

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON REVENUE**

**Eighty-First Session
May 18, 2021**

The Committee on Revenue was called to order by Chair Lesley E. Cohen at 4:17 p.m. on Tuesday, May 18, 2021, Online and in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/81st2021.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Lesley E. Cohen, Chair
Assemblywoman Teresa Benitez-Thompson, Vice Chair
Assemblywoman Natha C. Anderson
Assemblywoman Shannon Bilbray-Axelrod
Assemblywoman Venicia Considine
Assemblyman Gregory T. Hafen II
Assemblywoman Heidi Kasama
Assemblyman C.H. Miller
Assemblyman P.K. O'Neill
Assemblyman David Orentlicher
Assemblyman Tom Roberts
Assemblyman Steve Yeager

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Rochelle T. Nguyen, Assembly District No. 10



STAFF MEMBERS PRESENT:

Russell Guindon, Principal Deputy Fiscal Analyst
Michael Nakamoto, Deputy Fiscal Analyst
Joe Reel, Deputy Fiscal Analyst
Terri McBride, Committee Manager
Gina Hall, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

Christopher Daly, representing Nevada State Education Association
Jonny Desman, Private Citizen, Las Vegas, Nevada
Dayvid Figler, Private Citizen, Las Vegas, Nevada
Tera Anderson, Private Citizen, Las Vegas, Nevada
Laura McSwain, Private Citizen, Las Vegas, Nevada
Melissa Cassidy, Private Citizen, Las Vegas, Nevada
Michelle Larime, Private Citizen, Las Vegas, Nevada

Chair Cohen:

[Roll was taken.] I am going to skip the normal introductions and housekeeping today. We have two items on the agenda today: a work session on Assembly Bill 363 and public comment. For public comment, please keep in mind the length of time we will be allowing is 30 minutes, and each person will be limited to two minutes. We will be timing this.

Because Assemblywoman Nguyen has continued to work on this and is probably still getting requests and recommendations right now on her phone, we will have her go through the amendment first and then go to questions from the members of the Committee. We will be working from "Proposed Amendment 3378 to Assembly Bill No. 363" [[Exhibit C](#)]. I will open the work session on A.B. 363. Welcome, Assemblywoman Nguyen.

Assembly Bill 363: Revises provisions governing transient lodging. (BDR 20-636)

Assemblywoman Rochelle T. Nguyen, Assembly District No. 10:

I will go through some of the overview highlights of what is included in this mock-up [[Exhibit C](#)]. I did ask the Legal Division, Legislative Counsel Bureau (Legal) to put this in mock-up form because I think it makes it easier to read and conceptualize. Chair Cohen is correct. I am receiving everything from complete policy changes to clarifying language to encapsulate what the intent is. As you can see on the mock-up amendment and for those watching in the public, too, this shows them still in the conceptual form in the language, and its placement and the official amendment may differ. If there are spelling errors, duplicative language, or things did not get from one section into the other, I know Legal will be working to clean that up as well.

This bill is broken up into two sections, one that deals with cities or municipalities and one that deals with counties. There is conforming language in each one of those sections to go there. To start off, we did and still include the population cap of 700,000 to accommodate those jurisdictions that already have no regulations in place and would continue. Just to let the members of the Committee know, in talking to those jurisdictions, it would have been very difficult, and would have led to potential lawsuits for those homeowners and people operating short-term rentals (STR), to now be under some of the provisions we have in here. No matter what happens with this bill, I plan to continue working into the next session to see what we can do to accomplish some of the problems that might exist throughout the state.

Additionally, one of the things included in here [[Exhibit C](#)] is language allowing jurisdictions that have already established ordinances in this area to keep their ordinances. As I had stated during my presentation, which is still my intent, I wanted to still allow flexibility for those municipalities that have already worked with their constituents to come up with ordinances in this area, so they will still be allowed to. The restrictions that we had placed in the original bill, and those that had been proposed during the presentation of the bill, have also changed. The 1,000-foot separation distance requirement is now 660 feet. I know conceptually I had proposed it at 500 feet. In speaking with some of the stakeholders, that was one of the things that was very important to be able to see. Again, these numbers for occupancy requirements and distance separation requirements are all a floor or ceiling. In this it says you cannot have more than 16 individuals in an STR and you cannot have them closer than 660 feet between STRs.

For example, if the City of Las Vegas wanted to go stricter and have only owner-occupied—like they do—they would be able to keep that in place. If the City of Henderson has a 1,000-foot difference, they would be able to keep that in place. They just could not go below the 660-foot level. If they wanted to limit their houses to four people in a house, they would be able to do that under the provisions of this bill if that is what their local government chose to enact as a part of their local ordinances.

Additionally, I heard the concerns with regard to the loss of affordable housing. That was a concern of mine in even bringing the bill. We have seen it happen in other areas, and so I wanted to ensure that was covered. You can see I have excluded all apartment complexes from being able to have STRs. In addition to other multifamily dwellings, we had some clarifying language to carve out those properties that are attached to a casino. They are run like a casino, they are cleaned like a casino property, so they are not included in this at all. They continue to operate in that way, and they have been. A lot of them are either timeshares or other types of rentals that are run like resort casinos. They are carved out of the provisions of this because a lot of them are on the same property as the casino, so my intent was not to include those types of properties. It was to include the properties that were outside of that.

I know there is a lot of confusion about grandfathering in and what that meant. We are still working on that language to ensure there are no loopholes, to make it very clear if you have been operating illegally—as I know thousands of people have been in Clark County—that is not who is grandfathered in. The people who would be grandfathered in are people who are

operating lawfully under current ordinances for these local jurisdictions. As an example, let us say you are a local casino—Green Valley Ranch—and the City of Henderson has allowed an STR across the street that is within the 2,500-foot limitation we have in this bill. Under this bill, that person would be grandfathered in as long as they were in compliance with the existing ordinances and regulations in the City of Henderson. It is not grandfathering in illegal properties or people who are operating unlawfully.

Sometimes we have to wordsmith the language in these bills. For example, if you look at section 11, subsection 2 [page 8, [Exhibit C](#)], it starts with, "For the purposes of paragraph (b) of subsection 1, the accommodations facilitator shall be deemed to be engaged in the business" This language is causing a lot of confusion, so I am looking at how we would either reword it or remove it because I do not think it encapsulates the intent I have been talking to you all about. I will continue to work with Legal to make sure the intent has that clarity.

Additionally, I have received amendments from the City of Henderson, the City of Las Vegas, and Clark County to make sure there is still that flexibility. You will see some of the language changed because depending on where you are, people call it a permit, a registration, or an authorization, so you will see a lot of areas where we used the term authorization, but we want to ensure we are giving the flexibility to those local jurisdictions. For example, sometimes it is the incorporated city, city council, or their designee, so there will be other amended language changes to ensure that we are fully capturing that intent to give the flexibility to those local jurisdictions to continue.

We are also working on some wordsmithing in section 7, subsection 2, paragraph (k) [page 5], where it appears that only a neighbor can complain about a violation of an ordinance adopted. We wanted to ensure it can be anyone who can complain. You do not have to have an immediate neighbor who is the only person able to lodge any kind of complaint about STRs operating unlawfully or in violation of any ordinance.

We are looking to ensure that Clark County, the City of Las Vegas, the City of Henderson, and other municipalities and counties have the express authority to impose civil fines and penalties. That is something Assemblyman Roberts and I have been working on—how we can ensure the enforcement piece is also effective. I know Clark County Commissioner Justin Jones recently met with Captain Farese and, I believe, members of sections 10 and 11 to discuss what kind of support they needed in order to effectively impose fines. We are wordsmithing language to ensure it is something that can be implemented, and I will continue to do that.

I think that answers some of the major questions. I do not know if the Committee has any specific questions on the mock-up.

Chair Cohen:

I want to discuss the nights. I believe that is in section 7, subsection 2, paragraph (d). Are you saying if you are owner-occupied, it is one night?

Assemblywoman Nguyen:

Yes. We have been going back and forth through the wording because it is awkward and choppy. The intent we are trying to get in there, and it will hopefully read better when the final amendment is drafted, is if it is owner-occupied, you can rent for one night, but if it is any other property, it would be two nights. In addition to that owner-occupied piece, I know we are trying to put in some clarifying language. There were some concerns that someone would have a four-bedroom house and they would be living in one of the bedrooms and renting out the other three—like a hostel. It is not our intent to allow for something like that. We are coming up with some clarifying language.

I am not sure what that is going to look like. I have had a couple of different ideas and I know Legal is looking at what works legally. Our intent is that you are not able to operate a mini-hotel within your house, even if you are living there. That is clarifying language that will hopefully make its way into the final amendment.

Chair Cohen:

Regarding the 660 feet, I have heard you say it before, but not in this hearing. Is it because 660 feet is what a city block is?

Assemblywoman Nguyen:

That is what I was told. I know that is what they have at the City of Las Vegas. I have been told by code enforcement, and code and planning people, that 660 feet is approximately one city block.

Assemblywoman Bilbray-Axelrod:

You say 660 feet is one block. From what I understand that is as the crow flies, correct? If that is the case, then that confuses me. If I am on the street here, my neighbor is behind me, and their neighbor is behind them, that would probably be 660 feet; although if you are going on streets, it would not be. Could you clarify that?

Assemblywoman Nguyen:

It is from your property line, so it is 660 feet apart, like a 360, and that is the minimal distance. If people choose to increase that, they would be able to do so.

Assemblywoman Bilbray-Axelrod:

I want to thank you for all your work on this. I know all of us on the Committee have been blown up on this, and I think there is a lot of confusion. I know for my folks in Clark County who cannot even legally do this, this is very necessary, so I wanted to get that on the record. You talked about section 11, subsection 1, paragraph (b) on page 8. You said how it is written right now is not the intent and you are going to be working on that. I am really confused by that section. Could you clarify?

Assemblywoman Nguyen:

It is actually section 11, subsection 2.

Assemblywoman Bilbray-Axelrod:

That is what I meant—section 11, subsection 2, paragraph (b).

Assemblywoman Nguyen:

That section causes some problems. I know in speaking with Clark County, Culinary [Workers Union], and even members of this Committee, the way this is read is they want to be able to place additional requirements on the accommodations facilitators within their local ordinances. We want to ensure we are granting them some express authority to impose fines or penalties for failure to comply with those additional requirements set forth by the board. If we have that in there, it ties their hands where they are not able to do anything like that. We want to ensure they can enact things where they can appropriately levy fines.

Assemblywoman Anderson:

Regarding this same section, or possibly another area, is there any place where there is a licensing expectation being placed on the platforms? I do not know if it is in this section or another section because we had talked about the national area or the groups that are doing this online. Are there any requirements for them to also do a licensing?

Assemblywoman Nguyen:

Not only would the owner have to display the license in the house, it would also have to be displayed on the platform. I can tell you how it works in the City of Henderson. They have a process where they have a portal they can go through and see everyone who is listed on one of the STR platforms. They can compare it to all the people they know who are licensed. Then they can say, Hey look, these are all the people who are not included on your platform, please take them off. That language is included in there and I know that is done in practice in our state.

Assemblywoman Anderson:

Do the platforms themselves also have to file with the state that they are in fact doing this? Do they have to have a business license of any sort?

Assemblywoman Nguyen:

I am not sure. I do not know if Legal knows that answer or if they can get back to you with those kinds of questions. I would be happy to continue having that conversation.

Assemblyman Miller:

Thank you for what you have done. You have taken a lot of my thoughts into consideration. One of the things I want to get on the record was my concern about how we handle the owner-occupied situations, especially as we look at affordability of housing right now, and people who may have an extra room they want to rent.

If we have an STR that is in the 660-foot parameter that is being operated essentially as a business, and we have the family next door or a couple of houses down that needs to rent out a room to keep their mortgage going, they would now be prohibited from doing so. I know you are still working things out, but as we continue to move forward, I would really like to

ensure we are trying to figure out a solution that allows people who genuinely need this avenue to keep the roof over their heads an opportunity to do so. But I think it is important we need some rules as we are losing too much money as a state and people are legitimately using this service.

Assemblywoman Nguyen:

We have been going back and forth on the owner-occupied in particular. Right now it is not included in there to allow owner-occupied to exist, but I will continue to have those kinds of conversations with you going forward.

Assemblywoman Considine:

I echo everyone's sentiments about all the hard work you have taken on for this bill. I appreciate the conversations. On page 6, section 8, subsection 3, it is "upon the request of a board of county commissioners," with a matching one for the city later on, "an accommodations facilitator shall report all current listings of a residential unit" So there is the use of the word "shall" in there. My question is if there is a time frame and they do not—if the county commissioners of the city say they want it within 30 days and they do not, or the county or city requests unauthorized folks to be taken off the platform and they do not, is there a penalty structure? Is that left up to the ordinance? Is there an issue with penalizing the platform for not doing their part?

Assemblywoman Nguyen:

As complicated as this is, platform liability is even more complicated. As members of the Committee and everyone know, there are so many platform-based, peer-to-peer sharing apps and other things out there. It is definitely something we as a legislative body should have been addressing about 15 years ago, but it is not specifically laid out in this bill. It is not something I am able to include in this bill to fully address any of the concerns. I want the ability for those local ordinances to deal with it on that level. I am currently looking at how we can include that enabling language without interrupting interstate commerce and other like issues that might pop up if we do not get the language right.

Assemblywoman Considine:

I want to ensure I am reading this in the overall way, that this is a floor—that if any jurisdiction wants to do something a little bit more stringent, they cannot go below this, but they could do something a little bit higher if they chose to.

Assemblywoman Nguyen:

I know a lot of emails have come in and there is a lot of misinformation out there. It is a representative government, so I know you are all hearing from your own constituents about this. That is definitely the intent. That is what the language specifically says. I have gone through four legal representatives who have been working on this for LCB [Legislative Counsel Bureau] to make sure that this language is correct. These are floors they are not to exceed, or maximums, for all of these jurisdictions.

I have been working diligently, especially within Clark County, with those that have ordinances to make sure they are able to keep those ordinances and do not have to go back and change that. I know the City of Henderson has a little bit of a difference as they allow for 25 percent occupancy in a multifamily and this brings it back down to 10. Those are continued conversations I will be having with them, as well as working on the bill to see how we can ensure those kinds of needs are met in that area. This still gives those jurisdictions flexibility to move, but leaves a floor so we can protect our housing availability in our communities that may not have the protections of a homeowners' association (HOA) and do not want to have to create an HOA to have those kinds of protections.

On the flip side, I am sure you have received emails from plenty of your constituents who echo some of the sentiments of Assemblyman Miller, who would like to have the ability to continue to rent out a room if they need to. In balancing some of those interests, those are some of the things we took in, but definitely floor and ceiling, depending on what it is, for these local jurisdictions to come up with ordinances that fall within those.

Assemblyman Orentlicher:

Thank you for all you have done with this. Other states have probably had more experience with these kinds of laws. Are we following a well-trodden path? Is there a convergence on a certain template or is everybody all over the map? How do we compare to other states in this kind of thing?

Assemblywoman Nguyen:

Looking at our state and the way different counties and cities have done it is illustrative of what it looks like across the country. People are all over the place on ordinances, liability, implementation, and how they do it, so I think people are trying to figure it out. I do not believe it has ever been addressed on a state level and you can see that people are trying to do it. A lot of these issues, where they change things midway, were problematic—where people were existing lawfully and then ordinances were changed. We are all over the place and there are lots of considerations—everything from commerce and being able to use and invest in these properties, as well as housing affordability issues. It really is all over the place.

Assemblywoman Kasama:

What a big project you have taken on. Something we know from our constituents is there has been an outcry for assistance with this. I just wanted to thank you for looking at some of the concerns or issues I have had and your willingness to look at some of those to incorporate. I just wanted to thank you for your openness with all of these suggestions.

Assemblywoman Nguyen:

I will continue to work. I can see sometimes the wording is not quite there or does not capture the intent, but that is what I will continue to do.

Chair Cohen:

I was hoping we could get the vote in before we had to go to floor. We are going to recess and when we come back, I will take a motion, the vote, and then hear public comment. We are in recess [at 4:48 p.m.].

[Meeting reconvened at 6 p.m.] Before we take the motion, Assemblywoman Nguyen has a clarifying statement.

Assemblywoman Nguyen:

I know this is a conceptual mock-up [[Exhibit C](#)] and Legal will work to draft it. As there are two sections for municipalities and counties, I noticed we need to make some changes. My intention was not to include apartments, both in cities and counties, so we want to ensure that section 13, subsection 2 was consistent with section 7, subsection 2, paragraph (g), subparagraph (1). I will make sure those changes are made.

Chair Cohen:

I will accept a motion to amend and do pass A.B. 363.

ASSEMBLYMAN ROBERTS MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 363.

ASSEMBLYWOMAN BILBRAY-AXELROD SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblywoman Considine:

I will be voting this out of Committee today but reserve my right pending the amendment.

Chair Cohen:

As a reminder, you always have the right to do so, I just ask you check in with me should you change your vote by the time we get to floor.

THE MOTION PASSED. (ASSEMBLYWOMAN BENITEZ-THOMPSON
WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Nguyen, with a backup from Assemblywoman Bilbray-Axelrod. We will now move on to public comment. Is there anyone in the room for public comment?

Christopher Daly, representing Nevada State Education Association:

As you know, there are less than two weeks left in this legislative session and we are still waiting on a public discussion of mining taxes and serious contemplation of generating revenue needed by public education and other important public services in Nevada. It is past time to open a public hearing on Assembly Joint Resolution 1 of the 32nd Special Session.

Kindergarten through twelfth grade public education has been woefully underfunded for decades, ranking Nevada 48th among the states in per-pupil funding. Nevada also has the largest student-to-teacher ratio in the country. Still being considered, and we will see what happens in this room in a little bit, is a \$156 million cut to class-size reduction over the next biennium. This would mean a loss of about 1,000 teachers across the state, meaning even more students packed into Nevada classrooms. Also in play is a \$33 million cut to early literacy support in the Read by Grade 3 Program.

Last session, Senate Bill 543 of the 80th Session, the new school-funding plan, created the Commission on School Funding (Commission) and charged it with recommending funding targets and identifying revenues to fully fund the associated cost. Last month the Commission published their preliminary recommendations of optimal funding. While the Nevada State Education Association (NSEA) opposed S.B. 543 of the 80th Session, we largely agree with the Commission's funding targets. The Commission proposed reaching adequate funding by increasing education investment by \$2 billion over the next ten years. That is about \$400 million each biennium starting this session.

That is why NSEA believes A.J.R. 1 of the 32nd Special Session would be a strong start to meeting this goal. Assembly Joint Resolution 1 of the 32nd Special Session would generate about \$485 million in new revenue for Nevada annually. It is the right-sized response this session to the revenue challenge we face. We have all heard there have been conversations about a possible deal with the mining industry, but no one seems to know any of the parameters. It is time to open up the conversation. Please schedule A.J.R. 1 of the 32nd Special Session here for this conversation.

Chair Cohen:

As there is no one else in the room for public comment, we will go to the phones.

Jonny Desman, Private Citizen, Las Vegas, Nevada:

For short-term rental (STR) operators, A.B. 363 is extremely concerning and I oppose it as written. First, I would like to point out that Assemblywoman Nguyen has voiced that she does not believe bans work. Well, what about all the STR owners who will be banned from operating due to not being one of the lucky ones to fall in with these extensive distance restrictions. There is no difference. Thousands of owners will still be flat-out banned from operating. If you are going to set these extreme provisions, I believe we should look to lower the 31-night minimum for operators who do not have the fair opportunity to get a permit. Why not something closer to a weekly minimum for nonlicensed operators. I could almost guarantee you that any guest coming for longer than a weekend is not coming to just party—what so many people seemed to be so concerned about. My feeling is most of these guests are coming to Las Vegas for business, and this will eliminate thousands of lodging opportunities for these travelers. Allowing nonlicensed operators to run weekly stays will give everyone at least some opportunity to make an extra income and continue to hire local people such as cleaners, contractors, lawn service, pool service, et cetera.

Look, we are about to enter post-pandemic life and the way travelers prefer to lodge will never be the same. If you take away all the STR options from travelers, there is a good chance many of them might look elsewhere when they are planning their next vacation. I mean, this is Vegas. We are supposed to be one of the most innovative cities in the world. These restrictions make it look like we are years behind the times. We have heard all the lazy excuses as to why people think STRs are bad—they are just party houses. No, they are not. You can set your own rules and get [unintelligible] to follow rules. It is kind of crazy, huh? Short-term rentals are bad for businesses. No. I challenge everyone to name the number of hotels, casinos, or gaming centers that have been forced to shut their doors due to STRs. The answer is none, but if this bill passes, thousands of independent owners will be forced to shut theirs. With the way the provisions are written in this bill, they could be the final blow to not only the majority of STR operator businesses, but to our livelihoods as well.

Chair Cohen:

You are at two minutes. Could you wrap up, please?

Jonny Desman:

I really hope you reconsider looking over so many lovely residents who are just looking for a way to help provide for themselves and their families.

Dayvid Figler, Private Citizen, Las Vegas, Nevada:

I am the president of the John S. Park Neighborhood Association in downtown Las Vegas. We know a lot about STRs, as they are legal and abundant in our and surrounding neighborhoods. Even though legal, STRs encourage investors over vested neighbors, reduce housing stock for first-time buyers and renters looking for a house over an apartment, increase haphazard traffic from people unfamiliar with the area, and pierce the quiet enjoyment of a neighborhood with events, parties, and, frankly, people coming to our community to do a little "too much Vegas" without consequence. They also encourage stripping of historic interiors and flipping to lure the transient visitor to the exclusion of the heritage of Las Vegas' oldest communities. That STRs are able to proliferate greatly under this bill without taking into account all these consequences, is not lost on us—the homeowners and residents most impacted by any scheme like A.B. 363. If this passes, it invariably means more STRs, even with important city flexibility.

I really appreciate Assemblywoman Nguyen accepting our calls and listening to our many concerns when we recently became aware of this bill, including the need to protect the flexibility that our city land-use ordinances allow in regulating and taxing this industry, as they have done after a five-year collaborative effort with mine and other neighborhood associations—which are not HOAs—that are registered with the city and represent thousands of homeowners and long-term renters. But even today, we are in the blind giving testimony and that is where we have been for most of this bill creation process. Despite our vast knowledge, our track record of participation on this topic, and the fact that we are the ones most impacted by anything anyone does on STRs, we are in the blind because while some answers are being provided today, it is obviously still a work in progress. We still have not been invited to participate in the shaping or, maybe more importantly, the consequences of

any tinkering that could allow one more single STR in our specific and unique communities. And if any additional STRs are allowed anywhere, an additional burden on our enforcement entities will result. And without funding or any consequence for the platforms not complying with these new rules, we will be the ones who bear the impact because there will be less enforcement than we rely upon now.

Chair Cohen:

We are at two minutes. Could you wrap it up, please?

Dayvid Figler:

It is focused only on Clark County, which is not fair since it was supposed to be statewide initially. We have a diverse set of different concerns within our county. Finally, I want to address one thing that has not been addressed

Chair Cohen:

Next caller please.

Tera Anderson, Private Citizen, Las Vegas, Nevada:

I am the Rancho Manor Neighborhood Association president in southern Nevada. Thank you very much for your efforts on this bill. While I appreciate that the birth of this bill was a result of an effort to help address STRs, this bill in and of itself is an egregious overreach and I think requires and calls for a substantive reconsideration of the contents of the bill. There are two major issues I think are of noteworthy consideration.

While I appreciate Assemblywoman Nguyen's comments in keeping the local jurisdictions' oversight, the unintended consequences that come with this bill are a grave overreach by the state in that this is a nuanced issue that affects local communities and local neighborhoods very uniquely, and I think more importantly calls for the management, unfettered oversight, and authority to be preserved by local communities such as the City of Las Vegas, Henderson, North Las Vegas, and the county to govern according to what the in-real-time needs are of the neighborhoods. The bill language currently includes a lot of certain exclusions from the governing language and the authority of the local municipalities to manage this issue, and I think the unintended consequences are worth considering.

Subsequently, this bill has been put forth as a protective measure on affordable housing. I think this bill does quite the contrary. Our market is under duress because there is an influx of folks moving here. Six to nine months ago, we were already experiencing a lot of economic pressure on affordable housing.

Chair Cohen:

We are at two minutes. Can you wrap it up?

Tera Anderson:

Short-term rentals unequivocally charge a higher nightly rate than that of resident tenants over the long term. This is not going to help us address our affordable housing issue.

Laura McSwain, Private Citizen, Las Vegas, Nevada:

I want to thank the Assembly Committee on Revenue for the opportunity to speak. I am the president of the McNeil Estates Neighborhood Association (McNeil). I am also a native of Las Vegas, and over the years I have served on various City of Las Vegas committees, including the planning commission.

While it is appreciated that much has been done to soothe concerns about A.B. 363, the entirety of our objections are too numerous to outline in the brief amount of time afforded. What I will speak to is the vigilance of McNeil and surrounding neighborhood residents, that after nearly five years resulted in an ordinance that met with general approval and has worked to minimize the impact of STRs in our neighborhoods. In contrast, how is it even considered possible to put forth legislation that even up until midnight last night its language was unavailable to residents of the neighborhoods most uniquely impacted? If each one of you would put yourselves in our shoes, try to imagine the feeling of absolute shock and discouragement that you would feel after such a hard-fought battle, only to discover you had been left out of over 70 meetings over an 18-month period, and here we are still unclear on the language of the bill with concerns of the legal interpretation of language and its consequences.

The nuances of the city ordinance are complex and ongoing works in progress. The reason land-use issues are local is because we have things such as general plan amendments and zoning ordinances that take years to develop. These processes allow for ongoing public hearings and any land-use issues impacting residents can be addressed within days. The inappropriateness of STRs becoming a state-managed issue through a bill that uniquely affects distinct neighborhoods within a single county warrants the bill being voted down outright on the merits of that alone. And if bans do not work, in the interest of uniformity and shared responsibility, how is it that HOAs with bans in place are not also required to lift theirs? Candidly, residents being left out of the conversation during the critical conceptual development phase of A.B. 363 seems less about a lack of time and more about possible motives still unknown.

Chair Cohen:

We are at two minutes. Please wrap it up.

Laura McSwain:

Assertions in previous testimony on how it will help with affordable housing, code enforcement, and the protection of employees within the resort industry lack data or an appropriate study on things like revenue versus costs to enforce rendering such assertions invalid. We respectfully request you vote this bill down.

Melissa Cassidy, Private Citizen, Las Vegas, Nevada:

I am opposed to A.B. 363 as it is currently written. Since the last hearing, the STR-to-STR distance minimums [unintelligible] to 660. While it is an improvement, it is still an overreach. You said it [unintelligible] why are we concerned with the city block measurement. I feel this distance is arbitrary and illogical, and I urge you to reduce it to the 500 feet we requested.

It is also proposed that the distance between the casino resorts and an STR is 2,500 feet. This excludes thousands of hardworking, law-abiding taxpayers, fresh out of a global pandemic, from hosting. These voters have lost jobs, loved ones, and tons of income over the last 14 months. Why are we continuing to step on the little guy so the mega-corporations can grab every dollar? Have we learned nothing during COVID-19? Have we not learned of strife and hard times? Meanwhile, big companies get federal grants while we just hope to keep up our mortgage payments and perhaps retain our jobs as we try and come back. My guests head straight to the Strip and downtown after checking in. Many are budget travelers who cannot afford the overinflated room prices on the Strip. Many international guests are on four- to eight-week itineraries that demand they stick to a strict budget which does not allow them to stay on the Strip. Should they not be able to stay close to the Strip because the big casinos and resorts are being greedy? I urge you to lower these distances. It is the right thing to do. The taxpayers are watching you.

Michelle Larime, Private Citizen, Las Vegas, Nevada:

I live in the Beverly Green neighborhood within the City of Las Vegas. I also serve on our neighborhood association and have worked with many neighbors over the past several years to address shared concerns on STRs. I understand this bill has come a long way from when it was first introduced, and I thank Assemblywoman Nguyen for her work on this. However, with the bill still in draft form and little clarity around some of the questions asked today, there are still concerns about the enforcement of both legal and illegal STRs, the unequal impact this industry will have on our older and middle neighborhoods, and a lot of concern around the proposed regulations in the bill not applying to property owners possessing an unrestricted gaming license.

As someone who lives in a neighborhood that is very near Las Vegas Boulevard, I know firsthand how difficult enforcement of STRs can be. It is very frustrating to have this industry in your neighborhood, particularly when homes are not owner-occupied. People do come to Las Vegas to have fun, and we have had to deal with many issues throughout the years, including excessive noise, trash, and unruly behavior—even racing rented sports cars through our neighborhoods. Our only outlet is to call code enforcement and Metro's [Las Vegas Metropolitan Police Department] non-emergency number, and these kinds of incidences take many hours for response, sometimes even weeks, long after the visitor or the behavior is done.

This bill does not help us fix this issue, and when there are not good resources for mitigating problems like this situation, they do take an emotional toll on our neighbors. It can give rise to stress, conflict, and other consequences. This also does not address the fact that

neighborhoods with HOAs are able to exclude STRs from their communities, leaving older communities and middle neighborhoods to bear the social and economic burden that this will impose—making neighborhoods without HOAs more appealing to investors—and it really only serves to exacerbate the inequities in our housing market.

Chair Cohen:

We are at two minutes. Please wrap it up.

Michelle Larime:

I do not think the communities without HOAs should need to bear the burdens and the unintended consequences of this bill. Really quickly, the bill seems to exclude property owners with unrestricted gaming

Chair Cohen:

We will hear from the next caller. [There was no one.]

[[Exhibit D](#), [Exhibit E](#), [Exhibit F](#), [Exhibit G](#), and [Exhibit H](#) were submitted but not discussed and are included as exhibits of the meeting.]

Are there any comments from the members of the Committee? [There were none.] As far as our next meeting, stay in touch and we will let you know if it will be Thursday or Tuesday. We are still waiting to see what we get from the Senate. We are adjourned [at 6:21 p.m.].

RESPECTFULLY SUBMITTED:

Gina Hall
Committee Secretary

APPROVED BY:

Assemblywoman Lesley E. Cohen, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a proposed amendment titled "Proposed Amendment 3378 to Assembly Bill No. 363," dated May 18, 2021, presented and submitted by Assemblywoman Rochelle T. Nguyen, Assembly District No. 10.

[Exhibit D](#) is a copy of an email, dated May 5, 2021, submitted by Joseph Farrell, Private Citizen, Incline Village, Nevada, in support of Assembly Bill 363.

[Exhibit E](#) is a letter dated May 12, 2021, submitted by Adam Thongsavat, Program Director, Airbnb, Inc., San Francisco, California, in opposition to Assembly Bill 363.

[Exhibit F](#) is a letter dated April 27, 2021, submitted by Stephen Shur, President, Travel Tech, Arlington, Virginia, in opposition to Assembly Bill 363.

[Exhibit G](#) is a letter submitted by residents of City of Las Vegas Neighborhood Associations in opposition to Assembly Bill 363.

[Exhibit H](#) is a packet of emails submitted by various individuals in opposition to Assembly Bill 363.