

SECOND REGULAR SESSION

SENATE BILL NO. 1117

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASSON.

Read 1st time March 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6684S.011

AN ACT

To repeal section 315.005, RSMo, and to enact in lieu thereof two new sections relating to residential dwellings offered for rent to transient guests.

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Section A. Section 315.005, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 67.5110 and 315.005, to read as
3 follows:

67.5110. 1. As used in this section the following terms mean:

2 **(1) "Political subdivision", any county, city, town, village, or**
3 **township;**

4 **(2) "Residential dwelling", any building, structure, or part of the**
5 **building or structure, that is primarily used and occupied for human**
6 **habitation or intended to be so used and includes any appurtenances**
7 **belonging to it or enjoyed with it;**

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

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

13 **2. A political subdivision may not enact or enforce an ordinance**
14 **that prohibits or unreasonably restricts residential dwelling rentals, or**
15 **that regulates or otherwise restricts residential dwelling rentals based**
16 **on their classification, use, or occupancy as a residential dwelling unit.**

17 **3. If, on or after August 28, 2016, a political subdivision has in**
18 **effect an ordinance that is inconsistent with subsection 2 of this**
19 **section, the ordinance does not apply and shall not be enforced.**

20 **4. Nothing in this section limits the authority of a political**

21 **subdivision to enact or enforce an ordinance that imposes reasonable**
22 **restrictions on residential dwelling rentals in any of the following**
23 **areas:**

24 **(1) Protection of the public's health and safety, including rules**
25 **and regulations related to fire and building codes, health and**
26 **sanitation, transportation and traffic control, solid and hazardous**
27 **wastes, and pollution control;**

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

29 **(3) Annual license fees or other fees that may be imposed on any**
30 **person who rents out his or her residential dwellings;**

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

33 **(5) Posting requirements for licenses, certificates, or**
34 **registrations as well as emergency procedures;**

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

37 **(7) Nuisances related to residential dwellings;**

38 **(8) Age requirements for renters; or**

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

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

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

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

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

15 (4) "Lodging establishment", any building, group of buildings, structure,
16 facility, place, or places of business where five or more guest rooms are provided,
17 which is owned, maintained, or operated by any person and which is kept, used,

18 maintained, advertised or held out to the public for hire which can be construed
19 to be a hotel, motel, motor hotel, apartment hotel, tourist court, resort, cabins,
20 tourist home, bunkhouse, dormitory, or other similar place by whatever name
21 called, and includes all such accommodations operated for hire as lodging
22 establishments for either transient guests, permanent guests, or for both
23 transient and permanent guests, **except that "lodging establishment" does**
24 **not include a residential dwelling rental as defined in section 67.5110;**

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

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

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

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

Bill ✓

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