

ATTACHMENT #6

PUBLIC COMMENTS

ACCOMMODATIONS FACILITATORS



May 18, 2022

Clark County Board of Commissioners
500 S. Grand Central Parkway, 6th Floor
Las Vegas, NV 89155

Submitted Electronically: PublicCommentCCBL@ClarkCountyNV.gov and STRComment@ClarkCountyNV.gov

Dear Board Chair Gibson and Clark County Board of Commissioners,

On behalf of Expedia Group, a family of brands including Expedia.com, Hotels.com, and vacation rental leader Vrbo, thank you for the opportunity to comment on Clark County's draft short-term rental ordinance. I am writing to bring several areas of concern to your attention and provide recommendations or suggested amendments to address these issues based on Expedia Group's extensive understanding of short-term rental policy around the world.

Verification of STR License

Expedia Group seeks to be an active partner with the County in driving a high rate of compliance with local laws. As such, we recommend the below change to clarify the current language and include a method by which the hosting platforms like Vrbo and the County can share the necessary information to make verification possible. In the language drafted below, hosting platforms would require all operators to include a license number on any listing within unincorporated Clark County. If a property is not licensed, or in cases where a license is revoked or suspended, the County can notify the platform to remove that listing.

Recommended Change: Replace 7.110.080(a) with *“Prior to providing booking services, Hosting Platforms shall require operators to include a license number on any listing for a short-term rental unit on the platform.” Hosting Platforms shall remove any listings for short-term rentals from the platform if notified by the Department that the license number associated with the listing is invalid or has been revoked or suspended.*

Timeframe of Listing Deactivation

Currently, the draft language of this ordinance requires that platforms deactivate a listing within a 48-hours of notice from the County. While we appreciate the urgency and intent behind this approach, many platforms simply cannot guarantee a 48-hour turnaround for all takedown requests. These processes are often complicated and involve multiple teams who respond to similar requests from jurisdictions around the world. While we typically respond swiftly to deactivation requests, we strongly suggest a more reasonable, consistent deadline of five business days to resolve a request once received from the County. We also suggest that deactivation requests from the County include information regarding the reason for removal, such as license revocation or suspension. This will help enable us to clearly communicate the removal decisions to operators and minimize additional confusion.

Recommended Change: Amend 7.110.080(c) to instead say “deactivate all listings which lack a valid State or County business license number, for which the State or County business license number is revoked or suspended, or any listing which the Department requests the licensee remove, within ~~forty-eight (48) hours~~ five business days of receipt of the request. *Such a request shall include the reason for deactivation.*”

Exemptions Clarification

Section 7.110.080 requires, in part, that accommodations facilitators “verify that the Short Term Rental Unit has been issued a valid unexpired Short-Term Rental License...require that all listings and advertisements include the Short-Term Rental License number, [and] “deactivate all listings which lack a valid State or County business license number[.]” However, Section 7.100.040 exempts certain properties from the provisions of Chapter 7 *in its entirety*, including the obligation to obtain a business license as described in 7.100.030.

While we appreciate the County’s intent to create a set of exemptions from the license eligibility and operating standards spelled out for properties and operators in the draft ordinance, exempting properties from the registration process entirely makes the above platform obligations altogether unworkable, in addition to creating a significant compliance burden for County officials. The suggested technical amendment below preserves the intended exemptions from the draft’s regulations while adequately allowing for platform compliance.

Recommended Change: amend 7.100.040 to add “except for section 7.100.030,” confirming that even those properties exempt from other portions of the language are required to be issued a license. *Except for section 7.100.030, the* ~~The~~ provisions of this chapter do not apply to a residential unit located within a building that is: [...]

Data Sharing / Reporting Requirements

While Sec. 7.110.080(f) is consistent with the requirements of AB 363, as drafted, Sec. 7.110.080(e) goes well beyond what is necessary to enforce proposed regulations. Moreover, much of this data falls outside of what federal law allows local governments to compel from platforms, absent a subpoena or other legal process. Expedia Group urges language that limits reporting to listing URLs, matched with the corresponding operator-provided license numbers.

This is not to say that booking and transactional data cannot be obtained by County officials. In other jurisdictions, this information is obtained directly from hosts on a regular remittance cycle, instead of via the hosting platforms which have more complex legal protections. For example, in Big Bear Lake, CA, the Tourism Management Department requires a host to submit the property-level information around gross receipts and booking information. This is especially helpful for gathering information for those who book through various platforms and/or have their own third-party booking sites.

Recommended Changes: Remove any booking level data from Sec. 7.110.080(e), such as: the actual length of stay per address per rental transaction, the booking value per rental, and “any other information as the Department may deem necessary.”

Amend 7.110.080(d) to remove the final clause around any additional documentation in this way
“collect the appropriate combined transient lodging tax from the rental of any residential unit listed
and remit the collected tax to the County on a monthly basis ~~consistent with other taxpayers
required to file a similar transient lodging tax return, accompanied by any documentation or reports
required by the Department.~~”

We appreciate your time and consideration of the various items brought forth in this letter and
would be pleased to sit down and discuss these issues and our recommendations with you.

Sincerely,

A handwritten signature in grey ink, appearing to be 'AS', with a stylized, cursive style.

Alyssa Stinson
Regional Manager, Government Affairs
Expedia Group