

Motion Sheet – STR License Cap

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I move to replace Section 4-23-31 (*Eligibility to Operate a Short-term Rental*) in Version 2 with the following:

**§ 4-23-31 ELIGIBILITY TO OPERATE A SHORT-TERM RENTAL.**

- (A) An operator must own the housing unit that will be operated as a short-term rental.
- (B) Except as provided in Subsection (J), on a site with three or fewer housing units, an individual can operate a short-term rental.
- (C) Except as provided in Subsection (D), an individual may operate more than one short-term rental if the short-term rentals are located at least 1,000 feet apart.
- (D) On a site with four or more housing units, the greater of one unit or 25 percent of the housing units the person owns can be operated as short-term rentals.
- (E) In this section, an operator qualifies as an individual when the housing unit is owned:
  - (1) only by one or more individuals;
  - (2) by a trust and each trustee and beneficiary are individuals; or
  - (3) by a limited liability company and each member is an individual.
- (F) The 1,000-foot requirement in Subsection (C) applies to an individual who participates in a trust or limited liability company described in Subsection (E) without regard to the name of the trust or the limited liability company.
- (G) A person is not eligible to obtain a new operator's license for any short-term rental for 12 months if the person was the operator of a short-term rental that was declared a nuisance by a director or a court of competent jurisdiction. The 12-month period begins the later of the date their license was revoked or their appeal of the revocation was denied.
- (H) Except as provided in Subsection (I), a short-term rental that was the subject of an operator's license that was revoked cannot be the subject of a new operator's license for:
  - (1) six months from the later of the date the license was revoked or the appeal of the revocation was denied; or
  - (2) 12 months from the later of the date the license was revoked or the appeal of the revocation was denied if the operator's license was revoked because the short-term rental was declared a nuisance either by the director or a court of competent jurisdiction.
- (I) A person may apply for an operator's license for a short-term rental that was the subject of a revoked operator's license before the time periods described in Subsection (H) expire

if the director determines that the applicant is not associated with the prior property owner.

- (1) An applicant may submit a request for a determination under this subsection using a form approved by the director and by providing information the director requires to make a decision on the request.
- (2) The director's decision is not appealable.

(J) License Caps for Sites with Three or Fewer Housing Units.

- (1) The maximum number of licenses the director can issue for short-term rentals on sites with three or fewer housing units is three percent of sites with three or fewer dwelling units within the applicable census tract.
- (2) A license issued before December 10, 2025, does not count towards the maximum number of licenses the director can issue for short-term rentals on sites with three or fewer housing units.
- (3) The director is required to determine the total number of sites with three or fewer housing units within each census tract and use that number to calculate the maximum number of licenses that can be issued.
- (4) The total number of sites within a census tract is based on the most current utility records for each census tract.

I move to add a new part to the Ordinance that states:

**Part \_\_\_\_.** The license caps established in Subsection (J) of Section 4-23-31 (*Eligibility to Operate a Short-Term Rental*) do not apply for 90 days following the effective date of this ordinance.