

1 **SHORT-TERM RENTAL ENFORCEMENT AMENDMENTS**

2 2022 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Gay Lynn Bennion**

5 Senate Sponsor: _____

6

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the authority of municipalities and counties to regulate short-term
10 rentals.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ authorizes municipalities and counties to regulate short-term rentals;
- 15 ▶ requires a court to impose a maximum fine for the repeated violation of a short-term
- 16 rental ordinance; and
- 17 ▶ makes technical changes.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **10-8-85.4**, as last amended by Laws of Utah 2021, Chapter 102

25 **17-50-338**, as last amended by Laws of Utah 2021, Chapter 102

26

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



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

29 **10-8-85.4. Ordinances regarding short-term rentals.**

30 (1) As used in this section:

31 (a) "Internal accessory dwelling unit" means the same as that term is defined in Section
32 [10-9a-511.5](#).

33 (b) "Repeated violation" means violating an ordinance related to one or more
34 short-term rentals two or more times in a 12-month period.

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

37 ~~[(c)]~~ (d) "Short-term rental" means a residential unit or any portion of a residential unit
38 that the owner of record or the lessee of the residential unit offers for occupancy for fewer than
39 30 consecutive days.

40 ~~[(d)]~~ (e) "Short-term rental website" means a website that:

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

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

43 (2) (a) A legislative body may:

44 (i) enact and enforce an ordinance to regulate the permissible uses and locations of
45 short-term rentals; and

46 (ii) impose a criminal penalty for a violation of a short-term rental ordinance in
47 accordance with Subsection [10-3-703\(1\)\(a\)](#).

48 (b) Upon a conviction by a court for the repeated violation of an ordinance described in
49 Subsection (2)(a), the court shall order the maximum fine amount described in the ordinance
50 and may not waive or suspend the fine.

51 ~~[(2)]~~ (3) Notwithstanding Subsection (2)(a), Section [10-9a-501](#), or Subsection
52 [10-9a-503\(1\)](#), a legislative body may not:

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

55 (b) use an ordinance that prohibits the act of renting a short-term rental to fine, charge,
56 prosecute, or otherwise punish an individual solely for the act of listing or offering a short-term
57 rental on a short-term rental website.

58 ~~[(3)]~~ (4) Subsection ~~[(2)]~~ (3) does not apply to an individual who lists or offers an

59 internal accessory dwelling unit as a short-term rental on a short-term rental website if the
60 municipality records a notice for the internal accessory dwelling unit under Subsection
61 [10-9a-530\(6\)](#).

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

63 **17-50-338. Ordinances regarding short-term rentals.**

64 (1) As used in this section:

65 (a) "Internal accessory dwelling unit" means the same as that term is defined in Section
66 [10-9a-511.5](#).

67 (b) "Repeated violation" means violating an ordinance related to one or more
68 short-term rentals two or more times in a 12-month period.

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

71 ~~[(c)]~~ (d) "Short-term rental" means a residential unit or any portion of a residential unit
72 that the owner of record or the lessee of the residential unit offers for occupancy for fewer than
73 30 consecutive days.

74 ~~[(d)]~~ (e) "Short-term rental website" means a website that:

- 75 (i) allows a person to offer a short-term rental to one or more prospective renters; and
- 76 (ii) facilitates the renting of, and payment for, a short-term rental.

77 (2) (a) A legislative body may:

78 (i) enact and enforce an ordinance to regulate the permissible uses and locations of
79 short-term rentals; and

80 (ii) impose a criminal penalty for a violation of a short-term rental ordinance in
81 accordance with Subsection [10-3-703\(1\)\(a\)](#).

82 (b) Upon a conviction by a court for the repeated violation of an ordinance described in
83 Subsection (2)(a), the court shall order the maximum fine amount described in the ordinance
84 and may not waive or suspend the fine.

85 ~~[(2)]~~ (3) Notwithstanding Subsection (2)(a), Section [17-27a-501](#), or Subsection
86 [17-27a-503\(1\)](#), a legislative body may not:

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

89 (b) use an ordinance that prohibits the act of renting a short-term rental to fine, charge,

90 prosecute, or otherwise punish an individual solely for the act of listing or offering a short-term
91 rental on a short-term rental website.

92 ~~[(3)]~~ (4) Subsection ~~[(2)]~~ (3) does not apply to an individual who lists or offers an
93 internal accessory dwelling unit as a short-term rental on a short-term rental website if the
94 county records a notice for the internal accessory dwelling unit under Subsection
95 [17-27a-526\(6\)](#).