

SHORT-TERM RENTAL AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John Knotwell

Senate Sponsor: _____

LONG TITLE

General Description:

This bill prevents a political subdivision from prohibiting certain acts regarding a short-term rental.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ prevents a political subdivision from prohibiting:
 - a person from listing or offering a short-term rental on a short-term rental website; and
 - an owner-occupied short-term rental.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

10-9a-503.5, Utah Code Annotated 1953

17-27a-503.5, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:



28 Section 1. Section **10-9a-503.5** is enacted to read:

29 **10-9a-503.5. Ordinances regarding short-term rentals -- Prohibition on**
30 **ordinances restricting speech on short-term rental websites.**

31 (1) As used in this section:

32 (a) "Owner-occupied short-term rental" means single-family private real property that
33 the property owner:

34 (i) occupies as the property owner's primary residence; and

35 (ii) rents, either in whole or in part, as a short-term rental.

36 (b) "Residential unit" means a residential structure or any portion of a residential
37 structure that is occupied as a residence.

38 (c) "Short-term rental" means a residential unit or any portion of a residential unit that
39 the owner of record or the lessee of the residential unit offers for occupancy for fewer than 30
40 consecutive days.

41 (d) "Short-term rental website" means a website that:

42 (i) allows a person to offer a short-term rental to one or more prospective renters; and

43 (ii) facilitates the renting of, and payment for, a short-term rental.

44 (2) Notwithstanding Section [10-9a-501](#) or Subsection [10-9a-503\(1\)](#), a legislative body
45 may not:

46 (a) enact or enforce an ordinance that prohibits a person from listing or offering a
47 short-term rental on a short-term rental website; or

48 (b) using an ordinance that prohibits the act of renting a short-term rental, fine, charge,
49 prosecute, or otherwise punish a person solely for the act of listing or offering a short-term
50 rental on a short-term rental website.

51 (3) A legislative body may not enact or enforce an ordinance that prohibits a person
52 from listing, offering, or renting an owner-occupied short-term rental, including on a short-term
53 rental website.

54 Section 2. Section **17-27a-503.5** is enacted to read:

55 **17-27a-503.5. Ordinances regarding short-term rentals -- Prohibition on**
56 **ordinances restricting speech on short-term rental websites.**

57 (1) As used in this section:

58 (a) "Owner-occupied short-term rental" means single-family private real property that

59 the property owner:

60 (i) occupies as the property owner's primary residence; and

61 (ii) rents, either in whole or in part, as a short-term rental.

62 (b) "Residential unit" means a residential structure or any portion of a residential

63 structure that is occupied as a residence.

64 (c) "Short-term rental" means a residential unit or any portion of a residential unit that

65 the owner of record or the lessee of the residential unit offers for occupancy for fewer than 30

66 consecutive days.

67 (d) "Short-term rental website" means a website that:

68 (i) allows a person to offer a short-term rental to one or more prospective renters; and

69 (ii) facilitates the renting of, and payment for, a short-term rental.

70 (2) Notwithstanding Section [17-27a-501](#) or Subsection [17-27a-503\(1\)](#), a legislative

71 body may not:

72 (a) enact or enforce an ordinance that prohibits a person from listing or offering a

73 short-term rental on a short-term rental website; or

74 (b) using an ordinance that prohibits the act of renting a short-term rental, fine, charge,

75 prosecute, or otherwise punish a person solely for the act of listing or offering a short-term

76 rental on a short-term rental website.

77 (3) A legislative body may not enact or enforce an ordinance that prohibits a person

78 from listing, offering, or renting an owner-occupied short-term rental, including on a short-term

79 rental website.

Legislative Review Note
Office of Legislative Research and General Counsel