

Amendment No. 695

Senate Amendment to Assembly Bill No. 321 First Reprint
(BDR 20-1138)

Proposed by: Senate Committee on Government Affairs

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

HAC/BJE



Date: 5/25/2017

A.B. No. 321—Authorizes a county or city to require a hosting platform to provide certain reports and information to a county or city.

(BDR 20-1138)



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 **and certain users of hosting platforms** 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 **and owners and lessees of property who use 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 **, owner or lessee** for the production of certain documents, records or materials; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill authorizes the board of county commissioners of a county or the city council or governing body of an incorporated city to adopt an ordinance requiring the submission of quarterly reports by **;(1) an online hosting platform that facilitates the rental of a residential unit or a room or space within a residential unit for the purposes of transient lodging; and (2) certain owners or lessees of residential units which use hosting platforms to facilitate such rentals.** Under this bill, the quarterly report must include certain information concerning the rentals facilitated by the hosting platform in the county or city, as applicable, and the revenue from such rentals. This bill further requires the ordinance to authorize an agency of the county or city, as applicable, to issue a subpoena requiring a hosting platform **, owner or lessee** to produce documents, records or materials necessary for determining whether a rental of a residential unit or a room or space within a residential unit has violated the laws of this State or an ordinance adopted by the county or city in which the residential unit is located.

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

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

1. The board of county commissioners may adopt an ordinance requiring

(a) A hosting platform that facilitates the rental of a residential unit in the county or a room or space within such a residential unit for the purposes of transient lodging to submit a quarterly report to an agency of the county of the information required by subsection 2 that is collected by the hosting platform.

(b) An owner or lessee which uses a hosting platform that facilitates the rental of a residential unit in the county or a room or space within such a residential unit for the purposes of transient lodging to submit a quarterly report to an agency of the county of any information required by subsection 2 regarding the rental that is not collected by the hosting platform.

2. The report required by subsection 1 must state for the quarter:

(a) The number of bookings, listings, owners and lessees for the county;

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

(c) ~~The annual~~ Current year-to-date booking value for the county;

(d) Current year-to-date revenue collected from all rentals through the hosting platform in the county, disaggregated by owner or lessee; ~~for the county~~ and

~~(d)~~ (e) The average length of a rental in the county.

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

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

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

A subpoena issued pursuant to ~~this subsection~~ the ordinance must be mailed ~~to the hosting platform~~ by regular and certified mail to the hosting platform or, if applicable, the owner or lessee who was required to file a quarterly report regarding the rental pursuant to the ordinance.

4. An ordinance adopted pursuant to subsection 1 must require :

(a) A hosting platform to whom a subpoena has been issued pursuant to the ordinance to:

~~(a)~~ (1) Provide notice of the subpoena to the user of the hosting platform who provided the rental identified in the subpoena.

~~(b)~~ (2) Produce any subpoenaed books, papers or documents not later than 21 days after providing the notice required by ~~paragraph (a)~~ subparagraph (1) unless otherwise ordered by a court.

(b) An owner or lessee of a rental to whom a subpoena has been issued pursuant to the ordinance to produce any subpoenaed books, papers or

documents not later than 21 days after the issuance of the subpoena, unless otherwise ordered by a court.

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

6. As used in this section:

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

(b) "Residential unit" means a single-family residence or an individual residential unit within a larger building, including, without limitation, an apartment, condominium, townhouse or duplex. The term does not include a timeshare or other property subject to the provisions of chapter 119A of NRS.

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

1. The city council or other governing body of an incorporated city may adopt an ordinance requiring ~~that~~ :

(a) A hosting platform that facilitates the rental of a residential unit in the incorporated city or a room or space within such a residential unit for the purposes of transient lodging to submit a quarterly report to an agency of the incorporated city of the information required by subsection 2 that is collected by the hosting platform.

(b) An owner or lessee which uses a hosting platform that facilitates the rental of a residential unit in the county or a room or space within such a residential unit for the purposes of transient lodging to submit a quarterly report to an agency of the incorporated city of any information required by subsection 2 regarding the rental that is not collected by the hosting platform.

2. The report required by subsection 1 must state ~~that~~ for the quarter:

(a) The number of bookings, listings, owners and lessees for the incorporated city;

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

(c) ~~The annual revenues~~ Current year-to-date booking value for the incorporated city;

(d) Current year-to-date revenue collected from all rentals through the hosting platform in the incorporated city, disaggregated by owner or lessee ; ~~for the incorporated city;~~ and

~~(d)~~ (e) The average length of a rental in the incorporated city.

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

(a) There is evidence sufficient to support a reasonable belief that a residential unit in the incorporated city or a room or space within a residential

unit has been rented or is being rented in violation of any law of this State or an ordinance adopted by the city council or governing body of the incorporated city;

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

↪ A subpoena issued pursuant to ~~this subsection~~ the ordinance must be mailed ~~to the hosting platform~~ by regular and certified mail ~~to the hosting platform~~ or, if applicable, the owner or lessee who was required to file a quarterly report regarding the rental pursuant to the ordinance.

4. An ordinance adopted pursuant to subsection 1 must require ~~that~~ :

(a) A hosting platform to whom a subpoena has been issued to:

~~(a)~~ (1) Provide notice of the subpoena to the user of the hosting platform who provided the rental identified in the subpoena.

~~(b)~~ (2) Produce any subpoenaed books, papers or documents not later than 21 days after providing the notice required by ~~paragraph (a)~~ subparagraph (1) unless otherwise ordered by a court.

(b) An owner or lessee of a rental to whom a subpoena has been issued pursuant to the ordinance to produce any subpoenaed books, papers or documents not later than 21 days after the issuance of the subpoena, unless otherwise ordered by a court.

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

6. As used in this section:

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

(b) "Residential unit" means a single-family residence or an individual residential unit within a larger building, including, without limitation, an apartment, condominium, townhouse or duplex. The term does not include a timeshare or other property subject to the provisions of chapter 119A of NRS.

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