

FAQ:

Can I rent my unit as a short-term rental/limited lodging using services like AirBnB, VRBO, HomeAway, etc.? What permits or licenses do I need?

Background:

The City of Philadelphia began regulating short-term rentals in 2015, and in 2021, Mayor Kenney signed Bill No. [210081](#), changing the zoning and licensing requirements for owners or renters that offer their properties as short-term rentals in Philadelphia. This new law requires that for a booking agent to advertise a unit for rent, the operator must provide a valid license from L&I. The requirements for obtaining this required license differ based on whether the unit is occupied by a primary resident or not.

Answer:

A unit cannot be offered as a short-term rental (less than 30 days) without obtaining the necessary permits and licenses. The [Limited Lodging Permit and License Requirements Flowchart](#) on page 3 can be used to determine which permits and licenses are required. The [Limited Lodging Process: Start to Finish Flowchart](#) on page 4 explains the general process for obtaining the required approvals.

Zoning Permit Requirements

A [zoning permit](#) is required to offer a unit for rent as a short-term rental for any amount of time. The type of permit required varies based on how the rental functions. The answers to the following questions determine which zoning permit is required:

1. Is there a primary resident who resides in the unit?
2. What is the maximum duration of the rental period?

The code defines primary resident as either:

- a natural person who owns and lives in the dwelling unit, and is entitled to a [homestead exemption](#) for such dwelling unit; or
- a renter (a) who is a natural person and lives in the dwelling unit as the renter's primary domicile for more than half of the year and (b) who is authorized in writing by the owner to provide limited lodging.

Note: The holder of the Limited Lodging License establishing primary residence must be a natural person. If the property is rented, a contract between the owner and tenant shall be provided. The contract must include the name and signature of the authorizing agent and tenant, who must be two separate parties. *If a property manager is acting as the agent on the owner's behalf, an executed agreement between the owner and managing agent must also be provided.*

The table below provides a summary of what zoning permit(s) you will need based on the factors above:

Description of Use	Zoning Permit(s) Required
Rental of a residential dwelling with a primary resident (rentals do not exceed 30 consecutive days for any visitor)	Limited Lodging*
Rental of a space which is not a primary residence (i.e., no primary resident resides in the unit).	Visitor Accommodations

* Limited Lodging is an accessory use. The unit must also have a zoning permit for Household Living (Single-, Two-, or Multi-Family).

The zoning regulations of Limited Lodging can be found in [14-604\(13\)](#). The intention is for this use to be accessory to a residential use and not to be a detriment to the character and livability of the surrounding neighborhood.

Limited Lodging is an accessory use that is permitted in conjunction with Household Living uses.

The Zoning Code defines Visitor Accommodations in [14-601\(7\)\(n\)](#). This use is a commercial use that functions as a business and is not accessory to a residential use.

Please note, the Zoning Code does not permit the Visitor Accommodations use in lower density residential neighborhoods. The use is permitted by right in some of the zoning districts that allow commercial or industrial uses.

If you are not sure if Visitor Accommodations is permitted on your property, refer to the [Zoning Summary Generator](#).

The necessary zoning permit must be obtained before a license can be applied for.

License Requirements

After the necessary Zoning Permit is obtained, the owner or resident must obtain the required license. The license cannot be issued until after the zoning permit is obtained.

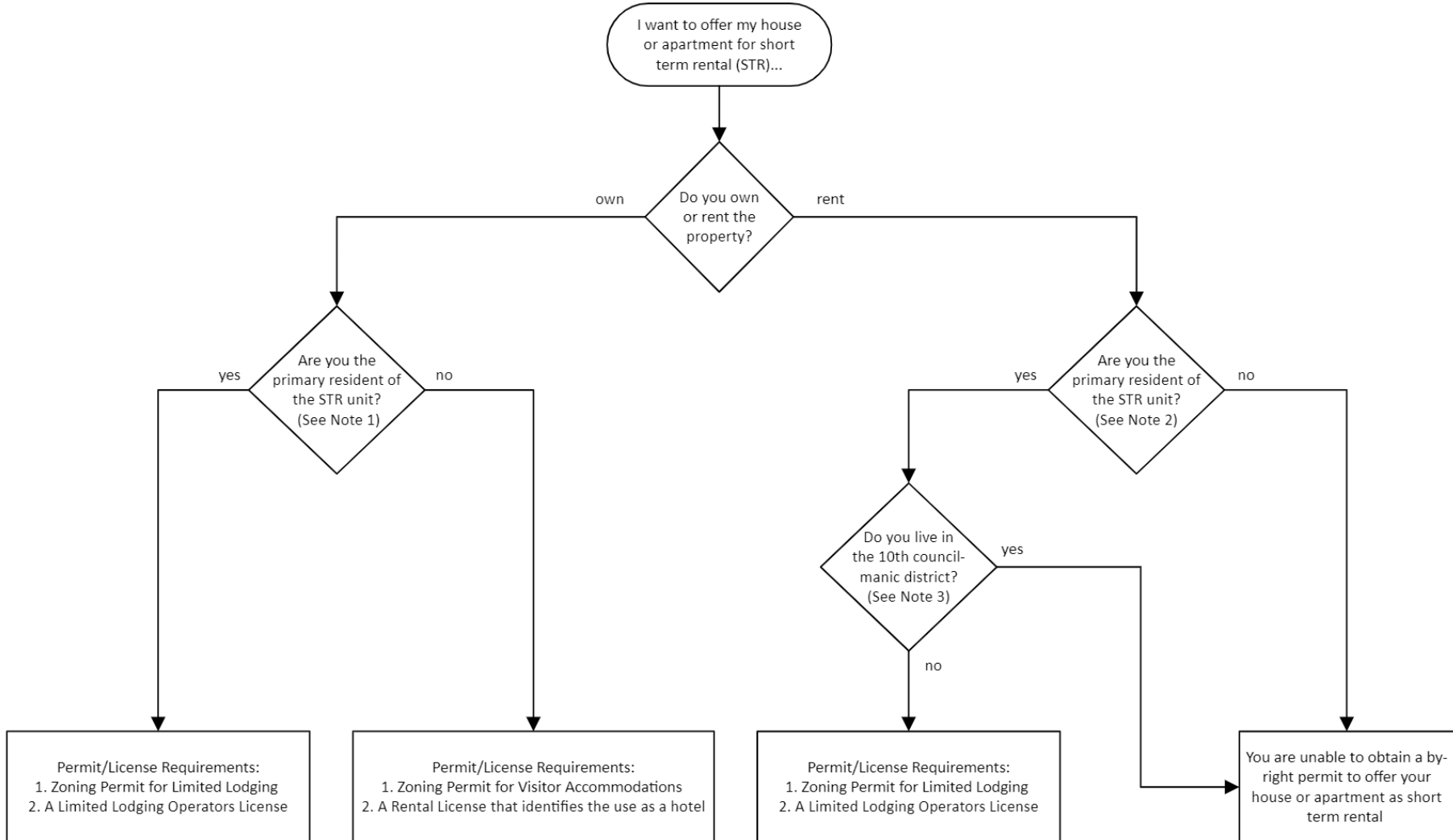
If a zoning permit for Limited Lodging is required based on the Zoning Permit requirements listed above, the person offering the unit for rent must also obtain a [Limited Lodging Operator License](#).

A limited lodging operator must:

- Reside in the unit for more than half the year, unless the property is located within the 10th Councilmanic District, in which case the operator must own the property.
- Only use a licensed [Limited Lodging and Hotels Booking Agent](#) to advertise their unit.
- Clearly display their license number in any advertisements for the unit.

If a zoning permit for Visitor Accommodation is required based on the Zoning Permit requirements listed above, a [Rental License](#) must be obtained for the property. This rental license must be specifically for a Hotel use. Visitor Accommodations may either list their own properties for rent or they can use a licensed booking agent.

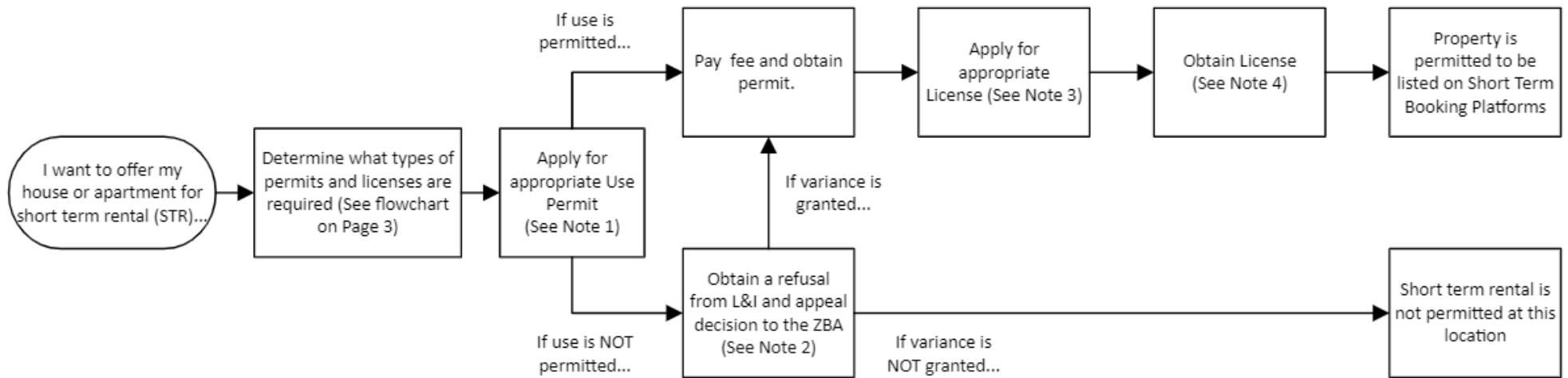
Limited Lodging Permit and License Requirements



Notes:

1. If you own the property, a primary resident is defined as a natural person who is the owner of the dwelling unit and is entitled to a homestead exemption for such dwelling unit.
2. If you rent the property, a primary resident is defined as (a) a natural person who lives in the dwelling unit as their primary domicile for more than half the year and (b) who is authorized in writing by the owner to provide limited lodging.
3. Use the following website to find the council district of your property: <https://www.arcgis.com/apps/InformationLookup/index.html?appid=5aa8ce86ed1a45c99c2c751bd9ebcc06>

Limited Lodging Process: Start to Finish



Notes:

- For more information about what to expect when applying for a use permit, see [Question #4](#) and [Question #5](#) on Page 5.
- For more information about the ZBA appeal process, see [Question #6](#) on Page 5.
- Before you can submit an application for this license you will need a [Commercial Activity License](#) or [Activity License Number](#). Both are free and never expire.
- This license must be renewed annually. To list a property for rent the license must be active.

Additional FAQs

1. What is a Limited Lodging Operator?

A limited lodging operator is the person licensed to offer their primary residence for limited lodging. The limited lodging operator lives in the residence for at least half of the year.

2. What is a Limited Lodging and Hotels Booking Agent?

A limited lodging and hotels booking agent is the entity that takes reservations and collects payment for guest accommodations in residential properties and/or hotels.

3. How do I know if a Booking Agent is Licensed?

You can search for business licenses through eCLIPSE. Go to <https://eclipse.phila.gov/>, then click “Click [here](#) to search eCLIPSE.” From there you can perform a search for a Business License.

4. I need a zoning permit for Limited Lodging. What do I need to submit with my application?

When you file an application, the following documents must be submitted with your application:

- Proof of residency demonstrated through a Pennsylvania or Municipal identification card. Change of address receipts are not accepted.
- If you are not the owner of the property, you must provide a copy of your lease and written authorization of the owner for short-term rental.
- If the property has multiple units, the identification submitted with your application must indicate the unit number where you reside.

5. I need a zoning permit for Visitor Accommodations; will I be able to get this permit?

The Zoning Code does not permit the Visitor Accommodations use in all parts of the city. To determine if your property can obtain a by-right permit for Visitor Accommodations, visit the [Zoning Summary Generator](#).

Open the [Zoning Summary Generator](#), type your address into the search bar and click the magnifying glass. Under the “Use Regulations” Section, you will see a list of use(s) permitted by-right.

If Visitor Accommodations is not listed under “Use(s) Permitted By-Right”, then a zoning permit application will be denied by Licenses and Inspections (L&I). This decision can be appealed, and a permit will be issued only if a variance or special exception is granted by the Zoning Board of Adjustment (ZBA).

6. What do I do if my zoning permit application is denied?

If an application for a zoning permit is denied, the applicant will have the opportunity to appeal that decision to the ZBA. As part of this process, a sign must be posted to notify the community of the upcoming hearing and the applicant must also meet with the Registered Community Organization (RCO). Neighbors may appear at a ZBA hearing to say why a variance should not be granted.

For more information about the appeal process, visit the [ZBA's website](#).

7. What permits or licenses do I need if I lease a room in my home for more than 30 days but also list short-term rentals?

You will need a zoning permit for Household Living and for Visitor Accommodations. You will also need two licenses, a Rental License for rooms being leased more than 30 days and a Limited Lodging Operator License to conduct short term rentals.

8. I own and live in a duplex (2 dwelling units on one property). What types of approvals do I need to offer short-term rental?

If you want to rent the unit that you live in as short-term rental, you will need to obtain a zoning permit for Two-Family Household with accessory Limited Lodging. The permit will identify which unit is approved as Limited Lodging. A Limited Lodging Operator License will also be required.

If you want to rent the unit that you do not live in as short-term rental, you will need to obtain a zoning permit for Single-Family Household Living and Visitor Accommodations. You will also need a rental license identifying the occupancy as Hotel.

9. Is a Building Permit or Certificate of Occupancy required to offer a unit as limited lodging?

In many cases, when the occupancy of a building is changed, a building permit is required to document the new occupancy and ensure that the building meets the code requirements for that new occupancy. If a building permit is required, a Certificate of Occupancy (CO) will be issued as well.

If a building or a space was used as a residence and is now going to be offering short-term rentals, a building permit and CO may be required to document the change in occupancy depending on the configuration of the rental and the original occupancy of the building. The table below outlines when a building permit and CO would be required.

If a building or a space was used as a non-residential use and is now going to be offering short-term rentals, a building permit and CO is always required.

If alterations are proposed, a building permit is always required regardless of occupancy.

One- or Two-Family Dwelling		
Configuration	Owner Occupied	Non-Owner Occupied
Whole House Rented	No Building Permit or CO	No Building Permit or CO
Up to five (5) rooms and ten (10) occupants ¹	No Building Permit or CO ²	Building Permit / CO required (R-3 occupancy ³ requiring sprinklers)
More than five (5) rooms and or ten (10) occupants ¹	Building Permit / CO required (R-1 occupancy ³)	Building Permit / CO required (R-1 occupancy ³)
Unit(s) within a building with three (3) or more units		
Building Permit / CO required (R-1 occupancy ³)		

Notes:

1. The number of occupants and rooms are inclusive of the owner and owner's room.
2. An example of this configuration is a small Bed and Breakfast.
3. Occupancy classifications are defined in Chapter 3 of the [International Building Code \(IBC\)](#).

Additional Information

- Limited Lodging is permitted as an accessory use to a residential dwelling. Before considering this option, please review the standards outlined in [14-604\(13\)\(c\)](#) which regulate minimum requirements of these rental units. These standards include restrictions on the number of guests permitted, required contact information of the owner or operator, noise restrictions, etc. Failure to comply with these regulations could result in the issuance of violations.
- If you are interested in renting your apartment or condo, the issuance of a permit from L&I does not negate any prohibitions within your lease, HOA agreement or similar contract.

Questions?

Call 311 or (215) 686-8686 (if outside Philadelphia) or submit an online form via <http://www.phila.gov/li/get-help>.

Disclaimer:

This interpretation, policy or code application is intended to provide guidance to staff for consistency of review and is subject to change without notice. Application of this interpretation, policy or code application to specific projects may vary. There may be other ways to comply with the Code. If so, you are not required to use this method. You may want to investigate other options or consult with a professional identifying an equally code compliant solution.