

IN THE SENATE

SENATE BILL NO. 1162

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO SHORT-TERM RENTALS; AMENDING SECTION 67-6539, IDAHO CODE, TO
2 REVISE PROVISIONS REGARDING LIMITATIONS ON REGULATION OF SHORT-TERM
3 RENTALS AND VACATION RENTALS; AND DECLARING AN EMERGENCY AND PROVIDING
4 AN EFFECTIVE DATE.
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 67-6539, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 67-6539. LIMITATIONS ON REGULATION OF SHORT-TERM RENTALS ~~AND VA-~~
10 ~~CATION RENTALS~~. (1) Neither a county nor a city may enact or enforce any
11 ordinance that has the express or practical effect of prohibiting any type
12 of short-term rentals or vacation rentals in the county or city. A county
13 or city may implement such reasonable regulations as ~~it deems~~ are necessary
14 to safeguard the public health, and safety and general welfare in order
15 to protect the integrity of residential neighborhoods in which short-term
16 rentals or vacation rentals operate as long as the reasonable regulations do
17 not impose different restrictions or obligations on the short-term rentals
18 than are imposed on single family dwellings or similar structures not used as
19 short-term rentals. A short-term rental ~~or vacation rental~~ shall be clas-
20 sified as a non-transient residential land use for zoning and building code
21 purposes and subject to all zoning requirements applicable thereto only to
22 those building codes adopted by the Idaho building code board.

23 (2) For the purposes of this section:

24 (a) "Different restrictions or obligations" means any requirement or
25 regulation that would not be required or regulated but for the prop-
26 erty's use as a short-term rental and specifically includes but is not
27 limited to: requiring owner occupation for any amount of time; requir-
28 ing professional property management; requiring additional insurance;
29 reporting of use or other statistics; requiring additional fire pro-
30 tection or fire sprinklers; requiring additional or improved means of
31 ingress and egress; requiring additional parking; requiring modifica-
32 tion to the physical structure of the property; requiring inspections;
33 requiring internal or external signage, notices, or diagrams; re-
34 stricting the number of short-term rentals in a county or city; limiting
35 proximity to other short-term rentals; imposing a limit on the days a
36 property can be rented; requiring notices to neighboring properties;
37 requiring a conditional use permit in a residential zone; requiring
38 increased sewer or other utility capacity; or requiring the property
39 to be improved to meet current building codes unless the same would be
40 required without regard to the short-term rental use; and

41 (b) The terms defined in section 63-1803, Idaho Code, shall apply.

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

5 ~~(2)~~ (4) Neither a county nor a city can regulate the operation of a
 6 short-term rental marketplace as prohibited by chapter 18, title 63, Idaho
 7 Code.

8 (5) Nothing in this section shall prevent a county or city from requir-
 9 ing, by ordinance, a business license to operate a short-term rental as long
 10 as the licensing ordinance does not impose requirements prohibited by this
 11 section.

12 (a) A county or city may only require that an applicant for a business
 13 license for a short-term rental property submit:

14 (i) Payment of an annual fee not to exceed fifty dollars (\$50.00)
 15 per property;

16 (ii) A statement by the property owner certifying that within
 17 the twelve (12) month period immediately preceding the applica-
 18 tion for a license, there have not been a combined total of three
 19 (3) or more convictions on three (3) or more separate occasions
 20 by the property owner, property manager, or prior occupants for
 21 violating ordinances or laws relating to such short-term rental
 22 property; or

23 (iii) Both the payment and statement pursuant to this paragraph.

24 (b) A county or city may only revoke a business license for a short-term
 25 rental property if:

26 (i) A license holder does not provide payment of the annual li-
 27 cence fee if required by a county or city ordinance adopted pur-
 28 suant to paragraph (a) of this subsection; or

29 (ii) Within a twelve (12) month period there are a combined to-
 30 tal of three (3) or more convictions, on three (3) or more separate
 31 occasions, by the property owner, property manager, or occupants
 32 for violating ordinances or laws related to such short-term rental
 33 property.

34 (6) The owner or operator of a short-term rental shall disclose to
 35 prospective tenants prior to renting the short-term rental if the short-term
 36 rental is equipped with:

37 (a) An operating smoke alarm in every room advertised as a sleeping
 38 area;

39 (b) An operating fire extinguisher on every floor;

40 (c) A first aid kit; and

41 (d) For all basement or below-grade rooms advertised as sleeping areas,
 42 a means of egress directly to the exterior of the building that is a min-
 43 imum of thirty (30) inches wide by thirty (30) inches tall.

44 SECTION 2. An emergency existing therefor, which emergency is hereby
 45 declared to exist, this act shall be in full force and effect on and after
 46 July 1, 2025.