

26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **10-8-85.4**, as last amended by Laws of Utah 2021, Chapter 102

31 **17-50-338**, as last amended by Laws of Utah 2021, Chapter 102



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

34 Section 1. Section **10-8-85.4** is amended to read:

35 **10-8-85.4 . Ordinances regarding short-term rentals -- Prohibition on ordinances**
36 **restricting speech on short-term rental websites -- Evidence of short-term rental --**
37 **Removing a listing.**

38 (1) As used in this section:

39 (a) "Internal accessory dwelling unit" means the same as that term is defined in Section
40 10-9a-511.5.

41 (b) "Permit number" means a unique identifier issued by a municipality and may include
42 a business license number.

43 (c) "Request" means a formal inquiry made by a municipality to a short-term rental
44 website that is not a legal requirement.

45 [(b)] (d) "Residential unit" means a residential structure or any portion of a residential
46 structure that is occupied as a residence.

47 [(e)] (e) "Short-term rental" means a residential unit or any portion of a residential unit
48 that the owner of record or the lessee of the residential unit offers for occupancy for
49 fewer than 30 consecutive days.

50 [(d)] (f) "Short-term rental website" means a website or other digital platform that:

- 51 (i) allows a person to offer a short-term rental to one or more prospective renters; and
- 52 (ii) facilitates the renting of, and payment for, a short-term rental.

53 (g) "URL" means uniform resource locator.

54 (2) Notwithstanding Section 10-9a-501 or Subsection 10-9a-503(1), a legislative body may
55 not:

56 (a) enact or enforce an ordinance that prohibits an individual from listing or offering a
57 short-term rental on a short-term rental website; or

58 (b) use an ordinance that prohibits the act of renting a short-term rental to fine, charge,
59 prosecute, or otherwise punish an individual solely for the act of listing or offering a

- 60 short-term rental on a short-term rental website.
- 61 (3) If a municipality regulates short-term rentals, Subsection (2)(b) does not prevent the
62 municipality from using a listing or offering of a short-term rental on a short-term rental
63 website as evidence that a short-term rental took place so long as the municipality has
64 additional information to support the position that an owner or lessee violated a
65 municipal ordinance.
- 66 (4) A municipality may adopt an ordinance requiring the owner or lessee of a short-term
67 rental to obtain a business license or other permit from the municipality before operating
68 a short-term rental within the municipality.
- 69 (5)(a) A municipality may not regulate a short-term rental website.
- 70 (b) If a municipality allows short-term rentals within a portion of or all residential or
71 commercial zones in the municipality, the municipal legislative body may request a
72 short-term rental website to remove a short-term rental listing or offering from the
73 short-term rental website after notice from the municipality, as described in
74 Subsection (6), only if the short-term rental is operating in violation of business
75 license requirements or zoning requirements.
- 76 (6) A municipality that provides a notice to a short-term rental website that a short-term
77 rental within the municipality is in violation of the municipality's business licensing
78 requirements or zoning requirements shall identify in the notice:
- 79 (a) the listing or offering to be removed by the listing's offering's URL; and
80 (b) the reason for the requested removal.
- 81 (7) If a legislative body imposes transient room tax on the rental of rooms in hotels, motels,
82 inns, trailer courts, campgrounds, tourist homes, and similar accommodations for stays
83 of less than 30 consecutive days as authorized by Section 59-12-352 or 59-12-353:
- 84 (a) the municipality may provide the listing or offering of a short-term rental on a
85 short-term rental website to the county auditor as evidence that the owner or lessee of
86 a short-term rental may be subject to the transient room tax; and
- 87 (b) the county auditor may utilize the listing or offering of a short-term rental on a
88 short-term rental website when making a referral to the State Tax Commission, as
89 described in Section 59-12-302.
- 90 [(3)] (8) Subsection (2) does not apply to an individual who lists or offers an internal
91 accessory dwelling unit as a short-term rental on a short-term rental website if the
92 municipality records a notice for the internal accessory dwelling unit under Subsection
93 10-9a-530(6).

94 Section 2. Section 17-50-338 is amended to read:

95 **17-50-338 . Ordinances regarding short-term rentals -- Prohibition on**
96 **ordinances restricting speech on short-term rental websites -- Evidence of short-term**
97 **rental -- Removing a listing.**

98 (1) As used in this section:

99 (a) "Internal accessory dwelling unit" means the same as that term is defined in Section
100 10-9a-511.5.

101 (b) "Permit number" means a unique identifier issued by a county and may include a
102 business license number.

103 (c) "Request" means a formal inquiry made by a county to a short-term rental website
104 that is not a legal requirement.

105 [~~(b)~~] (d) "Residential unit" means a residential structure or any portion of a residential
106 structure that is occupied as a residence.

107 [~~(e)~~] (e) "Short-term rental" means a residential unit or any portion of a residential unit
108 that the owner of record or the lessee of the residential unit offers for occupancy for
109 fewer than 30 consecutive days.

110 [~~(d)~~] (f) "Short-term rental website" means a website or other digital platform that:

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

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

113 (g) "URL" means uniform resource locator.

114 (2) Notwithstanding Section 17-27a-501 or Subsection 17-27a-503(1), a legislative body
115 may not:

116 (a) enact or enforce an ordinance that prohibits an individual from listing or offering a
117 short-term rental on a short-term rental website; or

118 (b) use an ordinance that prohibits the act of renting a short-term rental to fine, charge,
119 prosecute, or otherwise punish an individual solely for the act of listing or offering a
120 short-term rental on a short-term rental website.

121 (3) If a county regulates short-term rentals, Subsection (2)(b) does not prevent the county
122 from using a listing or offering of a short-term rental on a short-term rental website as
123 evidence that a short-term rental took place so long as the county has additional
124 information to support the position that a property owner or lessee violated a county
125 ordinance.

126 (4) A county may adopt an ordinance requiring the owner or lessee of a short-term rental to
127 obtain a business license or other permit from the county before operating a short-term

- 128 rental within an unincorporated area of the county.
- 129 (5)(a) A county may not regulate a short-term rental website.
- 130 (b) If a county allows short-term rentals within a portion of or all residential or
- 131 commercial unincorporated zones in the county, the legislative body of a county may
- 132 only request a short-term rental website to remove a short-term rental listing or
- 133 offering from the short-term rental website after notice from the county, as described
- 134 in Subsection (5), only if the short-term rental is operating in violation of business
- 135 license requirements or zoning requirements.
- 136 (6) A county that provides a notice to a short-term rental website that a short-term rental
- 137 within the unincorporated county is in violation of the county's business licensing
- 138 requirements or zoning requirements shall identify in the notice:
- 139 (a) the listing or offering to be removed by the listing's or offering's URL; and
- 140 (b) the reason for the requested removal.
- 141 (7) If a legislative body imposes transient room tax on the rental of rooms in hotels, motels,
- 142 inns, trailer courts, campgrounds, tourist homes, and similar accommodations for stays
- 143 of less than 30 consecutive days as authorized by Section 59-12-301:
- 144 (a) the county may utilize a listing or offering of a short-term rental on a short-term
- 145 rental website as evidence that the owner or lessee of a short-term rental may be
- 146 subject to the transient room tax; and
- 147 (b) the county auditor may utilize the listing or offering of a short-term rental on a
- 148 short-term rental website when making a referral to the State Tax Commission, as
- 149 described in Section 59-12-302.
- 150 (8) Subsection (2) does not apply to an individual who lists or offers an internal accessory
- 151 dwelling unit as a short-term rental on a short-term rental website if the county records a
- 152 notice for the internal accessory dwelling unit under Subsection 17-27a-526(6).
- 153 Section 3. **Effective Date.**
- 154 This bill takes effect on May 7, 2025.