

Proposed Short Term Residential Rental Amendment

21-0576-TXT1 - TEXT AMENDMENT - APPLICANT/OWNER: CITY OF LAS VEGAS - Discussion and possible action to amend various sections of LVMC Chapter 6.75, pertaining to short-term residential rentals, to conform to and incorporate various recently-adopted provisions of State law, and amends other provisions of LVMC Titles 4, 6 and 19 to make corresponding changes.

Contents:

- Summary of the proposed changes
- Draft of the proposed ordinance

Please note:

[abc] bracketed text reflects a deletion
abc underlined text reflects an addition

Where language indicates that a new Code section is to be added, all provisions in that section are new, although in some cases it is just a replacement for language repealed in a previous section of the ordinance amendment.

Summary: Amends various sections of LVMC Chapter 6.75, pertaining to short-term residential rentals, to conform to and incorporate various recently-adopted provisions of State law, and amends other provisions of LVMC Titles 4, 6 and 19 to make corresponding changes.

LVMC	Title/Subject	Existing Language	Proposed Language
6.75.010	Adds definition for “Accommodations Facilitator”	N/A	Accommodations facilitator” means a person, other than the owner, lessee or other lawful occupant of a residential unit, or a manager of a residential unit, who, for a fee or other charge, brokers, coordinates, makes available or otherwise arranges for the rental of the residential unit or a bedroom within a residential unit for the purpose of transient lodging. The term includes, without limitation, a hosting platform
6.75.010	Adds definition for “Owner-occupied”	N/A	“Owner-occupied” means this is the owner's primary residence, the owner continues to reside and sleep in their bedroom at the unit throughout the rental period, and the owner's absence, if any, from the unit during the rental period is attributable only to employment or to the running of typical personal or household errands.
6.75.010	Adds definition for “Party”	N/A	“Party” means a gathering of people that exceeds the maximum occupancy of residential unit as set forth in LVMC 6.75.090.
6.75.010	Adds definition for “Residential Unit”	N/A	“Residential unit” means a single-family residence or an individual residential unit within a larger building, including, without limitation, a condominium, townhouse, duplex or other multifamily dwelling. The term does not include a timeshare or other property subject to the provisions of chapter 119A of NRS.

6.75.010	Amends definition of "Operator"	"Operator" means any person who owns, leases, controls, manages or operates a short-term residential rental unit or property.	"Operator" means any person who owns, leases, controls, manages or operates a short-term residential rental unit or property. <u>The term also includes any person who brokers, coordinates, makes available or otherwise arranges for the rental of such a unit or property to the extent that person does not qualify as an accommodations facilitator.</u>
6.75.010	Modifies definition of "Short-term residential rental"	"Short-term residential rental" means the commercial use, or the making available for commercial use, of a residential dwelling unit for dwelling, lodging or sleeping purposes, wherein any individual guest rents or occupies the unit for a period of less than thirty-one consecutive calendar days. The term does not include a "community residence," "facility for transitional living for released offenders," or any other facility with dwelling units that is specifically defined in LVMC Chapter 19.18.	"Short-term residential rental" means the commercial use, or the making available for commercial use, of a residential dwelling unit for dwelling, lodging or sleeping purposes, wherein any individual guest rents or occupies the unit for a period of less than thirty-one consecutive calendar days. <u>The term also includes the renting or occupancy of a residential unit or a room within a residential unit for purposes of transient lodging, as described in Assembly Bill 363 of the 2021 Session of the Nevada Legislature. A short-term residential rental qualifies as transient lodging and is included in the definition thereof.</u> The term does not include a "community residence," "facility for transitional living for released offenders," or any other facility with dwelling units that is specifically defined in LVMC Chapter 19.18.
6.75.020	Modifies section 6.75.020 (C) and (D)	(C)The holder of a license under this Chapter is the person primarily responsible for compliance with the obligations that are imposed on an operator by this Chapter, whether or not that person owns the real property on which the short-term residential rental is located. In the case of a short-term residential rental whose affiliated licensee is not the property owner, the property owner is secondarily responsible for compliance. (D) (D) Commencing on July 1, 2017, no person is eligible for a new license for a	(C) <u>Except as otherwise permitted by City ordinance and State law for existing licensees, no person is eligible for a license for a short-term residential rental under this Chapter unless the person qualifies as an owner of the parcel on which the short-term residential unit is located and is a resident occupying that unit as his or her primary residence. In addition, the unit must qualify as owner-occupied during each period the unit is rented. For purposes of this Subsection (C), including the determination of who qualifies as an owner, whether a particular unit is being occupied by an owner, and</u>

		<p>short-term residential rental under this Chapter unless the person qualifies as an owner of the parcel on which the short-term residential unit is located. For purposes of the preceding sentence, “owner” includes any person who is listed as an owner of record of the unit in the records of the Clark County Assessor or, in the case of a unit that is owned by a trust or other corporate or legal entity, a trustee or principal of that trust or entity. Short-term residential rentals that are licensed as of July 1, 2017, shall have two years from that date within which to terminate operations or achieve licensing by an owner.]</p>	<p><u>whether a particular is being used as a short-term residential rental under this Chapter:</u></p> <p><u>(1) “Owner” includes any person who is listed as an owner of record of the unit in the records of the Clark County Assessor or, in the case of a unit that is owned by a trust or other corporate or legal entity, a trustee or principal of that trust or entity.</u></p> <p><u>(2) A dwelling unit qualifies as “owner-occupied during each period the unit is rented” only if the owner continues to reside at the unit throughout the rental period, the dwelling unit is the owner’s primary residence, and the owner’s occupancy includes occupancy and use of a bedroom or other room intended for sleeping purposes. In determining occupancy by the owner during any rental period, the owner’s absence, if any, from the unit during the rental period must be attributable only to employment or to the running of typical personal or household errands.</u></p> <p><u>(3) A person who purports to hold a fractional ownership interest (or any other shared, joint, common, partial, cooperative or community ownership interest) in property that he or she occupies shall be deemed to be a guest and not an owner of that property unless the person’s ownership interest in the property at the time of occupancy:</u></p> <p><u>(a) Is at least twenty-five percent; and</u></p> <p><u>(b) Has been established in that person’s name by means of a document duly recorded in the property records of Clark County</u></p> <p><u>(4) A person who purports to hold an ownership interest of any kind in property that he or she occupies shall be deemed to be a guest and not an owner of that property if it appears that the documents or other indices of ownership demonstrate an intent to circumvent or otherwise avoid the application of LVMC Chapter 6.75 or applicable Conditional Use Regulations under LVMC 19.12.070, or any requirement or limitation thereof.</u></p>
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			<p><u>(D) No person is eligible for a license under this Section if:</u></p> <p><u>(1) The person has five or more licenses under this Section that are associated with the same Nevada business license issued pursuant to NRS Chapter 76;</u></p> <p><u>(2) The number of licenses under this Section within the same residential unit would exceed one;</u></p> <p><u>(3) Issuance of the license would result in more than ten percent of the residential units or rooms within the residential units in a multifamily dwelling being rented for the purposes of transient lodging;</u></p> <p><u>(4) Issuance of the license would violate a prohibition against such rentals or a stricter limitation established by the owner of a multifamily dwelling; or</u></p> <p><u>(5) The short-term residential rental is located in a common-interest community, unless the governing documents of the community expressly authorize the rental of a residential unit or a room within a residential unit for the purposes of transient lodging.</u></p> <p><u>(E) Except as otherwise permitted by City ordinance and State law for existing licensees, it is unlawful to rent for transient lodging purposes a residential unit or a room within a residential unit that is located in an apartment building. For purposes of this Subsection, “apartment building” means an “apartment house,” as defined in LVMC 19.18.020.</u></p>
<p>6.75.040</p>	<p>Modifies 6.75.040 (F), (G), and (H)</p>	<p>(F) If the proposed short-term residential rental unit is located within a gated subdivision or controlled-access building that is governed by an owners' association, a letter or other documentation from the association acknowledging the proposed use and, if necessary, granting access to occupants of the proposed rental unit.</p> <p>(G) A list of all hosting platforms that the applicant proposes to use to market,</p>	<p>(F) If the proposed short-term residential rental unit is located <u>in a common-interest community</u>, a letter or other documentation from the <u>governing association</u> acknowledging the proposed use, <u>documenting that the rental of the unit is expressly authorized by the governing documents of the community</u> and, if necessary, granting access to occupants of the proposed rental unit. <u>The burden of demonstrating that the rental of a unit is expressly authorized by the community is on the applicant.</u></p>

		<p>advertise, offer, solicit customers for, or make available for commercial use the short-term residential rental applied for.</p> <p>(H) Proof of current, valid liability insurance coverage in a minimum amount of \$500,000.00.</p>	<p>(G) A list of all <u>accommodations facilitators</u> that the applicant proposes to use to market, advertise, offer, solicit customers for, or make available for commercial use the short-term residential rental applied for.</p> <p>(H) Proof of, <u>or a commitment to provide</u>, current, valid liability insurance coverage in a minimum amount of \$500,000.00.</p>
<p>6.75.060</p>	<p>Adds in accommodations facilitators and adds specific code sections.</p>	<p>6.75.060 - Compliance.</p> <p>The operator of a short-term residential rental shall comply with all provisions of LVMC Chapters 6.46 and 4.20 that pertain to the collection of room taxes by the operator of an establishment subject to those chapters, as well as the associated recordkeeping requirements. Without limiting the effect of the preceding sentence, the operator of a residential short-term rental shall comply specifically with the following sections:</p> <p>6.46.040;</p> <p>6.46.060;</p> <p>6.46.070;</p> <p>6.46.080;</p> <p>6.46.100;</p> <p>6.46.130;</p> <p>6.46.150;</p> <p>4.20.030;</p>	<p>The operator of a short-term residential rental, as well as an accommodations facilitator as required by LVMC 6.75.128, shall comply with all provisions of LVMC Chapters 6.46 and 4.20 that pertain to the collection of room taxes by the operator of an establishment subject to those chapters, as well as the associated recordkeeping requirements. Without limiting the effect of the preceding sentence, <u>the required compliance includes specific compliance</u> with the following <u>Sections</u>:</p> <p>6.46.040;</p> <p><u>6.46.050</u>;</p> <p>6.46.060;</p> <p>6.46.070;</p> <p>6.46.080;</p> <p>6.46.100;</p> <p>6.46.130;</p> <p><u>6.46.140</u>;</p> <p>6.46.150;</p> <p>4.20.030;</p> <p>4.20.035;</p> <p>4.20.040;</p> <p>4.20.060;</p> <p>4.20.070;</p>

		<p>4.20.035;</p> <p>4.20.037;</p> <p>4.20.040;</p> <p>4.20.060;</p> <p>4.20.070;</p> <p>4.20.110;</p> <p>4.20.140;</p> <p>4.20.150;</p> <p>4.20.160.</p>	
6.75.090	Modifies 6.75.090 (B) (2) adds (3)	(2)The maximum occupancy limits for residential dwellings established by the Uniform Housing Code, as adopted in LVMC Chapter 16.20.	(2) The maximum occupancy limits for residential dwellings established by the Uniform Housing Code, as adopted in LVMC Chapter 16.20: <u>or</u> (3) <u>Sixteen persons within that unit at any given time.</u>
6.75.090	Adds sections (J) and (K)	N/A	<u>(J) The operator of a short-term residential rental must obtain, and continuously thereafter maintain, valid liability insurance coverage in the minimum amount specified by Subsection (H) of LVMC 6.75.040. Before commencement of operation, the operator shall file with the Department a certificate of insurance documenting compliance with the insurance requirement, as well as upon future request by the Department.</u>

			<p><u>(K) The rental of a residential unit or a room within a residential unit for less than the minimum period for the residential unit is prohibited. If the residential unit:</u></p> <p><u>(1) Is owner-occupied, the minimum period for the rental is one night.</u></p> <p><u>(2) Is not owner-occupied, the minimum period for the rental is two nights.</u></p>
6.75.122	Adds this new section	N/A	<p><u>(A) No person shall engage in the business of offering a short-term residential rental as an accommodations facilitator without first obtaining and thereafter maintaining a valid unexpired license as an accommodations facilitator pursuant to this Chapter.</u></p> <p><u>(B) An accommodations facilitator who brokers, coordinates, makes available or otherwise arranges for the rental of a short-term residential rental within the City is deemed to be engaged in the business of providing transient lodging within the City and to be the person providing the transient lodging. However, the “deemed to be” provisions of the preceding sentence:</u></p> <p><u>(1) Are solely for the purposes of imposing, collecting and remitting all taxes on the gross receipts from the rental of transient lodging; and</u></p> <p><u>(2) By themselves do not, create, expand or alter any other liability, duty, obligation or responsibility of the accommodations facilitator for, or relating to, the short-term residential rental.</u></p>
6.75.124		N/A	<p><u>The holder of a license under LVMC 6.75.122 shall pay, in advance, an annual fee of three thousand dollars.</u></p>

6.75.126		N/A	<p><u>Each application for a license under LVMC 6.75.122 shall contain the information described in LVMC 6.02.080, as well such other information and documentation as the Director may require.</u></p>
6.75.128		N/A	<p><u>With respect to transactions it brokers, coordinates, makes available or otherwise arranges for regarding the rental of short-term residential rentals within the City, each accommodations facilitator licensed under this Chapter shall:</u></p> <p><u>(A) Collect and remit to the City, on a monthly basis, all transient lodging taxes imposed on the gross receipts from the rental of those short-term residential rentals. This requirement includes compliance with the requirements placed upon an operator pursuant to LVMC Chapter 4.20 and LVMC 6.75.060.</u></p> <p><u>(B) In advance of any activity to broker, coordinate, make available or otherwise arrange for any short-term residential rental for a fee, verify that the short-term residential rental has been issued a City business license under LVMC 6.75.030.</u></p> <p><u>(C) Include within the listing of any short-term residential rental located within the City:</u></p> <p><u>(1) The number of the City business license issued under LVMC 6.75.030 for that rental; and</u></p> <p><u>(2) If the short-term residential rental is owner-occupied, a notice or representation</u></p> <p><u>(D) Upon request by the Director and from time to time, report to the Director all current listings of such short-term residential rentals that the accommodations facilitator is brokering, coordinating, making available or otherwise arranging for as transient lodging, and, if so requested by the Director, a report of such listings for a</u></p>

			<p><u>specified period in the past. Any such report shall include the following information:</u></p> <p><u>(1) City business license number;</u></p> <p><u>(2) Name of business; and</u></p> <p><u>(3) Physical address for listing.</u></p>
<p>6.75.130</p>	<p>Modifies this section</p>	<p>(A) Each hosting platform that facilitates the rental of a short-term residential rental within the City must submit to the Department a quarterly report that includes the information set forth in Subsection (C) of this Section.</p> <p>(B) Each operator must submit to the Department a quarterly report that includes the information set forth in Subsection (C) of this Section, but only to the extent that such information is not collected by a hosting platform.</p> <p>(C) Each report required by Subsections (A) and (B) of this Section must state, for the quarter being reported and with respect to short-term residential rentals within the City:</p> <p>(1) The number of bookings, listings, and operators;</p> <p>(2) The average number of bookings per listing;</p> <p>(3) Current year-to-date booking value;</p> <p>(4) Current year-to-date revenue collected from all short-term residential rentals through the hosting platform, disaggregated by operator; and</p> <p>(5) The average length of a short-term residential rental.</p>	<p>(A) Each <u>accommodations facilitator</u> that facilitates the rental of a short-term residential rental within the City must submit to the Department a quarterly report that includes the information <u>described in</u> this Section.</p> <p>(B) Each operator must submit to the Department a quarterly report that includes the information <u>described in</u> this Section, but only to the extent that such information is not collected by. <u>an accommodations facilitator.</u></p> <p>(C) Each report required by Subsections (A) and (B) of this Section <u>must be in a accessible and readable format acceptable to the Department and must state</u>, for the quarter being reported and with respect to short-term residential rentals within the City:</p> <p>(1) The number of bookings, listings, and operators;</p> <p>(2) The average number of bookings per listing;</p> <p>(3) Current year-to-date booking value;</p> <p>(4) Current year-to-date revenue collected from all short-term residential rentals through the <u>accommodations facilitator</u>, disaggregated by operator; and</p> <p>(5) The average length of a short-term residential rental.</p> <p>(D) <u>From time to time the Director may add to the list of items required to be reported pursuant to Subsection (C) of this Section. After the Department provides appropriate notice to accommodations facilitators of each such addition, subsequent quarterly reports under this Section must include those additions.</u></p>

<p>6.75.140</p>	<p>Adds in “Accommodations Facilitator” to this section.</p>	<p>(A) In accordance with State law, the Department is authorized to issue a subpoena for the production of documents, records, or materials relevant for determining whether a short-term residential rental in the City has been rented in violation of any law of this State or a City ordinance. Any such subpoena may only be issued if: (1) There is sufficient evidence to support a reasonable belief that a short-term residential rental in the City has been rented or is being rented in violation of any law of this State or a City ordinance; and (2) The subpoena identifies the short-term residential rental alleged to be in violation of any law of this State or City ordinance and the provision of law or ordinance allegedly violated.</p> <p>(B) Any subpoena issued pursuant to Subsection (A) must be mailed by regular and certified mail to the hosting platform or, if applicable, the operator who was required to file a quarterly report regarding the short-term residential rental pursuant to LVMC 6.75.130. In the case of a subpoena issued to a hosting platform that is a business entity with a registered agent, the subpoena must be mailed to the registered agent, in addition to the hosting platform at any address the Department may have on file for the hosting platform.</p> <p>(C) A hosting platform to whom a subpoena has been issued pursuant to this Section must:</p> <p>(1) Provide notice of the subpoena to the operator of the short-term residential rental</p>	<p>(A) In accordance with State law, the Department is authorized to issue a subpoena for the production of documents, records, or materials relevant for determining whether a short-term residential rental in the City has been rented in violation of any law of this State or a City ordinance. Any such subpoena may only be issued if:</p> <p>(1) There is sufficient evidence to support a reasonable belief that a short-term residential rental in the City has been rented or is being rented in violation of any law of this State or a City ordinance; and</p> <p>(2) The subpoena identifies the short-term residential rental alleged to be in violation of any law of this State or City ordinance and the provision of law or ordinance allegedly violated.</p> <p>(B) Any subpoena issued pursuant to Subsection (A) must be mailed by regular and certified mail to the <u>accommodations facilitator</u> or, if applicable, the operator who was required to file a quarterly report regarding the short-term residential rental pursuant to LVMC 6.75.130. In the case of a subpoena issued to a <u>accommodations facilitator</u> that is a business entity with a registered agent, the subpoena must be mailed to the registered agent, in addition to the <u>accommodations facilitator</u> at any address the Department may have on file for the <u>accommodations facilitator</u>.</p> <p>(C) A <u>accommodations facilitator</u> to whom a subpoena has been issued pursuant to this Section must:</p> <p>(1) Provide notice of the subpoena to the operator of the short-term residential rental identified in the subpoena who engaged the services of the <u>accommodations facilitator</u> and provided the short-term residential rental identified in the subpoena; and</p> <p>(2) Produce any subpoenaed books, papers, or documents not later than twenty-one days after providing</p>
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		<p>identified in the subpoena who engaged the services of the hosting platform and provided the short-term residential rental identified in the subpoena; and</p> <p>(2) Produce any subpoenaed books, papers, or documents not later than twenty-one days after providing notice to the operator, unless otherwise ordered by a court.</p> <p>(D) An operator to whom a subpoena has been issued pursuant to this Section must produce any subpoenaed books, papers, or documents not later than twenty-one days after issuance of the subpoena, unless otherwise ordered by a court</p> <p>(E) If a person to whom a subpoena has been issued pursuant to this Section refuses to produce any document, record, or material that the subpoena requires, the Department may apply to the district court for the enforcement of the subpoena.</p> <p>(Ord. No. 6600, § 2, 11-1-17)</p>	<p>notice to the operator, unless otherwise ordered by a court.</p> <p>(D) An operator to whom a subpoena has been issued pursuant to this Section must produce any subpoenaed books, papers, or documents not later than twenty-one days after issuance of the subpoena, unless otherwise ordered by a court.</p> <p>(E) If a person to whom a subpoena has been issued pursuant to this Section refuses to produce any document, record, or material that the subpoena requires, the Department may apply to the district court for the enforcement of the subpoena.</p>
<p>6.02.460</p>	<p>Modifies sections (B), (C) and adds sections (D) and (E)</p>	<p>((B) The civil fine for violations processed under the provisions of LVMC 6.02.390 to 6.02.460, inclusive, for violations of any provision of LVMC 6.50 is five hundred dollars for each offense.(</p> <p>C) In connection with any violation sustained or confirmed by judgment of a Hearing Officer, a separate fine may be assessed for each day the violation occurred or continued to the extent the violation on that day was alleged in the Notice of Violation.</p>	<p>(B) <u>The civil fine for violations of any provision of LVMC Chapter 6.50 is five hundred dollars for each offense.</u></p> <p>(C) <u>For violations of LVMC Chapter 6.75 by the holder of a license under that Chapter, whether a license to operate a short-term residential rental or to act as an accommodations facilitator, the civil fine is one thousand dollars for each single violation or the nightly rental value of the short-term residential rental, whichever is greater.</u></p> <p>(D) <u>For a violation of LVMC Chapter 6.75 by a person who makes available a short-term residential rental without holding a license under that Chapter, the civil fine shall be not less than one thousand dollars nor more</u></p>

			<p><u>than ten thousand dollars for each violation. The amount of the fine shall take into account and be based upon:</u></p> <p><u>(1) The severity of the violation;</u></p> <p><u>(2) Whether the person who committed the violation acted in good faith; and</u></p> <p><u>(3) Any history of previous violations of the provisions of LVMC Chapter 6.75 or any other ordinance related to transient lodging, as defined in LVMC 4.20.020.</u></p> <p><u>(E) In connection with any violation sustained or confirmed by judgment of a Hearing Officer, a separate fine may be assessed for each day the violation occurred or continued to the extent the violation on that day was alleged in the Notice of Violation.</u></p>
4.20.010	Removes section (C)	<p>(C) The taxes imposed by Section 4.20.037 are for the purposes of providing funds for:</p> <p>(1) Constructing, acquiring, improving, operating or maintaining urban projects, or any combination thereof, including, without limitation, recreational facilities and other projects designed to encourage tourism or to improve the aesthetic environment of the central business area located within the boundaries of the district described in Appendix A of this Chapter;</p> <p>(2) Paying the principal and interest on notes, bonds or other obligations issued by the City to fund such projects; or</p> <p>(3) Any combination of those uses.</p>	N/A
4.20.020	Amends definition of “operator” adds definition of “transient lodging.”	<p>“Operator” means any person who owns, leases, controls, manages operates an establishment that rents or holds out for rent guestrooms on a daily or less-than-weekly basis</p>	<p>“Operator” means any person who owns, leases, controls, manages, <u>brokers, coordinates, makes available or otherwise arranges for, or</u> operates an establishment that <u>qualifies as transient lodging</u></p> <p><u>“Transient lodging” or “transient lodging establishment” means any establishment, facility, structure, or portion of any structure which is located within the City and is occupied or intended or designed for occupancy</u></p>

			<u>primarily by transient guests who pay rent for dwelling, lodging, or sleeping purposes.</u>
4.20.020	Adds Definition of “Director”		<u>“Director” means the Director of Finance or a designee</u>
4.20.060	Room Tax-Collection Fee	A collection fee is allowed for operators of establishments referred to in Sections 4.20.030, 4.20.035 and 4.20.037, in an amount equal to two percent of the amount of the tax collected, providing that all the taxes due the City are paid to the Department on or before the fifteenth day of the month following the month for which the tax is due. No collection fee is allowed for payments made after that date.	A collection fee is allowed for operators of establishments referred to in Sections 4.20.030 and 4.20.035, in an amount equal to two percent of the amount of the tax <u>due, provided</u> that all the taxes due are paid to the City on or before the fifteenth day of the month following the month for which the tax is due. No collection fee is allowed for payments made after that date.
4.20.070	Modifies this section to include “accommodations facilitator”	The room tax imposed by Sections 4.20.030, 4.20.035 and 4.20.037, shall be collected by the operator from the paying guests and shown as an add-on to the charge for occupancy of the rooms. The operator is liable to the City for such taxes whether or not they are actually collected from the paying guest. Such taxes shall be paid to the Department by the licensee on or before the	(A) The room tax imposed by Sections 4.20.030 <u>and 4.20.035 shall be shown as an add-on to the charge for occupancy of the rooms and collected by the operator (or an accommodations facilitator, if applicable, and if not covered by the definition of “operator”).</u> The operator <u>(and an accommodations facilitator, if applicable, and if not covered by the definition of “operator”)</u> are liable to the City for such taxes whether or not

		<p>fifteenth day of the month following the month in which the taxes accrued and shall be deemed delinquent if not paid on or before such date.</p>	<p>they are actually collected. Such taxes shall be <u>remitted to the City by the operator or accommodations facilitator</u> on or before the fifteenth day of the month following the month in which the taxes accrued and shall be deemed delinquent if not paid on or before such date. <u>Remittance of taxes must be accompanied by supporting documentation, including reports that may have been required or are required by the City. Such documentation and reports must be submitted for each month regardless of whether or not the corresponding rooms or property have been rented during the month being reported.</u></p>
4.20.100	Adds “accomodations facilitator”	<p>Any licensee or operator failing to pay the taxes imposed by Sections 4.20.030, 4.20.035, 4.20.037 and 4.20.080 by the due dates provided by this Chapter shall pay in addition to such tax, a penalty of ten percent of the amount thereof, plus interest on the amount of such delinquency at the rate of one and one-half percent per month, or fraction thereof, from the date when such tax became due and payable until the date of payment</p>	<p>Any licensee or <u>operator (or accommodations facilitator, if applicable, and if not covered by the definition of “operator”)</u> failing to pay the taxes imposed by Sections 4.20.030, 4.20.035 and 4.20.080 by the due dates provided by this Chapter shall pay in addition to such tax, a penalty of ten percent of the amount thereof, plus interest on the amount of such delinquency at the rate of one and one-half percent per month, or fraction thereof, from the date when such tax became due and payable until the</p>
4.20.140	Adds “accomodations facilitator”		<p>It shall be unlawful for any licensee or operator (<u>or an accommodations facilitator, if applicable, and if not covered by the definition of “operator”</u>) required to collect the room tax imposed by Section 4.20.030 or Section 4.20.035 to fail to maintain adequate room records or to fail to make adequate records available, within seventy-two hours of written notice, to the Director or to any other person designated by him for the purpose of conducting an audit. These records must be made available to the City during normal business hours. Adequate room records shall mean the following:</p>

			Journal, daily cash summary, registration cards, and folio for the three-year period preceding the date of audit, <u>as well as any other records deemed necessary by the Director to determine room tax.</u>
4.20.150	Adds “accommodations facilitator”	No person shall advertise that the room tax imposed by Section 4.20.030, 4.20.035 or 4.20.037 will be absorbed by the establishment. It is unlawful for any licensee or any person acting for the operator to fail to collect the room tax from paying occupants and it is unlawful for any operator to fail to remit the tax to the City.	No person shall advertise that the room tax imposed by Section 4.20.030 <u>or Section 4.20.035</u> will be absorbed by the establishment. It is for an operator <u>(or an accommodations facilitator, if applicable, and if not covered by the definition of “operator” or person acting for the operator)</u> to fail to collect the room tax from paying occupants, and it is unlawful for any operator <u>(or an accommodations facilitator, if applicable, and if not covered by the definition of “operator”)</u> to fail to: <u>(A) Collect the room tax from paying occupants;</u> <u>(B) Remit the tax to the City; or</u> <u>(C) Provide to the City the documentation necessary to support the determination, collection and remittance of room tax, as well as any reports that may have been required or are required by the City pursuant to this Chapter.</u>
19.12.070	Adds language to number 4 and 9 under the Conditional Use Regulations for Short-Term Residential Rentals	4. The use may not be located closer than 660 feet to any other Short-Term Residential Rental use.	4. The use may not be located closer than 660 feet to any other Short-Term Residential Rental use[.], <u>except for residential units in a multifamily dwelling, and may not be closer than 2,500 feet from a resort hotel, as defined in NRS 463.01865.</u> 9. <u>This use is unavailable and prohibited within a residential unit or a room within a residential unit that is located in an apartment building. For purposes of this Regulation, “apartment building” means an “apartment house,” as defined in LVMC 19.18.020.</u>

1 **BILL NO. 2022-**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO AMEND VARIOUS SECTIONS OF LVMC CHAPTER 6.75, PERTAINING TO
4 SHORT-TERM RESIDENTIAL RENTALS, TO CONFORM TO AND INCORPORATE VARIOUS
5 RECENTLY-ADOPTED PROVISIONS OF STATE LAW; AMEND OTHER PROVISIONS OF LVMC
6 TITLES 4, 6 AND 19 TO MAKE CORRESPONDING CHANGES; AND PROVIDE FOR OTHER
7 RELATED MATTERS.

8 Proposed by: Seth T. Floyd, Director of
9 Community Development

Summary: Amends various sections of LVMC
Chapter 6.75, pertaining to short-term residential
rentals, to conform to and incorporate various
recently-adopted provisions of State law, and
amends other provisions of LVMC Titles 4, 6 and
19 to make corresponding changes.

10 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS
11 FOLLOWS:

12 SECTION 1: Title 6, Chapter 75, Section 10, of the Municipal Code of the City of Las
13 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **6.75.010:** “Accommodations facilitator” means a person, other than the owner, lessee or other lawful
15 occupant of a residential unit, or a manager of a residential unit, who, for a fee or other charge, brokers,
16 coordinates, makes available or otherwise arranges for the rental of the residential unit or a room within a
17 residential unit for the purpose of transient lodging. The term includes, without limitation, a hosting platform.

18 “Commercial vehicle” means a vehicle customarily used as part of a business for the
19 transportation of goods or people.

20 “Hosting platform” means a person who, for a fee or other charge, provides on an internet
21 website an online platform that facilitates the rental of a short-term residential rental residential unit on behalf
22 of an operator, including, without limitation, through advertising, matchmaking or other means.

23 “Operator” means any person who owns, leases, controls, manages or operates a short-term
24 residential rental unit or property. The term also includes any person who brokers, coordinates, makes
25 available or otherwise arranges for the rental of such a unit or property to the extent that person does not
26 qualify as an accommodations facilitator.

1 “Party” means a gathering of people that exceeds the maximum occupancy of a residential
2 unit, as set forth in LVMC 6.75.090.

3 “Residential unit” means a single-family residence or an individual residential unit within a
4 larger building, including, without limitation, a condominium, townhouse, duplex or other multifamily
5 dwelling. The term does not include a timeshare or other property subject to the provisions of chapter 119A
6 of NRS.

7 “Short-term residential rental” means the commercial use, or the making available for
8 commercial use, of a residential dwelling unit for dwelling, lodging or sleeping purposes, wherein any
9 individual guest rents or occupies the unit for a period of less than thirty-one consecutive calendar days. The
10 term also includes the renting or occupancy of a residential unit or a room within a residential unit for
11 purposes of transient lodging, as described in Assembly Bill 363 of the 2021 Session of the Nevada
12 Legislature. A short-term residential rental qualifies as transient lodging and is included in the definition
13 thereof. The term does not include a “community residence,” “facility for transitional living for released
14 offenders,” or any other facility with dwelling units that is specifically defined in LVMC Chapter 19.18.

15 “Transient lodging” is as defined in LVMC 4.20.020.

16 SECTION 2: Title 6, Chapter 75, Section 20, of the Municipal Code of the City of Las
17 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 **6.75.020:** (A) No person shall engage in the business of offering or operating a short-term
19 residential rental without first obtaining and thereafter maintaining a valid unexpired license pursuant to this
20 Chapter for each short-term residential rental unit. Where there are multiple dwelling units on the same
21 property, each unit must be licensed individually.

22 (B) If a short-term residential unit is managed by a person other than the licensee or a
23 principal of the licensee for that unit, that person must possess a valid license from the State of Nevada and
24 the City to manage property.

25 (C) [The holder of a license under this Chapter is the person primarily responsible for
26 compliance with the obligations that are imposed on an operator by this Chapter, whether or not that person

1 owns the real property on which the short-term residential rental is located. In the case of a short-term
2 residential rental whose affiliated licensee is not the property owner, the property owner is secondarily
3 responsible for compliance.

4 (D) Commencing on July 1, 2017, no person is eligible for a new license for a short-term
5 residential rental under this Chapter unless the person qualifies as an owner of the parcel on which the short-
6 term residential unit is located. For purposes of the preceding sentence, “owner” includes any person who is
7 listed as an owner of record of the unit in the records of the Clark County Assessor or, in the case of a unit
8 that is owned by a trust or other corporate or legal entity, a trustee or principal of that trust or entity. Short-
9 term residential rentals that are licensed as of July 1, 2017, shall have two years from that date within which
10 to terminate operations or achieve licensing by an owner.] Except as otherwise permitted by City ordinance
11 and State law for existing licensees, no person is eligible for a license for a short-term residential rental under
12 this Chapter unless the person qualifies as an owner of the parcel on which the short-term residential unit is
13 located and is a resident occupying that unit as his or her primary residence. In addition, the unit must qualify
14 as owner-occupied during each period the unit is rented. For purposes of this Subsection (C), including the
15 determination of who qualifies as an owner, whether a particular unit is being occupied by an owner, and
16 whether a particular is being used as a short-term residential rental under this Chapter:

17 (1) “Owner” includes any person who is listed as an owner of record of the unit
18 in the records of the Clark County Assessor or, in the case of a unit that is owned by a trust or other corporate
19 or legal entity, a trustee or principal of that trust or entity.

20 (2) A dwelling unit qualifies as “owner-occupied during each period the unit is
21 rented” only if the owner continues to reside at the unit throughout the rental period, the dwelling unit is the
22 owner’s primary residence, and the owner’s occupancy includes occupancy and use of a bedroom or other
23 room intended for sleeping purposes. In determining occupancy by the owner during any rental period, the
24 owner’s absence, if any, from the unit during the rental period must be attributable only to employment or to
25 the running of typical personal or household errands.

26 (3) A person who purports to hold a fractional ownership interest (or any other

1 shared, joint, common, partial, cooperative or community ownership interest) in property that he or she
2 occupies shall be deemed to be a guest and not an owner of that property unless the person's ownership
3 interest in the property at the time of occupancy:

4 (a) Is at least twenty-five percent; and

5 (b) Has been established in that person's name by means of a document
6 duly recorded in the property records of Clark County.

7 (4) A person who purports to hold an ownership interest of any kind in property
8 that he or she occupies shall be deemed to be a guest and not an owner of that property if it appears that the
9 documents or other indices of ownership demonstrate an intent to circumvent or otherwise avoid the
10 application of LVMC Chapter 6.75 or applicable Conditional Use Regulations under LVMC 19.12.070, or
11 any requirement or limitation thereof.

12 (D) No person is eligible for a license under this Section if:

13 (1) The person has five or more licenses under this Section that are associated
14 with the same Nevada business license issued pursuant to NRS Chapter 76;

15 (2) The number of licenses under this Section within the same residential unit
16 would exceed one;

17 (3) Issuance of the license would result in more than ten percent of the
18 residential units or rooms within the residential units in a multifamily dwelling being rented for the purposes
19 of transient lodging;

20 (4) Issuance of the license would violate a prohibition against such rentals or a
21 stricter limitation established by the owner of a multifamily dwelling; or

22 (5) The short-term residential rental is located in a common-interest
23 community, unless the governing documents of the community expressly authorize the rental of a residential
24 unit or a room within a residential unit for the purposes of transient lodging.

25 (E) Except as otherwise permitted by City ordinance and State law for existing licensees,
26 it is unlawful to rent for transient lodging purposes a residential unit or a room within a residential unit that

1 is located in an apartment building. For purposes of this Subsection, “apartment building” means an
2 “apartment house,” as defined in LVMC 19.18.020.

3 SECTION 3: Title 6, Chapter 75, Section 40, of the Municipal Code of the City of Las
4 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **6.75.040:** Each application for a short-term residential rental license shall contain or include the
6 following information and documentation:

7 (A) The name, signature, address and telephone number of the owner of the residential dwelling
8 to be associated with the license.

9 (B) The name, address and telephone number of any property manager or property management
10 firm that will be operating the short-term residential rental.

11 (C) The name, address and telephone number (including a telephone number that provides for
12 communication twenty-four hours a day) of the local contact person who will respond to complaints regarding
13 the condition, operation, or conduct of the occupants of the short-term residential rental unit.

14 (D) The address of the residential dwelling proposed to be used as a short-term residential rental.

15 (E) The number of bedrooms, as determined by the City pursuant to the conditional use
16 verification process described in LVMC 19.12.040(C).

17 (F) If the proposed short-term residential rental unit is located [within a gated subdivision or
18 controlled-access building that is governed by an owners’ association,] in a common-interest community, a
19 letter or other documentation from the governing association acknowledging the proposed use, documenting
20 that the rental of the unit is expressly authorized by the governing documents of the community and, if
21 necessary, granting access to occupants of the proposed rental unit. The burden of demonstrating that the
22 rental of a unit is expressly authorized by the community is on the applicant.

23 (G) A list of all [hosting platforms] accommodations facilitators that the applicant proposes to
24 use to market, advertise, offer, solicit customers for, or make available for commercial use the short-term
25 residential rental applied for.

26 (H) Proof of, or a commitment to provide, current, valid liability insurance coverage in a

1 minimum amount of \$500,000.00.

2 (I) An affidavit attesting that there are no delinquent room tax liabilities or liens regarding the
3 property to be used as a short-term residential rental.

4 SECTION 4: Title 6, Chapter 75, Section 60, of the Municipal Code of the City of Las
5 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **6.75.060:** The operator of a short-term residential rental, as well as an accommodations facilitator as
7 required by LVMC 6.75.128, shall comply with all provisions of LVMC Chapters 6.46 and 4.20 that pertain
8 to the collection of room taxes by the operator of an establishment subject to those chapters, as well as the
9 associated recordkeeping requirements. Without limiting the effect of the preceding sentence, the [operator
10 of a residential short-term rental shall comply specifically] required compliance includes specific compliance
11 with the following [sections:] Sections:

12 6.46.040;

13 6.46.050;

14 6.46.060;

15 6.46.070;

16 6.46.080;

17 6.46.100;

18 6.46.130;

19 6.46.140;

20 6.46.150;

21 4.20.030;

22 4.20.035;

23 [4.20.037;]

24 4.20.040;

25 4.20.060;

26 4.20.070;

- 1 4.20.110;
- 2 4.20.140;
- 3 4.20.150;
- 4 4.20.160.

5 SECTION 5: Title 6, Chapter 75, Section 90, of the Municipal Code of the City of Las
6 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **6.75.090:** (A) The operator shall post a copy of the license along with a copy of this Section
8 6.75.090 in a conspicuous place within the short-term residential rental unit.

9 (B) The maximum occupancy of a short-term residential rental unit shall not exceed
10 [either] any of the following limits:

11 (1) Two persons per bedroom (but excluding children under the age of twelve);

12 [or]

13 (2) The maximum occupancy limits for residential dwellings established by the
14 Uniform Housing Code, as adopted in LVMC Chapter 16.20[.]; or

15 (3) Sixteen persons within that unit at any given time.

16 (C) All occupant vehicles shall be parked on site, and shall not be parked in the adjacent
17 public right-of-way. No commercial vehicles shall be permitted on the short-term residential rental unit
18 property or parked in the adjacent public right-of-way, except where otherwise permitted in commercial
19 zoning districts.

20 (D) Notwithstanding the provisions of LVMC Chapter 9.16, the use of any radio
21 receiver, stereo, musical instrument, sound amplifier or similar device which produces, reproduces or
22 amplifies sound shall take place only within an enclosed short-term residential rental unit. The property
23 owner or operator of a short-term residential rental unit shall use reasonably prudent business practices to
24 ensure that the occupants or guests of the rental unit do not create unreasonable noise or disturbances.

25 (E) The operator shall make available a local twenty-four-hour phone number that
26 provides the capability of producing a response within two hours to complaints regarding the condition,

1 operation, or conduct of the occupants of the short-term residential rental unit. Failure of the operator or an
2 employee or agent to respond to the complainant within two hours shall constitute a violation of this Chapter.
3 In the case of a short-term residential rental unit with more than five bedrooms, compliance with this
4 Subsection (E) requires the operator to engage as its agent for the purpose of responding to complaints a
5 company licensed to provide security pursuant to NRS Chapter 648. For purposes of the preceding sentence,
6 a dwelling unit is presumed to have the number of bedrooms indicated in the records of the Clark County
7 Assessor's Office that pertain to that unit, but that presumption may be rebutted by inspection or other
8 competent evidence.

9 (F) A placard shall be displayed on the exterior of each short-term residential rental unit
10 listing the information set forth below in this Subsection (F). The placard shall be in plain view of the general
11 public at all times the short-term residential rental unit is occupied and shall be a minimum of eight and one-
12 half inches by eleven inches in size. The placard must specify the maximum occupancy allowed pursuant to
13 this Section, as well as the twenty-four-hour contact information required by Subsection (E) of this Section.
14 The information required by the preceding sentence must be in a minimum legible font of seventy-two-point
15 or a minimum of one and one-half inches in height. The required contact information shall include a full
16 name and telephone number of the contact.

17 (G) Trash and refuse shall not be left or stored in public view, except in proper containers
18 for the purpose of collection in accordance with the requirements of Chapter 9.08. The owner of the property
19 or manager of the short-term residential rental unit shall be responsible for notifying occupants of trash
20 disposal procedures and for maintaining compliance with the requirements of Chapter 9.08.

21 (H) Consistent with and as a reflection of the definition of the term "short-term
22 residential rental" set forth in this Chapter, no short-term residential rental unit may be rented for the purpose
23 of holding weddings, parties, receptions or similar events that typically are held at a banquet facility or other
24 facility that is made available for the holding of events on a commercial basis. Any use of the short-term
25 residential rental unit is limited to activities that are incidental to its use for dwelling, lodging or sleeping
26 purposes.

1 (I) All written or visual advertising for the short-term residential rental must include the
2 business license number assigned to the rental unit.

3 (J) The operator of a short-term residential rental must obtain, and continuously
4 thereafter maintain, valid liability insurance coverage in the minimum amount specified by Subsection (H)
5 of LVMC 6.75.040. Before commencement of operation, the operator shall file with the Department a
6 certificate of insurance documenting compliance with the insurance requirement, as well as upon future
7 request by the Department.

8 (K) The rental of a residential unit or a room within a residential unit for less than the
9 minimum period for the residential unit is prohibited. If the residential unit:

10 (1) Is owner-occupied, the minimum period for the rental is one night.

11 (2) Is not owner-occupied, the minimum period for the rental is two nights.

12 SECTION 6: Title 6, Chapter 75, of the Municipal Code of the City of Las Vegas, Nevada,
13 1983 Edition, is hereby amended by adding thereto four new sections, designated respectively as Sections
14 122, 124, 126 and 128, reading as follows:

15 **6.75.122:** (A) No person shall engage in the business of offering a short-term residential rental as
16 an accommodations facilitator without first obtaining and thereafter maintaining a valid unexpired license as
17 an accommodations facilitator pursuant to this Chapter.

18 (B) An accommodations facilitator who brokers, coordinates, makes available or
19 otherwise arranges for the rental of a short-term residential rental within the City is deemed to be engaged in
20 the business of providing transient lodging within the City and to be the person providing the transient
21 lodging. However, the “deemed to be” provisions of the preceding sentence:

22 (1) Are solely for the purposes of imposing, collecting and remitting all taxes
23 on the gross receipts from the rental of transient lodging; and

24 (2) By themselves do not, create, expand or alter any other liability, duty,
25 obligation or responsibility of the accommodations facilitator for, or relating to, the short-term residential
26 rental.

1 **6.75.124:** The holder of a license under LVMC 6.75.122 shall pay, in advance, an annual fee of three
2 thousand dollars.

3 **6.75.126:** Each application for a license under LVMC 6.75.122 shall contain the information described
4 in LVMC 6.02.080, as well such other information and documentation as the Director may require.

5 **6.75.128:** With respect to transactions it brokers, coordinates, makes available or otherwise arranges
6 for regarding the rental of short-term residential rentals within the City, each accommodations facilitator
7 licensed under this Chapter shall:

8 (A) Collect and remit to the City, on a monthly basis, all transient lodging taxes imposed on the
9 gross receipts from the rental of those short-term residential rentals. This requirement includes compliance
10 with the requirements placed upon an operator pursuant to LVMC Chapter 4.20 and LVMC 6.75.060.

11 (B) In advance of any activity to broker, coordinate, make available or otherwise arrange for any
12 short-term residential rental for a fee, verify that the short-term residential rental has been issued a City
13 business license under LVMC 6.75.030.

14 (C) Include within the listing of any short-term residential rental located within the City:

15 (1) The number of the City business license issued under LVMC 6.75.030 for that rental;
16 and

17 (2) If the short-term residential rental is owner-occupied, a notice or representation that
18 the rental is owner-occupied and that less than the entire dwelling is available for rent.

19 (D) Upon request by the Director and from time to time, report to the Director all current listings
20 of such short-term residential rentals that the accommodations facilitator is brokering, coordinating, making
21 available or otherwise arranging for as transient lodging, and, if so requested by the Director, a report of such
22 listings for a specified period in the past. Any such report shall include the following information:

23 (1) City business license number;

24 (2) Name of business; and

25 (3) Physical address for listing.

26 SECTION 7: Title 6, Chapter 75, Section 130, of the Municipal Code of the City of Las

1 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2 **6.75.130:** (A) Each [hosting platform] accommodations facilitator that facilitates the rental of a
3 short-term residential rental within the City must submit to the Department a quarterly report that includes
4 the information [set forth in Subsection (C) of] described in this Section.

5 (B) Each operator must submit to the Department a quarterly report that includes the
6 information [set forth in Subsection (C) of] described in this Section, but only to the extent that such
7 information is not collected by [a hosting platform.] an accommodations facilitator.

8 (C) Each report required by Subsections (A) and (B) of this Section must be in a
9 accessible and readable format acceptable to the Department and must state, for the quarter being reported
10 and with respect to short-term residential rentals within the City:

11 (1) The number of bookings, listings, and operators;

12 (2) The average number of bookings per listing;

13 (3) Current year-to-date booking value;

14 (4) Current year-to-date revenue collected from all short-term residential rentals
15 through the [hosting platform,] accommodations facilitator, disaggregated by operator; and

16 (5) The average length of a short-term residential rental.

17 (D) From time to time the Director may add to the list of items required to be reported
18 pursuant to Subsection (C) of this Section. After the Department provides appropriate notice to
19 accommodations facilitators of each such addition, subsequent quarterly reports under this Section must
20 include those additions.

21 SECTION 8: Title 6, Chapter 75, Section 140, of the Municipal Code of the City of Las
22 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **6.75.140:** (A) In accordance with State law, the Department is authorized to issue a subpoena for
24 the production of documents, records, or materials relevant for determining whether a short-term residential
25 rental in the City has been rented in violation of any law of this State or a City ordinance. Any such subpoena
26 may only be issued if:

1 (1) There is sufficient evidence to support a reasonable belief that a short-term
2 residential rental in the City has been rented or is being rented in violation of any law of this State or a City
3 ordinance; and

4 (2) The subpoena identifies the short-term residential rental alleged to be in
5 violation of any law of this State or City ordinance and the provision of law or ordinance allegedly violated.

6 (B) Any subpoena issued pursuant to Subsection (A) must be mailed by regular and
7 certified mail to the [hosting platform] accommodations facilitator or, if applicable, the operator who was
8 required to file a quarterly report regarding the short-term residential rental pursuant to LVMC 6.75.130. In
9 the case of a subpoena issued to a [hosting platform] accommodations facilitator that is a business entity with
10 a registered agent, the subpoena must be mailed to the registered agent, in addition to the [hosting platform]
11 accommodations facilitator at any address the Department may have on file for the [hosting platform.]
12 accommodations facilitator.

13 (C) A [hosting platform] accommodations facilitator to whom a subpoena has been
14 issued pursuant to this Section must:

15 (1) Provide notice of the subpoena to the operator of the short-term residential
16 rental identified in the subpoena who engaged the services of the [hosting platform] accommodations
17 facilitator and provided the short-term residential rental identified in the subpoena; and

18 (2) Produce any subpoenaed books, papers, or documents not later than twenty-
19 one days after providing notice to the operator, unless otherwise ordered by a court.

20 (D) An operator to whom a subpoena has been issued pursuant to this Section must
21 produce any subpoenaed books, papers, or documents not later than twenty-one days after issuance of the
22 subpoena, unless otherwise ordered by a court.

23 (E) If a person to whom a subpoena has been issued pursuant to this Section refuses to
24 produce any document, record, or material that the subpoena requires, the Department may apply to the
25 district court for the enforcement of the subpoena.

26 SECTION 9: Title 6, Chapter 2, Section 460, of the Municipal Code of the City of Las

1 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2 **6.02.460:** (A) Except as otherwise provided in [Subsection (B),] this Section, the civil fines for
3 violations that are processed under the provisions of LVMC 6.02.390 to 6.02.460, inclusive, are as follows:

4 (1) For a first offense, two hundred fifty dollars.

5 (2) For a subsequent offense, five hundred dollars.

6 (B) The civil fine [for violations processed under the provisions of
7 LVMC 6.02.390 to 6.02.460, inclusive,] for violations of any provision of LVMC Chapter 6.50 is five
8 hundred dollars for each offense.

9 (C) For violations of LVMC Chapter 6.75 by the holder of a license under that Chapter,
10 whether a license to operate a short-term residential rental or to act as an accommodations facilitator, the
11 civil fine is one thousand dollars for each single violation or the nightly rental value of the short-term
12 residential rental, whichever is greater.

13 (D) For a violation of LVMC Chapter 6.75 by a person who makes available a short-
14 term residential rental without holding a license under that Chapter, the civil fine shall be not less than one
15 thousand dollars nor more than ten thousand dollars for each violation. The amount of the fine shall take into
16 account and be based upon:

17 (1) The severity of the violation;

18 (2) Whether the person who committed the violation acted in good faith; and

19 (3) Any history of previous violations of the provisions of LVMC Chapter 6.75
20 or any other ordinance related to transient lodging, as defined in LVMC 4.20.020.

21 [(C)] (E) In connection with any violation sustained or confirmed by judgment of a Hearing
22 Officer, a separate fine may be assessed for each day the violation occurred or continued to the extent the
23 violation on that day was alleged in the Notice of Violation.

24 SECTION 10: Title 4, Chapter 20, Section 10, of the Municipal Code of the City of Las
25 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

26 **4.20.010:** (A) The taxes imposed by Sections 4.20.030 and 4.20.080 are for the purpose of

1 constructing and supporting convention halls and related facilities by the Las Vegas Convention and Visitors
2 Authority for the benefit of the City and its residents and for the fulfillment of statutory requirements of NRS
3 244A.645 and any agreements of the City with the Las Vegas Convention and Visitors Authority and other
4 government entities in Clark County, Nevada, in pursuance thereof concerning the pledge or commitment of
5 these taxes.

6 (B) The taxes imposed by Section 4.20.035 are for the purposes of supporting the State
7 fund for the promotion of tourism; advertising the resources of the City which are related to tourism,
8 including available accommodations, transportation, entertainment, natural resources and climate, and to
9 promote special events which are related thereto; and supporting capital projects of the Clark County School
10 District.

11 [(C) The taxes imposed by Section 4.20.037 are for the purposes of providing funds for:

12 (1) Constructing, acquiring, improving, operating or maintaining urban
13 projects, or any combination thereof, including, without limitation, recreational facilities and other projects
14 designed to encourage tourism or to improve the aesthetic environment of the central business area located
15 within the boundaries of the district described in Appendix A of this Chapter;

16 (2) Paying the principal and interest on notes, bonds or other obligations issued
17 by the City to fund such projects; or

18 (3) Any combination of those uses.]

19 SECTION 11: Title 4, Chapter 20, Section 20, of the Municipal Code of the City of Las
20 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

21 **4.20.020:** “Director” means the Director of Finance or a designee.

22 “Operator” means any person who owns, leases, controls, manages, brokers, coordinates,
23 makes available or otherwise arranges for, or operates an establishment that [rents or holds out for rent
24 guestrooms on a daily or less than weekly basis] qualifies as transient lodging.

25 “Transient lodging” or “transient lodging establishment” means any establishment, facility,
26 structure, or portion of any structure which is located within the City and is occupied or intended or designed

1 for occupancy primarily by transient guests who pay rent for dwelling, lodging, or sleeping purposes.

2 SECTION 12: Title 4, Chapter 20, Section 37, of the Municipal Code of the City of Las
3 Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

4 SECTION 13: Title 4, Chapter 20, Section 40, of the Municipal Code of the City of Las
5 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **4.20.040:** Occupants renting rooms in such establishments as are contemplated in Sections 4.20.030[,]
7 and 4.20.035 [and 4.20.037] shall pay the tax for the first thirty days of continuous occupancy regardless of
8 the period upon which the rental is based. After thirty days' continuous occupancy of a [particular] room in
9 an establishment covered by Sections 4.20.030 and 4.20.035, [and 4.20.037,] the occupant shall be
10 considered a resident guest and not subject to the payment of room tax.

11 SECTION 14: Title 4, Chapter 20, Section 50, of the Municipal Code of the City of Las
12 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **4.20.050:** The taxes fixed by Sections 4.20.030[,] and 4.20.035 [and 4.20.037] are in addition to those
14 imposed by Chapter 6.46.

15 SECTION 15: Title 4, Chapter 20, Section 60, of the Municipal Code of the City of Las
16 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **4.20.060:** A collection fee is allowed for operators of establishments referred to in Sections 4.20.030[,]
18 and 4.20.035, [and 4.20.037,] in an amount equal to two percent of the amount of the tax [collected,
19 providing] due, provided that all the taxes due [the City] are paid to the [Department] City on or before the
20 fifteenth day of the month following the month for which the tax is due. No collection fee is allowed for
21 payments made after that date.

22 SECTION 16: Title 4, Chapter 20, Section 70, of the Municipal Code of the City of Las
23 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 **4.20.070:** The room tax imposed by Sections 4.20.030[,] and 4.20.035 [and 4.20.037,] shall be
25 [collected by the operator from the paying guests and] shown as an add-on to the charge for occupancy of
26 the rooms[.] and collected by the operator (or an accommodations facilitator, if applicable, and if not covered

1 by the definition of “operator”). The operator [is] (and an accommodations facilitator, if applicable, and if
2 not covered by the definition of “operator”) are liable to the City for such taxes whether or not they are
3 actually collected. [from the paying guest.] Such taxes shall be [paid to the Department by the licensee]
4 remitted to the City by the operator or accommodations facilitator on or before the fifteenth day of the month
5 following the month in which the taxes accrued and shall be deemed delinquent if not paid on or before such
6 date. Remittance of taxes must be accompanied by supporting documentation, including reports that may
7 have been required or are required by the City. Such documentation and reports must be submitted for each
8 month regardless of whether or not the corresponding rooms or property have been rented during the month
9 being reported.

10 SECTION 17: Title 4, Chapter 20, Section 100, of the Municipal Code of the City of Las
11 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **4.20.100:** Any licensee or operator (or accommodations facilitator, if applicable, and if not covered by
13 the definition of “operator”) failing to pay the taxes imposed by Sections 4.20.030, 4.20.035[, 4.20.037] and
14 4.20.080 by the due dates provided by this Chapter shall pay in addition to such tax, a penalty of ten percent
15 of the amount thereof, plus interest on the amount of such delinquency at the rate of one and one-half percent
16 per month, or fraction thereof, from the date when such tax became due and payable until the date of payment.

17 SECTION 18: Title 4, Chapter 20, Section 140, of the Municipal Code of the City of Las
18 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **4.20.140:** It shall be unlawful for any licensee or operator (or an accommodations facilitator, if
20 applicable, and if not covered by the definition of “operator”) required to collect the room tax imposed by
21 Section 4.20.030[, or Section 4.20.035 [or 4.20.037] to fail to maintain adequate room records or to fail to
22 make adequate records available, within seventy-two hours of written notice, to the Director or to any other
23 person designated by him for the purpose of conducting an audit. These records must be made available
24 [within the City of Las Vegas] to the City during normal business hours. Adequate room records shall mean
25 the following: Journal, daily cash summary, registration cards, and folio for the three-year period preceding
26 the date of audit[.], as well as any other records deemed necessary by the Director to determine room tax.

1 SECTION 19: Title 4, Chapter 20, Section 150, of the Municipal Code of the City of Las
2 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **4.20.150:** No person shall advertise that the room tax imposed by Section 4.20.030[,] or Section
4 4.20.035 [or 4.20.037] will be absorbed by the establishment. It is unlawful for [any licensee or any person
5 acting for the operator to fail to collect the room tax from paying occupants, and it is unlawful for any operator
6 to fail to remit the tax to the City.] an operator (or an accommodations facilitator, if applicable, and if not
7 covered by the definition of “operator” or person acting for the operator) to fail to:

8 (A) Collect the room tax from paying occupants;

9 (B) Remit the tax to the City; or

10 (C) Provide to the City the documentation necessary to support the determination, collection and
11 remittance of room tax, as well as any reports that may have been required or are required by the City pursuant
12 to this Chapter.

13 SECTION 20: Title 4, Chapter 20, Section 160, of the Municipal Code of the City of Las
14 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 **4.20.160:** The Director of the Department of Finance [and Business Services] of the City shall, within
16 twenty days from the close of the preceding calendar month, transmit:

17 (A) The total amount received pursuant to Sections 4.20.030 and 4.20.080 to the Las
18 Vegas Convention and Visitors Authority to be used for the purposes set forth in subsection (A) of
19 Section 4.20.010;

20 (B) Three-eighths of the first one percent received pursuant to Section 4.20.035 to the
21 Nevada Department of Taxation for deposit with the State Treasurer for credit to the fund for the promotion
22 of tourism;

23 (C) Five-eighths of the first one percent received pursuant to Section 4.20.035 to the Las
24 Vegas Convention and Visitors Authority to be used for the purposes set forth in subsection (B) of Section
25 4.20.010; and

26 (D) The remaining proceeds received pursuant to Section 4.20.035 to the Clark County

1 Treasurer for deposit in the Clark County School District’s fund for capital projects_ [; and

2 (E) The total amount received pursuant to Section 4.20.037 to the treasury of the City to
3 be used as provided in Section 4.20.010(C), as directed by the City Council.]

4 SECTION 21: Title 4, Chapter 20, of the Municipal Code of the City of Las Vegas, Nevada,
5 1983 Edition, is hereby amended by repealing in their entirety Appendix A and Appendix B that appear at
6 the end of that Chapter.

7 SECTION 22: Ordinance No. 6289 and the Unified Development Code adopted as Title 19
8 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended as set forth in
9 Section 23 of this Ordinance. The amendment is deemed to be an amendment to both Ordinance No. 6289
10 and the Unified Development Code adopted as Title 19.

11 SECTION 23: Title 19, Chapter 12, Section 70, is amended by amending the entry for the
12 use “Short-Term Residential Rental” to read as follows:

13 **Short-Term Residential Rental**

14 **Description:** The commercial use, or the making available for commercial use, of a residential dwelling unit
15 for dwelling, lodging or sleeping purposes, wherein any individual guest rents or occupies the entire dwelling
16 unit or one or more individual rooms within the unit for a period of less than 31 consecutive calendar days.
17 This use does not include a “Community Residence,” “Facility for Transitional Living for Released
18 Offenders,” or any other facility with dwelling units that is specifically defined in Chapter 19.18. For
19 purposes of this Title, this use does not include the rental or occupancy of an accessory structure (Class I or
20 II), a tent, a trailer or a mobile unit. In the case of a single parcel containing more than one dwelling unit,
21 each dwelling unit constitutes a separate short-term residential rental use.

22 **Conditional Use Regulations:**

- 23 1. The operator must obtain a business license to operate the use.
24 2. The use must comply on an ongoing basis with all governmental licensing and
25 regulatory requirements, including the payment of applicable room taxes and licensing fees.
26 3. The use must comply with the City’s noise regulations as they apply to residential uses.

- 1 4. The use may not be located closer than:
- 2 a. 660 feet to any other Short-Term Residential Rental use[.]; or
- 3 b. 2,500 feet to a resort hotel, as defined in NRS 463.01865.
- 4 5. Vehicle parking associated with the use shall comply with applicable parking regulations, and
- 5 vehicles of guests and invitees shall not obstruct traffic or access to other properties in the area.
- 6 6. In addition to and independent of any enforcement authority or remedy described in this Title,
- 7 the failure to comply with a Conditional Use Regulation associated with this use may be enforced as in the
- 8 case of a violation of Title 6 by means of a civil proceeding pursuant to LVMC 6.02.400 to 6.02.460,
- 9 inclusive.
- 10 7. On any particular parcel, the use is limited to a single residential dwelling unit that is owner-
- 11 occupied during each period the unit is rented and that has no more than three bedrooms, with a maximum
- 12 occupancy not to exceed the limits set forth in LVMC 6.75.090. The dwelling unit is presumed to have the
- 13 number of bedrooms indicated in the records of the Clark County Assessor's Office that pertain to that unit,
- 14 but that presumption may be rebutted by inspection or other competent evidence. For purposes of this
- 15 Regulation 7,[:
- 16 a. "Owner" includes any person who is listed as an owner of record of the unit in the records
- 17 of the Clark County Assessor or, in the case of a unit that is owned by a trust or other corporate or legal
- 18 entity, a trustee or principal of that trust or entity.
- 19 b. A dwelling unit qualifies as "owner-occupied during each period the unit is rented" only if
- 20 the dwelling unit is the owner's primary residence, the owner continues to reside at the unit throughout the
- 21 rental period, and the owner's absence, if any, from the unit during the rental period is attributable only to
- 22 employment or to the running of typical personal or household errands.] ownership shall be determined in
- 23 accordance with Subsection (D) of LVMC 6.75.020.
- 24 8. The use is allowed in the P-O, O, C-1, C-2 and C-PB Zoning Districts only in connection with the
- 25 residential component of a mixed-use development or in a dwelling unit permitted as a legal nonconforming
- 26 use.

1 9. This use is unavailable and prohibited within a residential unit or a room within a residential unit that
2 is located in an apartment building. For purposes of this Regulation, “apartment building” means an
3 “apartment house,” as defined in LVMC 19.18.020.

4 [9.1 10. The Special Use Permit provisions of LVMC 19.12.040(B) do not apply to this use.

5 **On-site Parking Requirement:** For any short-term residential rental that has no more than 5 bedrooms, no
6 additional parking is required beyond that which is required for the principal use on the site. For units with
7 more than 5 bedrooms, 1 additional space shall be required for every 2 additional bedrooms or fractional
8 portion thereof.

9 SECTION 24: For purposes of Section 2.100(3) of the City Charter, Section 19.12.070 is
10 deemed to be a subchapter rather than a section.

11 SECTION 25: The Department of Planning is authorized and directed to incorporate into
12 the Unified Development Code the amendment set forth in Section 23 of this Ordinance.

13 SECTION 26: Notwithstanding any other provision of this Ordinance, any person who has
14 been lawfully issued a City license before July 1, 2022, to make available for rent a residential unit or a room
15 within a residential unit for the purposes of transient lodging may continue to operate under his or her original
16 authorization despite any provisions of City ordinances that may conflict with the location or type of
17 residential unit, including, without limitation, any requirements adopted by the ordinance for the minimum
18 distance between residential units. However, the provisions of this Section apply only to the original holder
19 of the license and do not transfer to subsequent owners or occupants of a residential unit or room within a
20 residential unit. A City license issued before July 1, 2022, shall be deemed an authorization issued pursuant
21 to Section 22 of Assembly Bill 363 of the 2021 Session of the Nevada Legislature. Such a license may be
22 suspended, terminated or revoked on or after July 1, 2022, in accordance with the provisions of this Ordinance
23 and the Municipal Code that pertain to short-term residential rentals, for violations of those provisions that
24 pertain to matters other than the location or type of residential unit.

25 SECTION 27: If any section, subsection, subdivision, paragraph, sentence, clause or phrase
26 in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by

1 any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the
2 remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby
3 declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase
4 thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs,
5 sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

6 SECTION 28: Whenever in this ordinance any act is prohibited or is made or declared to
7 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
8 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
9 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
10 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
11 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
12 of this ordinance shall constitute a separate offense.

13 SECTION 29: All ordinances or parts of ordinances or sections, subsections, phrases,
14 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
15 Edition, in conflict herewith are hereby repealed.

16 PASSED, ADOPTED and APPROVED this ____ day of _____, 2022.

17 APPROVED:
18
19 By _____
CAROLYN G. GOODMAN, Mayor

20 ATTEST:
21 _____
LUANN D. HOLMES, MMC
22 City Clerk

23 APPROVED AS TO FORM:
24 _____
Val Steed, Date
25 Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the ____ day
2 of _____, 2022, and referred to a committee for recommendation, the committee being
3 composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2022, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as first
7 introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 _____
16 LUANN D. HOLMES, MMC
City Clerk

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