

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 1190

(SENATE AUTHORS: CHAMBERLAIN and Vandever)

DATE	D-PG	OFFICIAL STATUS
04/14/2011	1342	Introduction and first reading Referred to Local Government and Elections
04/26/2011	1400a 1401	Comm report: To pass as amended Second reading
02/23/2012	3878a 3925	Comm report: To pass as amended Second reading

1.1 A bill for an act
1.2 relating to local government; zoning; providing for residential property used as
1.3 vacation rental; amending Minnesota Statutes 2010, sections 394.25, by adding a
1.4 subdivision; 462.357, by adding a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2010, section 394.25, is amended by adding a
1.7 subdivision to read:

1.8 Subd. 3d. **Vacation rentals.** (a) A vacation rental includes a house, apartment,
1.9 condominium, manufactured home, vacation home, or similar property rented on a
1.10 short-term basis. It also includes all structures or other property belonging to and
1.11 accessory to the vacation rental. A vacation rental has basic living accommodations, such
1.12 as sleeping space, a toilet, and cooking facilities. A vacation rental does not include
1.13 property, or part of a property, used solely as a hotel, motel, inn, or similar establishment.

1.14 (b) A county must not enact, amend, or enforce a zoning ordinance that has the effect
1.15 of prohibiting or treating vacation rentals as an interim use in residentially zoned districts
1.16 within the county or limit the use of vacation rentals based solely on their occupancy,
1.17 classification, or use. The county may license such use as rental housing or may require
1.18 the owner of such property to register the property with the county.

1.19 (c) A county may adopt, by ordinance, the following restrictions and limitations on
1.20 vacation rental housing:

- 1.21 (1) number of occupants;
1.22 (2) parking;
1.23 (3) signage and other on-premise advertising;
1.24 (4) waste removal;

- 2.1 (5) noise provisions;
2.2 (6) sewage treatment; and
2.3 (7) any other provision necessary to protect the health, safety, and welfare of the
2.4 public.

2.5 Sec. 2. Minnesota Statutes 2010, section 462.357, is amended by adding a subdivision
2.6 to read:

2.7 Subd. 1i. **Vacation rentals.** (a) A vacation rental includes a house, apartment,
2.8 condominium, manufactured home, vacation home, or similar property rented on a
2.9 short-term basis. It also includes all structures or other property belonging to and
2.10 accessory to the vacation rental. A vacation rental has basic living accommodations, such
2.11 as sleeping space, a toilet, and cooking facilities. A vacation rental does not include
2.12 property, or part of a property, used solely as a hotel, motel, inn, or similar establishment.

2.13 (b) A municipality must not enact, amend, or enforce a zoning ordinance that has the
2.14 effect of prohibiting or treating vacation rentals as an interim use in residentially zoned
2.15 districts within the municipality or limit the use of vacation rentals based solely on their
2.16 occupancy, classification, or use. The municipality may license such use as rental housing
2.17 or may require the owner of such property to register the property with the municipality.

2.18 (c) A municipality may adopt, by ordinance, the following restrictions and
2.19 limitations on vacation rental housing:

- 2.20 (1) number of occupants;
2.21 (2) parking;
2.22 (3) signage and other on-premise advertising;
2.23 (4) waste removal;
2.24 (5) noise provisions;
2.25 (6) sewage treatment; and
2.26 (7) any other provision necessary to protect the health, safety, and welfare of the
2.27 public.