

R. Neil Walter proposes the following substitute bill:

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 owner violated a municipality or county ordinance;
- provides that a municipality or county may provide notice to a short-term rental website indicating that a listing or offering violates business licensing requirements or zoning requirements;
- 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;
- 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 may be subject to the transient room tax; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

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

32

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

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

48 [~~(d)~~] (e) "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) "URL" means uniform resource locator.

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

54 (a) enact or enforce an ordinance that prohibits an individual from listing or offering a
55 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,
57 prosecute, or otherwise punish an individual solely for the act of listing or offering a
58 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
60 municipality from using a listing or offering of a short-term rental on a short-term rental
61 website as evidence that a short-term rental took place so long as the municipality has
62 additional information to support the position that a property owner violated a municipal

63 ordinance.

64 (4) A legislative body may only require a short-term rental website to:

65 (a) if short-term rentals are permissible in some or all of the municipality, require
66 inclusion of a permit number on a listing or offering of a short-term rental on the
67 short-term rental website; and

68 (b) remove a short-term rental listing or offering from the short-term rental website after
69 notice from the municipality, as described in Subsection (5), that the short-term rental
70 is operating in violation of business license requirements or zoning requirements.

71 (5)(a) A municipality that provides a notice to a short-term rental website that a
72 short-term rental within the municipality is in violation of the municipality's business
73 licensing requirements or zoning requirements shall identify in the notice:

74 (i) the listing or offering to be removed by the listing's offering's URL; and

75 (ii) the reason for removal.

76 (b) A short-term rental website:

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

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

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

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

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

93 ~~[(3)]~~ (7) Subsection (2) does not apply to an individual who lists or offers an internal
94 accessory dwelling unit as a short-term rental on a short-term rental website if the
95 municipality records a notice for the internal accessory dwelling unit under Subsection
96 10-9a-530(6).

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

98 **17-50-338 . Ordinances regarding short-term rentals -- Prohibition on**
99 **ordinances restricting speech on short-term rental websites -- Evidence of short-term**
100 **rental -- Removing a listing.**

101 (1) As used in this section:

102 (a) "Internal accessory dwelling unit" means the same as that term is defined in Section
103 10-9a-511.5.

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

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

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

111 [~~(d)~~] (e) "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) "URL" means uniform resource locater.

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

117 (a) enact or enforce an ordinance that prohibits an individual from listing or offering a
118 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,
120 prosecute, or otherwise punish an individual solely for the act of listing or offering a
121 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
123 from using a listing or offering of a short-term rental on a short-term rental website as
124 evidence that a short-term rental took place so long as the county has additional
125 information to support the position that a property owner violated a county ordinance.

126 (4) A legislative body may only require a short-term rental website to:

127 (a) if short-term rentals are permissible in some or all of the unincorporated county,
128 require inclusion of a permit number on a listing or offering of a short-term rental on
129 the short-term rental website; and

130 (b) remove a short-term rental listing or offering from the short-term rental website after

131 notice from the county, as described in Subsection (5), that the short-term rental is
132 operating in violation of business license requirements or zoning requirements.

133 (5)(a) A county that provides a notice to a short-term rental website that a short-term
134 rental within the unincorporated county is in violation of the county's business
135 licensing requirements or zoning requirements shall identify in the notice:

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

137 (ii) the reason for removal.

138 (b) A short-term rental website:

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

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

146 (6) If a legislative body imposes transient room tax on the rental of rooms in hotels, motels,
147 inns, trailer courts, campgrounds, tourist homes, and similar accommodations for stays
148 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
150 rental website as evidence that the owner of a short-term rental may be subject to the
151 transient room tax; and

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

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

158 **Section 1. Effective Date.**

159 This bill takes effect on May 7, 2025.