

Attachment B

BIS Surveys/Written Correspondence

From: [Tyburski, Matt](#)
To: [Carol Cottam](#)
Subject: Re: SNHD Public Accommodations Regulations Revisions
Date: Thursday, January 2, 2025 9:30:54 AM
Attachments: [Outlook-certified-.png](#)

Hello Carol,

Thank you for this information. Is SNHD able to answer the following questions?

Will the public workshop have a virtual attendance option?

How does this apply to sofa beds / sleeper-sofas / pullout sofas?

4.3.5 - Mattresses must be protected from contamination with waterproof encasements

How does this apply to vacation ownership / timeshare resorts that do not provide daily cleaning?

3.11.4 - While being used by guests, the floors of the bathrooms every surface of a bathtub, shower, shower enclosure, toilet and sinks, which may come in contact with a person's body, must be cleaned and sanitized each day, unless the guest has declined regular guest room services. If a guest declines regular guest room services, the public accommodation facility must ensure that these surfaces are cleaned and sanitized at least once per week and between guests.

Thank you,
Matt

Matt Tyburski, CAM, CMCA, AMS
General Manager – Club Wyndham Desert Blue

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From: Carol Cottam <cottam@snhd.org>
Sent: Thursday, December 19, 2024 5:33 PM
To: Tyburski, Matt <Matt.Tyburski@wyn.com>

Subject: SNHD Public Accommodations Regulations Revisions

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Dear Public Accommodation operator:

We are informing you of a proposed update to the existing SNHD Regulations Governing the Health and Safety of Public Accommodation Facilities. The Regulations have not been updated since their development in 2006 and our goal is to simplify and clarify the existing language, as well as make a small number of needed changes.

A copy of the draft regulations, as well as a red-line document and a list of major changes, can be found at <https://www.southernnevadahealthdistrict.org/permits-and-regulations/public-accommodations/>

We are interested in your feedback regarding the proposed updates and have posted a survey at the above link, where you can provide input on how these revisions may impact your business. **The survey closes on January 31, 2025.**

Additionally, a public workshop to discuss the proposed changes will be held in person on **January 23, 2025, from 1:00 – 2:00 p.m.** in the Red Rock conference room at the main Public Health Center, 280 S. Decatur Blvd, Las Vegas, NV 89107.

We hope you have a great holiday season and look forward to hearing from you.

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Business Impact Survey Proposed Public Accommodations Regulations

Please complete and return this business impact survey for the proposed changes to the Public Accommodations Regulations. You can include any data or arguments that are relevant and add additional pages as necessary to complete your responses.

A copy of the proposed changes to the regulations can be found at <https://www.southernnevadahealthdistrict.org/permits-and-regulations/public-accommodations/> Please review the regulations thoroughly to assist with your response.

1. Business/Organization Name The Venetian Resort – Las Vegas	2. Name of Person Completing Survey Ray N. Kessler – Exec. Director Emergency Management, Security and Property Safety.
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3. Will the proposed changes to the Public Accommodations Regulations impose a direct and significant economic burden on your business or the public accommodation industry?

Yes ☒ No ☐

Estimate in Dollars

\$200K+ initial
outlay(est.)

Please Explain

Section 4 – General Sanitation

Major Changes:

- Added language regarding protecting mattresses from contamination with waterproof encasements (4.3.5).

Unbudgeted direct and significant economic impact to business processes include, but are not limited to:

- Initial fiscal outlay for waterproof encasements for over 10,000 (@\$15-\$23 per encasement unit) mattresses across three hotel towers.
- Recurring costs for replacement encasements.
- Additional labor required to install and maintain encasements.

4. Will the proposed changes to the Public Accommodations Regulations directly restrict the formation, operation, or expansion of your business or the public accommodation industry?

Yes ☒ No ☐

Please Explain

Section 4 – General Sanitation

Major Changes:

- Added language regarding protecting mattresses from contamination with waterproof encasements (4.3.5).

Unbudgeted direct and significant operational impacts to HSKP processes include, but are not limited to:

- Development and training of updated HSKP processes/SOPs to include installation and maintenance of the encasements.
- Additional personnel and time on tasks will be required to install and maintain encasements, which will impact required daily productivity of HSKP staff, resulting in additional labor costs.
- Potential impact on guest experience and the diminishing of luxury branding.

5. Will the proposed changes to the Public Accommodations Regulations have an estimated beneficial economic effect on your business or the public accommodation industry?

Yes ☐ No ☒

Estimate in Dollars

Please Explain

Our HSKP Team currently employs a "three-sheet" bedmaking method to help achieve increased mattress hygiene and sanitation.

We do not feel this mandate, along with initial and on-going costs associated with it, would be cost effective for our business operations.

6. Do you anticipate any indirect economic effects to your business or the public accommodation industry as a result of the proposed changes to the Public Accommodations Regulations?

Yes

☒

No

☐

Please Explain

If this regulation is approved and enacted, we request an 18-24 month implementation period before it takes effect to ensure that policy, training, and procurement processes are properly established.

Please return this form before January 31, 2025. Email to pa@snhd.org, mail to Southern Nevada Health District, EH Public Accommodations, PO Box 3902, Las Vegas, NV 89127, or deliver in person to 280 S Decatur, Las Vegas, NV 89107.

A public workshop on the proposed changes will be held **January 23 from 1:00 – 2:00** in the Red Rock room at SNHD, 280 S. Decatur Blvd.



Business Impact Survey Proposed Public Accommodations Regulations

Please complete and return this business impact survey for the proposed changes to the Public Accommodations Regulations. You can include any data or arguments that are relevant and add additional pages as necessary to complete your responses.

A copy of the proposed changes to the regulations can be found at <https://www.southernnevadahealthdistrict.org/permits-and-regulations/public-accommodations/>. Please review the regulations thoroughly to assist with your response.

1. Business/Organization Name Nevada Resort Association	2. Name of Person Completing Survey Virginia Valentine, CEO & President
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3. Will the proposed changes to the Public Accommodations Regulations impose a direct and significant economic burden on your business or the public accommodation industry?

Yes
☒

No
☐

Estimate in Dollars

\$4-6 million+ (est.)

Please Explain

Please see attached document for our comments.

4. Will the proposed changes to the Public Accommodations Regulations directly restrict the formation, operation, or expansion of your business or the public accommodation industry?

Yes
☒

No
☐

Please Explain

Please see attached for our comments.

5. Will the proposed changes to the Public Accommodations Regulations have an estimated beneficial economic effect on your business or the public accommodation industry?

Yes
☐

No
☒

Estimate in Dollars

Please Explain

Our members do not see a beneficial economic effect from these regulations.

6. Do you anticipate any indirect economic effects to your business or the public accommodation industry as a result of the proposed changes to the Public Accommodations Regulations?

Yes
☒

No
☐

Please Explain

The exclusion of short-term rentals from these regulations will have indirect economic impacts. Please see attached document for more information.

Please return this form before **February 25, 2025**. Email to pa@snhd.org, mail to Southern Nevada Health District, EH Public Accommodations, PO Box 3902, Las Vegas, NV 89127, or deliver in person to 280 S Decatur, Las Vegas, NV 89107.

**Comments on the Proposed Public Accommodations Regulations BIS
Submitted by the Nevada Resort Association
February 25, 2025**

Question 3: *Will the proposed changes to the Public Accommodations Regulations impose a direct and significant economic burden on your business or the public accommodation industry?*

Yes. Based on a high-level review of operations by our members, we have received initial estimates showing that the proposed changes will have significant economic costs – in the multi-millions of dollars. **One member alone estimated a direct initial cost of \$1,029,000 in connection with the new requirements set forth in just Section 3.1. With approximately 63 members in Clark County, it is clear to see that extrapolating these costs can easily reach into the tens of millions of dollars.** It is challenging to provide a total economic cost estimate across our membership as each company uses different products to fit their unique needs. Therefore, we have provided a snapshot of cost impacts regarding the different proposed requirements in certain sections.

Section 4.3.5: Mattresses must be protected from contamination with waterproof encasements. This will have a very large direct and significant economic burden on our members. Currently, our members already have robust mattress and/or encasement related cleaning/disinfecting procedures in place and have invested significant resources into this effort. As an example, a similar product (mattress pad) is in use, which essentially performs the same function as a full “mattress encasement.” All of these, which were previously approved in inspections, would have to be replaced. There are nearly 167,000 hotel rooms in Clark County, many of which have two or more beds in the room. This requirement is not currently budgeted and will be a reoccurring expense. In addition, there are labor costs as these encasements will need to be installed, maintained and replaced. Based on insight from our members, a conservative cost estimate to add these encasements across the industry is \$4 to 6 million solely for the initial purchase of mattress encasements. As one member reported, they anticipate spending more than \$200,000 on new encasements. There will also be ongoing costs to replace them which are not included in the estimate. There is the question of what would happen to the current mattress pads if deemed insufficient as they would most likely end up in a landfill en masse, running counter to our members’ waste diversion programs and goals. If this were to be approved, would properties that have purchased new mattresses with a built-in encasement satisfy the requirement?

Section 3.9: Ground Fault Circuit Interrupters (GFCI). Clarification on this would be appreciated as the building code and the National Electric Safety Code already address this issue. All properties were built to meet existing building code requirements at the time they were constructed and are upgraded to meet the current code as new permits are pulled, in compliance with the building code. We propose that existing buildings be exempt from making this change, unless it is required by the original building code. One of our members estimates the total cost impact at \$300,000 for parts and labor for their properties alone if immediate updates are required at all properties.

Section 3.10.3: All sleeping rooms, bathrooms and toilet rooms must be capable of being maintained at a temperature between 60°F (20°C) and 90°F (26.7°C) while being used by guests. This change will have a significant fiscal impact on energy costs and affect our members’ energy consumption reduction goals. These new ranges may conflict with energy code and ASHREA guidelines (which recommend the following: Air temperature in cooling mode: 23.5°C to 25.5°C {74.3°F to 77.9°F}; air temperature in heating mode: 20.5°C to 24.5°C {68.9°F to 76.1°F}.) With nearly 167,000 hotel rooms, this change has the potential to increase energy costs for the industry into millions of dollars. For some of our members,

moving this temperature threshold will cause issues for HVAC systems which will need to work harder, leading to failure and replacement ahead of schedule. This wide range could require a full upgrade of HVAC systems, wall insulation and windows to meet the proposed ranges at all times of the year. This could be very costly with a business impact estimated at \$150,000,000 for one member (with multiple properties) alone.

Section 3.11.7: The pumping and recirculation of fill-and-drain whirlpool spa bathtubs must be disinfected between guests. The change reflected here elevates the process from a standard cleaning performed by a guest room attendant to a more in-depth process that would require personnel from facilities to access the mechanical equipment in a spa tub. This would affect staffing and staff hours/time at task and potentially could take rooms out of service for cleaning, all of which would have a significant fiscal impact.

Section 3.14.4-6: Anti-siphon valves added to hose bibs. Based on an estimate from one of our members, the cost impact to their properties to add these is estimated at \$264,000 for labor and parts. Another member, representing about 2,500 rooms, provided a cost estimate of approximately \$8.50 per value. Again, given the number of fixtures across the industry, this quickly becomes a very large number. Clarity about this item would be appreciated as the building code already addresses this issue. It is unclear if the requirement is for these to go on hose bibs in utility closets on hotel floors and whether they would only need to be added where there is an actual hose on the spigot? Without further clarification, it is difficult to determine a count and therefore a cost. It would also be helpful to understand the concerns and address those based on equipment currently in use. Many utility sinks have a built-in backflow mechanism. As it stands now, this issue will be addressed over time as areas are upgraded and building permits are pulled in accordance with the building code.

Section 6.5.2: Each employee restroom must be furnished with a hand washing sink, wall-mounted soap and paper towel dispensers, and hot and cold running water. The requirement of "wall-mounted" will have a direct and economic impact on our members as many of them currently have sink-mounted soap dispensers which would require construction costs to reconfigure the soap dispensers. Given the number of employee restrooms in our members' properties, this would create a significant economic burden. We propose that this section be changed to match the requirements for amenities in guest-facing public restrooms (Section 4.2.4) which provide for greater optionality. Section 4.2.4 states that guest restrooms must have "disposable paper towels, electric dryers or single-use cloth towels and liquid soap dispensed from easily cleanable permanent wall- or counter-mounted dispensers." Looking at the impact on just one of our members, having to make this change would result in an estimated cost of approximately \$165,000 to update all their property employee restrooms.

Question 4: Will the proposed changes to the Public Accommodations Regulations directly restrict the formation, operation, or expansion of your business or the public accommodation industry?

Yes. Our members report many of these proposed changes will impair the operation of their existing businesses and delay the development of new construction or remodel projects.

Sections 10.2: Plans for construction and remodeling at least thirty days prior to beginning construction or remodeling of a public accommodation facility, the responsible person must submit construction plans with all schedules; e.g., floor plans, elevations, electrical schematics, etc., *to the Health Authority for review and approval and 10.3.2: Construction or remodeling of a public accommodation facility may not begin until authorized by the Health Authority.* Our members are continually updating their facilities

to ensure they remain competitive and modern. Given the volume of projects our members embark on throughout the year, this requirement would be burdensome and difficult to manage, both by resorts and for the Health District. Many of these projects do not have a nexus with environmental health regulations as they may be more aesthetic in nature. Further, there is already a process in place through the building department, which would make this requirement duplicative. We would appreciate clarification on where the concern is, perhaps a list of requirements under which the submittals would be required. One member, which represents multiple properties, provided an estimate based on the hundreds of building permits they submit each year, reporting that the estimated total impact is \$150,000 per year for the cost of labor and materials associated with preparing and submitting the plans. In addition, delays created by this process could have a major impact on project opening dates. Delays in opening dates due to additional regulatory review could cost thousands or even millions of dollars depending on the type of project and duration of the delay.

Question 6: *Do you anticipate any indirect economic effects to your business or the public accommodation industry as a result of the proposed changes to the Public Accommodation Regulations?*

Yes. We anticipate that SNHD will need significant time to review the substantial volume of documents resorts will be required to submit in advance of each project that requires a building permit under the proposed changes in Sections 3.1.1-3.1.3. Delays created by this new process could have a significant impact on project opening dates. A member, representing multiple properties, estimates those delays to cost approximately \$1 million in lost business revenue per year.

Short-term Residential Rentals Exclusion: *Section 1.3* indicates the intent of the proposed regulation is “to protect the public health, safety and environment through preventive measures and timely correction of significant public health issues relating to public accommodation facilities.” We applaud and support this intent as ensuring a safe experience for visitors, guests and employees is essential to maintaining Southern Nevada’s reputation as a top destination, and therefore, ensuring our local and state economies continue to grow and thrive given the dependence on the tourism industry for jobs, tax revenue and economic output.

Respectfully, the exemption of short-term rentals from these regulations as noted in *Section 1* conflicts with the intent to protect public health: “*Short-Term Residential Rentals (STRs)* are not included in the definition of Public Accommodations and not required to maintain a Public Accommodation Health Permit.” We are deeply concerned about the grave public health consequences associated with new language at page 9 defining a “short-term residential rental” and the exclusion.

Much of Southern Nevada’s success is due to catering to customers’ preferences, and while resort hotels continue to be the leading choice of visitors, more and more visitors are choosing short-term rentals as their accommodations, making them de facto hotel rooms. By some accounts, there may be anywhere from 10,000 to 15,000 short-term rentals operating in Clark County. Therefore, it is imperative that these places of public accommodation (STRs) be included in the regulations. By excluding STRs from these regulations, there is increased potential for disease outbreaks, bed bugs or other pest infestations, biohazards, mold and additional substantial threats to human health and safety to occur. Each of the items listed in *Section 2.1 (“Substantial Hazards to Public Health and Safety”)* are possibilities at a STR, harming guests and potentially extending into the surrounding neighborhood and beyond.

In addition to the potential damage unsanitary or dangerous conditions at STRs pose to visitors, excluding STRs from regulation creates an uneven playing field between the types of accommodations.

The resort industry recognizes the value of regulations for places of public accommodation and complying with them generates significant expenses for the industry. Allowing STRs to operate without these health and safety regulations and, therefore, without inspections is welcome news to the bad actor operators as they have no requirement to invest in robust disinfection, sanitation, cleaning or any other preventive measure to keep their guests safe.

Whether operated unlawfully or pursuant to a license issued by a local government agency, short-term residential rentals are held out to the public and transacted as commercial transient lodging establishments for financial gain.

- The public has a reasonable expectation that local public health authorities have in place permitting requirements and processes to ensure that public health and welfare is protected at such establishments. This includes ensuring that cleaning and sanitation standards are being followed, including that the occupants are kept clear of pest infestation or interactions with solid waste that could jeopardize their health or potentially spread disease, and that access to clean, potable water is maintained, among other critical matters.
- We believe the public would be alarmed to learn that public health authorities propose to decline any level of public health oversight of commercial short-term residential rentals that are being held out to the public and transacted as transient lodging establishments.
- The Southern Nevada Health District presumably has exempted short-term residential rentals from permitting requirements and regulations that apply to public accommodations facilities on the basis of staff resources. However, the health district offers no analysis as to the amount of revenue that could be generated through short-term residential rentals being required to obtain public accommodations facility permits as a means to fund additional staff to oversee such operations.

Exempting commercial short-term residential rentals from public accommodations facility regulations also creates substantial inequities that will place lawfully approved, commenced, and highly regulated public accommodations facilities at a material competitive disadvantage that may have severe economic consequences for the state. Nevada's resort industry powers the state, generating billions in economic activity each year, generating \$98 billion in total economic impact, accounting for 37 percent of Nevada's GDP. The industry supports 436,600 jobs, making up 28 percent of the state's total employment. And the resort industry contributes nearly \$2 billion to Nevada's general fund revenues or 34 percent of the General Fund revenue, the state's largest tax contributor.

Chapter 7.100 of The Clark County Code includes important licensing and recordkeeping requirements for commercial short-term residential units operating in Unincorporated Clark County. The licensing requirements for commercial short-term residential units operating in Unincorporated Clark County recognize the critical nature and economic imperative of proper oversight of short-term rentals, in stark contrast to the approach taken by the Southern Nevada Health District in the proposed amendments to public accommodations facility regulations.

We strongly oppose how this matter has been addressed in the proposed public accommodations facility regulations. We encourage the Southern Nevada Health District to remove the new language at Page 9 and to create meaningful public accommodations facility permitting and regulatory requirements for short term residential rentals to protect the health and welfare of the public. We further strongly encourage the Southern Nevada Health District to recognize the substantial threat to public health and

welfare associated with unlawful operation of short-term residential rentals in Southern Nevada and to take action to mitigate the same.

Additional Comments

HEALTH PERMITS: At page 42 under 9.4, the proposed regulations delete the requirement that The Southern Nevada Health District shall, upon receipt of a completed Health Permit application, construction plans, and all applicable fees, acknowledge receipt of the plans within 48 hours. The revisions to the public accommodations do not include an amended, time-based requirement for The Southern Nevada Health District to acknowledge receipt of the completed Health Permit application and plans. The justification for removing this time-based acknowledgement requirement is unclear and any undue or unreasonable delay in processing Health Permits can create substantial adverse impacts on a public accommodation facility that cannot commence with its plans or operations as a result of administrative delays. We encourage The Southern Nevada Health District to reinstate the requirement to acknowledge receipt of a completed Health Permit application and plans within 48 hours.

Further, at page 48 under 12.6, the timeframe required for a hearing for a public accommodations facility operator who wishes to appeal revocation of their operating permit has been tripled from ten days to thirty days. Delayed adjudication for a matter as urgent and existential as an appeal of an operating permit revocation is deeply troubling and will result in substantial adverse economic impacts to a public accommodations facility operator.

CLEANING: New language at page 16 under 3.11.4 appears to require an aggressive standard of daily room cleaning without any compelling justification or basis in public health rationale. The existing language under this section has served the public health imperative and public accommodations facility industry well for more than two decades. The proposed aggressively prescriptive daily room cleaning standard proposed by the Southern Nevada Health District will create substantial cost and resource burdens on public accommodations facilities, a striking disparity when contrasted with the Southern Nevada Health District's apparent position that the short-term residential rental industry warrants no public health authority oversight whatsoever.

Section 6.3 Handwashing: Respectfully, we request an exemption for employees who use gloves at all times and change their gloves between handling dirty and clean linens. The practice of using gloves is a reasonable alternative to washing hands in a guest bathroom that has not yet been thoroughly cleaned or repeated handwashing that can create discomfort or skin conditions for personnel who are cleaning multiple rooms per day.

Section 8: SCRVP Dry Camping at Public Accommodation Facilities. We would appreciate confirmation regarding the requirement related to RVs having water and sewer applies, particularly that it would not apply to situations where a guest may be simply parking a big rig or RV/camper at a resort property.

TIMELINE ON COMPLIANCE AND ENFORCEMENT: If the proposed changes to the regulations are approved, the resort industry would appreciate an 18–24-month implementation period before the regulations are enforced to allow for the development and implementation of training for staff as well as the procurement and installation of required equipment or materials.

Thank you for considering our perspective.