a residential neighborhood since 1917.*

This area is bounded on the south by 42nd Street (Cavalier Drive), on the East by the Atlantic Ocean, on the North by Fort Story, and on the west by First Landing State Park, Crystal Lake, and the boundary of the old City of Virginia Beach from Crystal Lake southward to Cavalier Drive, including the subdivisions of Pirate’s Hill and Princess Anne Hills.

The NVBCL mission is to help protect both the character and community of the North End.
<https://nvbcl.org>

