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ASSEMBLY BILL NO. 321—ASSEMBLYMEN SWANK; ARAUJO,  
BUSTAMANTE ADAMS, CARLTON, CARRILLO, DALY, FUMO,  
JAUREGUI, WATKINS AND YEAGER

MARCH 20, 2017

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Referred to Committee on Government Affairs

SUMMARY—Requires a hosting platform to make certain reports to a county or city. (BDR 20-1138)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to local government; requiring the board of county commissioners of a county and the city council or governing body of an incorporated city to adopt an ordinance requiring certain hosting platforms to submit quarterly reports to the county or city; prescribing the contents of such a report; authorizing the issuance of a subpoena to a hosting platform for the production of certain documents, records or materials; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 This bill requires the board of county commissioners of a county or the city  
2 council or governing body of an incorporated city to adopt an ordinance requiring  
3 the submission of quarterly reports by an online hosting platform that facilitates the  
4 rental of a residential unit or a room or space within a residential unit for the  
5 purposes of transient lodging. Under this bill, the quarterly report must include  
6 certain information concerning the rentals facilitated by the hosting platform in the  
7 county or city, as applicable, and the revenue from such rentals. This bill further  
8 requires the ordinance to authorize an agency of the county or city, as applicable, to  
9 issue a subpoena requiring a hosting platform to produce documents, records or  
10 materials necessary for determining whether a rental of a residential unit or a room  
11 or space within a residential unit has violated the laws of this State or an ordinance  
12 adopted by the county or city in which the residential unit is located.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1       **Section 1.** Chapter 244 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3       1. *The board of county commissioners shall adopt an*  
4 *ordinance requiring a hosting platform that facilitates the rental*  
5 *of a residential unit in the county or a room or space within such a*  
6 *residential unit for the purposes of transient lodging to submit a*  
7 *quarterly report to an agency of the county.*

8       2. *The report required by subsection 1 must state:*

9       (a) *The number of bookings per year for the county;*

10       (b) *Current year-to-date booking value for the county;*

11       (c) *Current year-to-date revenue from rentals in the county;*

12       (d) *The average number of bookings per listing for the county;*

13       (e) *The annual revenue collected per owner or lessee for the*  
14 *county; and*

15       (f) *The average length of a rental in the county.*

16       3. *An ordinance adopted pursuant to subsection 1 must*  
17 *authorize an agency of the county to issue subpoenas for the*  
18 *production of documents, records or materials necessary for*  
19 *determining whether a residential unit in the county or a room or*  
20 *space within such a residential unit has been rented in violation of*  
21 *any law of this State or an ordinance adopted by the board of*  
22 *county commissioners of the county. The ordinance must provide*  
23 *that such a subpoena may be issued only if:*

24       (a) *There is evidence sufficient to support a reasonable belief*  
25 *that a residential unit in the county or a room or space within*  
26 *such a residential unit has been rented or is being rented in*  
27 *violation of any law of this State or an ordinance adopted by the*  
28 *board of county commissioners of the county;*

29       (b) *The subpoena identifies the rental alleged to be in violation*  
30 *of any law of this State or an ordinance adopted by the board of*  
31 *county commissioners of the county and the provision of law or*  
32 *ordinance allegedly violated.*

33       ↪ *A subpoena issued pursuant to this subsection must be mailed*  
34 *to the hosting platform by regular and certified mail.*

35       4. *An ordinance adopted pursuant to subsection 1 must*  
36 *require a hosting platform to whom a subpoena has been issued*  
37 *to:*

38       (a) *Provide notice of the subpoena to the user of the hosting*  
39 *platform who provided the rental identified in the subpoena.*

40       (b) *Produce any subpoenaed books, papers or documents not*  
41 *later than 21 days after providing the notice required by*  
42 *paragraph (a) unless otherwise ordered by a court.*



1       5. *If a hosting platform that has been issued a subpoena*  
2 *pursuant to an ordinance adopted pursuant to subsection 1 refuses*  
3 *to produce any document, record or material that the subpoena*  
4 *requires, the agency of the county issuing the subpoena may apply*  
5 *to the district court for the judicial district in which the county is*  
6 *located for the enforcement of the subpoena in the manner*  
7 *provided by law for the enforcement of a subpoena in a civil*  
8 *action.*

9       6. *As used in this section:*

10       (a) *“Hosting platform” means a person who, for a fee or other*  
11 *charge, provides on an Internet website an online platform that*  
12 *facilitates the rental of a residential unit or a room or space within*  
13 *a residential unit by an owner or lessee of the residential unit for*  
14 *the purposes of transient lodging, including, without limitation,*  
15 *through advertising, matchmaking or other means.*

16       (b) *“Residential unit” means a single-family residence or an*  
17 *individual residential unit within a larger building, including,*  
18 *without limitation, an apartment, condominium, townhouse or*  
19 *duplex.*

20       **Sec. 2.** Chapter 268 of NRS is hereby amended by adding  
21 thereto a new section to read as follows:

22       1. *The city council or other governing body of an*  
23 *incorporated city shall adopt an ordinance requiring a hosting*  
24 *platform that facilitates the rental of a residential unit in the*  
25 *incorporated city or a room or space within such a residential unit*  
26 *for the purposes of transient lodging to submit a quarterly report*  
27 *to an agency of the incorporated city.*

28       2. *The report required by subsection 1 must state:*

29       (a) *The number of bookings per year for the incorporated city;*

30       (b) *Current year-to-date booking value for the incorporated*  
31 *city;*

32       (c) *Current year-to-date revenue from rentals in the*  
33 *incorporated city;*

34       (d) *The average number of bookings per listing for the*  
35 *incorporated city;*

36       (e) *The annual revenues collected per owner or lessee for the*  
37 *incorporated city; and*

38       (f) *The average length of a rental in the incorporated city.*

39       3. *An ordinance adopted pursuant to subsection 1 must*  
40 *authorize an agency of the incorporated city to issue subpoenas*  
41 *for the production of documents, records or materials necessary*  
42 *for determining whether a residential unit in the incorporated city*  
43 *or a room or space within such a residential unit has been rented*  
44 *in violation of any law of this State or an ordinance adopted by the*  
45 *city council or governing body of the incorporated city. The*



1 ordinance must provide that such a subpoena may be issued only  
2 if:

3 (a) There is evidence sufficient to support a reasonable belief  
4 that a residential unit in the incorporated city or a room or space  
5 within a residential unit has been rented or is being rented in  
6 violation of any law of this State or an ordinance adopted by the  
7 city council or governing body of the incorporated city;

8 (b) The subpoena identifies the rental alleged to be in violation  
9 of any law of this State or an ordinance adopted by the city council  
10 or governing body of the incorporated city and the provision of  
11 law or ordinance allegedly violated.

12 ↪ A subpoena issued pursuant to this subsection must be mailed  
13 to the hosting platform by regular and certified mail.

14 4. An ordinance adopted pursuant to subsection 1 must  
15 require a hosting platform to whom a subpoena has been issued  
16 to:

17 (a) Provide notice of the subpoena to the user of the hosting  
18 platform who provided the rental identified in the subpoena.

19 (b) Produce any subpoenaed books, papers or documents not  
20 later than 21 days after providing the notice required by  
21 paragraph (a) unless otherwise ordered by a court.

22 5. If a hosting platform that has been issued a subpoena  
23 pursuant to an ordinance adopted pursuant to subsection 1 refuses  
24 to produce any document, record or material that the subpoena  
25 requires, the agency of the incorporated city issuing the subpoena  
26 may apply to the district court for the judicial district in which the  
27 investigation is being carried out for the enforcement of the  
28 subpoena in the manner provided by law for the enforcement of a  
29 subpoena in a civil action.

30 6. As used in this section:

31 (a) "Hosting platform" means a person who, for a fee or other  
32 charge, provides on an Internet website an online platform that  
33 facilitates the rental of a residential unit or a room or space within  
34 a residential unit by an owner or lessee of the residential unit for  
35 the purposes of transient lodging, including, without limitation,  
36 through advertising, matchmaking or other means.

37 (b) "Residential unit" means a single-family residence or an  
38 individual residential unit within a larger building, including,  
39 without limitation, an apartment, condominium, townhouse or  
40 duplex.

41 **Sec. 3.** This act becomes effective on July 1, 2017.

