

## **Clark County Short-Term Rental Frequently Asked Questions (Updated 6/22/22)**

### **I live or own property in Henderson (or Las Vegas, or North Las Vegas) – how does this impact me?**

AB363 mandates the County and the cities of Las Vegas, Henderson and North Las Vegas adopt ordinances to comply with the bill provisions. If you live or own property in an incorporated city, you should contact city offices to ask to track their own implementation of AB363 and requirements for operation of a short-term rental within a city. The County's ordinance will only apply to residents of and properties located in unincorporated Clark County.

### **Will the 1% cap be applied for the County overall or within unincorporated area?**

Clark County's ordinance establishes a cap on the overall number of licenses to be issued in *any unincorporated area of the County* of 1% of the total housing units in that unincorporated area, rounded down the nearest whole number. For example, this means the County will determine application of the cap by unincorporated area, e.g., separate caps for Spring Valley versus Paradise. There is a minimum of one (1) license allocated to each established unincorporated area, if that unincorporated area is not otherwise excluded as set forth in Section 7.100.080, subsection (c). Clark County will provide further information about the cap as we move toward implementation of the ordinance approved by the Board of County Commissioners.

### **I live in an HOA. What do I need to do to determine if I can apply for a County short-term rental license? \***

Assembly Bill 363 states the County's ordinance must prohibit issuance of a short-term rental license 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." It is important for all residents, including potential short-term hosts to check with their HOA to ensure that the governing documents permit this use. If not "expressly authorized" via affirmative permission, no short-term rental license may be issued in a common interest community.

\*Please note that the County has been informed that certain unincorporated areas, including Summerlin, will be excluded because the governing documents of the common interest community covering that area expressly prohibit short-term rentals in that community.

### **Will I need a business license or a special use permit?**

Clark County will be issuing a business license to operate a short-term rental, not a special use permit as reported in some industry commenters. Clark County's Department of Business License will be publishing information about the licensing process at a future date.

### **Is there a distance separation requirement between short term rentals?**

Yes. Clark County's ordinance establishes a 1,000-foot distance separation between licensed short-term rentals. This is the same requirement imposed in the City of Henderson.

### **Why can't the County get rid of the distance separation requirement?**

The distance separation requirement is a *mandatory requirement for the County's ordinance* as mandated by Assembly Bill 363. While the bill established a minimum distance separation of 660 feet between licensed short-term rentals, Section 10.5 of Assembly Bill 363 expressly permits the Board of County Commissioners to adopt requirements more restrictive than those set forth in the bill.

### **Do I need to own the property I want to license as a short-term rental?**

Yes. Property owner is defined in the ordinance as 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, each trustee or principal of that trust or entity.

### **What if I hold my property in an LLC or trust?**

Under Section 7.100.060 of the Ordinance, a short-term rental may only be issued to an eligible property owner, defined as "natural persons, business entities or personal or family trusts identified as the owner(s) of the residential unit as determined by the records of Clark County Assessor as of the date of the application for a Short-Term Rental License" with certain restrictions. These restrictions include:

- A natural person must be 18 years of age or older;
- In the case of a trust or other business entity, each of the shareholders, partners members, managers, officers, principals, and beneficiaries, as applicable, must be natural persons, over the age of 18; and
- At the time of application, the County will ask for applicants to disclose the identities of any of the above shareholders, etc. to ensure compliance with the other requirement of the ordinance that each applicant for a license may only hold financial interest in **one license**.

### **Are you only going to take applications from natural citizens?**

No. Licenses are available to any property owner meeting the eligibility requirements set forth in the ordinance.

### **When can I apply for a license for a short-term rental?**

Clark County will be publishing a notice of when the licensing process will begin. Assembly Bill 363 requires the County to give 30 days' notice to the public prior to opening the licensing process. Assembly Bill 363 further mandates that we have the licensing process available for a period of six (6) months.

**How often do I have to reapply for my short-term rental license?**

The Ordinance provides for annual renewal of the license.

**How does a property lose its license once it has been approved?**

A short-term rental license may be suspended or revoked for violations of the requirements of the ordinance. This will be based on existing process in the County and how we oversee other licensed businesses. If you receive a notice, you can appeal and request a hearing. Suspension versus revocation will be fact specific. The proposed ordinance does also allow for emergency suspension to address emergencies, or urgent complaints regarding public peace, health, safety, order, or welfare.

**What is the maximum occupancy of a short-term rental in the Ordinance?**

The lesser of two (2) persons per bedroom or ten (10) persons per residential unit.

**The Ordinance states the County will manage a hotline for the community to call to report any issues with a short-term rental. Will this be answered by a live person?**

Yes. The County is currently working to contract with a vendor for this service. The intent is to have a live operator answering the hotline 24 hours a day, 7 days a week. Any report made to the hotline will be routed through the County to ensure we can track the information reported.

**What does the ordinance do about noise?**

There are two sections pertaining to noise in the Ordinance. First, all licensees will be required to install noise monitoring devices at the property lines of their front and rear yard, as well as in the vicinity of any outdoor pool and spa. Please review the requirements for the noise monitoring, in addition the record keeping requirements, in Section 7.100.170, subsection (r). In addition, unreasonable noise levels are prohibited in Section 7.100.180 of the Ordinance defining Prohibited Conduct. This section incorporates Clark County's existing noise standards in Title 30.68.020, as well as requires the use of any radio, stereo, musical instrument, sound amplifier or similar device which produces, reproduces, or amplifies sound may only be utilized in enclosed areas of the short-term rental. Further, there are quiet hours imposed between the hours of 10:00 pm and 7:00 a.m., prohibiting the use of outdoor amenities, such as pools, spas, barbecues, and fire pits.

**What are the parking requirements in the Ordinance?**

The Ordinance requires vehicles to utilize all residential on-site parking before utilizing street parking. All vehicles shall be parked in accordance with applicable laws and regulations.

**What are the fines for failing to comply with the Ordinance or operating without a license after licenses are available?**

Licensed operators who fail to comply with the ordinance will face fines ranging from \$500 (first violation) to \$1000 (for each subsequent violation) or nightly rental value of the short-term rental, whichever is greater. If operating without a license, a fine of not less than \$1,000 and not more than \$10,000 may be issued. The amount of the fine for operating without a license shall be determined after considering the severity of the violation, whether the person who committed the violation acted in good faith, and any history of previous violations.

**How can I report a short-term rental in my neighborhood?**

For now, residents should continue to report issues to FixIt Clark County - <https://bit.ly/3KHp6hF>. Clark County is currently working on setting up a dedicated hotline to address complaints and once the hotline becomes available, complaints may be routed to the hotline 24 hours a day, 7 days a week.

**If I am currently operating an unlicensed short-term rental, can I apply for a license?**

Yes. Applicants must meet all eligibility and application requirements and the proposed housing unit must not be a prohibited residential unit.