

CHAPTER 22
SHORT-TERM RENTALS

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3-22-1: LEGAL AUTHORITY

Idaho Code sections 50-301 and 50-307 authorize the City to adopt and enforce ordinances, rules, and regulations governing standards and procedures for licensing persons who engage in or operate a trade or business within the City. Idaho Code section 67-6539 authorizes cities and counties to implement reasonable regulations upon short-term rental properties to protect the public welfare and safety and the integrity of residential neighborhoods.

3-22-2: PURPOSE:

The purpose of the City's Short-Term Rental Licensing program is to protect the public health, safety, and welfare and to safeguard the integrity of the residential neighborhoods in which short-term rentals operate.

3-22-3: SCOPE:

This chapter establishes minimum standards and procedures for licensing and operation of short-term rentals within the City.

3-22-4: GENERAL LICENSING PROVISIONS APPLICABLE:

To the extent not inconsistent with this chapter, the licensing provisions set forth in chapter 1, article A of this title, shall apply with full force and effect to all provisions and sections of this chapter.

3-6-5: DEFINITIONS:

For the purposes of this chapter, the following terms, phrases, words, and derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural include the singular, and words in the singular include the plural. The word "shall" is always mandatory and not merely directory. Words used throughout this chapter, but not defined herein or in chapter 1, article A of this title, shall have their plain, ordinary, and common meaning. Words in any gender shall apply to the feminine, masculine, and neuter genders.

ACCESSORY DWELLING UNIT (OR "ADU"): Is defined under section 11-012-02 of this code, and generally described as a self-contained dwelling unit that is incidental and subordinate to the primary dwelling unit on the property. An ADU shall include a kitchen, bathroom, and a separate entrance and exit.

DWELLING UNIT: is defined under section 11-012-05 of this code, and generally described as one or more rooms designed for or used as a complete, separate, and independent living facility for one or more persons, including permanent provisions for living, sleeping, cooking, and sanitation.

LOCAL REPRESENTATIVE: An owner, property manager, or agent who is readily available to respond to questions or concerns of guests and neighbors of the short-term rental or the City.

LODGING OPERATOR: A person that rents a short-term rental or vacation rental to an occupant using a short-term rental marketplace. An owner, property manager, or agent may be a lodging operator.

LODGING TRANSACTION: A charge to an occupant by a lodging operator for the occupancy of any short-term rental or vacation rental using a short-term rental marketplace.

OWNER: The person or entity that holds legal or equitable title to the property.

OWNER-OCCUPIED: Where the owner of a dwelling unit resides on the parcel for a minimum of six (6) months out of a calendar year. Homeowner occupied tax exempt status with the Ada County Assessor shall be considered proof of owner-occupied status for purposes of this chapter.

SHORT-TERM RENTAL: A dwelling unit, or any portion thereof, which is offered for a fee for the purpose of overnight lodging for a period of thirty (30) days or less. A short-term rental may include but is not limited to, any individually or collectively owned single-family house, accessory dwelling unit, apartment, condominium, cooperative, timeshare, vacation home, or any portion of such property.

SHORT-TERM RENTAL MARKETPLACE: A person that provides a platform through which a lodging operator or the authorized agent of the lodging operator offers a short-term rental or vacation rental to an occupant.

3-22-6: LICENSE REQUIRED; TRANSFERABILITY:

- A. License Required: No person shall own or operate a short-term rental without first obtaining and maintaining a valid short-term rental license as provided in this chapter, and chapter 1, article A of this title. If a lodging operator owns or operates multiple short-term rental properties within the City, each property address shall be licensed as set forth in this chapter.
- B. License Nontransferable: A short-term rental license may not be transferred between lodging operators or short-term rental properties.

3-22-7: APPLICATION FOR LICENSE; ON-GOING DUTY TO UPDATE; CONDITIONS:

- A. General Standards and Requirements for License Application and Renewal: In addition to the minimum requirements set forth in chapter 1, article A of this title, the general standards and requirements for license applications pursuant to this chapter are as follows:
 - 1. A list of the names, physical addresses, phone numbers, and email addresses of every owner of the short-term rental;
 - 2. The physical address of the property used as the short-term rental;
 - 3. The name, physical address, phone number, and email address of the local representative;
 - 4. The nature (i.e., type and size) of the property, or portion thereof, to be used as a short-term rental and whether the property is owner-occupied;
 - 5. Information regarding safety equipment within the short-term rental and general information regarding parking for guests;
 - 6. Information regarding the short-term rental marketplaces and corresponding listing numbers, which are used to list the short-term rental for lease, and the maximum occupancy advertised for the short-term rental;
 - 7. Proof of liability insurance coverage as set forth in this chapter.
- B. Application for any license pursuant to this chapter shall be made to the City Clerk in the form and manner prescribed by the City Clerk.
- C. Every applicant and licensee shall have an ongoing affirmative duty to update all information provided on the application for a license, in the event such information becomes outdated, untrue, or otherwise incorrect, within ten (10) business days of such change.
- D. License Conditions: Licenses may include conditions. If the City determines at any time that license conditions have not or cannot be met, the application for license renewal may be denied or revoked.

3-22-8: LICENSE FEE:

Every application for a short-term rental license shall be accompanied by a nonrefundable application fee in an amount established by the Boise City Council and listed on the most current fee schedule.

3-22-9: LICENSE STANDARDS AND REQUIREMENTS:

All short-term rentals shall comply with the following minimum requirements:

- A. Noise: All short-term rentals within the City shall maintain quiet hours between 10 p.m. to 8 a.m. daily.
- B. Safety: All short-term rentals shall provide and maintain functioning fire extinguishers, smoke detectors, and carbon monoxide detectors if there are gas or solid fuel appliances or attached vehicle garages.
- C. Trash: No trash or other refuse shall be left stored within public view, except in in proper containers for the purpose of collection by the authorized waste hauler on scheduled trash, compost, and recycling collections days.
- D. Conspicuous Display of License: Upon issuance, the short-term rental license shall be prominently displayed at all times within the licensed property.
- E. Local Representative: All short-term rental licensees shall designate and maintain a local representative who shall respond to all license issues in a timely manner.
 - 1. The local representative must reside within twenty (20) vehicular miles of the City limits.
 - 2. Any Short-term rental owner who reside outside the state of Idaho must maintain a local representative who is authorized to accept legal notices on the owner's behalf.
- F. Obey All Laws: All short-term rental licensees shall operate in compliance with all applicable Federal, State, and local statutes, rules, and regulations.

3-22-10: INSURANCE:

- A. Minimum Insurance Requirements: Every short-term rental property licensed pursuant to this chapter shall continuously maintain liability insurance appropriate to cover the short-term rental use, including any necessary policy endorsements, with a limit of at least \$1 million or only conduct all short-term rental lodging transactions through a platform that provides equal or greater liability insurance coverage to cover the short-term rental use.
- B. Evidence of Insurance: Every applicant shall tender to the City Clerk's Office the certificates of insurance certifying that insurance of the types and in the amounts required by this chapter are in full force and effect at all times.

3-22-11: LICENSE TERM; RENEWAL; VALID DURING RENEWAL INVESTIGATION:

- A. Expiration: All short-term rental licenses shall expire one (1) year from the date of issuance.
- B. Renewal: Any person holding a license under the provisions of this chapter must renew such license for the following succeeding year by complying with the license renewal requirements set forth in chapter 1, article A of this title.
- C. Licenses Remain Valid During Renewal Application Investigation: Upon the timely submission of a completed renewal application, the current short-term rental license

shall remain valid until the City Clerk reviews the applicant's qualifications and either denies the renewal application or reissues the license.

3-22-12: LICENSE DENIAL, SUSPENSION, REVOCATION, AND APPEAL:

Except as otherwise may be provided herein, the procedures for denial, suspension, revocation, and appeal of a short-term rental license shall be as set forth in chapter 1, article A of this title.

3-22-13: PENALTY

Violation of any of the provisions of this chapter may result in either the suspension or revocation of the short-term rental license pursuant to chapter 1, article A of this title.

In addition to any action on the license, violation of any of the provisions of this chapter, or the failure or omission to perform any duty imposed by the provisions of this chapter, is hereby declared unlawful and punishable as a general misdemeanor, subject to penalty as provided in section 1-4-1 of this Code.