

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 506

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO SHORT-TERM RENTALS; PROVIDING LEGISLATIVE INTENT; AMENDING SEC-
2 TION 67-6539, IDAHO CODE, TO REVISE PROVISIONS REGARDING LIMITATIONS ON
3 REGULATION OF SHORT-TERM RENTALS; AND DECLARING AN EMERGENCY AND PRO-
4 VIDING AN EFFECTIVE DATE.
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6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. LEGISLATIVE INTENT. This act is designed to promote access
8 to short-term rentals and vacation rentals by limiting local governmental
9 authority to prohibit these beneficial property uses, or to specifically
10 target them for regulation, except in circumstances necessary to safeguard
11 public health and welfare. This act is also designed to preserve personal
12 property rights, to promote property owner access to platforms for offering
13 their properties as short-term rentals and vacation rentals, and to enhance
14 local tax revenue by permitting platforms to assume tax collection and re-
15 mittance responsibilities.

16 SECTION 2. That Section 67-6539, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 67-6539. LIMITATIONS ON REGULATION OF SHORT-TERM RENTALS AND VA-
19 CATION RENTALS. (1) Neither a county nor a city may enact or enforce any
20 ordinance that has the express or practical effect of prohibiting any type
21 of short-term rentals or vacation rentals rental or vacation rental in the
22 county or city. A county or city may implement such reasonable regulations
23 as it deems are necessary to safeguard the public health, and safety and
24 general welfare in order to protect the integrity of residential neighbor-
25 hoods in which short-term rentals or vacation rentals operate as long as the
26 reasonable regulations do not impose greater restrictions or obligations on
27 the short-term rental than are imposed on single family dwellings or similar
28 structures not used as short-term rentals. A short-term rental or vaca-
29 tion rental shall be classified as a residential land use for zoning, fire,
30 and building code purposes subject to all ~~zoning~~ requirements applicable
31 thereto.

32 (2) All short-term rental properties and owners shall be subject to all
33 other county and city ordinances and penalties that apply to other residen-
34 tial uses, including but not limited to noise, parking, nuisance, curfew,
35 traffic and similar regulations.

36 (3) As used in this section, "short-term rental" and "vacation rental"
37 have the same meaning as set forth in section 63-1803, Idaho Code.

38 (4) The term "greater restrictions or obligations" as used in this sec-
39 tion includes any requirement or regulation that would not be required or
40 regulated but for the property's use as a short-term rental and specifically
41 includes but is not limited to:

- 1 (a) Requiring owner occupation for any amount of time;
- 2 (b) Requiring additional insurance;
- 3 (c) Requiring professional property management;
- 4 (d) Reporting of use or other statistics;
- 5 (e) Requiring additional fire protection regulations or sprinklers;
- 6 (f) Requiring additional or improved means of ingress and egress;
- 7 (g) Requiring additional off-street parking;
- 8 (h) Requiring modification to the physical structure of the property;
- 9 (i) Requiring inspections;
- 10 (j) Requiring internal or external signage, notices, or diagrams;
- 11 (k) Restricting the amount of short-term rentals in a county or city;
- 12 (l) Limiting proximity to other short-term rentals;
- 13 (m) Imposing a limit on the days a property can be rented;
- 14 (n) Requiring notices to neighboring properties;
- 15 (o) Requiring a conditional use permit in a residential zone;
- 16 (p) Requiring increased sewer or other utility capacity; and
- 17 (q) Requiring conformance with current building codes unless the same
- 18 would be required without regard to the short-term rental use.

19 ~~(2)~~ (5) Neither a county nor a city can regulate the operation of a
 20 short-term rental marketplace as prohibited by chapter 18, title 63, Idaho
 21 Code.

22 (6) Nothing in this section shall prevent a county or city from requir-
 23 ing, through ordinance, a business license to operate a short-term rental as
 24 long as any licensing regulations do not impose requirements prohibited in
 25 this section. A county or city may revoke a short-term rental license re-
 26 lated to a property based only on three (3) or more convictions, on three
 27 (3) or more separate occasions, for violating ordinances that occurred in
 28 or around the property in the twelve (12) month period immediately preceding
 29 revocation.

30 (7) A county or city may, through ordinance, require a license to oper-
 31 ate a short-term rental at a particular property within its jurisdiction, as
 32 long as the qualifications to receive the license are limited to:

- 33 (a) The payment of a lawful and reasonable annual per property fee that
 34 shall not exceed the cost of other business licenses in the jurisdic-
 35 tion; and
- 36 (b) A statement by the property owner that neither the property nor its
 37 occupants have received three (3) or more convictions for violating or-
 38 dinances, on three (3) or more separate occasions, within the twelve
 39 (12) month period immediately preceding the application for a license.

40 (8) Prior to renting the short-term rental, the owner or operator of a
 41 short-term rental shall disclose to prospective tenants if the short-term
 42 rental does not include any of the following:

- 43 (a) Smoke detectors;
- 44 (b) Carbon monoxide detectors;
- 45 (c) Fire extinguishers; or
- 46 (d) A first aid kit.

47 (9) The property and property owner shall follow all requirements, in-
 48 cluding safety requirements, of the short-term rental marketplace.

1 SECTION 3. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after
3 July 1, 2024.