

CHAPTER 380

GOVERNMENT - LOCAL

HOUSE BILL 23-1287

BY REPRESENTATIVE(S) McCluskie and Lukens, Amabile, Bird, Brown, Catlin, Dickson, Duran, Froelich, Gonzales-Gutierrez, Jodeh, Kipp, Lindsay, Mabrey, McCormick, McLachlan, Michaelson Jenet, Pugliese, Sirota, Snyder, Story, Velasco, Vigil, Weissman, Willford, Woodrow;
also SENATOR(S) Roberts and Will, Hansen, Priola.

AN ACT**CONCERNING A COUNTY'S REGULATORY AUTHORITY RELATED TO SHORT-TERM RENTALS OF LODGING UNITS.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 30-15-401, **amend** (1)(s)(I); and **add** (1)(s)(III), (1)(s)(IV), (1)(s)(V), and (1)(s.5) as follows:

30-15-401. General regulations - definitions. (1) In addition to those powers granted by sections 30-11-101 and 30-11-107 and by parts 1, 2, and 3 of this article 15, the board of county commissioners may adopt ordinances for control or licensing of those matters of purely local concern that are described in the following enumerated powers:

(s) (I) To license and regulate an owner or owner's agent who rents or advertises the owner's lodging unit for a short-term ~~stay~~ RENTAL, and to fix the fees, terms, and manner for issuing and revoking licenses issued therefor. As used in this subsection (1)(s)(I), "owner's agent" does not include ~~an internet hospitality service~~ A VACATION RENTAL SERVICE, EXCEPT AS SET FORTH IN SUBSECTION (1)(s)(IV) OF THIS SECTION.

(III) TO REGULATE A VACATION RENTAL SERVICE; EXCEPT THAT THIS AUTHORITY IS LIMITED TO:

(A) REQUIRING A VACATION RENTAL SERVICE THAT DISPLAYS A SHORT-TERM RENTAL LISTING FOR A LODGING UNIT LOCATED IN THE COUNTY TO REQUIRE THE LODGING UNIT OWNER OR OWNER'S AGENT TO INCLUDE A LOCAL SHORT-TERM

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

RENTAL LICENSE OR PERMIT NUMBER, IF APPLICABLE, IN ANY LISTING FOR THE SHORT-TERM RENTAL ON THE VACATION RENTAL SERVICE'S WEBSITE OR OTHER DIGITAL PLATFORM; AND

(B) REQUIRING A VACATION RENTAL SERVICE TO REMOVE A LISTING FOR A SHORT-TERM RENTAL FROM THE VACATION RENTAL SERVICE'S WEBSITE OR OTHER DIGITAL PLATFORM AFTER NOTIFICATION BY THE COUNTY THAT THE OWNER OF THE LISTED LODGING UNIT HAS HAD THE OWNER'S LOCAL SHORT-TERM RENTAL LICENSE OR PERMIT SUSPENDED OR REVOKED OR HAS BEEN ISSUED A NOTICE OF VIOLATION OR SIMILAR LEGAL PROCESS FOR NOT POSSESSING A VALID LOCAL SHORT-TERM RENTAL LICENSE OR PERMIT OR THAT THE COUNTY HAS A PROHIBITION ON SHORT-TERM RENTALS THAT APPLIES TO THE LODGING UNIT. THE NOTIFICATION MUST IDENTIFY THE LISTING'S UNIFORM RESOURCE LOCATOR (URL) OR OTHER SPECIFIED DIGITAL LOCATION TO BE REMOVED AND STATE THE REASON FOR THE REMOVAL. THE VACATION RENTAL SERVICE SHALL REMOVE THE LISTING FROM THE WEBSITE OR OTHER DIGITAL PLATFORM WITHIN SEVEN DAYS OF RECEIVING THE NOTIFICATION FROM THE COUNTY.

(IV) IF A VACATION RENTAL SERVICE PROVIDES ADDITIONAL SERVICES FOR THE OWNER THAT ARE RELATED TO THE OWNER'S LODGING UNIT BUT UNRELATED TO PROVIDING A MEANS OF OFFERING THE LODGING UNIT FOR SHORT-TERM RENTALS THROUGH THE PERSON'S WEBSITE OR OTHER DIGITAL PLATFORM, THEN THE BOARD OF COUNTY COMMISSIONERS MAY LICENSE OR REGULATE THE VACATION RENTAL SERVICE AS AN OWNER'S AGENT UNDER SUBSECTION (1)(s)(I) OF THIS SECTION WITH RESPECT TO THOSE ADDITIONAL SERVICES.

(V) TO FACILITATE A VACATION RENTAL SERVICE'S ABILITY TO COMPLY WITH AN ORDINANCE ADOPTED BY A COUNTY UNDER THE AUTHORITY CONFERRED BY SUBSECTION (1)(s)(III) OF THIS SECTION, A COUNTY, UPON REQUEST OF THE OWNER OF A HOTEL UNIT THAT IS LOCATED IN A BUILDING WITH ONE OR MORE LODGING UNITS OR A VACATION RENTAL SERVICE ON WHICH A HOTEL UNIT THAT IS LOCATED IN A BUILDING WITH ONE OR MORE LODGING UNITS IS LISTED, SHALL PROVIDE WRITTEN VERIFICATION THAT THE HOTEL UNIT IS EXEMPT FROM THE ORDINANCE BECAUSE IT IS NOT A LODGING UNIT. MULTIPLE HOTEL UNITS MAY BE INCLUDED IN ONE REQUEST. THE WRITTEN VERIFICATION PROVIDED MAY INCLUDE AN EXEMPTION NUMBER OR OTHER TYPE OF IDENTIFIER FOR THE HOTEL UNIT AND A SINGLE EXEMPTION NUMBER OR OTHER TYPE OF IDENTIFIER MAY BE USED FOR MULTIPLE HOTEL UNITS.

(s.5) AS USED IN SUBSECTION (1)(s) OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(I) "HOTEL UNIT" MEANS A PORTION OF A STRUCTURE THAT IS:

(A) USED BY A BUSINESS ESTABLISHMENT TO PROVIDE COMMERCIAL LODGING TO THE GENERAL PUBLIC FOR PREDOMINANTLY OVERNIGHT OR WEEKLY STAYS;

(B) CLASSIFIED AS A HOTEL OR MOTEL FOR PURPOSES OF PROPERTY TAXATION;

(C) NOT A UNIT, AS DEFINED IN SECTION 38-33.3-103 (30), IN A CONDOMINIUM;
AND

(D) ZONED OR OTHERWISE PERMITTED BY THE LOCAL JURISDICTION FOR THE USE SPECIFIED IN SUBSECTION (1)(s.5)(I)(A) OF THIS SECTION.

(II) "LODGING UNIT" MEANS ANY PROPERTY OR PORTION OF A PROPERTY THAT IS AVAILABLE FOR LODGING; EXCEPT THAT THE TERM EXCLUDES A HOTEL UNIT.

(III) "SHORT-TERM RENTAL" MEANS THE RENTAL OF A LODGING UNIT FOR LESS THAN THIRTY DAYS.

(IV) "VACATION RENTAL SERVICE" MEANS A PERSON THAT OPERATES A WEBSITE OR ANY OTHER DIGITAL PLATFORM THAT PROVIDES A MEANS THROUGH WHICH AN OWNER OR OWNER'S AGENT MAY OFFER A LODGING UNIT, OR PORTION THEREOF, FOR SHORT-TERM RENTALS, AND FROM WHICH THE PERSON FINANCIALLY BENEFITS.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 5, 2023