

9901 REQUIREMENTS FOR SHORT-TERM RENTAL

- 9901.1 A short-term rental as defined in § 9999.1 shall require a valid basic business license with a “Short-Term Rental” endorsement, in addition to any other license based on the use of the property that is required by law.
- 9901.2 A vacation rental as defined in § 9999.1 shall require a valid basic business license with a “Short-Term Rental: Vacation Rental” endorsement, in addition to any other license based on the use of the property that is required by law.
- 9901.3 A host providing a short-term rental shall have current liability insurance of at least \$250,000, which may be provided by the booking service.
- 9901.4 A host shall provide each transient guest in a short-term rental a 24-hour accessible telephone number to the host, or to a person who has authority to act on behalf of the host, in the event of an emergency.
- 9901.5 The property at which the short-term rental is located shall be owned by the host and be the host’s primary residence as defined in § 9999.1.
- 9901.6 A host of a short-term rental shall, throughout the duration of occupancy by the transient guest:
- (a) Clean the short-term rental between occupancy by different transient guests, including the change of bed linens and towels;
 - (b) Conspicuously post within the interior of the short-term rental a copy of the basic business license with the short-term rental license endorsement;
 - (c) Conspicuously post within the interior of the short-term rental a 24-hour accessible telephone number to the host, or to a person who has authority to act on behalf of the host, in the event of an emergency;
 - (d) Maintain a working smoke detector outside the sleeping area of the short-term rental and on all habitable floors of the host’s primary residence, and provide a working carbon monoxide detector on all habitable floors of the host’s primary residence;
 - (e) Provide unobstructed egress from the short-term rental; and
 - (f) Maintain at least one working portable fire extinguisher for the primary residence that is easily accessible.
- 9901.7 A host shall not list a short-term rental by using a booking service that does not include the Short-Term Rental or Short-Term Rental: Vacation Rental license endorsement number clearly displayed in the listing; provided, that a host shall

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not be held liable for the failure of a booking service to display a license endorsement number that the host has provided. A host who does not use a booking service must provide its license endorsement number directly to prospective guests.

- 9901.8
- (a) A host shall retain records of each booking of a short-term rental for a period of two (2) years. The records shall contain the following information:
- (1) The short-term rental license endorsement number;
 - (2) The dates for which each transient guest procured use of the short-term rental;
 - (3) The booking service that was used to procure the short-term rental;
 - (4) Whether the short-term rental was booked as a vacation rental;
 - (5) The number of transient guests who occupied the short-term rental; and
 - (6) The number of bedrooms within the short-term rental.
- (b) A host's accurate completion of a recordkeeping form issued by the Department shall satisfy the requirements of this subsection, if the form is retained by the host for the two (2)-year period required by paragraph (a) of this subsection.

9901.9 The Department may request specific records of bookings in the event that the Department has information to believe that a need for such records is warranted.

- (a) If the host does not provide the requested records or otherwise respond to the Department's request within thirty (30) days, the Department may issue a subpoena for the requested records. Subpoenas issued under this subsection shall contain the following:
- (1) The name of the host from whom the records are requested;
 - (2) The person at the Department to whom the documents shall be provided;
 - (3) A detailed list of the specific documents, books, papers, or transactions being requested, if any;

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- (4) The date, time, and place that the host is produce the records specified under subparagraph (3) of this paragraph;
 - (5) A short, plain statement of the host's rights and the procedure for enforcing and contesting the subpoena; and
 - (6) The signature of the Director approving the subpoena request.
- (b) In the case of a refusal to obey a subpoena issued under this section, the Department may petition the Superior Court of the District of Columbia for an order requiring compliance.
- (c) Any host to whom a subpoena has been issued under this subsection may exercise the privileges enjoyed by all witnesses. A host to which a subpoena has been issued may move to quash or modify the subpoena in the Superior Court of the District of Columbia on grounds including:
 - (1) The Department failed to follow or satisfy the procedures set forth in this subsection for the issuance of a subpoena; or
 - (2) Any grounds that exist under statute or common law for quashing or modifying a subpoena.
- (d) The Department shall not impose any penalties on a host for failure to provide the requested report or transactions unless the host fails to timely respond or object to a subpoena from the Department under this subsection, or the host fails to timely comply with any order from the Superior Court of the District of Columbia requiring compliance with the Department's subpoena issued under this subsection.
- (e) The procedures provided for in this subsection shall be in addition to and not in substitution for any other procedures provided by law.

9901.10 Information obtained by the Department pursuant to § 9901.9 shall be confidential and shall not be subject to disclosure under the Freedom of Information Act of 1976, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*); provided, that the Office of the Chief Financial Officer and the Office of the Attorney General may inspect the information for enforcement purposes.

9901.11 A host shall pay all applicable transient lodging taxes, including those imposed under chapters 20 and 22 of Title 47 of the D.C. Official Code. Such taxes shall be collected and remitted to the District of Columbia on behalf of the host by a booking service or person.

9901.12 Occupancy in a short-term rental shall be limited to a maximum of eight (8) transient guests, or two (2) guests per bedroom, whichever is greater.

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- 9901.13 Possession of a short-term rental license endorsement shall not affect the collection of any solid waste by the District pursuant to 21 DCMR §§ 700.8 and 700.9.
- 9901.14 As provided in Section 102(f) of the Act (D.C. Official Code § 30-201.02(f)), for the purposes of 18 DCMR § 2414.14, a transient guest of a vacation rental shall not be considered a guest of a resident in the Advisory Neighborhood Commission area designated on an annual visitor parking permit.

SOURCE: Final Rulemaking 68 DCR 012598 (December 3, 2021).