

IN THE SENATE

SENATE BILL NO. 1263

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO LOCAL LAND USE PLANNING; AMENDING SECTION 67-6539, IDAHO CODE, TO REVISE PROVISIONS REGARDING LIMITATIONS ON THE REGULATION OF SHORT-TERM RENTALS AND VACATION RENTALS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

67-6539. LIMITATIONS ON REGULATION OF SHORT-TERM RENTALS AND VACATION RENTALS. (1) Neither a county nor a city may enact or enforce any ordinance that has the express or practical effect of prohibiting short-term rentals or vacation rentals in the county or city. A county or city may implement ~~such~~ reasonable regulations ~~as it deems necessary~~ to safeguard the public health, safety, and general welfare in order to protect the integrity of residential neighborhoods in which short-term rentals or vacation rentals operate. A short-term rental or vacation rental shall be classified as a residential land use for zoning purposes subject to all applicable zoning requirements ~~applicable thereto~~.

(2) Neither a county nor a city ~~can~~ shall regulate the operation of a short-term rental marketplace.

(3) (a) A county or city may require a license, permit, or certification to operate a short-term rental only if:

(i) A property owner owns or has a financial interest in four (4) or more short-term rentals within the jurisdiction, including units held by commonly controlled entities, trusts, partnerships, or affiliates; or

(ii) A short-term rental generates ten thousand dollars (\$10,000) or more in gross annual short-term rental revenue, defined as the total amount paid by occupants for lodging before any deductions for expenses, commissions, fees, taxes, or costs of operation during a calendar year.

(b) A county or city may require owners of short-term rentals who do not have a license, permit, or certification to register annually and to designate a local contact person and may charge a reasonable administrative fee pursuant to section 63-1311, Idaho Code.

(4) A county or city may require a property owner or an owner's designee to implement only the following regulations specifically applicable to short-term rentals:

(a) Require that all living spaces in a short-term rental, including bedrooms, living rooms, family rooms, and kitchens, be equipped with functioning smoke alarms, whether interconnected smoke alarms, independent battery-operated smoke alarms, or a combination of both such

1 alarms, and may require that the short-term rental be equipped with fire
2 extinguishers and removable escape ladders in sleeping areas above the
3 main floor;

4 (b) Require that each floor of a short-term rental be equipped with
5 functioning carbon monoxide detectors;

6 (c) Set maximum occupancy limits and zoning requirements for
7 short-term rentals based on non-transient residential land use con-
8 tained in the international fire code and building codes adopted by the
9 Idaho building code board; and

10 (d) Require a short-term rental owner or an owner's designee to provide
11 easily accessible informational handouts regarding the location of ex-
12 its, the location of fire extinguishers, the location of any first aid
13 kits, and the phone number and email address to contact the owner or man-
14 ager of the short-term rental in the case of an emergency.

15 (5) Any other reasonable regulations relating to safeguarding the
16 public health, safety, and general welfare shall not impose greater re-
17 strictions or obligations on short-term rentals than are imposed on similar
18 dwelling units, such as long-term rentals, or any other residential use that
19 is not a short-term rental.

20 (6) The provisions of this section shall not be construed to relieve an
21 owner of a short-term rental from any liability related to the ownership, op-
22 eration, or management of any short-term rental or to establish liability
23 for any county or city or agent thereof that enacts any ordinance governing
24 short-term rentals that it is authorized to enact by this section or that de-
25 clines to enact any ordinance governing short-term rentals that is not re-
26 quired pursuant to this section.

27 SECTION 2. An emergency existing therefor, which emergency is hereby
28 declared to exist, this act shall be in full force and effect on and after
29 July 1, 2026.