

REFERENCE TITLE: vacation rentals; ordinance; limits; exemption

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2308

Introduced by
Representative Bliss

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; civil
6 penalties; transaction privilege tax license
7 suspension; exemption; definitions

8 A. A city or town may not prohibit vacation rentals or short-term
9 rentals.

10 B. A city or town may not restrict the use of or regulate vacation
11 rentals or short-term rentals based on their classification, use or
12 occupancy except as provided in this section. A city or town may regulate
13 vacation rentals or short-term rentals as follows:

14 1. To protect the public's health and safety, including rules and
15 regulations related to fire and building codes, health and sanitation,
16 transportation or traffic control and solid or hazardous waste and
17 pollution control, if the city or town demonstrates that the rule or
18 regulation is for the primary purpose of protecting the public's health
19 and safety.

20 2. To adopt and enforce use and zoning ordinances, including
21 ordinances related to noise, protection of welfare, property maintenance
22 and other nuisance issues, if the ordinance is applied in the same manner
23 as other property classified under sections 42-12003 and 42-12004.

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

28 4. To require the owner of a vacation rental or short-term rental
29 to provide the city or town with emergency contact information for the
30 owner or the owner's designee who is responsible for responding to
31 complaints or emergencies in a timely manner in person if required by
32 public safety personnel, over the phone or by email at any time of day
33 before offering for rent or renting the vacation rental or short-term
34 rental. In addition to any other penalty imposed pursuant to this
35 section, the city or town may impose a civil penalty of up to \$1,000
36 against the owner for every thirty days the owner fails to provide contact
37 information as prescribed by this paragraph. The city or town shall
38 provide thirty days' notice to the owner before imposing the initial civil
39 penalty.

40 5. To require the owner of a vacation rental or short-term rental
41 to obtain and maintain a local regulatory permit or license. As a
42 condition of issuance of a permit or license, the application for the
43 permit or license may require an applicant to provide only the following:

44 (a) The name, address, telephone number and email address for the
45 owner or owner's agent.

1 (b) The address of the vacation rental or short-term rental.
2 (c) Proof of compliance with section 42-5005.
3 (d) Contact information required pursuant to paragraph 4 of this
4 subsection.
5 (e) Acknowledgment of an agreement to comply with all applicable
6 laws, regulations and ordinances.
7 (f) A fee not to exceed the actual cost of issuing the permit or
8 license or \$250, whichever is less.
9 6. To require, before offering a vacation rental or short-term
10 rental for rent for the first time, the owner or the owner's designee of a
11 vacation rental or short-term rental to notify all single-family
12 residential properties adjacent to and directly and diagonally across the
13 street from the vacation rental or short-term rental. Notice shall be
14 deemed sufficient in a multifamily residential building if given to
15 residents on the same building floor. A city or town may require
16 additional notification pursuant to this paragraph if the contact
17 information previously provided changes. Notification provided in
18 compliance with this paragraph shall include the permit or license number
19 if required by the city or town, the address of the vacation rental or
20 short-term rental and the information required pursuant to paragraph 4 of
21 this subsection. The owner or the owner's designee shall demonstrate
22 compliance with this paragraph by providing the city or town with an
23 attestation of notification compliance that consists of the following
24 information:
25 (a) The permit or license number of the vacation rental or
26 short-term rental, if required by the city or town.
27 (b) The address of each property notified.
28 (c) A description of the manner in which the owner or owner's
29 designee chose to provide notification to each property subject to
30 notification.
31 (d) The name and contact information of the person attesting to
32 compliance with this paragraph.
33 7. To require the owner or owner's designee of a vacation rental or
34 short-term rental to display the local regulatory permit number or license
35 number, if any, on each advertisement for a vacation rental or short-term
36 rental that the owner or owner's designee maintains. A city or town that
37 does not require a local regulatory permit or license may require the
38 owner or owner's designee of a vacation rental or short-term rental to
39 display the transaction privilege tax license number required by section
40 42-5042 on each advertisement for a vacation rental or short-term rental
41 that the owner or owner's designee maintains.
42 8. To require the vacation rental or short-term rental to maintain
43 liability insurance appropriate to cover the vacation rental or short-term
44 rental in the aggregate of at least \$500,000 or to advertise and offer

each vacation rental or short-term rental through an online lodging marketplace that provides equal or greater coverage.

9. To require the owner of a vacation rental or short-term rental to reside on the property if the property contains an accessory dwelling unit that was constructed on or after September 14, 2024 and that is being used as a vacation rental or short-term rental. Unless the time period specified in section 12-1134, subsection G has expired, this paragraph does not apply to a property owner who has the right to build an accessory dwelling unit on the property owner's property before September 14, 2024 whether or not the accessory dwelling unit has been built.

10. TO LIMIT THE NUMBER OF VACATION RENTALS OR SHORT-TERM RENTALS WITHIN THE CITY OR TOWN BY ADOPTING AN ORDINANCE THAT DOES ANY OF THE FOLLOWING:

(a) SETS A MAXIMUM NUMBER OF VACATION RENTAL OR SHORT-TERM RENTAL REGULATORY PERMITS OR LICENSES THAT MAY BE ISSUED WITHIN THE BOUNDARIES OF THE CITY OR TOWN.

(b) REQUIRES A SPECIFIC DISTANCE BETWEEN VACATION RENTALS OR SHORT-TERM RENTALS.

(c) SETS A MAXIMUM NUMBER OF VACATION RENTALS OR SHORT-TERM RENTALS WITHIN A SPECIFIED AREA IN THE CITY OR TOWN.

C. A city or town that requires a local regulatory permit or license pursuant to this section shall issue or deny the permit or license within seven business days of receipt of the information required by subsection B, paragraph 5 of this section and otherwise in accordance with section 9-835, except that a city or town may deny issuance of a permit or license only for any of the following:

1. Failure to provide the information required by subsection B, paragraph 5, subdivisions (a) through (e) of this section.

2. Failure to pay the required permit or license fee.

3. At the time of application the owner has a suspended permit or license for the same vacation rental or short-term rental.

4. The applicant provides false information.

5. The owner or owner's designee of a vacation rental or short-term rental is a registered sex offender or has been convicted of any felony offense that resulted in death or serious physical injury or any felony use of a deadly weapon within the past five years.

D. A city or town that requires a local regulatory permit or license pursuant to this section shall adopt an ordinance to allow the city or town to initiate an administrative process to suspend a local regulatory permit or license for a period of up to twelve months for the following verified violations associated with a property:

1. Three verified violations within a twelve-month period, not including any verified violation based on an aesthetic, solid waste disposal or vehicle parking violation that is not also a serious threat to public health and safety.

1 2. One verified violation that results in or constitutes any of the
2 following:

3 (a) A felony offense committed at or in the vicinity of a vacation
4 rental or short-term rental by the vacation rental or short-term rental
5 owner or owner's designee.

6 (b) A serious physical injury or wrongful death at or related to a
7 vacation rental or short-term rental resulting from the knowing,
8 intentional or reckless conduct of the vacation rental or short-term
9 rental owner or owner's designee.

10 (c) An owner or owner's designee knowingly or intentionally housing
11 a sex offender, allowing offenses related to adult-oriented businesses,
12 sexual offenses or prostitution, or operating or maintaining a sober
13 living home, in violation of a regulation or ordinance adopted pursuant to
14 subsection B, paragraph 3 of this section.

15 (d) An owner or owner's designee knowingly or intentionally
16 allowing the use of a vacation rental or short-term rental for a special
17 event that would otherwise require a permit or license pursuant to a city
18 or town ordinance or a state law or rule or for a retail, restaurant,
19 banquet space or other similar use.

20 3. Notwithstanding paragraphs 1 and 2 of this subsection, any
21 attempted or completed felony offense, arising from the occupancy or use
22 of a vacation rental or short-term rental, that results in a death, or
23 actual or attempted serious physical injury, shall be grounds for judicial
24 relief in the form of a suspension of the property's use as a vacation
25 rental or short-term rental for a period of time that shall not exceed
26 twelve months.

27 E. A city or town that requires sex offender background checks on a
28 vacation rental or short-term rental guest shall waive the requirement if
29 an online lodging marketplace performs a sex offender background check of
30 the booking guest.

31 F. Notwithstanding any other law, a city or town may impose a civil
32 penalty of the following amounts against an owner of a vacation rental or
33 short-term rental if the owner receives one or more verified violations
34 related to the same vacation rental or short-term rental property within
35 the same twelve-month period:

36 1. Up to \$500 or up to an amount equal to one night's rent for the
37 vacation rental or short-term rental as advertised, whichever is greater,
38 for the first verified violation.

39 2. Up to \$1,000 or up to an amount equal to two nights' rent for
40 the vacation rental or short-term rental as advertised, whichever is
41 greater, for the second verified violation.

42 3. Up to \$3,500 or up to an amount equal to three nights' rent for
43 the vacation rental or short-term rental as advertised, whichever is
44 greater, for a third and any subsequent verified violation.

1 G. A vacation rental or short-term rental that fails to apply for a
2 local regulatory permit or license in accordance with subsection B,
3 paragraph 5 of this section, within thirty days of the local regulatory
4 permit or license application process being made available by the city or
5 town issuing such permits or licenses, must cease operations. In addition
6 to any civil penalties imposed pursuant to subsection F of this section, a
7 city or town may impose a civil penalty of up to \$1,000 per month against
8 the owner if the owner or owner's designee fails to apply for a regulatory
9 permit or license within thirty days after receiving written notice of the
10 failure to comply with subsection B, paragraph 5 of this section.

11 H. If multiple verified violations arise out of the same response
12 to an incident at a vacation rental or short-term rental, those verified
13 violations are considered one verified violation for the purpose of
14 assessing civil penalties or suspending the regulatory permit or license
15 of the owner pursuant to this section.

16 I. If the owner of a vacation rental or short-term rental has
17 provided contact information to a city or town pursuant to subsection B,
18 paragraph 4 of this section and if the city or town issues a citation for
19 a violation of the city's or town's applicable laws, regulations or
20 ordinances or a state law that occurred on the owner's vacation rental or
21 short-term rental property, the city or town shall make a reasonable
22 attempt to notify the owner or the owner's designee of the citation within
23 seven business days after the citation is issued using the contact
24 information provided pursuant to subsection B, paragraph 4 of this
25 section. If the owner of a vacation rental or short-term rental has not
26 provided contact information pursuant to subsection B, paragraph 4 of this
27 section, the city or town is not required to provide such notice.

28 J. This section does not exempt an owner of a residential rental
29 property, as defined in section 33-1901, from maintaining with the
30 assessor of the county in which the property is located information
31 required under title 33, chapter 17, article 1.

32 K. A vacation rental or short-term rental may not be used for
33 nonresidential uses, including for a special event that would otherwise
34 require a permit or license pursuant to a city or town ordinance or a
35 state law or rule or for a retail, restaurant, banquet space or other
36 similar use.

37 L. THE OWNER OF A VACATION RENTAL OR SHORT-TERM RENTAL WHO HOLDS A
38 CURRENT VACATION RENTAL OR SHORT-TERM RENTAL PERMIT OR LICENSE ISSUED BY
39 THE CITY OR TOWN BEFORE THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS
40 SECTION AND WHO IS IN GOOD STANDING AT THE TIME AN ORDINANCE IS PASSED BY
41 THE CITY OR TOWN PURSUANT TO SUBSECTION B, PARAGRAPH 10 OF THIS SECTION IS
42 EXEMPT FROM ANY ORDINANCE ADOPTED BY A CITY OR TOWN PURSUANT TO SUBSECTION
43 B, PARAGRAPH 10 OF THIS SECTION. THIS EXEMPTION ONLY APPLIES TO THE
44 OWNER'S EXISTING VACATION RENTALS OR SHORT-TERM RENTALS THAT HAVE BEEN
45 ISSUED A LICENSE OR PERMIT BY THE CITY OR TOWN AS OF THE EFFECTIVE DATE OF

1 THIS AMENDMENT TO THIS SECTION AND AS LONG AS THE OWNER MAINTAINS THE
2 LICENSE OR PERMIT IN GOOD STANDING. THIS SUBSECTION DOES NOT APPLY IF
3 EITHER OF THE FOLLOWING:

4 1. THE CITY OR TOWN DETERMINES THAT APPLYING THE ORDINANCE TO THE
5 VACATION RENTAL OR SHORT-TERM RENTAL IS NECESSARY FOR THE PROTECTION OF
6 THE PUBLIC HEALTH AND SAFETY.

7 2. THE VACATION RENTAL OR SHORT-TERM RENTAL PERMIT OR LICENSE IS
8 REVOKED OR SUSPENDED BY THE CITY OR TOWN.

9 ~~1.~~ M. For the purposes of this section:

10 1. "Accessory dwelling unit" has the same meaning prescribed in
11 section 9-461.18.

12 2. "Online lodging marketplace" has the same meaning prescribed in
13 section 42-5076.

14 3. "Transient" has the same meaning prescribed in section 42-5070.

15 4. "Vacation rental" or "short-term rental":

16 (a) Means any individually or collectively owned single-family or
17 one-to-four-family house or dwelling unit or any unit or group of units in
18 a condominium or cooperative that is also a transient public lodging
19 establishment or owner-occupied residential home offered for transient use
20 if the accommodations are not classified for property taxation under
21 section 42-12001.

22 (b) Does not include a unit that is used for any nonresidential
23 use, including retail, restaurant, banquet space, event center or another
24 similar use.

25 5. "Verified violation" means a finding of guilt or civil
26 responsibility for violating any state law or local ordinance relating to
27 a purpose prescribed in subsection B, D, F or K of this section that has
28 been finally adjudicated.