Short-Term Rentals in Mesquite

A Statement by Rick McIntire

Candidate for Mesquite City Council

Experience with the Short-Term Rental Committee

Short-term rentals have become an important public-policy issue in Mesquite, and I believe residents deserve a clear explanation of where the city stands and what options are available to us.

I was appointed by the mayor to serve on the City of Mesquite's Short-Term Rental Committee. The other members of the committee subsequently elected me to serve as its chair. Through that work, I became very familiar with the issues surrounding short-term rentals, the laws governing them, the concerns of residents, and the regulatory choices available to the city.

What Nevada Law Means for Mesquite

Nevada law places limits on the ability of local governments to eliminate short-term rentals altogether. In practical terms, Mesquite cannot simply adopt a citywide prohibition and make every short-term rental disappear. The city's responsibility is therefore to operate within state law while adopting reasonable regulations designed to protect neighborhoods and residents.

Homeowners associations are different. In communities governed by an HOA, such as Sun City and many other neighborhoods in Mesquite, the association's governing documents and CC&Rs may impose restrictions on short-term rentals. Where valid HOA restrictions prohibit short-term rentals, those private restrictions can prevent them within that particular community.

Outside communities with such restrictions, however, the city's approach must comply with the requirements and limitations established by Nevada law.

The Committee's Approach: Regulation

The Short-Term Rental Committee was made up of six people representing different viewpoints on the issue. Although members approached the subject from different perspectives, we worked through the concerns over a series of meetings and developed recommendations for the City Council.

Our focus was regulation: identifying the problems that can accompany short-term rentals and creating rules intended to address them. Those concerns included noise, parking, neighborhood impacts, and other issues that can arise when a residential property is used as a short-term rental.

The resulting regulations were incorporated into city ordinance, and Mesquite's code-enforcement process is responsible for enforcing those requirements.

The goal was straightforward: rather than ignoring problems or attempting a legally questionable blanket prohibition, establish enforceable standards that hold short-term-rental operators accountable and protect surrounding neighborhoods.

How the Current System Is Working

The results are important. At the time of the most recent report I referenced, Mesquite had roughly 250 short-term rentals, while only three complaints had been reported.

That does not mean problems can never occur, nor does it mean the city's regulations should never be revisited. It does suggest, however, that regulation and enforcement can substantially reduce the problems associated with short-term rentals while allowing the city to remain within the framework established by state law.

The Proposal to Remove STRs from Residential Zoning

A different approach has been proposed by my opponent and by a candidate seeking another City Council seat: removing short-term rentals from residential zoning through a zoning change.

I disagree with that approach because I believe it would conflict with Nevada's statutory framework governing short-term rentals and would therefore invite a legal challenge.

If Mesquite attempted to prohibit short-term rentals throughout residential zones, the city could face civil litigation seeking to prevent enforcement of the change. Defending such a policy could become expensive and prolonged, potentially requiring substantial taxpayer funds before the courts ultimately determined what the city could and could not do.

Why the Ongoing Litigation Matters

Similar legal questions are already being litigated elsewhere, including litigation involving Clark County. Those cases are working their way through the court system and may eventually provide important guidance regarding how far local governments may go when regulating short-term rentals.

Rather than having Mesquite taxpayers finance another major test case, I believe there is value in watching those cases carefully and allowing the courts to clarify the legal boundaries.

Once courts provide clearer direction, Mesquite can evaluate that guidance and, if necessary, revise its ordinances accordingly.

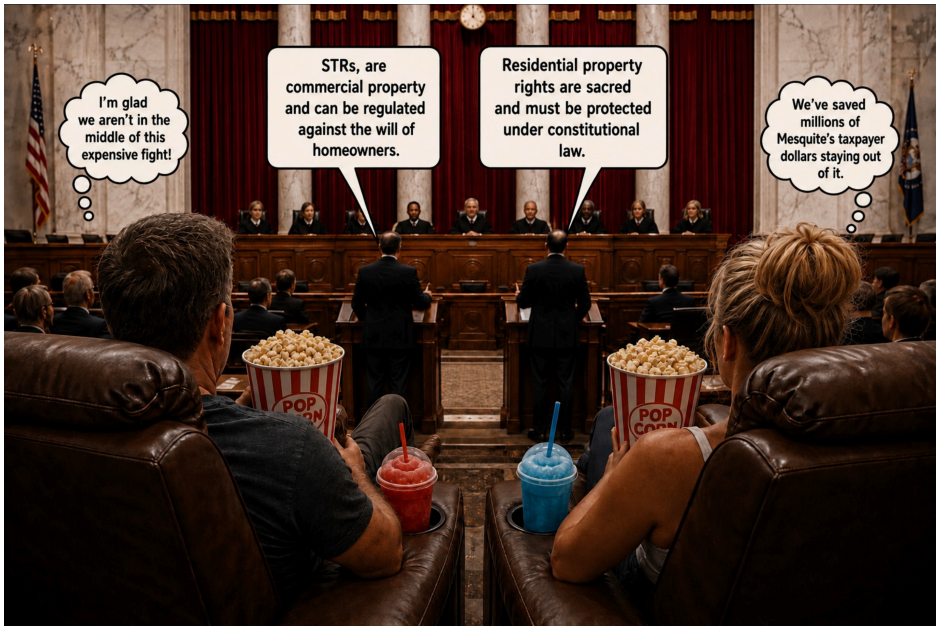
A Practical Path Forward

My position is that Mesquite should continue to follow Nevada law, enforce the regulations already in place, measure whether those regulations are working, and make reasonable adjustments when evidence shows they are needed.

At the same time, the city should closely follow the pending litigation involving short-term-rental regulation. When the courts provide clearer legal direction, Mesquite will be in a much stronger position to craft policy that is both effective and legally defensible.

Short-term rentals can generate strong opinions on both sides. The city's responsibility is not simply to choose the most dramatic solution. It is to protect neighborhoods, respect the law, enforce reasonable standards, and make decisions that do not unnecessarily expose Mesquite taxpayers to costly litigation.

Learn More

Additional information about my position, the Short-Term Rental Committee, distancing requirements, and related issues is available at electrickmcintire.com.

Thank you for taking the time to learn more about this issue and the choices facing the City of Mesquite.