

Effective 11/6/2025

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.

- (1) As used in this section:
 - (a) "Internal accessory dwelling unit" means the same as that term is defined in Section 10-20-606.
 - (b) "Permit number" means a unique identifier issued by a municipality and may include a business license number.
 - (c) "Request" means a formal inquiry made by a municipality to a short-term rental website that is not a legal requirement.
 - (d) "Residential unit" means a residential structure or any portion of a residential structure that is occupied as a residence.
 - (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.
 - (f) "Short-term rental website" means a website or other digital platform that:
 - (i) allows a person to offer a short-term rental to one or more prospective renters; and
 - (ii) facilitates the renting of, and payment for, a short-term rental.
 - (g) "URL" means uniform resource locator.
- (2) Notwithstanding Section 10-20-501 or 10-20-503, a legislative body may not:
 - (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
 - (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.
- (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 an owner or lessee violated a municipal ordinance.
- (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.
- (5)
 - (a) A municipality may not regulate a short-term rental website.
 - (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 (6), only if the short-term rental is operating in violation of business license requirements or zoning requirements.
- (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:
 - (a) the listing or offering to be removed by the listing's offering's URL; and
 - (b) the reason for the requested removal.
- (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.
- (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 10-21-303(5).

Amended by Chapter 15, 2025 Special Session 1