

# HOME-SHARING ACT

## *Model Legislation*

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### **§ 1: Short-term rentals may not be restricted based solely on class**

A county or local law, ordinance, or regulation (“law”):

- A. May not prohibit short-term rentals.
- B. May not restrict the use of or regulate short-term rentals based on their classification, use, or occupancy. A law may regulate short-term rentals if the regulation is narrowly tailored to protect the public health and safety.

### **§ 2: Burden of proof**

- A. The question whether a law complies with Section 1 shall be a judicial question, and determined without regard to any legislative assertion that the law complies with Section 1.
- B. The state or political subdivision of this state that enacted the law shall establish by clear and convincing evidence that the land use law:
  - (i) Does not prohibit, restrict the use of, or regulate short-term rentals based on their classification; and
  - (ii) Is narrowly tailored to protect the public health and safety.

### **§ 3: Definitions**

“Short-term rental” means any individually or collectively owned residential house or dwelling unit or group of units that is rented wholly or partially for any period of time and for residential use.

