

HB0256S03 compared with HB0256

~~{Omitted text}~~ shows text that was in HB0256 but was omitted in HB0256S03

inserted text shows text that was not in HB0256 but was inserted into HB0256S03

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Municipal and County Zoning Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: R. Neil Walter

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill modifies provisions related to the authority of municipalities and counties regarding short-term rentals.

Highlighted Provisions:

This bill:

- defines terms and modifies definitions;

- clarifies that a municipality or county that regulates short-term rentals may use a listing or offering on a short-term rental website as evidence that a short-term rental took place so long as the municipality or county has additional information to support its position that ~~{a property}~~ an owner or lessee violated a municipality or county ordinance;

- provides that a municipality or county may require the owner of a short-term rental to obtain a business license or other permit from the municipality or county to operate a short-term rental in the municipality or in an unincorporated area of the county;

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provides that a municipality or county may {~~provide notice to~~} request a short-term rental website {~~indicating that~~} remove a listing or offering that violates business licensing requirements or zoning requirements;

17 ▶ {~~provides that a short-term rental website is not obligated to remove a listing or offering unless it has received notice from a municipality or county;~~}

19 ▶ provides that a municipality or county that imposes transient room tax on short-term rentals may provide a listing or offering on a short-term rental website to the county auditor as evidence that a short-term rental owner or lessee may be subject to the transient room tax; and

23 ▶ makes technical and conforming changes.

24 Money Appropriated in this Bill:

25 None

26 Other Special Clauses:

27 None

29 AMENDS:

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

31 **17-50-338**, as last amended by Laws of Utah 2021, Chapter 102, 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 restricting speech on short-term rental websites -- Evidence of short-term rental -- 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 10-9a-511.5.

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

43 {~~(b)~~} (e) "Request" means a formal inquiry made by a municipality to a short-term rental website that is not a legal requirement.

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

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- 45 ~~[(e)]~~ ~~{(d)}~~ (e) "Short-term rental" means a residential unit or any portion of a residential unit that
the owner of record or the lessee of the residential unit offers for occupancy for fewer than 30
consecutive days.
- 48 ~~[(d)]~~ ~~{(e)}~~ (f) "Short-term rental website" means a website or other digital platform that:
49 (i) allows a person to offer a short-term rental to one or more prospective renters; and
50 (ii) facilitates the renting of, and payment for, a short-term rental.
- 51 ~~{(f)}~~ (g) "URL" means uniform resource locator.
- 52 (2) Notwithstanding Section 10-9a-501 or Subsection 10-9a-503(1), a legislative body may not:
- 54 (a) enact or enforce an ordinance that prohibits an individual from listing or offering a short-term rental
on a short-term rental website; or
- 56 (b) use an ordinance that prohibits the act of renting a short-term rental to fine, charge, prosecute, or
otherwise punish an individual solely for the act of listing or offering a short-term rental on a short-
term rental website.
- 59 (3) If a municipality regulates short-term rentals, Subsection (2)(b) does not prevent the municipality
from using a listing or offering of a short-term rental on a short-term rental website as evidence that
a short-term rental took place so long as the municipality has additional information to support the
position that {a property} an owner or lessee violated a municipal ordinance.
- 66 (4) A municipality may adopt an ordinance requiring the owner or lessee of a short-term rental to obtain
a business license or other permit from the municipality before operating a short-term rental within
the municipality.
- 69 (5)
- 64 ~~{(4)}~~ (a) A ~~{legislative body}~~ municipality may ~~{only require}~~ not regulate a short-term rental
website ~~{to:}~~ .
- 65 ~~{(a) {if short-term rentals are permissible in some or all of the municipality, require inclusion of a
permit number on a listing or offering of a short-term rental on the short-term rental website; and} }~~
- 68 (b) If a municipality allows short-term rentals within a portion of or all residential or commercial
zones in the municipality, the municipal legislative body may request a short-term rental website to
remove a short-term rental listing or offering from the short-term rental website after notice from the
municipality, as described in Subsection ~~{(5), that}~~ (6), only if the short-term rental is operating in
violation of business license requirements or zoning requirements.
- 71 ~~{(5)}~~ }

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~~{(a)}~~ (6) A municipality that provides a notice to a short-term rental website that a short-term rental within the municipality is in violation of the municipality's business licensing requirements or zoning requirements shall identify in the notice:

~~{(i)}~~ (a) the listing or offering to be removed by the listing's offering's URL; and

~~{(ii)}~~ (b) the reason for the requested removal.

~~{(b)}~~ {A short-term rental website:}

~~{(i)}~~ {that receives the notice described in this subsection shall remove the short-term rental listing or offering from the short-term rental website within seven business days from the day on which the short-term rental website receives the notice from the municipality; and}

~~{(ii)}~~ {is not required to remove a listing or offering from the short-term rental website unless the short-term rental website receives the notice described in this Subsection (5).}

~~{(6)}~~ (7) If a legislative body imposes transient room tax on the rental of rooms in hotels, motels, inns, trailer courts, campgrounds, tourist homes, and similar accommodations for stays of less than 30 consecutive days as authorized by Section 59-12-352 or 59-12-353:

(a) the municipality may provide the listing or offering of a short-term rental on a short-term rental website to the county auditor as evidence that the owner or lessee of a short-term rental may be subject to the transient room tax; and

(b) the county auditor may utilize the listing or offering of a short-term rental on a short-term rental website when making a referral to the State Tax Commission, as described in Section 59-12-302.

~~{(3)}~~ ~~{(7)}~~ (8) Subsection (2) does not apply to an individual who lists or offers an internal accessory dwelling unit as a short-term rental on a short-term rental website if the municipality records a notice for the internal accessory dwelling unit under Subsection 10-9a-530(6).

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

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

(1) As used in this section:

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

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

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

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- 105 ~~[(b)]~~ (d) "Residential unit" means a residential structure or any portion of a residential structure that is
occupied as a residence.
- 108 [(e)] ~~{(d)}~~ (e) "Short-term rental" means a residential unit or any portion of a residential unit that
the owner of record or the lessee of the residential unit offers for occupancy for fewer than 30
consecutive days.
- 111 ~~[(d)]~~ ~~{(e)}~~ (f) "Short-term rental website" means a website or other digital platform that:
- 112 (i) allows a person to offer a short-term rental to one or more prospective renters; and
- 113 (ii) facilitates the renting of, and payment for, a short-term rental.
- 114 ~~{(f)}~~ (g) "URL" means uniform resource locator.
- 115 (2) Notwithstanding Section 17-27a-501 or Subsection 17-27a-503(1), a legislative body may not:
- 117 (a) enact or enforce an ordinance that prohibits an individual from listing or offering a short-term rental
on a short-term rental website; or
- 119 (b) use an ordinance that prohibits the act of renting a short-term rental to fine, charge, prosecute, or
otherwise punish an individual solely for the act of listing or offering a short-term rental on a short-
term rental website.
- 122 (3) If a county regulates short-term rentals, Subsection (2)(b) does not prevent the county from using
a listing or offering of a short-term rental on a short-term rental website as evidence that a short-
term rental took place so long as the county has additional information to support the position that a
property owner or lessee violated a county ordinance.
- 126 (4) A county may adopt an ordinance requiring the owner or lessee of a short-term rental to obtain
a business license or other permit from the county before operating a short-term rental within an
unincorporated area of the county.
- 129 (5)
- 126 ~~{(4)}~~ (a) A ~~{legislative body}~~ county may ~~{only require}~~ not regulate a short-term rental website ~~{to:}~~
- :
- 127 ~~{(a)}~~ ~~{if short-term rentals are permissible in some or all of the unincorporated county, require inclusion
of a permit number on a listing or offering of a short-term rental on the short-term rental website;
and}~~
- 130 (b) If a county allows short-term rentals within a portion of or all residential or commercial
unincorporated zones in the county, the legislative body of a county may only request a short-term
rental website to remove a short-term rental listing or offering from the short-term rental website

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after notice from the county, as described in Subsection (5), ~~{that}~~ only if the short-term rental is operating in violation of business license requirements or zoning requirements.

133 ~~{(5)}~~ }

~~{(a)}~~ (6) A county that provides a notice to a short-term rental website that a short-term rental within the unincorporated county is in violation of the county's business licensing requirements or zoning requirements shall identify in the notice:

136 ~~{(i)}~~ (a) the listing or offering to be removed by the listing's or offering's URL; and

137 ~~{(ii)}~~ (b) the reason for the requested removal.

138 ~~{(b) {A short-term rental website:} }~~

139 ~~{(i) {that receives the notice described in this subsection shall remove the short-term rental listing or offering from the short-term rental website within seven business days from the day on which the short-term rental website receives the notice from the county; and} }~~

143 ~~{(ii) {is not required to remove a listing or offering from the short-term rental website unless the short-term rental website receives the notice described in this Subsection (5).} }~~

146 ~~{(6)}~~ (7) If a legislative body imposes transient room tax on the rental of rooms in hotels, motels, inns, trailer courts, campgrounds, tourist homes, and similar accommodations for stays of less than 30 consecutive days as authorized by Section 59-12-301:

149 (a) the county may utilize a listing or offering of a short-term rental on a short-term rental website as evidence that the owner or lessee of a short-term rental may be subject to the transient room tax; and

152 (b) the county auditor may utilize the listing or offering of a short-term rental on a short-term rental website when making a referral to the State Tax Commission, as described in Section 59-12-302.

155 ~~{(7)}~~ (8) Subsection (2) does not apply to an individual who lists or offers an internal accessory dwelling unit as a short-term rental on a short-term rental website if the county records a notice for the internal accessory dwelling unit under Subsection 17-27a-526(6).

153 Section 3. **Effective date.**

This bill takes effect on May 7, 2025.

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