

Short Term Rentals in unincorporated Washoe County

Short term rentals are not allowed within unincorporated Washoe County. Transient Lodging Taxes as collected by the Reno-Sparks Convention and Visitors Authority (RSCVA) are regulated within Washoe County Code (WCC) Sections 25.117 through 25.1515, inclusive. However, these sections only enable the RSCVA to collect the transient lodging tax when the activity is lawful pursuant to other Washoe County Code Chapters. The current code restrictions on short term rentals within the unincorporated County are outlined below.

Short term rentals are regulated by both WCC Chapter 25 (Business License) and Chapter 110 (Development Code). WCC Chapter 25 uses the term "transient lodging" to refer to short term rentals. WCC Chapter 110 also uses that term in its regulations.

WCC Chapter 25 defines both transient guest and transient lodging:

25.150 "Transient guest" defined. "Transient guest" means any individual occupant who has or shall have the right of occupancy to any room for dwelling, lodging or sleeping purposes in a transient lodging facility for less than twenty-eight consecutive days.

25.1501 "Transient lodging" defined. "Transient lodging" means any facility, structure, or portion thereof occupied or intended or designed for occupancy by transient guests who pay rent or other consideration for dwelling, lodging, or sleeping purposes, and includes, without limitation, any hotel, resort hotel, motel, motor court, motor lodge, bed and breakfast, lodging house, rooming house, resident hotel and motel, guest house, tourist camp, resort and "dude" ranch, cabin, condominium, timeshare properties, vacation home, apartment house, recreational vehicle park/campground, guest ranch, or other similar structure or facility, or portion thereof. (*continues on, but not pertinent to this summary*)

Short term rentals less than 28 consecutive days classify as transient lodging. This part of WCC Chapter 25 is entitled Transient Lodging Taxes and is administered by the RSCVA. This is one of the unique sections of code (similar to some gaming provisions) that pertain to the Cities and to the unincorporated County. These sections (WCC Sections 25.117 through 25.197) enable the RSCVA to collect room tax (known as the transient lodging tax). RSCVA issues licenses pursuant to WCC Section 25.153 for the lodging tax to rental property owners.

25.153 License required.

1. It is unlawful for any person, either for himself or for any other person, to commence or to carry on the rental of transient lodging, as specified in sections 25.117 to 25.173, inclusive, in the county and located and situated outside of the corporate limits of incorporated cities and towns of the county, without first having procured a license from the tax administrator to do so. The carrying on of transient lodging without

first having procured a license from the tax administrator to do so constitutes a separate violation of sections 25.117 to 25.173, inclusive, for each day that such business is carried on.

2. The tax administrator shall issue written licenses as provided for in sections 25.117 to 25.173, inclusive, in such form as he may prescribe, upon application therefor.

Transient lodging tax licenses are issued with a statement that the “establishment is hereby licensed to operate the rental business subject to the provisions of...Washoe County Ordinances”. This statement requires the business operator to ensure the business is operated within any regulations or restrictions imposed by Washoe County codes.

WCC Chapter 110 has several sections which are pertinent to short term rentals. First, Article 304, *Use Classification System*, provides the definition for residential use types. Single family detached dwellings are considered a residential use type. The Code states that transient living accommodations are not allowed within any residential use type.

Section 110.304.15 Residential Use Types. Residential use types include the occupancy of living accommodations on a wholly or primarily non-transient basis but exclude institutional living arrangements providing twenty-four-hour skilled nursing or medical care and those providing forced residence, such as asylums and prisons.

(7) Single Family, Detached. Single family, detached refers to the use of a parcel for only one (1) dwelling unit.

WCC Chapter 110 does allow rentals on a “non-transient” basis, specifically room or house rentals which are longer than 28 consecutive days (e.g., renting your home for a year). Renting of a room or an entire house for 29 consecutive days or more usually does not require a business license [WCC Section 25.015(1)(d)(2)]. “Non-transient” rentals (28 consecutive days or more) also do not require an RSCVA transient lodging tax license [WCC Section 25.155(1)].

25.015 License required for engaging in business; exceptions.

1. Except as provided in this section, it is unlawful for any person to engage in any business, trade, calling, industry, occupation or profession in the county, outside of the limits of incorporated cities and towns in the county, without first procuring a license therefor from the county. A person is subject to this requirement if by himself or through an agent, employee or partner he:

(d) Rents, leases, or sub-leases

(1) any commercial or industrial property, or

(2) three or more residential dwelling units on one parcel of land.

25.155 Exemptions.

1. There is hereby exempted from the transient lodging tax fixed and imposed by sections 25.117 to 25.186, inclusive, each rental by any operator of a room or rooms for a period of 28 consecutive days or more. Except as otherwise provided herein, no rental shall be deemed to have been made for a period of 28 days or more unless the room or

rooms rented to the occupant are paid for at least such a period in advance, and continuously occupied by the occupant for the entire period of 28 days without any termination of the tenancy or any portion of the advance rental refunded to the occupant.

Article 304 goes further in classifying transient lodging as the lodging services commercial use type, and specifically as a hotel and motel.

(u) Lodging Services. Lodging services use type refers to establishments primarily engaged in the provision of lodging on a less-than-weekly basis within incidental food, drink, and other sales and services intended for the convenience of guests, but excludes those classified under residential group home and commercial recreation. The following are lodging services use types:

(4) Hotels and Motels. Hotels and motels refers to temporary residences for transient guests, primarily persons who have residence elsewhere, with access to each room through an interior hall and lobby or outside porch or landing.

Hotels and Motels are not allowed within residentially zoned properties (Table extracts from Article 302, *Allowed Uses*; yellow highlight shows residential regulatory zones).

Table 110.302.05.3 (continued)

TABLE OF USES (Commercial Use Types)
(See Sections 110.302.10 and 110.302.15 for explanation)

| Commercial Use Types (Section 110.304.25)** | LDR | MDR | HDR | LDS | MDS | HD | LDU | MDU | HDU | GC | NC | TC | I | PSP | PR | OS | GR | GRA |
|--|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----|----|-----|----|----|----------------|----------------|
| Lodging Services | □ | □ | □ | □ | □ | □ | □ | □ | □ | □ | □ | □ | □ | □ | □ | □ | □ | □ |
| Bed and Breakfast Inns | S ₂ | S ₂ | S ₂ | S ₂ | S ₂ | S ₂ | S ₂ | S ₂ | S ₂ | S ₂ | -- | P | -- | -- | -- | -- | S ₂ | S ₂ |
| Condominium Hotels | -- | -- | -- | -- | -- | -- | -- | -- | -- | A | S ₂ | A | -- | -- | -- | -- | -- | -- |
| Hostels | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | -- | -- | P | -- | -- | -- |
| Hotels and Motels | -- | -- | -- | -- | -- | -- | -- | -- | -- | A | S ₂ | A | -- | -- | -- | -- | -- | -- |
| Vacation Time Shares | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | -- | -- | -- | -- | -- | -- |

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to Section 110.104.40(c); S₁ = Planning Commission Special Use Permit; S₂ = Board of Adjustment Special Use Permit

Additionally, WCC Chapter 110 is restrictive in that any use not established and defined in Articles 302 & 304 is not allowed. Short term rentals are not established as either a residential use type or a commercial use type. Therefore, short term rentals are prohibited.

Section 110.100.05 Applicability. All development and subdivision of land within the unincorporated area of Washoe County shall be subject to the provisions of the Development Code. Any use not specifically enumerated as permitted in a regulatory zone pursuant to the Development Code, or interpreted by the Director of Community Development as permitted in

a regulatory zone pursuant to Section 110.304.10, Authority and Responsibility, shall be considered to be prohibited in any regulatory zone for which the use is not enumerated.