

# HB0253S02 compared with HB0253S01

~~{deleted text}~~ shows text that was in HB0253S01 but was deleted in HB0253S02.

Inserted text shows text that was not in HB0253S01 but was inserted into HB0253S02.

**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.

**Representative John Knotwell** proposes the following substitute bill:

## SHORT-TERM RENTAL AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: John Knotwell**

Senate Sponsor: \_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill prevents a political subdivision from prohibiting ~~{certain acts regarding}~~the use of a short-term rental website.

#### 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

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

~~(c) b~~ "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) c~~ "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

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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 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.~~

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

~~(~~f~~~~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.

~~(~~f~~~~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 17-27a-501 or Subsection 17-27a-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.~~

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