

AGENDA for a PUBLIC WORK SESSION
of the Board of Trustees of the Town of Fairplay, Colorado
Monday, March 14, 2022 at 5:30 PM
at the Fairplay Town Hall Board Room,
901 Main Street, Fairplay, Colorado 80440

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. WORK SESSION**
 - A. Regulation of Short-term Rental (STR) Units within the corporate limits of the Town of Fairplay, Colorado – Review and discussion of:**
 - 1. Draft Ordinance;**
 - 2. Draft Application Form;**
 - 3. Draft Supporting Checklists;**
 - 4. Proposed Licensing Fees.**
- IV. ADJOURNMENT**

Upcoming Meetings/Important Dates

Park County Broadband Advisory Board Meeting	March 14, 2021 10 AM
Park County Commissioners Work Session & Meeting	March 15, 2022 9AM & 11 AM
<i>Fairplay Board of Trustees Regular Meeting</i>	<i>March 21, 2022 @ 6 PM</i>
CDOT Central Front Range TPR Meeting in Divide	March 21, 2022 @ 10 AM
Park County Commissioners Work Session & Meeting	March 15, 2022 9AM & 11 AM
South Park Chamber of Commerce 1 st Mixer – Millonzi’s	March 22, 2022 @ 4:30 PM
<i>Fairplay Board of Trustees Regular Meeting</i>	<i>April 4, 2022 @ 6 PM</i>

This Agenda May Be Amended.

*Posted at Fairplay Town Hall, Fairplay Public Library, Fairplay Post Office,
 And on the Town of Fairplay Website (www.fairplayco.us) on Wednesday, March 9, 2022.*

TOWN OF FAIRPLAY, COLORADO
ORDINANCE NO. _____
(SERIES 2022)

AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO AMENDING CHAPTERS 6 AND 16 OF THE FAIRPLAY MUNICIPAL CODE, CONCERNING BUSINESS LICENSING AND UNIFIED DEVELOPMENT CODE, TO ESTABLISH A SHORT-TERM RENTAL LICENSING PROGRAM

WHEREAS, the Town of Fairplay, Colorado (“Town”) is a statutory town, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the Town by and through its Board of Trustees (“Board”), possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety and welfare; and

WHEREAS, pursuant to C.R.S. § 31-23-301 the Town also possesses the authority to adopt and enforce zoning regulations; and

WHEREAS, pursuant to C.R.S. § 31-15-501, the Town also possesses the authority to regulate the operation and licensing of businesses generally within its jurisdiction; and

WHEREAS, pursuant to such authority, the Town has previously adopted certain regulations within Chapter 6, concerning business licenses and regulations, and Chapter 16, concerning the unified development code, of the Fairplay Municipal Code (“Code”); and

WHEREAS, in order to protect residential integrity and community character within the Town, the Board finds and determines it is necessary to amend certain provisions of Chapter 6 and Chapter 16 to adopt licensing regulations and restrictions on the renting or leasing of real property for occupancy of less than 30 days; and

WHEREAS, the Board finds such regulations will also ensure clarity, increased enforcement, fairness and consistency with the goals of the Town, for its residents, businesses and customers; and

WHEREAS, the Board also finds and determines that the establishment of a licensing program will accomplish these goals, and that the subject regulations concerning short-term rentals are necessary to health, safety and welfare of the public and to prevent adverse impacts to adjacent properties, neighborhoods and quality long-term rental housing units within the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD FOR THE TOWN OF FAIRPLAY, COLORADO as follows:

Section 1. The foregoing recitals are incorporated herein as conclusions, facts, determinations and findings by the Town of Fairplay Board of Trustees.

Section 2. A new Article V, concerning Short Term Rentals, is hereby added to Chapter 6, Business Licenses and Regulations, of the Fairplay Municipal Code to read as follows:

Sec. 6-5-10. Definitions.

For the purpose of this Article the following words and terms have the following meanings, unless the context clearly indicates otherwise. Definitions included in Chapters 1, 6 and 16 of this Code shall apply to this Article unless they are otherwise expressly defined herein.

Applicant means the owner of the property, or the person controlling the corporate ownership of the property, used as a short-term rental business, as evidenced on the recorded deed for the property.

Local contact person means the person designated by the owner or the owner's authorized agent or representative who shall be available twenty-four (24) hours per day, seven (7) days per week for the purpose of: (1) Responding within sixty (60) minutes to property code violations and/or complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit and (2) taking remedial action to resolve such violations and/or complaints.

Short-term rental business means the occupation of leasing or renting one (1) or more short-term rental units.

Short-term rental unit means a privately owned residential dwelling unit, or portion thereof, that is rented or used for lodging accommodation and occupancy for any period less than thirty (30) consecutive days, not to include accessory dwelling units, apartment buildings, bed and breakfast establishments, campgrounds, RV parks, hotels, motels, dormitories, boarding and rooming houses or RVs, tents, campers or other temporary structures.

Lodging occupation tax means the tax levied pursuant to Chapter 6, Article III.

Sec. 6-5-20. Licensing; limitations; requirements.

- (a) It shall be unlawful for any person or entity to engage in the short-term rental business without first applying for and procuring a license from the Town Clerk. The initial license fee, renewal license fee and penalty for operating without a license shall be established by resolution of Town Board, as may be amended from time to time, and payable annually in advance.
- (b) Licenses may only be issued to owners of properties who are also one of the following:
 - (1) A natural person;
 - (2) A trust, if the beneficiary of the trust is a natural person; or
 - (3) An entity registered with the Colorado Secretary of State.
- (c) Upon approval of a short-term license pursuant to this Article, the Town Clerk shall issue a license number specific to the subject property and the licensee.
- (d) Short-term rental businesses shall include their business license number in the title of the listing for all public advertising, including but not limited to webhosting services such as Airbnb, Home Away, Trip Advisor, VRBO, Kayak, Orbitz, etc.

- (e) Applications for a short-term rental license shall be submitted on a form provided by the Town, and the Town shall accept no incomplete applications. Applications shall include all information required on the application form checklist.
- (f) Each licensee shall submit to the Town, on a yearly basis, and upon renewal, an affidavit, signed by the licensee and notarized, attesting, under penalty of perjury, to the duration and frequency of the prior year's short-term rental history, including the specific number of rooms and nights rented in the prior year, as well as confirmation of payment of all applicable sales and lodging occupation taxes.
- (g) The name of the license applicant must match the name of the owner on the deed for the property, or the person controlling the corporate ownership of the property. The applicant shall submit to the Town a copy of the recorded deed, showing the recording data with the Park County Clerk and Recorder.
- (h) The maximum number of short-term rentals shall not exceed: [~~X percentage~~; 6.5%?] of the total number of residential units within the Town, a running tally of which shall be kept in the Town Clerk's office, and open and available for public inspection at all times during business hours.
- (i) Exception to Cap. The cap identified in subsection (h) of this Section 6-5-20 can be exceeded only upon Town Board's sole discretion related to a land use application process, such as an annexation, planned unit development or subdivision, where the applicant is providing at least one (1) deed restricted workforce housing unit within the development, not exceeding a price affordable to a household earning sixty (60) percent of the Area Median (AMI) for the Denver-Aurora-Lakewood Metropolitan Statistical Area as defined annually by the United States Department of Housing and Urban Development (HUD), for every one (1) additional short-term rental unit within the development, and pursuant to the terms and conditions imposed by Town Board upon approval of the subject land use application.
- (j) In the event the maximum number of permitted short-term rentals has been met, no new applications for short-term rentals will be accepted. If and when new or additional short-term rental licenses become subsequently available, the Town will post notice of such license availability at those public place(s) designated annually by the Town Board as the place(s) for the posting of public notices, and the Town Clerk shall process such applications in the order they are received by the Town.
- (k) Short-term rental businesses must have a local contact person who shall be responsible for ensuring compliance with provisions of this Code including, but not limited to, reports for the lodging occupation tax, removal of snow and ice, and other property maintenance requirements. The local contact person must be available twenty-four (24) hours per day, seven (7) days per week for the purpose of: (1) responding within sixty (60) minutes to property code violations and/or complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit and (2) taking remedial action to resolve such violations and/or complaints.
- (l) Each short-term rental unit shall provide a delineated off-street or off-right-of-way parking plan for guests' cars, which provides for parking for all users of the rental space.

- (m) Each short-term rental unit shall have a clearly visible notice posted within the unit that includes the following:
- (1) Licensee and local contact person's contact information;
 - (2) The short-term rental business license number;
 - (3) Additional emergency contact information;
 - (4) Location of fire extinguisher(s) and emergency evacuation routes and directions;
 - (5) The maximum number of people in terms of permitted sleeping occupancy;
 - (6) The maximum number of people permitted in the unit at any one time;
 - (7) The location for parking vehicles and the maximum number of parked vehicles and/or combination of vehicles permitted for the unit;
 - (8) Local trash and recycling storage location, schedule and instructions;
 - (9) Snow removal instructions;
 - (10) Water and sewer restrictions, if applicable;
 - ~~(10)~~(11) Fire and burning restrictions;
 - ~~(11)~~(12) Town contact information.
- (n) The address and/or street number of each short-term rental unit shall be clearly posted and visible from the roadway, for all emergency response personnel.
- (o) The Town Clerk shall maintain a list of currently-licensed short term rental properties in the Town subject to public view on the Town's website and in the Clerk's office during regular business hours.
- (p) Minimum health and safety standards; inspections.
- (1) Each short-term rental unit licensed under this Article shall comply with all building, fire, housing and health codes which, if violated, would constitute an imminent danger and potentially subject the license to revocation.
 - (2) Each short-term rental shall contain working and updated smoke detector(s), carbon monoxide detector(s) and fire extinguisher(s).
 - (3) All wood burning, wood pellet, lp or natural gas stoves in the short-term rental unit must be inspected annually and deemed safe and properly maintained.
 - (4) No license under this Article shall be issued until the short-term rental unit and licensed premises are inspected by the Town Clerk or their designee, including the Fire Department and the Building Department, for compliance with this section, and such inspections are approved by the Town Clerk. If, after inspection, the Town Clerk or their designee, notifies the applicant of the inspection failure, such notification shall include a list of all items which shall be remedied and a timeline for correction, before the Town Clerk issues their inspection approval.
 - (5) A property inspection of the short-term rental unit and licensed premises shall be conducted before the issuance of any license under this article, and before the renewal of any license under this article.
- (q) For purposes of municipal utilities, the use of the short-term rental unit and the licensed premises shall be considered commercial.

Sec. 6-5-30. Application, issuance and renewals.

- (a) Any person desiring a license to engage in the short-term rental business shall apply to the Town Clerk, on application forms provided by the Town Clerk. New license applications must be submitted at least thirty (30) days prior to the date of the intended use and no advertising of the property as a short-term rental prior to issuance of a license is permitted. Licenses shall be issued and valid for one calendar year, from January 1 through December 31, and shall expire with in the calendar year for which it was issued. New license application fees shall not be pro-rated or reduced.
- (b) The Town Clerk may issue a new short-term rental business license upon all the following conditions:
- (1) The applicant has submitted a complete application form and provided all required information regarding the short-term rental unit, including, but not limited to a copy of the applicable sales tax license, the total number of bedrooms, the local contact person, and a delineated off-street or off-right-of-way parking plan for guests' cars.
 - (2) The applicant has paid the appropriate fee(s) established by the Town Board, and has paid all taxes and fees owed to the Town, including those related to other properties and purposes within the Town.
 - (3) The property to be used for a short-term rental business has completed and complied with the Town short-term rental unit inspection worksheet.
 - (4) All applicable requirements in Section 6-5-20 and Section 16-7-160 are met.
- (c) The Town Clerk may renew a short-term rental business license upon all the following conditions:
- (1) The applicant has submitted a complete renewal application form and provided all required information regarding the short-term rental unit, including, but not limited to a copy of the applicable sales tax license, the local contact person, and a delineated off-street or off-right-of-way parking plan for guests' cars.
 - (2) The applicant has paid the appropriate fee(s) established by the Town Board, and all applicable taxes throughout the previous year, including sales tax, and has paid all taxes and fees owed to the Town, including those related to other properties and purposes within the Town, and that the applicant has submitted the required lodging occupation tax form affidavits whether or not the unit was rented and taxes were paid during the applicable reporting period.
 - (3) The property to be used for a short-term rental business has completed and complied with the Town short-term unit inspection worksheet and there are no outstanding health and safety violations on the property that are related to the short-term rental license renewal checklist, any other application requirements set by the Town or the Fire Department, or any violations of Chapter 18 of this Code as it relates to habitability.
 - (4) The applicant has submitted the appropriate affidavits, as required by Section 6-5-20.

- (5) There have been no violations of the provisions of this Article, this Code, or of any law, or regulation pertaining to the requirements of the application, or at the property, or of any of the terms pertaining to the license over the past year.
- (6) All applicable requirements in Section 6-5-20 are met.
- (d) It is the duty of each short-term rental licensee to ensure that all of the information provided in a license application is kept up to date at all times, and it shall be unlawful for a licensee to fail to provide updated information to the Town within ten (10) days after the date upon which any information provided is no longer accurate.
- (e) No license issued under this Article shall be transferable and no license is valid as to any person or entity other than the person or entity named thereon.

Sec. 6-5-40. Revocation and suspension.

Any license issued pursuant to this Article may be suspended or revoked by the Town Board, upon ten (10) days' written notice, to a licensee stating the contemplated action and, in general, the grounds therefor, and after a reasonable opportunity for the licensee to be heard, for any of the following reasons:

- (a) Failure to pay the Occupational Lodging Tax pursuant to this Code, Chapter 6, Article III, or any other tax, such as sales tax, or the annual license fee established by the Town Board, or failure to submit the required lodging occupation tax form affidavits whether or not the unit was rented and taxes were paid during the applicable reporting period.
- (b) False statement of material fact contained in the application;
- (c) Failure to file any report or furnish any other information that may be required by the provisions relating to this Article;
- (d) If any fact or condition exists which, if it had existed or had been known to exist at the time of the application for such license, would have warranted the refusal of the issuance of such license; or
- (e) Violation of any provisions of this Article, or of any law or regulation pertaining to the requirements of the application, or at the property, or of any of the terms pertaining to the license.

Sec. 6-5-50. Penalties.

In addition to any other remedies available at law or equity, engaging in the short-term rental business within the Town without a license shall subject the property owner to a fine in an amount to be established by resolution of the Town Board, as may be amended from time to time, and as provided in Chapter 1, Article IV of this Code, or a denial of a license altogether.

Section 3. Section 16-5-30 of the Fairplay Municipal Code, concerning the table of uses, is Hereby amended to read as follows:

Sec. 16-5-30. Table of uses.

Table of Uses									
P=Permitted Use, S=Special Use, ■=Prohibited Use									
Land Use	Residential		Mixed Use	Commercial			Light Indus.	Public	
	SF-Res	MF-Res	T	TC	C	MU	LI	CC	POST
...									
<u>Short-term rental units</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>■P</u>	<u>P</u>	<u>■</u>	<u>■</u>	<u>■</u>

Section 4. A new section 16-7-160, concerning Short Term Rentals, is hereby added to Chapter 16, Unified Development Code, Article VII, Supplemental Standards, of the Fairplay Municipal Code to read as follows:

Sec. 16-7-160.- Short term rentals.

Short term rentals shall be subject to the following regulations:

(a) Registration and licensing requirements

- (1) All short-term rentals shall comply with Chapter 6 Article V of the Fairplay Municipal Code, which establishes conditions under which a property owner may apply for a short-term rental license.

(b) Conditions and standards.

- (1) Short-term rentals are not permitted in an apartment building at any time in any zoning district.
- (2) Short-term rentals are not permitted in accessory dwelling units (ADUs), recreational vehicles (RVs) which include all vehicles that bear a vehicle identification number (VIN), tents, teepees, campers or other temporary structures, at any time in any zoning district.
- (3) No short-term rental shall be operated in such a way as to constitute a nuisance.
- (4) The maximum number of occupants permitted in a short-term rental shall be established at the time of initial licensing and based upon the Water & Sewer Equivalent Residential (EQR) use calculation for the property.
- (5) Events, such as concerts, parties and weddings, are prohibited.
- (6) The designated parking for vehicles of short-term rental guests shall be addressed at the short-term rental application and licensing stage, and shall meet the off-street parking standards identified in Chapter 16 Article X.
- (7) Short-term rental units shall not be permitted in a planned unit development, annexation or a subdivision, unless upon Town Board's sole discretion related to such land use application approval process, where the applicant is providing at least **[X amount]** of deed restricted workforce housing units within the development not exceeding a price affordable to a household earning sixty (60) percent of the Area Median (AMI) for the Denver-Aurora-Lakewood Metropolitan Statistical Area as defined annually by the United States Department of Housing and Urban Development (HUD), and pursuant to the terms and conditions imposed by Town Board upon approval of the subject land use application.

Section 5. Current Business Licensees. If the amount of short-term rental license applications submitted upon the adoption of this ordinance exceed the cap imposed by the ordinance, the City Clerk shall process short-term rental license applications submitted by current business licensees (those who hold a valid and active business license with the Town) and who operate a short-term rental first, before processing subsequent short-term rental license applications.

Section 6. Safety Clause. The Town Board hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Fairplay, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Board further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 7. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 8. This Ordinance shall become effective thirty (30) days after final publication.

**INTRODUCED, READ AND PASSED, ADOPTED AND ORDERED PUBLISHED
IN FULL** in a newspaper of general circulation in the Town of Fairplay by the Board of Trustees
this ___ day of _____, 2022.

Frank Just, Mayor

Janell Sciacca, Town Clerk

[HOME](#)



TOWN OF FAIRPLAY, COLORADO

SHORT TERM RENTAL (STR) PERMIT APPLICATION

VALID FOR 1 CALENDAR YEAR FROM DATE OF ISSUANCE

LICENSE FEE \$300.00

TOWN STAFF USE ONLY

Date Received: _____
Pmt Amt / Rcp#: _____
Type of STR: _____
Approved: _____
STR Permit #: _____

APPLICANT AND PROPERTY OWNER INFORMATION			
PROPERTY OWNER: <i>*Must match deed</i>			
PHYSICAL PROPERTY ADDRESS:			
OWNER'S PHYSICAL ADDRESS:			
OWNER'S MAILING ADDRESS:			
OWNER'S PHONE #S:	CELL: _____	HOME: _____	OTHER: _____
OWNER'S EMAIL:			
STR BUSINESS NAME: <i>(Ad/Listing Name)</i>			
STATE SALES TAX ID#:			
LOCAL / EMERGENCY CONTACT INFORMATION			
PRIMARY LOCAL CONTACT / ADDRESS:			
PHONE #S:	_____	_____	_____
EMAIL(S):			
SECONDARY CONTACT / ADDRESS:			
PHONE #S:	_____	_____	_____
EMAIL(S):			
SHORT-TERM RENTAL (STR) PROPERTY DETAILS			
TYPE OF STR:	<input type="checkbox"/> Entire Home	<input type="checkbox"/> 1 Room	<input type="checkbox"/> 2 Rooms or More (____)
	<input type="checkbox"/> Mixed-Use Structure		
	<input type="checkbox"/> Other – Please Explain: _____		
Please provide a diagram for the property that includes at a minimum: Dimensions, sidewalks, parking, adjacent roads, entrances/exits, pathways, kitchens, bedrooms, bathrooms, trash and recycling areas, snow storage areas, outdoor fire amenities, pet facilities, and off-street parking spaces identified and other special features or amenities.			
ONLINE LISTINGS:	URL: _____	URL: _____	URL: _____
<i>*If none, please explain.</i>			

APPLICANT ACKNOWLEDGMENT

The signature(s) below certifies that the information provided on this form is in all respects true and accurate to the best of my (our) knowledge and belief and I/we affirm the following under penalty of law:

- I (we) have read a copy of the Ordinance requirements concerning Short Term Rentals, understand the described regulations and agree to abide by them;
- I (we) also understand that should the Short-Term Rental become a nuisance, hazard or unreasonably interfere with the quiet enjoyment of other people’s premises, in accordance with 16-7-160, that this Short-Term Rental Permit will be revoked by the Town of Fairplay;
- I (we) understand that providing false information in this application shall be a violation of the Town of Fairplay Municipal Code, and shall be grounds to deny the application, void the approval, and revoke a Short-Term Rental unit permit issued for the property.

SIGNATURE OF APPLICANT		DATE:	
SIGNATURE OF APPLICANT		DATE:	

TOWN STAFF USE ONLY

SUBMITTAL REQUIREMENTS (N/A if not applicable)

- Applicant / property owner information complete.
- Copy of driver’s license(s) provided for individual.
- Colorado Secretary of State registration provided for business entity.
- Local contact person / designated agent or representative identified and contact information complete.
- Copy of recorded warranty deed, special warranty deed, or quitclaim deed for the subject property provided.
(Applicant and owner identified on the deed are one and the same).
- STR Type Identified _____.
- Diagram of Property provided with all required items identified.
- Certificates of Inspection provided for stoves, furnaces, boilers, etc.
- Proof of Fire Department inspection provided.
- Copy of Property-Liability Insurance in an amount not less than \$500,000.
- Copy of State Sales Tax License.
- Applicant(s) acknowledgement signed.
- Backflow inspection completed: _____.
- Zoning & UDC Compliant: _____ Yes _____ No _____
- Other: _____.
- Other: _____.

Staff Notes:



Town of Fairplay
901 Main Street • P.O. Box 267
Fairplay, Colorado 80440
(719) 836-2622 phone
(719) 836-3279 fax
www.fairplayco.us

SHORT-TERM RENTAL UNIT APPLICATION CHECKLIST

- Applicant clearly identified, including the corporate owner if applicable.
- Copy of driver's license if the property owner is an individual.
- Copy of registration with Colorado Secretary of State if the property owner is an entity.
- Applicant contact information complete and any additional emergency contact information provided.
- Local contact person / designated agent or representative for identified and contact information complete. If same as the applicant, write in "Same As Applicant."
- Copy of recorded warranty deed, special warranty deed, or quitclaim deed for the subject property (*applicant and owner identified on the deed must be one and the same*).
- Copy of Property-Liability Insurance in an amount not less than \$500,000.
- Copy of State Sales Tax License. (*See Attached Colorado Tax Related Guides*)
- Proof of Payment of Park County Property Taxes. (*Visit Park County Treasurer or https://paytaxes.us/co_park/search*)
- Type of STR identified – Entire Residence, 1 Room or Multiple Rooms in a Residence, Unit in a Mixed-Use Structure, or Other with an explanation.
- Diagram of premises, that includes at a minimum: Dimensions, sidewalks, parking, adjacent roads, entrances/exits, pathways, kitchens, bedrooms, bathrooms, heating units, trash and recycling areas, snow storage areas, outdoor fire amenities, pet facilities, and off-street parking spaces identified.
- Copies of annual inspection certificates for wood burning, wood pellet, lp, or natural gas stoves, furnaces and/or boiler units.
- Copies of certificate(s) for Fire & Safety Inspection and Checklist Items. (*See attached list*) (*Another one may be provided by NWFPD or other inspecting authority*)
- Town sign-off that property is in compliance with all planning, zoning, building and other municipal related codes.

ADDITIONAL FORM(S) REQUIRED FOR RENEWAL APPLICATION

- Affidavit, signed by the licensee and notarized, attesting, under penalty of perjury, to the duration and frequency of the prior year's short-term rental history, including the specific number of rooms and nights rented in the prior year, as well as confirmation of payment of all applicable sales and lodging occupation taxes

DRAFT



TOWN OF FAIRPLAY, COLORADO
SHORT-TERM RENTAL UNIT
FIRE & SAFETY INSPECTION CHECKLIST

Address numbers are visible and easy to read from the road to the front of the building. (*Northwest Fire can make address signs at the Fairplay Station for \$20.00*)

All exit doors are free of obstructions inside and out, including personal items, shrubbery, snow and ice, etc; lock from the inside without a key or special instructions; and open/close easily.

All storage/housekeeping is neat and orderly.

Extension cords are not used as a substitute for permanent wiring and do not extend through walls, ceiling, floors, under doors or floor coverings, or anywhere they may be subject to damage.

Approved covers are in place on all electrical switch, light fixtures, and outlet boxes; working GFCI outlets in kitchens and bathrooms.

All circuit breakers are labeled (in English) to show what they control, and access to circuit breaker panels is not obstructed in any manner.

All multi-plug adapters and surge protectors are UL listed and plugged directly into a wall outlet.

All water heaters have a pressure relief valve, relief valve discharge pipe, and at least 3 feet of clear space all around.

All natural-gas appliances have individual shut-off valves.

All combustibles are stored at least 3 feet away from gas appliances.

An approved smoke detector is present in each sleeping room, as well as in the area immediately adjacent to sleeping rooms and in the basement and attic (if applicable). Batteries are installed, functioning, and regularly tested.

Sleeping rooms have two means of egress and 2nd story rooms have fire safety ladders.

In buildings with any appliances supplied by natural gas, LP gas, or any type of wood-burning or wood-pellet stove or fireplace, an approved carbon monoxide detector is present no more than 15 feet from the sleeping area. Batteries are installed, functioning, and regularly tested. Note that ONE carbon monoxide detector per group of bedrooms in a sleeping area is adequate, but if there are sleeping areas on multiple levels, there must be one per level. There is at least 3 feet of clear space on all sides.

A 2A (ABC) fire extinguisher in the kitchen, near any wood-burning device, and in any garages. Must be mounted in a visible location or have a "fire extinguisher inside" sticker affixed to the cabinet containing it.

A clear Emergency Evacuation Plan is posted.

Revenue Online,
Colorado.gov/RevenueOnline,
Colorado Department of Revenue's **FREE**,
one-stop secure site for filing your taxes and
managing your tax records.

HELP IS AVAILABLE

Find instructions, forms, quick answers and
tax guidance FYI publications on our website,
Colorado.gov/Tax. We also provide phone and
in-person assistance with account-specific
questions Monday-Friday (except state holidays).

Tax Information for Outfitters & Owners of Short-Term Rentals

General state and local tax information for
outfitters and owners of short-term rentals.

Colorado Department of Revenue
encourages e-filing and use of Revenue Online
to submit additional documentation whenever
possible.

Helpful Features

- Check the sales tax rates for your location. You don't need a login! Simply click on "View Sales Rates and Taxes" to get started. Choose View Business Location Rates and enter in your Colorado Account Number to view your applicable rates.
- File tax returns.
- Make an online payment.
- File year-end W-2, 1099 and/or W-2G statements. Click on "Submit Year-End Withholding" in the Additional Services section. No need to log in.

Call the tax information hotline at
303-238-7378
(8:00 am – 4:30 pm)

Visit a [Taxpayer Service Center](#) in

Colorado Springs	2447 North Union Blvd
Denver	1375 Sherman St
Fort Collins	3030 South College Ave
Grand Junction	222 South 6th St, Rooms 207 & 208
Pueblo	827 West 4th St, Suite A

Hours vary by location.



DR 1917 (02/13/20)



COLORADO
Department of Revenue
Taxation Division
15

How do I get started?

1. Apply for a state Sales Tax/Withholding Tax license by completing the [CR 0100](#) application online at My Biz Colorado, MyBiz.Colorado.gov.
2. Report and pay your taxes on the appropriate forms.
 - a. Colorado Retail Sales Tax Return [DR 0100](#)
 - b. County Lodging Tax Return [DR 1485](#)
 - c. Local Marketing District Tax Return [DR 1490](#)
 - d. Colorado Individual Income Tax Return [Booklet 104](#)
 - e. Colorado Income Withholding Tax Return [DR 1094](#) or 1099 Income Tax Withholding Tax Return [DR 1107](#)

This handout was created by the Colorado Department of Revenue (CDOR) to explain general state and local tax information for outfitters and owners of short-term rentals.



Did you know that lodging and accommodations are taxable?

Owners and managers of units rented for less than 30 consecutive days are required to collect and remit sales taxes. Applicable state, special district taxes, county lodging and local marketing district taxes, all state-collected local and county sales taxes are also due on the rental price.

- What is Local Marketing District/County Lodging tax?
Local Marketing and County Lodging tax is a tax levied by a county or local marketing district and is applied specifically to lodging services, such as hotels, motels, condominiums, space rentals, camping facilities and services, auto camps, trailer parks for rentals less than 30 consecutive days.
- Check [DR 1002: Colorado Sales/Use Tax Rates publication](#) to see if your business is located in an area that assesses a Special District, Local Marketing District and/or County Lodging Tax.

What is included in accommodations, for tax purposes?

Accommodations include hotels, motels, bed-and-breakfast inns, condominiums, campsites, guest houses, apartments and time shares of any

lodging unit. (See [FYI Sales 11: Sales Taxes Due on Unit Rentals of Hotels, Motels, Bed-and-Breakfasts, Condominiums, and Time-Shares](#))

Income Tax

Rental income may also be subject Colorado income tax, even if it is a side job, part time business, and/or paid in cash. Income from rental activities are normally not subject to withholding taxes. Rental income is also taxable by the federal and state governments, even if it is a side job, part time business, and/or paid in cash. Income from self-employment and rental activities are not subject to withholding taxes. To avoid penalties, you must make quarterly estimated income tax payments if you expect to owe at least \$1,000 or more in state income taxes than the amount withheld from your salary, pension or other income.

Are there any other taxes owed that aren't collected by CDOR?

Home-rule cities that collect and administer their own taxes may treat items differently than the State of Colorado and the jurisdictions whose sales tax the state administers. You must contact a home-rule city directly for its policies. Consult [DR 1002: Colorado Sales/Use Tax Rates publication](#) for local sales tax rates and contact information for self-collected areas and home-rule jurisdictions.

[HOME](#)



Colorado imposes sales tax on the entire amount charged for rooms and accommodations. The tax applies to any consideration (such as money or any other thing of value) for the use, possession, or the right to use or possess any room in a hotel, apartment hotel, inn, lodging house, motor hotel, motel, guest house, guest ranch, dude ranch, trailer coach, or mobile home and to any space in any camp ground, auto camp, or trailer court and park, under any concession, permit, right of access, license to use, or other agreement, or otherwise. Under certain circumstances, the rental of rooms and accommodations to a permanent resident for a period of at least 30 consecutive days is exempt from sales tax.

This publication is designed to provide general guidance regarding the taxation of rooms and accommodations and to supplement the guidance provided in the *Colorado Sales Tax Guide*. Nothing in this publication modifies or is intended to modify Colorado's statutes and regulations authorizing these exemptions. Taxpayers are encouraged to consult their tax advisors for guidance regarding specific situations.

The guidance in this publication applies to sales taxes administered by the Colorado Department of Revenue, including state, city, county, and special district sales tax, as well as county lodging and local marketing district taxes administered by the Department, but not to any sales taxes administered by any home-rule city.

Taxable charges

In general, sales tax applies to the entire amount charged to customers who rent rooms or accommodations, regardless of whether any part of the charge is stated separately on the customer's bill and designated for some specified service. For example, a room cleaning charge is generally considered part of the charge for rooms and accommodations and is therefore subject to sales tax. Similarly, any separately stated charges for the use of pools, spas, or health clubs which accompany charges for rooms and accommodations are also taxable, unless such charges are fully disclosed and truly optional for the customer. Typically, this will require that the use of such pools, spas, or health clubs is available to the general public without the rental of rooms and accommodations.

Deposits

Deposits paid for rooms or accommodations are not taxable when paid in advance. When the rooms or accommodations are provided, any deposits previously paid are taxable.

Deposit forfeits and cancellation charges

The taxability of deposits forfeits and cancellation charges associated with the rental of rooms and accommodations is based on the amount of the charge in relation to the daily reservation rate for rooms and accommodations. If the charge is greater than 50% of the daily reservation rate, it is considered payment for the rental of the room or accommodations and therefore fully taxable. If the charge is 50% or less of the daily reservation rate, the charge is not considered payment for the rental of the room or accommodations and is not subject to sales tax.



Banquet and meeting rooms

Sales tax does not apply to the rental of a room used exclusively for banquets or meetings, except that the rental of any room or suite with beds is taxable, regardless of use.

Tax-exempt entities

The rental of rooms and accommodations are exempt from sales tax if they are rented by:

- certain governmental entities operating in their governmental capacities; or
- charitable organizations in the conduct of their regular charitable functions and activities.

Please see *FYI Sales 63* and *Sales & Use Tax Topics: Charitable Organizations* for additional information regarding sales tax exemptions for governmental entities and charitable organizations.

Exemption for permanent residents

Colorado sales tax does not apply to the amount charged for any room or accommodations rented to any natural person if both of the following conditions are met:

- the person is a permanent resident of such room or accommodations; and
- the person enters into or has entered into a written agreement for occupancy of such room or accommodations for a period of at least thirty consecutive days.

A written agreement includes any legally enforceable written contract for the furnishing of rooms or accommodations, whether made in writing, electronically, or by any other means. Evidence of such agreement includes, but is not limited to, a hotel registration or a rent receipt. A canceled check shall not, by itself, qualify as a written agreement.

Exemption for state-administered local taxes

An exemption from city, county, and special district taxes administered by the Department applies, under the conditions described above, to the rental of rooms and accommodations not only by natural persons, but also by any legal entity, such as a corporation, partnership, or limited liability company. To qualify for exemption, the legal entity must:

- be a permanent resident of such room or accommodations; and
- enter into or have entered into a written agreement for occupancy of such room or accommodations for a period of at least thirty consecutive days.



County lodging taxes

Counties in Colorado may impose a county lodging tax on the rental of rooms and accommodations subject to Colorado sales tax. County lodging taxes are subject to the same exemptions as the state sales tax on rooms and accommodations. County lodging taxes must be reported and remitted to the Department on a quarterly basis with the *County Lodging Tax Return* (DR 1485). See Department publication *Colorado Sales/Use Tax Rates* (DR 1002) for information about the lodging taxes imposed by counties within Colorado.

The Colorado Department of Revenue does not administer any lodging taxes imposed by any municipality within Colorado.

Local marketing district taxes

Local marketing districts in Colorado may impose a marketing and promotion tax on the rental of rooms and accommodations subject to Colorado sales tax. Local marketing district taxes are subject to the same exemptions as the state sales tax on rooms and accommodations. Local marketing district taxes must be reported and remitted to the Department with the *Local Marketing District Tax Return* (DR 1490). See Department publication *Colorado Sales/Use Tax Rates* (DR 1002) for information about the local marketing district taxes imposed in Colorado.

Tax collection and remittance

Anyone who offers rooms or accommodations for rent is required to obtain a sales tax license and collect sales tax on any taxable rental. Please see the *Colorado Sales Tax Guide* for information about licensing, collection, filing, and remittance requirements.

A Colorado sales tax license is not required for anyone engaged exclusively in the business of renting rooms and accommodations that are exempt from Colorado sales tax.

Marketplaces

Rooms and accommodations in Colorado offered for rent through a marketplace, including any online marketplace, are subject to Colorado sales tax. Sales tax is calculated on the entire amount charged. The marketplace facilitator is required to collect and remit the applicable state and state-administered sales taxes, as well as any applicable county lodging tax and local marketing district tax. Please see Department publication *Sales & Use Tax Topics: Marketplaces* for additional information.



Additional resources

The following is a list of statutes, regulations, forms, and guidance pertaining to taxes on rooms and accommodations. This list is not, and is not intended to be, an exhaustive list of authorities that govern the tax treatment of every situation. Individuals and businesses with specific questions should consult their tax advisors.

Statutes and regulations

- § 39-26-102, C.R.S., Definitions.
- § 39-26-103, C.R.S., Licenses.
- § 39-26-104, C.R.S. Property and services taxed.
- § 39-26-105, C.R.S., Vendor liable for tax.
- § 39-26-106, C.R.S., Schedule of sales tax.
- § 39-26-704, C.R.S., Miscellaneous sales tax exemptions.
- § 29-25-112, C.R.S. Power to levy marketing and promotion tax.
- § 30-11-107.5, C.R.S. Lodging tax for the advertising and marketing of local tourism.
- Rule 39-26-102(11).
- Rule 39-26-104-7.
- Rule 39-26-704-4.
- Special Rule 22. Hotels and Motels.

Forms and guidance

- [Tax.Colorado.gov](https://tax.colorado.gov)
- *Colorado Sales Tax Guide*
- *Sales & Use Tax Topics: Charitable Organizations*
- *Sales & Use Tax Topics: Marketplaces*
- *FYI Sales 63: Government Purchase Exemptions*
- *Colorado Sales/Use Tax Rates (DR 1002)*
- *County Lodging Tax Return (DR 1485)*
- *Local Marketing District Tax Return (DR 1490)*

[HOME](#)