

Representative John Knotwell proposes the following substitute bill:

SHORT-TERM RENTAL AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John Knotwell

Senate Sponsor: J. Stuart Adams

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:
 - an individual 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:

10-8-85.4, Utah Code Annotated 1953

17-50-338, Utah Code Annotated 1953



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

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

10-8-85.4. Ordinances regarding short-term rentals -- Prohibition on ordinances restricting speech on short-term rental websites.

(1) As used in this section:

(a) "Owner-occupied short-term rental" means real property:

(i) that is a portion of single family real property that an individual owns and occupies as the individual's primary residence; and

(ii) that the owner rents to another individual as a short-term rental while the owner occupies the remainder of the property during the entire term of the rental period.

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

(c) "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.

(d) "Short-term rental website" means a website 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.

(2) Notwithstanding Section [10-9a-501](#) or Subsection [10-9a-503\(1\)](#), 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) using an ordinance that prohibits the act of renting a short-term rental, 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) A legislative body may not enact or enforce an ordinance that prohibits an individual from listing, offering, or renting an owner-occupied short-term rental, including on a short-term rental website.

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

17-50-338. Ordinances regarding short-term rentals -- Prohibition on ordinances

57 **restricting speech on short-term rental websites.**

58 (1) As used in this section:

59 (a) "Owner-occupied short-term rental" means real property:

60 (i) that is a portion of single family real property that an individual owns and occupies

61 as the individual's primary residence; and

62 (ii) that the owner rents to another individual as a short-term rental while the owner

63 occupies the remainder of the property during the entire term of the rental period.

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

65 structure that is occupied as a residence.

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

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

68 consecutive days.

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

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

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

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

73 body may not:

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

76 (b) using an ordinance that prohibits the act of renting a short-term rental, fine, charge,
77 prosecute, or otherwise punish an individual solely for the act of listing or offering a short-term
78 rental on a short-term rental website.

79 (3) A legislative body may not enact or enforce an ordinance that prohibits an

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

81 short-term rental website.