

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 7 2026

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

GREATER LAS VEGAS SHORT-TERM
RENTAL ASSOCIATION; 5402 PALM
MESA, LLC; AIRBNB, INC.; HAAN'S
PROPERTIES, LLC; LK'S PROPERTIES,
LLC; JACQUELINE FLORES; LOUIS
KOORNDYK; ESTRELITA KOORNDYK;
JOHN HANSEN; DEBRA HANSEN; LISA
HANKINS; SAMUEL HANKINS;
THOMAS M. MCKANNON; TROY
UEHLING; PHILIP JOHNSON;
BENTLEY PHAM,

Plaintiffs - Appellees,

v.

COUNTY OF CLARK, a political
subdivision of the State of Nevada,

Defendant - Appellant,

AARON D. FORD,

Defendant.

No. 26-278

D.C. No.

2:25-cv-01173-MMD-BNW

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Miranda M. Du, District Judge, Presiding

* This disposition is not appropriate for publication and is not precedent
except as provided by Ninth Circuit Rule 36-3.

Argued and Submitted September 14, 2026
Pasadena, California

Before: R. NELSON and DESAI, Circuit Judges, and SCHREIER, District Judge.**

Clark County appeals the district court's order granting a preliminary injunction in favor of the Greater Las Vegas Short-Term Rental Association and other short-term rental operators within the County ("Plaintiffs"). The order enjoined Clark County from enforcing portions of its local ordinance requiring licenses to operate short-term rental properties (the "Ordinance"). We review the district court's order for abuse of discretion. *Saravia for A.H. v. Sessions*, 905 F.3d 1137, 1141 (9th Cir. 2018). We affirm the district court's holding that Plaintiffs are entitled to a preliminary injunction. *See Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). We remand, however, with instructions to narrow the scope of the injunction.

1. Plaintiffs are likely to succeed on the merits of their procedural due process claim. They have demonstrated that Clark County has interfered with a protected property interest without providing constitutionally sufficient procedures. *See Vasquez v. Rackauckas*, 734 F.3d 1025, 1042 (9th Cir. 2013).

** The Honorable Karen E. Schreier, United States District Judge for the District of South Dakota, sitting by designation.

Plaintiffs have shown a protected property interest in leasing their residences on a short-term basis. The Nevada Supreme Court has stated that property owners have the “right to possess, use, and enjoy [their] property” as well as the “legal right to control and dispose of” their property. *Hamm v. Arrowcreek Homeowners’ Ass’n*, 183 P.3d 895, 902 (Nev. 2008) (cleaned up). This court, too, has held that “the right of an owner to devote his land to any legitimate use is properly within the protection of the Constitution.” *Harris v. Cnty. of Riverside*, 904 F.2d 497, 503 (9th Cir. 1990) (cleaned up).

Clark County likely interfered with Plaintiffs’ property interests without adequate procedural protections by failing to implement a functioning licensing system for short-term rentals. The portal for short-term rental licenses only opened for a single window between 2022 and 2023. Since then, Clark County has not accepted any applications for short-term rentals or finished processing the applications that it has received. Clark County’s enforcement of the license requirement without providing any functional process for obtaining a license likely violates Plaintiffs’ due process rights. *See Mathews v. Eldrige*, 424 U.S. 319, 334–35 (1976).

The district court properly concluded that Plaintiffs will suffer irreparable harm absent an injunction, and an injunction is in the public interest. *See Fellowship of Christian Athletes v. San Jose Unified Sch. Dist. Bd. Of Educ.*, 82 F.4th 664, 695

(9th Cir. 2023) (en banc). Violations of constitutional rights, including those protecting property interests, constitute irreparable harm. *See Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012). And for those who violate license requirements, the Ordinance imposes steep fines and authorizes Clark County to record priority liens, which could permanently damage Plaintiffs’ interests in their residential properties.

Thus, the district court did not abuse its discretion in granting preliminary injunctive relief to Plaintiffs.

2. While entering an injunction was proper, the injunction’s terms are unnecessarily broad. *See Trump v. CASA, Inc.*, 606 U.S. 831, 856 (2025); *Zepeda v. U.S. I.N.S.*, 753 F.2d 719, 727 (9th Cir. 1983). The injunction effectively authorizes anyone in the County to operate unlicensed short-term rentals, including nonparties and those who have never applied for a license. This goes beyond maintaining the “status quo.” *See Price v. City of Stockton*, 390 F.3d 1105, 1117 (9th Cir. 2004) (per curiam). Preliminary relief should instead place Plaintiffs in the position they would have enjoyed had Clark County instituted a functional licensing system.

Because Plaintiffs suffer from a lack of process, an appropriate injunction must provide Plaintiffs with a meaningful opportunity to apply for a license and to have their applications processed in a reasonable time. For example, the injunction could order Clark County to reopen the portal for applications and specify a time

frame wherein applications must be processed. The district court could also enjoin Clark County from enforcing its licensing requirement against residents who have an application pending with the County. Such an injunction would implement a temporary functional regime without allowing short-term rentals to go completely unregulated.

We recognize that the previous failures of Clark County's licensing system may have given the district court pause in fashioning a narrower injunction. Nevertheless, Clark County has represented that it is now willing to reopen its application portal and process applications if a narrower injunction is ordered. While further argument at the district court exploring this possibility may be necessary, an injunction requiring Clark County to actually "stand up a functioning license regime" would best preserve the status quo between parties. To the extent Clark County is truly incapable of processing applications, Plaintiffs could move to hold Clark County in contempt or seek other remedies to ensure the County complies with a narrower injunction.

On remand, a properly tailored injunction should order Clark County to provide a meaningful opportunity for Plaintiffs to have their applications considered. We therefore remand with instructions for the district court to narrow the injunction in a manner consistent with this memorandum disposition.

AFFIRMED in part and REMANDED.