

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

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

HB 2309

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; 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

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

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

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

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

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

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

22 4. The applicant provides false information.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

L. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, A CITY OR TOWN MAY:

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

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

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

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

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

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

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

(a) Means any individually or collectively owned single-family or one-to-four-family house or dwelling unit or any unit or group of units in a condominium or cooperative that is also a transient public lodging establishment or owner-occupied residential home offered for transient use

1 if the accommodations are not classified for property taxation under
2 section 42-12001.

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

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