

HOUSE BILL NO. 2662

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BURLISON.

6735H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 315.005, RSMo, and to enact in lieu thereof two new sections relating to residential dwelling rentals.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 315.005, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 67.309 and 315.005, to read as follows:

67.309. 1. The provisions of this section shall be known and may be cited as the "Short Term Rental Freedom Act". As used in this section, the following terms mean:

(1) "Political subdivision", any county, city, town, village, or township in the state of Missouri;

(2) "Residential dwelling", any building, structure, or part of a building or structure that is primarily used and occupied for human habitation, or intended to be so used, and includes any appurtenances belonging to it or conjoined with it;

(3) "Residential dwelling rental", a residential dwelling or any part thereof that is offered for rent to transient guests;

(4) "Transient guest", any person who rents and occupies a guest room in a lodging establishment or residential dwelling rental for a period of less than thirty-one days.

2. Except as provided in subsections 3 and 4 of this section, a political subdivision shall not enact or enforce any ordinance that prohibits or unreasonably restricts residential dwelling rentals based on a rental's classification, use, or occupancy as a residential dwelling unit.

3. The provisions of subsection 2 of this section shall not prohibit a political subdivision from applying and enforcing any ordinance in effect prior to August 28, 2016.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **4. The provisions of subsection 2 of this section shall not limit the authority of any**
19 **political subdivision to enact or enforce any ordinance imposing reasonable restrictions on**
20 **residential dwelling rentals in any of the following areas:**

21 **(1) Protection of public health and safety, including rules and regulations relating**
22 **to fire and building codes, health and sanitation, transportation or traffic control, solid or**
23 **hazardous wastes, and pollution control;**

24 **(2) Room taxes that may be imposed on residential dwellings;**

25 **(3) Annual license fees or other fees that may be imposed on persons who rent out**
26 **their residential dwellings;**

27 **(4) The imposition or payment of inspection fees for residential dwellings;**

28 **(5) Posting requirements for licensing, certification, registration, and emergency**
29 **procedures;**

30 **(6) Response time periods for complaints and short-term renter concerns;**

31 **(7) Nuisances relating to residential dwellings;**

32 **(8) Age requirements for renters; and**

33 **(9) Off-street parking requirements.**

315.005. As used in sections 315.005 to 315.065, unless the context clearly indicates
2 otherwise, the following terms mean:

3 (1) "Code", the standards relating to fire safety, sanitation, electrical wiring, fuel-burning
4 appliances, plumbing, swimming pools and spas, sewage and waste treatment and disposal as
5 adopted by the department. The department in its discretion, may incorporate, in whole or in
6 part, the standards or codes promulgated by the National Fire Protection Association, Building
7 Officials and Code Administration International, Inc., Great Lakes Upper Mississippi River
8 Board of State Sanitary Engineers, and American Society of Sanitary Engineers;

9 (2) "Department", the director of the department of health and senior services or an agent
10 of the director of the department of health and senior services;

11 (3) "Guest room", any room or unit where sleeping accommodations are regularly
12 furnished to the public;

13 (4) "Lodging establishment", any building, group of buildings, structure, facility, place,
14 or places of business where five or more guest rooms are provided, which is owned, maintained,
15 or operated by any person and which is kept, used, maintained, advertised or held out to the
16 public for hire which can be construed to be a hotel, motel, motor hotel, apartment hotel, tourist
17 court, resort, cabins, tourist home, bunkhouse, dormitory, or other similar place by whatever
18 name called, and includes all such accommodations operated for hire as lodging establishments
19 for either transient guests, permanent guests, or for both transient and permanent guests; **except**
20 **"lodging establishment" shall not include a residential dwelling rental;**

21 (5) "Owner", the person responsible for obtaining a license from the department for
22 operating the lodging establishment;

23 (6) "Permanent guest", any person who rents and occupies a guest room in a lodging
24 establishment for a period of thirty-one days or more;

25 (7) "Person", any individual, partnership, corporation, association, organization, firm,
26 or federal, state, county, city, village, or municipal association or corporation;

27 (8) **"Residential dwelling", any building, structure, or part of a building or**
28 **structure, that is primarily used and occupied for human habitation, or intended to be so**
29 **used, and includes any appurtenances belonging to it or conjoined with it;**

30 (9) **"Residential dwelling rental, a residential dwelling or any part thereof that is**
31 **offered for rent to transient guests;**

32 (10) "Transient guest", any person who rents and occupies a guest room in a lodging
33 establishment **or residential dwelling rental** for a period of less than thirty-one days.

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