



# SHORT-TERM RENTAL POLICY & BEST PRACTICES

An Introduction for Local Leaders



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# OVERVIEW

This guide is intended to help communities understand and make informed decisions about regulating short-term rentals (STRs). From writing a STR ordinance to incentivizing compliance, this guide serves as a tool for your community as you formulate your own ordinance. This guide also includes ordinance examples from Utah communities in the hopes that you may reach out to these neighboring jurisdictions for guidance in your STR process.

In addition to this guide, the Utah Community Development Office has a toolbox of community development resources, which can be found at <https://jobs.utah.gov/housing/community/planning/toolbox.html>.

## SHORT-TERM RENTALS

Renting or leasing rooms and homes on a short-term basis is not a new market activity. Whether renting a room in the city or running a bed and breakfast in a small town, people have long participated in the short-term rental economy. However, while this practice itself may not be new, there is a shift in how many rentals are now available. Online services have

made it possible for a drastically increased number of individuals and businesses to easily facilitate short-term rental management, which has resulted in a rapid increase of home sharing in communities large and small across the country.<sup>1</sup>

From Memorial Day to Labor Day in 2019, Utah Airbnb operators garnered roughly \$37.3 million in revenue; stemming from a nearly 30 percent increase in Utah Airbnb guests over the same time period last year.<sup>2</sup>

The recent increase in STRs has impacted communities differently according to their physical, geographic, social, economic, and political components.<sup>3</sup> Some communities have seen the introduction of STRs as an opportunity to reap the benefits of increased tourism, employment opportunities, and economic development; whereas other communities have prioritized efforts to reduce or mitigate unintended consequences.<sup>3</sup> Issues of loss of neighborhood character, impacts on housing prices, and a decrease in affordable housing units are just a few of the impacts that some communities are grappling with in this process.



## SHORT-TERM RENTAL REGULATION

There are a number of reasons why towns should regulate STRs. Towns may want to:

- Protect local residents' quality of life
- Ensure building safety and fire hazard mitigation
- Preserve neighborhood character
- Safeguard housing availability and affordability
- Resolve community tension
- Avoid noise, parking, and trash problems

While there is no one-size-fits-all approach to regulating STRs, communities have a number of options for regulating how STRs operate within their boundaries. For example, a municipality may choose to:<sup>3</sup>

- Legally define what a STR is in their ordinances
- Codify basic STR regulations (what is allowed vs. not allowed)
- Levy a transient room tax (TRT)
- Establish a STR registry (either on their own or by contracting with a STR data company) to track compliance

## DEFINITIONS

**Ordinance** - legal regulations that a city\* places on what may or may not be done and how it may be done within its boundaries.

**Sharing Economy** - an economic system based on people sharing possessions and services, either for free or for payment, usually using the internet to organize this. ([Cambridge Dictionary](#))

**Short-Term Rental (STR)** - a short-term vacation rental (also called a vacation rental or STR) is most often defined as a rental of a residential dwelling unit or accessory building for periods of less than 31 consecutive days; in some communities, short-term rental housing may be referred to as vacation rentals, transient rentals, short-term vacation rentals or resort dwelling units. ([Host Compliance](#))

**Transient Room Tax (TRT)** - tax paid by a guest who rents an STR for fewer than 30 consecutive days. The tax includes accommodations in hotels, motels, inns, tourist homes, trailers, courts, or campgrounds. Municipalities may impose a TRT on temporary lodging of up to one percent. Counties may also impose a county-wide TRT on temporary lodging of up to 4.25 percent. ([UC 59-12-301](#))

**Resort Community Tax (RCT)** - a city or town in which the transient room capacity is greater than or equal to 66 percent of the municipality's permanent census population may impose a sales and use tax up to one percent of the transactions described in Subsection 59-12-103 located within the city or town. ([UC 59-12-400](#))

\*In this document, "cities," "communities," and "municipalities" refer to towns, cities, and counties. Counties can also create and enforce codes. The recommendations apply to all of these communities in a similar fashion.

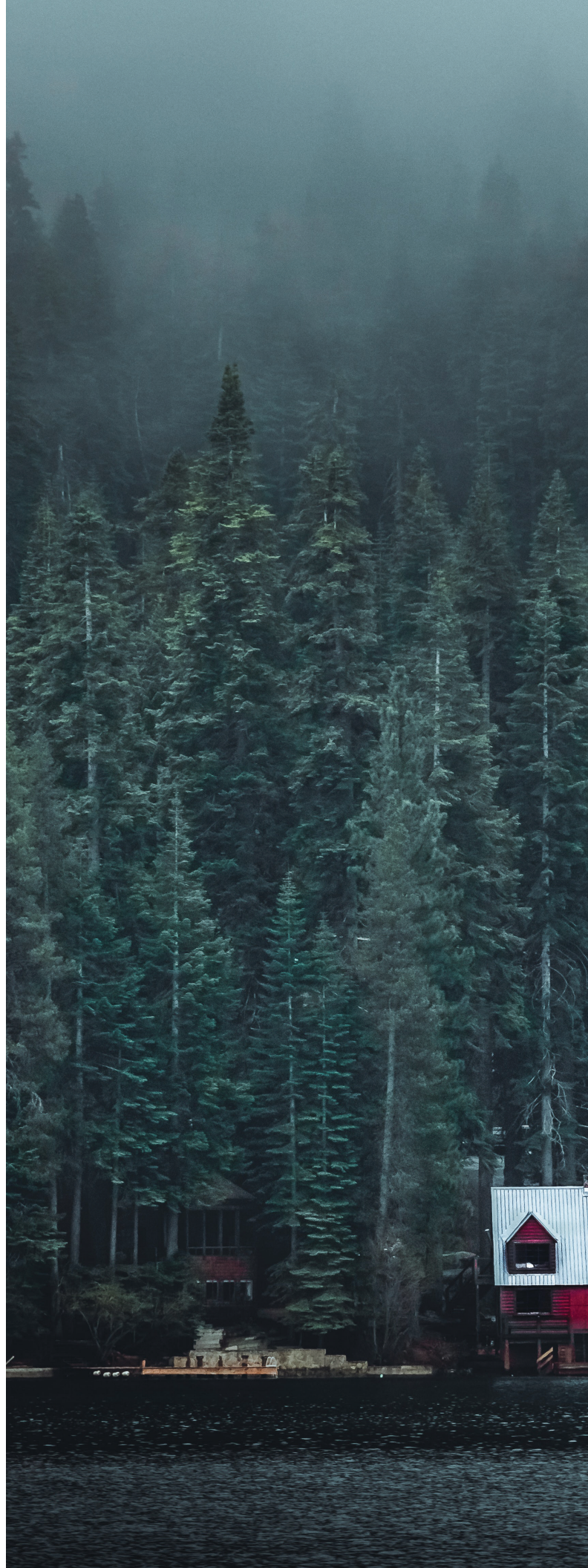


# SHARING ECONOMY

Whether a town opposes or supports the recent phenomenon known as the ‘sharing economy,’ the reality is that it exists and will continue to grow in the coming years. The sharing economy is expanding rapidly, and in addition to short-term vacation rentals (such as Airbnb and HomeAway) includes: ride-sharing (such as Uber and Lyft), online marketplaces (such as Ebay and KSL), crowdfunding (such as Kickstarter and Indiegogo), co-working spaces, freelancing websites and more.

How did the sharing economy come about? This economy stemmed from the idea that sharing particular services, products, and skills reduces costs and increases efficiency. Individuals become their own bosses and supplement their income, and by doing so, are able to exchange the standard nine-to-five workday for increased flexibility and autonomy.

Why is it important to stay up-to-date on the sharing economy? Local leaders can proactively stay informed on new trends and opportunities that benefit their communities by tracking the sharing economy’s progress online. What’s unique about this economy is that it is ever-expanding, and as such, requires that local leaders reach out to experts in the field, read research articles, and watch or attend conference sessions to stay informed. By being proactive, rather than reactive, local communities can take advantage of the opportunities of sharing economies, rather than deal with the challenges of mitigating potential impacts down the road.







## SHORT-TERM RENTALS

Growth in STRs has been profound. In 2018, just ten years after its inception, Airbnb included almost five million lodging options across 81,000 cities worldwide.<sup>4</sup> With a market value estimated at \$31 billion in 2017, Airbnb is the most profitable hotel chain in the entire world, yet they don't own a single hotel.<sup>4</sup>

There are three basic varieties of STRs:<sup>1</sup>

- **Hosted Sharing** - The primary occupants of a residence remain on-site with guests
- **Unhosted Sharing** - The primary occupants of a residence vacate the unit while it is rented to short-term guests
- **Dedicated Vacation Rental** - There are no primary occupants

Impacts from each type can vary greatly. Permitting home sharing in residential zones may incentivize landlords to take rental properties off the market, thereby reducing the supply of affordable housing. Frequent unhosted sharing may lead to increased complaints related to noise, traffic, or parking.<sup>1</sup> Allowing STRs in residential zones may also increase the value of residentially-zoned property, which benefits property owners, but may also decrease the availability of affordable housing.



While previously only a handful of STR listing sites existed, there is now a plethora of websites for guests to book lodging options. A few examples of common STR websites include:

- Airbnb
- VRBO
- FlipKey
- HomeAway
- Homestay
- VillasDirect
- VacationRentals
- 9flats
- Wimdu
- Tripping.com
- HomeToGo
- HouseTrip
- VayStays
- Luxury Retreats

At times, STRs can be less expensive than traditional hotels. They can also provide unique lodging options, like Airstream trailers, tree houses, tents, and earthships (passive solar earth shelters made of both natural and upcycled materials). The ability for homeowners to share their unique living areas has sparked a trend among travelers looking for memorable experiences outside of the norm. Additionally, some operators with acreage list their open fields for those that want

to set up their own tent, which can be beneficial to tourists when campgrounds fill up during the season.

On top of a nightly rental fee, STRs often include several other fees, such as:

- **Cleaning Fees** - A set amount determined by the operator for cleaning after the guest departs.
- **Service Fees** - Determined by the STR hosting website to cover the cost of processing payments.
- **Sales Taxes** - Some STR hosting websites collect local taxes as part of the online transaction. However, a number of other websites do not, and is left to the STR operator to pay state and local taxes. Additionally, the transient room tax allows



municipalities and counties to use these funds for a particular purpose, such as promoting tourism through marketing and campaigns.

## BENEFITS

When operators comply with local regulations, the potential benefits for local communities can include:

- Increased tax revenue
- Increased income for local STR operators
- Expanded lodging options for tourists
- Increased revenue for local businesses
- Provides flexible space for owners
- Upkeep on home and yard maintenance
- Increased use of STR, opposed to only seasonal use from part-time owners

## CHALLENGES

A challenge with STRs is that traditionally separated land uses are often combined. For example, a hotel can only operate in an allowable zone (such as a commercial zone), but what happens when a STR is created within a residential zone? What are the impacts of combining traditionally separated land uses (short-term vacation rentals and permanent housing)? Some of the common challenges with STRs can include:

- Noise, parking, and trash complaints
- Shortage in permanent housing
- Non-compliance with health, building, housing, and safety codes
- Loss in revenues to state and local government from non-compliance
- Reduction in commercial lodging revenues
- Loss of quality of life and community character
- Uneven regulation between traditional lodging establishments and STRs (Building, fire, and health code regulations may be different for a hotel than a STR in a residential zone)



Data addressing the impacts of STRs on housing markets or housing stock is limited, because there is currently no set standard or agreed-upon definition for STRs.<sup>3</sup> A study conducted by ECONorthwest analyzed the impact of HomeAway rentals in Seattle. It identified that 1) STRs did not significantly impact home values positively or negatively, 2) properties were generally listed on the STR market for a short period of time during the year, and 3) STRs were located in higher income areas.<sup>3</sup> However, another study looking at four small cities in Colorado (populations under 7,000) found that STRs did lead to the reduction of homes and bedrooms previously used by employees.<sup>3</sup> The contrasting conclusions suggest that STR's impact on housing will differ between geographic regions and local economic factors.<sup>3</sup>

## UTAH STATE LAW

In 2017, the Utah State Legislature amended state law governing STRs which prevents a political subdivision from:

- prohibiting an individual from listing or offering a STR on a STR website; or
- prohibiting the act of renting a STR to fine, charge, prosecute, or otherwise punish an individual solely for the act of listing or offering a STR on a STR website.<sup>5</sup>

While this legislation prohibits municipalities from mandating that STR operators remove their online listings (whether or not they're legal), it does not prohibit the municipality from reaching out to operators to educate them on their local ordinances. This means that if a municipality comes across an illegal listing online, they may still send an educational notice that states how that STR operator







can become compliant with their listing. Additionally, if a municipality comes across an illegal listing from a non-online source (such as a neighbor complaint), they're still able to fine operators for violating their local ordinances.

With this legislation in mind, it's crucial that Utah community leaders effectively communicate with local residents on their STR ordinances and requirements. If local residents are unaware that their local ordinances require they register their listing or pay a yearly fee, then the majority of operators may not comply with local law.

While there is no one-size-fits-all approach to regulating STRs, communities have a number of options for regulating how they operate within their own community. For example, a municipality may choose to:<sup>3</sup>

- Legally define what a STR is in their ordinances
- Codify basic STR regulations (what is allowed vs. not allowed)
- Levy a transient room tax
- Establish a STR registry (either on their own or by contracting with a STR data company) to track compliance

## DID YOU KNOW?

If your community is experiencing acute STR issues, it may be appropriate to pass a [Temporary Zoning Ordinance](#) (TZO) not to exceed six months. This can give your community an opportunity to better understand the issues, and gather enough information to either create or update your STR ordinance.



# HOW TO WRITE A SHORT-TERM RENTAL ORDINANCE

An ordinance is most effective when it is simple. Often times, lengthy ordinances are difficult to understand, require multiple steps, and ultimately disincentivize full compliance. If your community wants to ensure that STR operators are compliant with your ordinance, then make sure that it's simple, straight-forward, and easy to obey.

So, how do we form a community consensus around STRs? Expert advice suggests that instead of thinking of STRs as an all-or-nothing concept, communities should identify their top two or three concerns, and craft an ordinance that targets those issues. Your community may have an exhaustive list of issues and complaints, but focusing on two or three key issues that your community can agree upon will be a much more manageable approach.

Local leaders can identify those top issues by taking a holistic approach. This means creatively engaging with the public through different mediums and compiling data. Examples include:

- **Surveys** (print and online formats) - Studies show that surveys that only take five minutes or less are much more likely to be filled out than longer surveys; if a survey looks like it will take too long, participants may not take the survey at all.<sup>7</sup>
- **Data** - In addition to anecdotal viewpoints on STRs, communities should compile data including: the number of STRs in their community; the number and nature of nuisance-related cases; and gaps in compliance.

- **Outreach at Community Events** - Local leaders can set up information booths to discuss the benefits and impacts of STRs with residents.
- **Educational STR Workshops** - These dedicated platforms create a space for local officials to hear from residents and for residents to hear from one another. Conducting educational sessions in your community (such as an “Everything You Need to Know About Short-Term Rentals” workshop) sensitizes present and potential hosts to understanding local STR laws. These educational STR workshops could cover:

- code compliance;
- fire prevention strategies;
- emergency response information;
- privacy rights;
- insurance coverage;
- parking requirements;
- nuisances;
- pets;
- childproofing;
- operation of heating and ventilation systems;
- safe access;
- occupancy limits;
- deciding what to tell neighbors;
- homeowners association approval;
- tax obligations; and
- any required zoning approvals.<sup>8</sup>

By including a neutral facilitator and inviting all affiliated parties to participate (operators, local residents, developers, etc.), workshops can help build a community's understanding of the opportunities and challenges associated with STRs.





# REGULATION

There are six steps to effective STR regulation:<sup>4</sup>

1. **Gathering Data** - Data is crucial for decision-making. Cities should know: the number of STRs in their community; how they are being used; where they are located; how much they cost per night; and how many nights they are booked. By utilizing staff, volunteers, or STR compliance software to gather data, cities can better understand their community's STR market.
2. **Framing the Issue** - Conduct public forums and surveys to better understand what residents are experiencing, while also focusing on specific issues rather than STRs as a whole. Are there issues around excessive noise, limited parking, or excessive garbage waste? By better understanding the specific issues, city leaders can determine targeted solutions.
3. **Defining Planning Objectives** - Use community input to identify two or three focus areas that really matter to your community, and then draft your ordinance to target those particular issues.
4. **Drafting the Ordinance** - After understanding your community's objectives, incorporate their shared vision into a workable draft.
5. **Incorporating Feedback** - Publish a draft of the ordinance for review and incorporate feedback from stakeholders to ensure that your ordinance is clear, understandable, and addresses the issues that matter the most.
6. **Adopting the Ordinance** - Once feedback is incorporated, adopt the ordinance.

Including community input and targeting two or three specific issues will help cities adopt their ordinance and increase compliance. The hope is that STR ordinance adoption will take three months instead of three years.<sup>4</sup> Also, keep in mind that as the sharing economy adapts, so may your ordinance. By openly communicating with your community, the hope is that with each ordinance update, the process will become easier and more comprehensive.

## TIPS FROM GRAND COUNTY

- *Listen to your community.*
- *Offer your community opportunities to participate with outreach and engagement.*
- *Empower residents to inform your regulations and policies.*
- *Update your zoning regulations regularly. In an emerging tourism destination, STRs can expand rapidly into a lot of areas of your community.*
- *Conduct an inventory of STRs in your community now.*
- *Get monitoring and enforcement partners on board: health, fire, EMS, assessor, clerk, auditor, and attorney.*
- *Enforce building codes for commercial uses. A property used as a STR should meet commercial lodging standards.*



# UTAH ORDINANCE EXAMPLES

Crafting a STR ordinance that works for your community is vital for its success. What a neighboring town may legally allow may not match your own community needs. Therefore, it's essential that the right components of your ordinance be crafted by your own community. This section contains components of STR ordinances from rural Utah communities. We hope that by providing these examples, you'll be able to see what other communities are doing, and reach out to them if you have any questions about their STR ordinance process.

## GEOGRAPHIC PERCENTAGE

A community may choose to approve STR use in particular areas within their town and establish percentage caps to mitigate an entire neighborhood becoming exclusively used for STRs.

- In **La Verkin, Utah**, their recently amended [10-7-20: Bed and Breakfast Facilities and Vacation Rentals](#) (2019-03 Amendment) ordinance designates that no more than seven and one-half percent of the residential units, eligible under Subsection B, in any given area of the City may be licensed and used as vacation rentals.

## HOMEOWNER STATUS

A community may require that an operator either have a local individual that can be reached 24 hours a day for any potential issues, or they may require that the operator reside in the STR.

- In **Kanab, Utah**, their [9-11 Short Term Rental Property](#) ordinance mandates that all short-term residential properties shall designate a local property manager that resides within one hour travel time of the property. The local property manager shall be available twenty-four hours per day to respond to questions or concerns.

## BUSINESS LICENSE

To ensure that operators are in compliance with local ordinances, a town may require operators to obtain a business license to operate their rental. They may also require an annual business license renewal.

- In **Garden City, Utah**, their [8-600 Short Term Rental](#) ordinance states that in order for property owners or agents to operate STRs, they shall file an [application](#) with the clerk (8-602). An owner's failure to meet the requirements of Section 8-600 et. al., prior to renting shall be subject to the penalties as referred to in Section 6-614.





- In Park City, Utah, their [Nightly / Short Term Rental Licensing Process](#) requires that anyone with the intent to offer lodging for a fee for periods of less than 30 days must obtain a Nightly Rental License from Park City (if allowed by zoning) and a state sales tax ID number from the Utah State Tax Commission.

## FINES AND ENFORCEMENT

The town may include provisions that penalize the operator for failure to comply with local laws.

- In Moab, Utah, their [5.67 Nightly Rental Licenses](#) ordinance states that any owner and/or property manager of a dwelling within the City of Moab who allows or permits occupation of said dwelling as a nightly rental without having first obtained a business license shall be guilty of a Class A misdemeanor. The fine for a Class A misdemeanor

shall be imposed for each day that the violation continued or continues to be committed.

## LAND USE CONTROL

A community may choose to limit which zones allow STRs or create overlay zones to ensure that quality of life is preserved for full-time occupants, or limit the type of use to only lodging or sleeping purposes.

- In Rockville, Utah, their [24A Residential Short Term Rental Overlay Zone](#) ordinance establishes an overlay zone allowing STRs within a given area. This eliminates designating which zones may or may not host STRs, and instead, allows STRs in areas that least impact the character of the community.
- In Torrey, Utah, their [2018-08 Short Term Rental](#) ordinance states that a short-term renter may not use a STR for a purpose not incidental to its use for lodging or sleeping purposes. This restriction includes, but is not limited to, using the rental for a wedding, banquet, reception, bachelor or bachelorette party, concert, fundraiser, sponsored event, or any similar group activity.





## PARKING REGULATIONS

To offset the impact of increased vehicles within a neighborhood, a town may require that the STR property operator include only off-street parking.

- In **Daggett County, Utah**, their [8-15-8 Short Term Rentals](#) ordinance requires that parking areas and access to parking areas shall be maintained and available for use at all times. All vehicles belonging to overnight occupants shall be parked on the property and shall not be parked on any adjacent property, street or public rights-of-way. The number of vehicles allowed by the occupants of a STR home shall be restricted to the number of parking spaces provided by the owner.

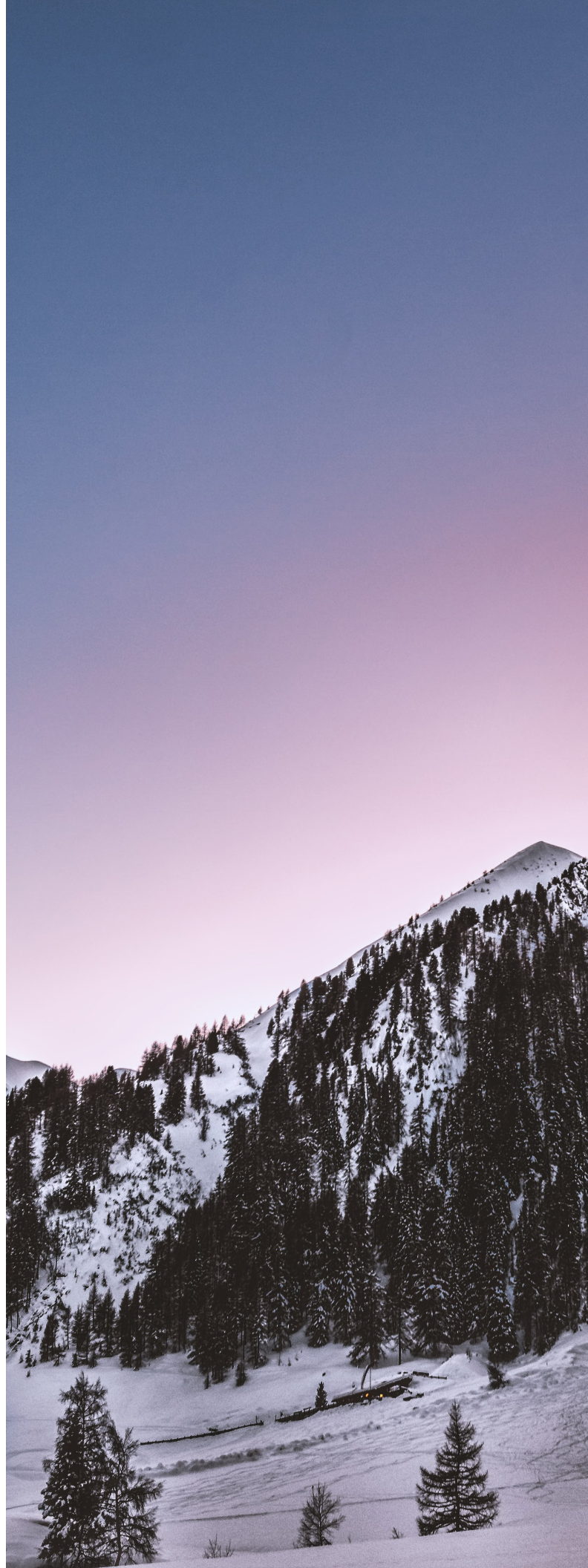
## STRUCTURAL AND FIRE SAFETY CODES

To ensure that guests are staying in rental units that meet structural, fire, and line safety code requirements, a community may choose to require an initial and/or annual inspection.

- In **Richfield, Utah**, their 2018-3 - Section 1707 Bed and Breakfast Inn and Short Term Rentals ordinance requires that the City Fire Chief inspect the premises and provide a Fire Clearance that the dwelling and premises comply with all applicable fire codes, as adopted.

## REACH OUT

*Interested in some of these ordinances?  
Reach out to those communities to hear  
more about their STR process.*







In addition to the examples provided, there are also other ways that communities can regulate STRs. Other examples include:

## INSURANCE

A community may choose to require that a operator carry insurance to cover any potential damage that could occur from renting out a portion of or the entire unit.

## BUFFERING DISTANCE

A community may choose to create a minimum distance between STRs in neighborhoods to ensure that an entire street is not used exclusively for rentals. For example, STRs must be located, at a minimum, 500 feet apart.

## NUISANCE COMPLAINT CONSEQUENCE

A community may choose to penalize an operator by revoking their operating license if there are a significant number of nuisance calls made within one year. For example, an operator that receives five or more nuisance complaints within one calendar year will be revoked of their license and unable to operate a STR for the remainder of that year.

## CAP ON ANNUAL NIGHTLY RENTAL TOTAL

A community may choose to decide upon an annual nightly rental cap that allows STRs to operate for a given amount of days throughout the year. This could allow housing stock to mitigate increased tourism demands around particular seasons and events. For example, a community may limit a STR operation to no more than 180 days within one calendar year.



## EFFECTIVELY COMMUNICATING

Short-term rental policies need to be communicated from the very beginning to encourage compliance. Local leaders should utilize all necessary resources to ensure that current and potential STR operators know how to be compliant. Additionally, communicating the benefits of the transient room tax is crucial. Local residents should understand that this tax is paid by travelers, and promotes the community as a destination while providing funds for infrastructure improvements. If STR operators register their rentals and collect TRT taxes, they are not only compliant with state law, but are actively contributing to the well-being of their local community.

### ONE PAGE SUMMARY

Reading through codes and understanding amendments can be difficult. To mitigate confusion, cities can create a one-page summary explaining their local STR ordinance in simple terms and detailing the required steps for compliance. These summaries can be posted on community bulletin boards at town halls, in grocery stores, within visitor centers, and wherever else residents gather in your community.

### SOCIAL MEDIA

Cities can post their ordinance summaries on social media platforms, so that local residents can share the information. This is also a great way to reach out to the community with online surveys and information on upcoming STR-related workshops or town meetings.



## SHORT-TERM RENTAL POLICIES

### CITY WEBSITE

To ensure that operators know how to be compliant, cities should include a section on their website that walks them through the local STR ordinance process. Include a step-by-step summary, including application fees, timelines, restrictions, etc. There should also be a point-of-contact that operators can call or email for further clarification. Additionally, cities can create a one-stop-shop where operators can apply online for a STR rental license and pay fees. Local residents can submit complaints about STRs, too. For an example, check out [Seaside, California's STR website](#).

### NEWSLETTER

If your city publishes a periodic newsletter, then that can be a vehicle for inviting the public to attend feedback sessions, and for sharing the completed ordinance at the conclusion of the process. If possible, share these articles in local traditional news media as well.

### BE PROACTIVE

Taking a proactive, widespread outreach approach will help you reach all local residents, including both operators and non-operators, with information about how and why STRs are regulated within their community. Community buy-in can greatly increase successful enforcement of STR regulations.



# INCENTIVES FOR COMPLIANCE

After an STR inventory is conducted, there may be the risk that STRs in your community are not in compliance. In addition to sending out educational materials informing them of local laws, a community may also utilize incentive programs to encourage operators to come into compliance. A few examples of operator incentives include:

- **Special Fee Waiver:** Designate a period of time when operators can fill out a STR application with no fee.
  - **Eliminate Nuisance-related Issues:** Allow operators to have a nuisance-related complaint removed from their record by attending a STR operator training. Use these trainings to inform operators of all the different ways to mitigate nuisances, so they can continue to run their business while ensuring that neighbors aren't negatively impacted. This training can operate much like "Traffic School."
  - **Develop a STR Property Tax Abatement Program:** If a local operator remains in compliance with all mandated requirements, and receives zero nuisance-related complaints for a period of time, a city may offer a STR Property Tax Abatement, forgiving a percentage
- **Ordinance Exemptions:** A city could define exemptions for operators who meet or exceed requirements for compliance on an annual basis. Examples of exemptions could include parking requirements or caps on annual nightly rental totals.
  - **Recognition for Best-Managed STR of the Year or Compliant STR Operator Certification:** A city and its residents could devise a scoring matrix for STRs in compliance, and award a Best Managed STR of the Year certificate to the operator. This could be placed within the rental unit and mentioned on their STR listing website. Additionally, a city may choose to annually certify compliant operators to give them greater credibility for local residents and tourists.





## CONCLUSION

With public engagement, proactive planning, and a simple ordinance, communities can ensure that private landowner rights and local and state laws are upheld. The time and attention local leaders invest in making sure their ordinances meet their community needs is vital for sustained quality of life. By conducting an inventory of STRs within your community, reaching out to neighboring cities and towns, and working with your community on drafting a STR ordinance, you'll be better prepared for the future of the sharing economy.

## ASSISTANCE

### *Community Development Office*

The State of Utah's Community Development Office (CDO) is part of the Division of Housing & Community Development in the Department of Workforce Services. The CDO helps Utah's rural communities build knowledge, skills, and abilities to achieve their goals. CDO assists with planning and management issues through training, consulting, research, and technical support. For more information, visit [jobs.utah.gov/housing/community](https://jobs.utah.gov/housing/community)

### *Regional Planning Program*

The Utah Permanent Community Impact Fund Board funds a full-time planner in five association of government (AOG) regions, which include: Bear River, Uintah Basin, Six County, Five County, and Southeastern Utah. These planners provide ongoing assistance with planning processes. For more information, visit [jobs.utah.gov/housing/community/planning/regional.html](https://jobs.utah.gov/housing/community/planning/regional.html).

Additionally, the Utah League of Cities and Towns ([ulct.org](https://ulct.org)) and the Land Use Academy of Utah ([luau.utah.gov](https://luau.utah.gov)) support training and education in land use for local elected and appointed officials.

## REFERENCES

Please scan the QR code below to be able to access the list of references used to develop this guide.



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