

ED CASE  
1ST DISTRICT, HAWAII

2443 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
TELEPHONE: 202-225-2726  
FAX: 202-225-0688

1132 BISHOP STREET, SUITE 1910  
HONOLULU, HI 96813  
TELEPHONE: 808-650-6688  
FAX: 808-533-0133

WEBSITE: [CASE.HOUSE.GOV](http://CASE.HOUSE.GOV)

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515

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INDIGENOUS PEOPLES OF THE UNITED STATES

October 16, 2019

The Honorable Michael F. Doyle  
Chair  
Subcommittee on Communications and  
Technology  
House Committee on Energy and Commerce  
2123 Rayburn House Office Building  
Washington, DC 20515

The Honorable Janice D. Schakowsky  
Chair  
Subcommittee on Consumer Protection and  
Commerce  
House Committee on Energy and Commerce  
2123 Rayburn House Office Building  
Washington, DC 20515

The Honorable Robert E. Latta  
Ranking Member  
Subcommittee on Communications and  
Technology  
House Committee on Energy and Commerce  
2123 Rayburn House Office Building  
Washington, DC 20515

The Honorable Cathy McMorris Rodgers  
Ranking Member  
Subcommittee on Consumer Protection and  
Commerce  
House Committee on Energy and Commerce  
2123 Rayburn House Office Building  
Washington, DC 20515

Dear Chair Doyle, Chair Schakowsky, Ranking Member Latta and Ranking Member McMorris Rodgers,

Thank you for holding this important joint subcommittee hearing, "Fostering a Healthier Internet to Protect Consumers," to review the impact of websites' content moderation efforts and Section 230 of the Communications Decency Act (CDA 230).

There is a broad array of issues that this hearing will cover as the internet has become such a dominant force and pervasive influence in our society. However, I want to bring specific attention to one aspect that arises out illegal short-term or vacation rentals that have become a major concern for communities across the country.

Last month, I introduced H.R.4232, the Protecting Local Authority and Neighborhoods (PLAN) Act, which would end abusive litigation by internet-based short-term rental platforms attempting to avoid accountability for profiting from illegal rentals and strike down local regulations aimed at curbing this illegal activity and its widespread negative impacts. These impacts include

unavailability of affordable housing, avoidance of standard consumer protections and loss of state and local government revenue. The bill is bipartisan and has a geographically diverse group of cosponsors.

Over the past decade-plus, the short-term vacation rental industry has exploded through the internet-based marketing platforms of Airbnb, HomeAway, VRBO, Flipkey and others. While some communities welcome this activity, which is largely conducted in residential neighborhoods, many others are concerned with several negative consequences.

These include the loss of affordable housing as residential units are converted to transient accommodations for tourists, and the failure of many unit owners and rental operators to comply with basic consumer safety, public accommodations and tax requirements as must the legal lodging industry. A survey of related news also makes clear that commercial lodging activity in otherwise residential neighborhoods gives rise to serious community safety and disruption issues. Attached is a letter from community advocates outlining concerns about how the short-term rental market being facilitated by online platforms have directly impacted housing affordability.

As a result of the impacts of the explosion of short-term rentals, from Hawai'i to Maine state and local governments are updating their land use laws to put parameters around short-term rental activity, tailored to reflect local concerns and as always has been the case with land use regulation. However, the short-term rental online platforms have repeatedly gone to court to strike down these laws, claiming CDA 230 preempts local efforts to stop the listing and booking of illegal rentals by these platforms. They have sued cities large and small – including New York City, Boston, Miami, Anaheim, San Francisco, Portland, Ore., Chicago, Miami Beach, Palm Beach and Santa Monica – to protect a business model they know relies in large part on concealing the illegal activity of their third-party operators.

The PLAN Act would amend CDA 230 to make clear the statute does not shield platforms when they facilitate illegal rental bookings. Platforms would also be accountable if they fail to stop booking rentals after receiving notice from a private property owner that short-term rentals are prohibited at that location. This leaves zoning ordinances and enforcement to states and localities, where these decisions should be made. Under the bill, states and localities can decide to support expansions or enforce more regulations on the short-term rental market and would not give online platforms a federal statute to avoid these laws.

This is a narrow, targeted change to the statute to ensure short-term rental companies and internet platforms comply with state and local planning, zoning, rental, labor and tax laws and end their abusive stretching of CDA 230's original intent. State attorneys general, mayors, and local officials have called for similar updates to CDA 230 to enable them to uphold their local laws and protect citizens living and working in their communities.

As your committee examines and updates CDA 230, I urge you to call for increased accountability for powerful internet platforms attempting to misuse CDA 230 to profit from illegal activity. The PLAN Act is one way to take such action, but I support broader efforts to

modernize the law to ensure that online platforms are not able to avoid legitimate local laws or profit from illegal activity in which they are complicit.

If you have any questions, please do not hesitate to let me or my office know.

Sincerely,

**Ed Case**

Ed Case  
Member of Congress

Enclosure