

REFERENCE TITLE: vacation rentals; short-term rentals; restrictions

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2711

Introduced by
Representative Barton

AN ACT

AMENDING SECTION 9-500.39, ARIZONA REVISED STATUTES; RELATING TO VACATION RENTALS AND SHORT-TERM RENTALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-500.39, Arizona Revised Statutes, is amended
3 to read:

4 9-500.39. Limits on regulation of vacation rentals and
5 short-term rentals; state preemption; definitions

6 A. A city or town may not prohibit vacation rentals or short-term
7 rentals.

8 B. A city or town may not restrict the use of or regulate vacation
9 rentals or short-term rentals based on their classification, use or
10 occupancy except as provided in this section. A city or town may regulate
11 vacation rentals or short-term rentals ~~for the following purposes~~ AS
12 FOLLOWS:

13 1. ~~Protecting~~ TO PROTECT the public's health and safety, including
14 rules and regulations related to fire and building codes, health and
15 sanitation, transportation or traffic control, solid or hazardous waste
16 and pollution control, and designation of an emergency point of contact,
17 if the city or town demonstrates that the rule or regulation is for the
18 primary purpose of protecting the public's health and safety.

19 2. ~~Adopting~~ TO ADOPT and ~~enforcing~~ ENFORCE residential use and
20 zoning ordinances, including ordinances related to noise, protection of
21 welfare, property maintenance and other nuisance issues, if the ordinance
22 is applied in the same manner as other property classified under sections
23 42-12003 and 42-12004.

24 3. ~~Limiting~~ TO LIMIT or ~~prohibiting~~ PROHIBIT the use of a vacation
25 rental or short-term rental for the purposes of housing sex offenders,
26 operating or maintaining a sober living home, selling illegal drugs,
27 liquor control or pornography, obscenity, nude or topless dancing and
28 other adult-oriented businesses.

29 4. ~~Requiring~~ TO REQUIRE the owner of a vacation rental or
30 short-term rental to provide the city or town with contact information for
31 the owner or the owner's designee who is responsible for responding to
32 complaints in a timely manner in person, over the phone or by email at any
33 time of day before offering for rent or renting the vacation rental or
34 short-term rental.

35 C. Within thirty days after a verified violation, a city or town
36 shall notify the department of revenue and the owner of the vacation
37 rental or short-term rental of the verified violation of the city's or
38 town's applicable laws, regulations or ordinances and, if the owner of the
39 vacation rental or short-term rental received the verified violation,
40 whether the city or town imposed a civil penalty on the owner of the
41 vacation rental or short-term rental and the amount of the civil penalty,
42 if assessed. If multiple verified violations arise out of the same
43 response to an incident at a vacation rental or short-term rental, those
44 verified violations are considered one verified violation for the purpose
45 of assessing civil penalties pursuant to section 42-1125.02, subsection B.

1 D. If the owner of a vacation rental or short-term rental has
2 provided contact information to a city or town pursuant to subsection B,
3 paragraph 4 of this section and if the city or town issues a citation for
4 a violation of the city's or town's applicable laws, regulations or
5 ordinances or a state law that occurred on the owner's vacation rental or
6 short-term rental property, the city or town shall make a reasonable
7 attempt to notify the owner or the owner's designee of the citation within
8 seven business days after the citation is issued using the contact
9 information provided pursuant to subsection B, paragraph 4 of this
10 section. If the owner of a vacation rental or short-term rental has not
11 provided contact information pursuant to subsection B, paragraph 4 of this
12 section, the city or town is not required to provide such notice.

13 E. This section does not exempt an owner of a residential rental
14 property, as defined in section 33-1901, from maintaining with the
15 assessor of the county in which the property is located information
16 required under title 33, chapter 17, article 1.

17 F. A vacation rental or short-term rental may not be used for
18 nonresidential uses, including for a special event that would otherwise
19 require a permit or license pursuant to a city or town ordinance or a
20 state law or rule or for a retail, restaurant, banquet space or other
21 similar use.

22 G. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, A CITY OR TOWN
23 WITH A POPULATION OF LESS THAN SEVENTEEN THOUSAND PERSONS MAY:

24 1. REQUIRE THE OWNER OF A VACATION RENTAL OR SHORT-TERM RENTAL TO
25 OBTAIN AND MAINTAIN A PERMIT OR LICENSE ISSUED BY THE CITY OR TOWN BEFORE
26 RENTING OR OPERATING A VACATION RENTAL OR SHORT-TERM RENTAL.

27 2. LIMIT THE NUMBER OF VACATION RENTALS AND SHORT-TERM RENTALS
28 BASED ON A PERCENTAGE OF TOTAL RESIDENTIALLY ZONED BUILDINGS OR STRUCTURES
29 IN THAT CITY OR TOWN.

30 3. REGULATE VACATION RENTALS OR SHORT-TERM RENTALS IN THE SAME
31 MANNER AS TRANSIENT LODGING ACTIVITIES.

32 ~~G.~~ H. For the purposes of this section:

33 1. "Transient" has the same meaning prescribed in section 42-5070.

34 2. "Vacation rental" or "short-term rental":

35 (a) Means any individually or collectively owned single-family or
36 one-to-four-family house or dwelling unit or any unit or group of units in
37 a condominium, cooperative or timeshare, that is also a transient public
38 lodging establishment or owner-occupied residential home offered for
39 transient use if the accommodations are not classified for property
40 taxation under section 42-12001. ~~Vacation rental and short-term rental do~~

41 (b) DOES not include a unit that is used for any nonresidential
42 use, including retail, restaurant, banquet space, event center or another
43 similar use.

1 3. "Verified violation" means a finding of guilt or civil
2 responsibility for violating any state law or local ordinance relating to
3 a purpose prescribed in subsection B or F of this section that has been
4 finally adjudicated.