



Community Development Services

FAQ's for Short-Term Rentals

Q: What is a short-term rental?

A: A short-term rental is where a property owner rents out their property or a part of their property such as a bedroom to a guest for a short (less than 30 days) period. Usually this is done through an on-line company such as AirBnB or VRBO.

Q: I've heard the City is going to allow short-term rentals in my neighborhood, is that true?

A: At this point, nothing has been determined. Right now, we are on phase 2 of a 3-phase approach. Phase 1 was research conducted by staff. Phase 2 is public outreach and gathering of opinions from citizens. We will hold an Open House on January 25 from 4-7 p.m. at the Idaho Falls Library, and an online survey is currently available at www.idahofallsidaho.gov. The deadline for survey responses is February 1, 2017. Phase 3 will be drafting and potentially adopting new code language. This will likely take place sometime in the early spring

At a recent work session with the Mayor and City Council, Community Development Services staff did present some concepts for the Council to consider, but these are meant to be a starting point for talking about short-term rentals. They are not a final code. The concept that staff presented was to allow short-term rentals only when located in the host's primary residence and not when multiple rooms are offered for rent at the same time. Again, this is only a draft concept and will change as the process progresses.

Q: My neighbor is already using their house for a short-term rental. If it's not allowed, then why isn't the City telling them to stop?

A: Currently the zoning ordinance would classify a short-term rental as a hotel, so your neighbor is technically not allowed to rent out their home for less than 30 days. The reason the City is not aggressively enforcing this code is because we are actively looking at changing the code. The enforcement process is not always quick. Violations of the zoning ordinance are a misdemeanor which means if the person in violation does not comply, the City will issue a citation and have to go through a court process. This process can take months. Which means that by the time the violation made it through the courts the code could be different, and there may or may not be a violation. For now, when we receive a complaint about a short-term rental, we contact the owner and let them know that it's currently not allowed but that we are working on the ordinance. However, we are not giving them a timeline to stop renting their property. Once a different code, if any, is in place we will enforce it through our normal process.

Q: What if my neighborhood's protective covenants don't allow businesses?

A: The City does not enforce protective covenants. We will only enforce what is in the zoning ordinance. Keep in mind, however, that the Idaho legislature passed a bill last year which prohibits HOA's from amending their protective covenants to prohibit short-term rentals without the express written consent of the owner of the property. This code is found in Section 55-115(3), which you can

read by clicking [HERE](#). We are also reviewing a court case considered in 2000 (Pinehaven Planning Board vs. Brooks) to determine the implications on short-term rentals. In this case, the Idaho Courts reviewed a short-term rental situation and determined renting a residential building for residential purposes is not a commercial activity.