

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

MARCH 20, 2017

Referred to Committee on Government Affairs

SUMMARY—Authorizes a county or city to require a hosting platform to provide certain reports and information 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.

AN ACT relating to local government; authorizing 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 authorizes 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.



* A B 3 2 1 R 1 *

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 may 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, listings, owners and lessees for*
10 *the county;*

11 (b) *The average number of bookings per listing for the county;*

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

14 (d) *The average length of a rental in the county.*

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

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

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

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

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

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

39 (b) *Produce any subpoenaed books, papers or documents not*
40 *later than 21 days after providing the notice required by*
41 *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 may 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, listings, owners and lessees for*
30 *the incorporated city;*

31 (b) *The average number of bookings per listing for the*
32 *incorporated city;*

33 (c) *The annual revenues collected per owner or lessee for the*
34 *incorporated city; and*

35 (d) *The average length of a rental in the incorporated city.*

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



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

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

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

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

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

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

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

28 6. *As used in this section:*

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

35 (b) *“Residential unit” means a single-family residence or an*
36 *individual residential unit within a larger building, including,*
37 *without limitation, an apartment, condominium, townhouse or*
38 *duplex.*

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

