

**Amendment No. 746**

Assembly Amendment to Senate Bill No. 254 Second Reprint (BDR 18-38)

**Proposed by:** Assemblyman Flores

**Amendment Box:** Replaces Amendment No. 734.

**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date			
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

ERS/HAC



Date: 5/24/2021

S.B. No. 254—Revises provisions relating to discrimination in housing.  
(BDR 18-38)





SENATE BILL NO. 254—SENATOR NEAL

MARCH 16, 2021

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to discrimination in housing. (BDR 18-38)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to discriminatory practices; revising various provisions relating to discrimination in housing; providing civil penalties and other remedies for certain violations; authorizing the Nevada Equal Rights Commission to enter into certain agreements with the United States Department of Housing and Urban Development for the Commission to investigate and enforce laws relating to fair housing as a certified agency under federal law; providing that certain conduct relating to seeking an applicant or tenant’s arrest record, conviction record or record of criminal history constitutes an unlawful discriminatory practice in housing; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law creates the Nevada Equal Rights Commission. (NRS 233.030) The Commission is authorized to investigate and conduct hearings concerning acts of prejudice with regard to housing, employment and public accommodation. (NRS 233.150) Existing law also sets forth the Nevada Fair Housing Law to prohibit discrimination in housing. (NRS 118.010-118.120) In addition, the federal Fair Housing Act of 1968, as amended, prohibits discrimination in the sale, rental and financing of dwellings and in other housing related transactions. (42 U.S.C. §§ 3601 et seq.)

**Sections 17, 20 and 21** of this bill revise references to the types of discrimination from which persons are protected in Nevada to conform to federal law.

**Section 21** of this bill authorizes the Commission to initiate a complaint alleging an unlawful discriminatory practice in housing. **Section 23** of this bill requires the Commission to investigate each complaint which alleges an unlawful discriminatory practice in housing and to attempt to resolve the issues raised in the complaint through informal negotiations with the parties. **Section 24** of this bill requires the Commission to serve upon an aggrieved person certain information.

**Section 14** of this bill establishes new procedures and requirements with respect to investigations and administrative hearings concerning such complaints. Following the Commission’s investigation of a complaint, if the Administrator of the Commission determines that probable cause exists to believe that an unlawful discriminatory practice in housing has occurred or is about to occur, the Attorney General is required to: (1) prepare a notice of hearing and serve the notice upon the parties; and (2) unless a party elects to have

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22 the matter determined by a court, prepare and prosecute the complaint in a public hearing  
23 before the Commission. If the Commission, based on a preponderance of the evidence  
24 presented at the hearing, determines that an unlawful discriminatory practice in housing has  
25 occurred, the Commission may issue an order to cease and desist, order appropriate injunctive  
26 or other equitable relief, award actual damages, impose civil penalties and award costs and  
27 attorney's fees. **Section 27** of this bill makes a conforming change to eliminate the  
28 requirement for the Commission to hold an informal meeting of the parties.

29 **Section 15** of this bill provides for the determination of the complaint by a court instead  
30 of the Commission. **Section 16** of this bill establishes procedures for the judicial review of a  
31 final decision of the Commission. **Sections 2-13 and 18** of this bill move the existing  
32 definitions in chapter 233 of NRS and define various terms relating to the complaint process.  
33 **Sections 24-26 and 28** make changes to existing provisions to use these terms.

34 **Section 29** of this bill provides that the provisions of chapter 233 of NRS for judicial  
35 review of decisions of the Commission concerning unlawful discriminatory practice in  
36 housing prevail over the provisions of the Administrative Procedure Act.

37 **Section 22** of this bill authorizes the Commission to enter into certain agreements with  
38 the United States Department of Housing and Urban Development for the Commission to  
39 investigate and enforce laws relating to fair housing as a certified agency under federal law.

40 **Section 33** of this bill prohibits, with certain exceptions, a person seeking to rent or lease  
41 a dwelling, or renting or leasing a dwelling, from: (1) inquiring into the arrest record,  
42 conviction record or record of criminal history of an applicant or tenant; (2) refusing to rent or  
43 lease, or refusing to negotiate to rent or lease, a dwelling to an applicant on the basis of the  
44 applicant's arrest record, conviction record or record of criminal history; (3) making, printing  
45 or publishing any notice or advertisement which indicates a preference based on the arrest  
46 record, conviction record or record of criminal history of an applicant; and (4) evicting a  
47 tenant from a dwelling on the basis of his or her arrest record, conviction record or record of  
48 criminal history for a misdemeanor offense unless the offense occurred on the premises of the  
49 dwelling. **Section 33** provides that a person may inquire into or conduct a background check

50 into the ~~arrest record,~~ conviction record or record of criminal history of an applicant to  
51 determine whether the applicant has certain offenses on his or her record. A person may refuse  
52 to rent or lease a dwelling to an applicant who has any such offense on his or her record.  
53 **Section 33** also requires a person who makes a dwelling available for rent or lease to provide  
54 applicants with information regarding these unlawful discriminatory practices and information  
55 on how to file an appeal of a denial to rent or lease or file a complaint with the Commission.

56 **Section 33** ~~exempts from these provisions: (1) persons who inquire or conduct a background~~  
57 ~~check on an applicant pursuant to the requirements of federal or state law; (2) persons who~~  
58 ~~check the statewide registry of sex offenders and offenders convicted of a crime against a~~  
59 ~~child; (3) persons who make available for rent or lease not more than four individual dwelling~~  
60 ~~units; (4) any action taken to determine whether an applicant for a rental with a week to week~~  
61 ~~tenancy has any outstanding felony warrants pending against him or her; and (5) the rental or~~  
62 ~~lease of a manufactured home.] **limits the applicability of these provisions to: (1) any**~~  
63 ~~**dwelling that is owned by a natural person and contains five or more dwelling units; and**~~  
64 ~~**(2) any dwelling that is owned by a corporation or other business entity. For purposes of**~~  
65 ~~**section 33, a "dwelling" is defined, with certain exceptions, as: (1) public housing; (2)**~~  
66 ~~**any housing that is rented or leased to a tenant pursuant to a contract with a housing**~~  
67 ~~**authority; or (3) any housing which accepts vouchers for rental payment. A "dwelling"**~~  
68 ~~**does not include: (1) a manufactured home; or (2) a single family house owned by a**~~  
69 ~~**natural person or any other housing that is owned by a natural person and has four or**~~  
70 ~~**fewer dwelling units.**~~

71 **Sections 31, 32 and 34-44** of this bill amend the Nevada Fair Housing Law to conform to  
72 federal law. **Section 36** of this bill revises the definition of "disability" to exclude any current  
73 illegal use of or addiction to a controlled substance. **Sections 37 and 38** of this bill revise the  
74 definitions of "dwelling" and "person." **Sections 31 and 32** define the terms "aggrieved  
75 person" and "unlawful discriminatory practice in housing."

76 **Section 39** of this bill revises the prohibited practices which constitute an unlawful  
77 discriminatory practice in housing in Nevada. **Section 39** prohibits discrimination in real  
78 estate related transactions. **Section 39** also sets forth certain exceptions to the application of  
79 its provisions.

80       **Section 40** of this bill prohibits a person from refusing: (1) to allow a person with a  
81 disability to make reasonable modifications to a dwelling which may be necessary to afford  
82 the person with a disability full enjoyment of the dwelling, if the person with the disability  
83 pays for the modifications; or (2) to make reasonable accommodations in rules, policies,  
84 practices or services which may be necessary to afford a person with a disability equal  
85 opportunity to use and enjoy a dwelling.

86       **Section 41** of this bill revises accessibility requirements relating to the design and  
87 construction of a covered multifamily dwelling. **Section 42** of this bill revises provisions  
88 prohibiting a landlord from refusing to rent a dwelling to a person with a disability with a  
89 service animal.

90       **Sections 43 and 44** of this bill revise provisions governing civil actions to enforce certain  
91 provisions relating to discrimination in housing.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1       **Section 1.** Chapter 233 of NRS is hereby amended by adding thereto the  
2 provisions set forth as sections 2 to 16, inclusive, of this act.

3       **Sec. 2.** *“Administrator” means the Administrator of the Commission.*

4       **Sec. 3.** *“Aggrieved person” has the meaning ascribed to it in section 31 of*  
5 *this act.*

6       **Sec. 4.** *“Commission” means the Nevada Equal Rights Commission.*

7       **Sec. 5.** 1. *“Complainant” means a person by whom, or on whose behalf,*  
8 *a complaint is made which alleges an unlawful discriminatory practice over*  
9 *which the Commission has jurisdiction pursuant to this chapter.*

10       2. *As used in this section, “person” includes the Commission.*

11       **Sec. 6.** *“Conciliation” means the attempted resolution of issues raised by a*  
12 *complaint, or by the investigation of a complaint, through informal negotiations*  
13 *involving the aggrieved person, the respondent and the Commission.*

14       **Sec. 7.** *“Disability” has the meaning ascribed to it in NRS 118.045.*

15       **Sec. 8.** *“Familial status” has the meaning ascribed to it in NRS 118.065.*

16       **Sec. 9.** *“Gender identity or expression” has the meaning ascribed to it in*  
17 *NRS 118.075.*

18       **Sec. 10.** *“Member” means a member of the Commission.*

19       **Sec. 11.** *“Respondent” means a natural person or other person against*  
20 *whom is made a complaint which alleges an unlawful discriminatory practice*  
21 *over which the Commission has jurisdiction pursuant to this chapter.*

22       **Sec. 12.** *“Sexual orientation” has the meaning ascribed to it in NRS*  
23 *118.093.*

24       **Sec. 13.** *“Unlawful discriminatory practice in housing” has the meaning*  
25 *ascribed to it in section 32 of this act.*

26       **Sec. 14.** 1. *When a complaint is filed whose allegations if true would*  
27 *support a finding of an unlawful discriminatory practice in housing:*

28       (a) *The Commission shall, to the extent practicable throughout the complaint*  
29 *process, engage in conciliation with respect to the complaint. If an agreement is*  
30 *reached with regard to the matters alleged in the complaint, no further action*  
31 *may be taken by the complainant or the Commission with regard to the matters*  
32 *alleged in the complaint.*

33       (b) *Each conciliation agreement between a complainant and a respondent*  
34 *must be approved by the Commission. The Commission may reject any*  
35 *conciliation agreement that it determines is not in the public interest. A*  
36 *conciliation agreement may provide for binding arbitration of the matters alleged*

1 *in the complaint and for the awarding of any appropriate relief in the arbitration,*  
2 *including, without limitation, monetary relief.*

3 *(c) The Commission shall make a conciliation agreement public unless the*  
4 *complainant and the respondent agree that it not be made public and the*  
5 *Commission determines that public disclosure of the agreement would not further*  
6 *the purposes of this chapter or NRS 118.010 to 118.120, inclusive, and sections*  
7 *31, 32 and 33 of this act.*

8 *2. The Commission shall, at the conclusion of the investigation required by*  
9 *NRS 233.157, prepare a final investigative report containing:*

10 *(a) The name of and the date of contact with each witness;*

11 *(b) A summary and the dates of correspondence and other contact with the*  
12 *complainant and the respondent;*

13 *(c) A summary description of other pertinent records;*

14 *(d) A summary of witness statements; and*

15 *(e) Answers to interrogatories.*

16 *↪ The Commission may amend the final investigative report if additional*  
17 *evidence is discovered.*

18 *3. If, at the conclusion of the investigation required by NRS 233.157, the*  
19 *Administrator determines that there is not probable cause to believe that an*  
20 *unlawful discriminatory practice in housing has occurred or is about to occur,*  
21 *the Administrator shall dismiss the complaint and notify the complainant and the*  
22 *respondent.*

23 *4. If, at the conclusion of the investigation required by NRS 233.157, the*  
24 *Administrator determines that there is probable cause to believe that an unlawful*  
25 *discriminatory practice in housing has occurred or is about to occur, and*  
26 *attempts at conciliation have failed:*

27 *(a) The Attorney General shall prepare a notice of hearing which complies*  
28 *with the requirements of NRS 233B.121 and serve a copy of the notice upon the*  
29 *complainant, the aggrieved person and the respondent, together with notice of the*  
30 *right to elect, in lieu of the hearing, to have the matter determined in a civil*  
31 *action in a court of competent jurisdiction pursuant to section 15 of this act.*

32 *(b) Any aggrieved person may intervene as a party in the proceeding.*

33 *5. Unless an election is made to have the matter determined in a court of*  
34 *competent jurisdiction pursuant to section 15 of this act, the Commission shall*  
35 *hold a public hearing on the matter in conformance with the requirements of*  
36 *chapter 233B of NRS, except that the provisions of subsection 5 of NRS 233B.121*  
37 *and NRS 233B.124 do not apply to the hearing. The Attorney General shall*  
38 *prepare and prosecute the complaint on behalf of the complainant.*

39 *6. If, after a hearing held pursuant to subsection 5, the Commission*  
40 *determines, based on a preponderance of the evidence, that an unlawful*  
41 *discriminatory practice in housing has occurred, the Commission shall serve a*  
42 *copy of its findings of fact and conclusions of law upon the complainant, the*  
43 *aggrieved persons and the respondent within 10 days after such a finding and*  
44 *may:*

45 *(a) Order the respondent to cease and desist from the unlawful practice;*

46 *(b) Order such injunctive or other equitable relief as may be appropriate;*

47 *(c) Award actual damages to the complainant;*

48 *(d) Impose upon the respondent:*

49 *(1) Except as otherwise provided in this paragraph, a civil penalty of not*  
50 *more than \$16,000;*

51 *(2) If the respondent has been adjudged in a separate action to have*  
52 *committed any violation of NRS 118.010 to 118.120, inclusive, and sections 31,*

1 *32 and 33 of this act within the 5-year period immediately preceding the filing of*  
2 *the complaint, a civil penalty of not more than \$37,500; or*

3 *(3) If the respondent has been adjudged in one or more separate actions*  
4 *to have committed two or more violations of NRS 118.010 to 118.120, inclusive,*  
5 *and sections 31, 32 and 33 of this act within the 7-year period immediately*  
6 *preceding the filing of the complaint, a civil penalty of not more than \$65,000;*  
7 *and*

8 *(e) Award costs and reasonable attorneys' fees to the complainant.*

9 *7. If, after a hearing held pursuant to subsection 5, the Commission*  
10 *determines, based on a preponderance of the evidence, that an unlawful*  
11 *discriminatory practice in housing has not occurred, the Commission:*

12 *(a) Shall dismiss the matter and make the dismissal public; and*

13 *(b) May, upon motion of the respondent, award costs and reasonable*  
14 *attorney's fees to the respondent if the Commission determines that the*  
15 *complaint, had it been filed with a court, would have violated and been grounds*  
16 *for sanctions under Rule 11 of the Nevada Rules of Civil Procedure.*

17 *8. Any resolution of a complaint before a final order of the Commission*  
18 *following a hearing held pursuant to subsection 5 must, to the extent practicable,*  
19 *be agreed to by the aggrieved person.*

20 *9. If the respondent fails to comply with a final order of the Commission,*  
21 *the Commission shall apply to the district court for an order compelling*  
22 *compliance. If the court finds that the respondent has violated the order by*  
23 *failing to cease and desist from the unlawful practice, failing to make any*  
24 *payment ordered or otherwise failing to comply with the order, the court shall*  
25 *award the aggrieved person actual damages caused by the noncompliance.*

26 *10. After the Commission has held a public hearing and rendered a*  
27 *decision, the complainant is barred from proceeding on the same facts and legal*  
28 *theory before any other administrative body or officer.*

29 **Sec. 15.** *1. If, pursuant to subsection 4 of section 14 of this act, the*  
30 *Administrator has determined that there is probable cause to believe that an*  
31 *unlawful discriminatory practice in housing has occurred or is about to occur,*  
32 *and attempts at conciliation have failed, the complainant, the aggrieved person or*  
33 *the respondent may, in lieu of a hearing before the Commission pursuant to*  
34 *section 14 of this act, elect to have the claims of an unlawful discriminatory*  
35 *practice in housing that were set forth in the complaint decided by a court of*  
36 *competent jurisdiction.*

37 *2. The election must be made in writing and be received by the Commission*  
38 *not later than 20 days after the date on which the notice was served as required*  
39 *by subsection 4 of section 14 of this act.*

40 *3. The Attorney General shall, if requested by the complainant or the*  
41 *aggrieved person, prepare, file and litigate a civil action on behalf of the*  
42 *complainant or the aggrieved person.*

43 *4. Any aggrieved person, with respect to the issues to be determined in the*  
44 *civil action, may intervene as a matter of right in the civil action.*

45 *5. If the court, based on a preponderance of the evidence, determines that*  
46 *the defendant has committed or is about to commit an unlawful discriminatory*  
47 *practice in housing, the court may:*

48 *(a) Award actual and punitive damages to the complainant or the aggrieved*  
49 *person, except that the court may not award monetary damages to an aggrieved*  
50 *person who does not intervene if that aggrieved person has not complied with*  
51 *discovery orders entered by the court;*

52 *(b) Award costs and reasonable attorney's fees to the complainant or the*  
53 *aggrieved person; and*

1           (c) *Order such other relief as the court determines appropriate, including,*  
2 *without limitation:*

- 3           (1) *Ordering a permanent or temporary injunction;*  
4           (2) *Issuing a temporary restraining order; or*  
5           (3) *Enjoining the defendant from engaging in the unlawful practice or*  
6 *ordering such other affirmative action as the court determines appropriate.*

7           6. *If the court, based on a preponderance of the evidence, determines that*  
8 *the defendant has not committed and is not about to commit an unlawful*  
9 *discriminatory practice in housing, the court shall dismiss the action and may,*  
10 *upon the motion of the defendant, award costs and reasonable attorney's fees to*  
11 *the defendant if the court determines that the complaint was prosecuted in*  
12 *violation of Rule 11 of the Nevada Rules of Civil Procedure.*

13           7. *The Commission shall notify the complainant, all aggrieved persons and*  
14 *the respondent of the court's decision in any action filed pursuant to this section.*

15           **Sec. 16.** *1. An order of the Commission issued pursuant to section 14 of*  
16 *this act in a complaint alleging an unlawful discriminatory practice in housing is*  
17 *a final decision in a contested case for the purpose of judicial review.*

18           2. *Any person identified as a party of record in a hearing before the*  
19 *Commission on a complaint alleging an unlawful discriminatory practice in*  
20 *housing who is aggrieved by a final decision of the Commission may request*  
21 *judicial review.*

22           3. *A petition for judicial review must:*

23           (a) *Name as respondents the Commission and all parties of record to the*  
24 *hearing;*

25           (b) *Be instituted by filing the petition in the district court in and for Carson*  
26 *City, in and for the county in which the aggrieved party resides or in and for the*  
27 *county in which the hearing occurred; and*

28           (c) *Be filed within 30 days after service of the final decision of the*  
29 *Commission.*

30           4. *A cross-petition for judicial review must be filed within 10 days after*  
31 *service of a petition for judicial review.*

32           5. *The Commission and any party wishing to participate in the judicial*  
33 *review must file a statement of intent to participate in the petition for judicial*  
34 *review and serve the statement upon the petitioner and each named respondent*  
35 *within 20 days after service of the petition.*

36           6. *The petition for judicial review and any cross-petition for judicial review*  
37 *must be served upon the Commission and each party of record within 45 days*  
38 *after the filing of the petition, unless, upon a showing of good cause, the district*  
39 *court extends the time for such service.*

40           7. *The Commission shall, within 30 days after receipt of service of the*  
41 *petition for judicial review or such time as allowed by the court, transmit to the*  
42 *court the original or a certified copy of the entire record of the proceeding under*  
43 *review, including, without limitation, a transcript of the evidence resulting in the*  
44 *final decision of the Commission. The record may be shortened by stipulation of*  
45 *the parties to the proceeding. If the court determines that a party has*  
46 *unreasonably refused to stipulate to limit the record, the court may assess any*  
47 *additional costs resulting from the refusal against that party. The court may*  
48 *require or permit subsequent corrections or additions to the record.*

49           8. *If, before submission to the court, an application is made to the court for*  
50 *leave to present additional evidence, and it is shown to the satisfaction of the*  
51 *court that the additional evidence is material and that there were good reasons*  
52 *for failure to present it in the proceeding before the Commission, the court may*  
53 *order that the additional evidence and any rebuttal evidence be taken before the*



1 *Commission upon such conditions as the court determines appropriate. After*  
2 *receipt of any additional evidence, the Commission:*

3 *(a) May modify its findings and decision; and*

4 *(b) Shall file the evidence and any modification, new finding or decision with*  
5 *the court.*

6 *9. A petitioner or cross-petitioner who is seeking judicial review shall serve*  
7 *and file a memorandum of points and authorities within 40 days after the*  
8 *Commission gives written notice to the parties that the record of the proceeding*  
9 *under review has been filed with the court.*

10 *10. The respondent or cross-petitioner shall serve and file a reply*  
11 *memorandum of points and authorities within 30 days after service of the*  
12 *memorandum of points and authorities.*

13 *11. The petitioner or cross-petitioner may serve and file a reply memoranda*  
14 *of points and authorities within 30 days after service of the reply memorandum.*

15 *12. Within 7 days after the expiration of the period within which the*  
16 *petitioner is required to reply, any party may request a hearing. Unless a request*  
17 *for a hearing has been filed, the matter shall be deemed submitted.*

18 *13. All memoranda of points and authorities filed in proceedings involving*  
19 *petitions for judicial review must be in the form provided for appellate briefs in*  
20 *Rule 28 of the Nevada Rules of Appellate Procedure.*

21 *14. The court, for good cause, may extend the times allowed in this section*  
22 *for filing memoranda.*

23 *15. Judicial review of a final decision of the Commission must be:*

24 *(a) Conducted by the court without a jury; and*

25 *(b) Confined to the record.*

26 *↳ In cases concerning alleged irregularities in procedure before the Commission*  
27 *that are not shown in the record, the court may receive evidence concerning the*  
28 *irregularities.*

29 *16. The final decision of the Commission shall be deemed reasonable and*  
30 *lawful until reversed or set aside in whole or in part by the court. The burden of*  
31 *proof is on the party attacking or resisting the decision to show that the final*  
32 *decision is invalid pursuant to subsection 17.*

33 *17. The court shall not substitute its judgment for that of the Commission*  
34 *as to the weight of evidence on a question of fact. The court may remand or*  
35 *affirm the final decision or set it aside in whole or in part if substantial rights of*  
36 *the petitioner have been prejudiced because the final decision of the Commission*  
37 *is:*

38 *(a) In violation of any constitutional or statutory provision;*

39 *(b) In excess of the statutory authority of the Commission;*

40 *(c) Made upon unlawful procedure;*

41 *(d) Affected by other error of law;*

42 *(e) Clearly erroneous in view of the reliable, probative and substantial*  
43 *evidence on the whole record; or*

44 *(f) Arbitrary or capricious or characterized by abuse of discretion.*

45 *18. A petitioner who applies for a stay of the final decision of the*  
46 *Commission shall file and serve a written motion for the stay on the Commission*  
47 *and all parties of record to the proceeding at the time of filing the petition for*  
48 *judicial review. The petitioner must provide security before the court may issue a*  
49 *stay.*

50 *19. In determining whether to grant a stay, the court shall consider the*  
51 *same factors as are considered for a preliminary injunction under Rule 65 of the*  
52 *Nevada Rules of Civil Procedure.*

53 *20. In making a ruling, the court shall:*

- 1 (a) Give deference to the Commission; and
- 2 (b) Consider the risk to the public, if any, of staying the decision of the
- 3 Commission.

4 21. An aggrieved party may obtain a review of any final judgment of the

5 district court by appeal to the Nevada Supreme Court. The appeal may be taken

6 as in other civil cases.

7 **Sec. 17.** NRS 233.010 is hereby amended to read as follows:

8 233.010 1. It is hereby declared to be the public policy of the State of

9 Nevada to protect the welfare, prosperity, health and peace of all the people of the

10 State, and to foster the right of all persons reasonably to seek and obtain housing

11 accommodations without discrimination, distinction or restriction because of race,

12 religious creed, color, age, sex, disability, *familial status*, sexual orientation, gender

13 identity or expression, national origin or ancestry.

14 2. It is hereby declared to be the public policy of the State of Nevada to

15 protect the welfare, prosperity, health and peace of all the people of the State, and

16 to foster the right of all persons reasonably to seek and be granted services in places

17 of public accommodation without discrimination, distinction or restriction because

18 of race, ~~religious creed,~~ *religion*, color, age, sex, disability, sexual orientation,

19 national origin ~~ancestry~~ or gender identity or expression.

20 3. It is hereby declared to be the public policy of the State of Nevada to

21 protect the welfare, prosperity, health and peace of all the people of the State, and

22 to foster the right of all persons reasonably to seek, obtain and hold employment

23 without discrimination, distinction or restriction because of race, ~~religious creed,~~

24 *religion*, color, age, sex, disability, sexual orientation, gender identity or expression

25 ~~ancestry~~ or national origin. ~~ancestry~~

26 4. It is recognized that the people of this State should be afforded full and

27 accurate information concerning actual and alleged practices of discrimination and

28 acts of prejudice, and that such information may provide the basis for formulating

29 statutory remedies of equal protection and opportunity for all citizens in this State.

30 **Sec. 18.** NRS 233.020 is hereby amended to read as follows:

31 233.020 As used in this chapter ~~the following definitions apply:~~

- 32 ~~1. "Administrator" means the Administrator of the Commission.~~
- 33 ~~2. "Commission" means the Nevada Equal Rights Commission within the~~
- 34 ~~Department of Employment, Training and Rehabilitation.~~
- 35 ~~3. "Disability" means, with respect to a person:~~
- 36 ~~(a) A physical or mental impairment that substantially limits one or more of the~~
- 37 ~~major life activities of the person;~~
- 38 ~~(b) A record of such an impairment; or~~
- 39 ~~(c) Being regarded as having such an impairment.~~
- 40 ~~4. "Gender identity or expression" means a gender related identity,~~
- 41 ~~appearance, expression or behavior of a person, regardless of the person's assigned~~
- 42 ~~sex at birth.~~
- 43 ~~5. "Member" means a member of the Nevada Equal Rights Commission.~~
- 44 ~~6. "Sexual orientation" means having or being perceived as having an~~
- 45 ~~orientation for heterosexuality, homosexuality or bisexuality,], unless the context~~
- 46 ~~otherwise requires, the words and terms defined in sections 2 to 13, inclusive, of~~
- 47 ~~this act have the meanings ascribed to them in those sections.~~

48 **Sec. 19.** NRS 233.085 is hereby amended to read as follows:

49 233.085 The Governor may designate another agency to perform the duties

50 and functions of the Commission set forth in NRS 233.150 ~~233.160, 233.165 and~~

51 ~~233.170.] and 233.157 to 233.170, inclusive, and sections 14, 15 and 16 of this~~

52 ~~act.~~

1       **Sec. 20.** NRS 233.140 is hereby amended to read as follows:

2       233.140 The Commission shall:

3       1. Foster mutual understanding and respect among all groups, including,  
4 without limitation, those based on race, religion, disability, ethnicity, sexual  
5 orientation and gender identity or expression, and between the sexes in the State.

6       2. Aid in securing equal health and welfare services and facilities for all the  
7 residents of the State without regard to race, *color*, religion, sex, sexual orientation,  
8 gender identity or expression, age, disability , *familial status* or ~~{nationality}~~  
9 *national origin*.

10       3. Study problems arising between groups within the State which may result  
11 in tensions, discrimination or prejudice because of race, color, ~~{creed}~~ *religion*,  
12 sex, sexual orientation, gender identity or expression, age, disability, *familial status*  
13 *or* national origin , ~~{for ancestry}~~ and formulate and carry out programs of  
14 education and disseminate information with the object of discouraging and  
15 eliminating any such tensions, prejudices or discrimination.

16       4. Secure the cooperation of various groups, including, without limitation,  
17 those based on race, religion, sex, sexual orientation, gender identity or expression,  
18 age, disability, nationality and ethnicity, veterans' organizations, labor  
19 organizations, business and industry organizations and fraternal, benevolent and  
20 service groups, in educational campaigns devoted to the need for eliminating group  
21 prejudice, racial or area tensions, intolerance or discrimination.

22       5. Cooperate with and seek the cooperation of federal and state agencies and  
23 departments in carrying out projects within their respective authorities to eliminate  
24 intergroup tensions and to promote intergroup harmony.

25       6. Develop and carry out programs of education and disseminate information  
26 as necessary to inform employers, employees, employment agencies and job  
27 applicants about their rights and responsibilities set forth in NRS 613.4353 to  
28 613.4383, inclusive.

29       **Sec. 21.** NRS 233.150 is hereby amended to read as follows:

30       233.150 The Commission may:

31       1. Order its Administrator to:

32       (a) With regard to public accommodation, investigate tensions, practices of  
33 discrimination and acts of prejudice against any person or group because of race,  
34 color, ~~{creed}~~ *religion*, sex, age, disability, *familial status*, sexual orientation,  
35 national origin ~~{ancestry}~~ or gender identity or expression and may conduct  
36 hearings with regard thereto.

37       (b) With regard to housing, investigate tensions, practices of discrimination  
38 and acts of prejudice against any person or group because of race, color, ~~{creed}~~  
39 *religion*, sex, age, disability, *familial status*, sexual orientation, gender identity or  
40 expression ~~{}~~ *or* national origin , ~~{for ancestry}~~ and may conduct hearings with  
41 regard thereto.

42       (c) With regard to employment, investigate:

43       (1) Tensions, practices of discrimination and acts of prejudice against any  
44 person or group because of race, color, ~~{creed}~~ *religion*, sex, age, disability,  
45 *familial status*, sexual orientation, gender identity or expression ~~{}~~ *or* national  
46 origin , ~~{for ancestry}~~ and may conduct hearings with regard thereto; and

47       (2) Any unlawful employment practice by an employer pursuant to the  
48 provisions of NRS 613.4353 to 613.4383, inclusive, and may conduct hearings with  
49 regard thereto.

50       2. Mediate between or reconcile the persons or groups involved in those  
51 tensions, practices and acts.

1 3. Issue subpoenas for the attendance of witnesses or for the production of  
2 documents or tangible evidence relevant to any investigations or hearings  
3 conducted by the Commission.

4 4. Delegate its power to hold hearings and issue subpoenas to any of its  
5 members or any hearing officer in its employ.

6 5. *Initiate a complaint against an unlawful discriminatory practice in*  
7 *housing.*

8 6. Adopt reasonable regulations necessary for the Commission to carry out  
9 the functions assigned to it by law.

10 **Sec. 22.** NRS 233.153 is hereby amended to read as follows:

11 233.153 1. The Commission ~~[shall not]~~ *may* contract with or enter into a  
12 memorandum of understanding with the United States Department of Housing and  
13 Urban Development for the Commission to investigate and enforce laws relating to  
14 fair housing as a certified agency . ~~[unless the Legislature, by resolution or other~~  
15 ~~appropriate legislative measure, expressly authorizes the Commission to do so.]~~

16 2. As used in this section:

17 (a) "Certified agency" has the meaning ascribed to it in 24 C.F.R. § 115.100(c).  
18 The term refers to the certification of an agency as substantially equivalent as  
19 described in 42 U.S.C. § 3610(f)(3)(A) and 24 C.F.R. Part 115, Subpart B.

20 (b) "Memorandum of understanding" means the memorandum of  
21 understanding described in 24 C.F.R. § ~~[115.210.]~~ *115.205.*

22 **Sec. 23.** NRS 233.157 is hereby amended to read as follows:

23 233.157 1. The Commission shall accept any complaint alleging an  
24 unlawful discriminatory practice over which it has jurisdiction pursuant to this  
25 chapter.

26 2. The Commission shall adopt regulations setting forth the manner in which  
27 the Commission will process ~~[any such]~~ *a* complaint ~~[and]~~ *received pursuant to*  
28 *subsection 1.*

29 3. *If a complaint alleges an unlawful discriminatory practice in employment*  
30 *or public accommodations, the Commission shall* determine whether to hold an  
31 informal *settlement* meeting or conduct an investigation concerning the complaint.

32 4. *If a complaint alleges an unlawful discriminatory practice in housing,*  
33 *the Commission shall investigate the complaint and shall, to the extent*  
34 *practicable, engage in conciliation with respect to the complaint.*

35 **Sec. 24.** NRS 233.160 is hereby amended to read as follows:

36 233.160 1. A complaint which alleges unlawful discriminatory practices in:

37 (a) Housing must be filed with the Commission not later than 1 year after the  
38 date of the occurrence of the alleged practice or the date on which the practice  
39 terminated.

40 (b) Employment or public accommodations must be filed with the Commission  
41 not later than 300 days after the date of the occurrence of the alleged practice.

42 ➤ A complaint is timely if it is filed with an appropriate federal agency within that  
43 period. A complainant shall not file a complaint with the Commission if any other  
44 state or federal administrative body or officer which has comparable jurisdiction to  
45 adjudicate complaints of discriminatory practices has made a decision upon a  
46 complaint based upon the same facts and legal theory.

47 2. The complainant shall specify in the complaint the alleged unlawful  
48 practice and sign it under oath.

49 3. The Commission shall send to the ~~[party against whom an unlawful~~  
50 ~~discriminatory practice is alleged:]~~ *respondent:*

51 (a) A copy of the complaint;

52 (b) An explanation of the rights which are available to ~~[that party:]~~ *the*  
53 *respondent;* and

1 (c) A copy of the Commission's procedures.

2 4. The Commission shall notify each party to the complaint of the limitation  
3 on the period of time during which a person may apply to the district court for relief  
4 pursuant to NRS 613.430.

5 5. If a person files a complaint pursuant to paragraph (b) of subsection 1  
6 which alleges an unlawful discriminatory practice in employment, the Commission  
7 shall, as soon as practicable after receiving the complaint, notify in writing the  
8 person who filed the complaint that the person may request the Commission to  
9 issue a right-to-sue notice pursuant to NRS 613.412.

10 6. For the purposes of paragraph (b) of subsection 1, an unlawful  
11 discriminatory practice in employment which relates to compensation occurs on:

12 (a) Except as otherwise provided in paragraph (b), the date prescribed by 42  
13 U.S.C. § 2000e-5(e)(3)(A), as it existed on January 1, 2019.

14 (b) If 42 U.S.C. § 2000e-5(e)(3)(A) is amended and the Commission  
15 determines by regulation that the section, as amended, provides greater protection  
16 for employees than the section as it existed on January 1, 2019, the date prescribed  
17 by 42 U.S.C. § 2000e-5(e)(3)(A), as amended.

18 **7. *If a person files a complaint pursuant to paragraph (a) of subsection 1***  
19 ***which alleges an unlawful discriminatory practice in housing:***

20 ***(a) The Commission shall, not later than 10 days after receiving the***  
21 ***complaint:***

22 ***(1) Serve upon the aggrieved person:***

23 ***(I) Notice that the complaint was filed with the Commission;***

24 ***(II) A copy of the procedures of the Commission;***

25 ***(III) The information set forth in sections 14 and 15 of this act; and***

26 ***(IV) Information relating to the state and federal administrative***  
27 ***bodies and courts with which the aggrieved person may file the complaint.***

28 ***(2) Send to the respondent the information set forth in subsection 3.***

29 ***(b) The respondent may file with the Commission an answer to the complaint***  
30 ***not later than 10 days after the respondent receives the information set forth in***  
31 ***subsection 3.***

32 ***(c) A person who is not named as a respondent but who is identified as a***  
33 ***respondent in the course of the investigation may be joined as an additional or***  
34 ***substitute respondent upon written notice from the Commission to that person.***

35 **Sec. 25.** NRS 233.165 is hereby amended to read as follows:

36 233.165 1. ~~If the Commission determines to conduct~~ **In conducting** an  
37 investigation of a complaint which alleges an unlawful discriminatory practice in  
38 housing in accordance with the regulations adopted pursuant to NRS 233.157, the  
39 Commission ~~must~~ **shall:**

40 (a) Begin ~~an~~ **the** investigation of the complaint within 30 days after it  
41 receives the complaint.

42 (b) Complete its investigation of the complaint within 100 days after it receives  
43 the complaint unless it is impracticable to do so.

44 (c) Make a final disposition of the complaint within 1 year after the date it  
45 receives the complaint unless it is impracticable to do so.

46 2. If the Commission determines that it is impracticable to complete an  
47 investigation or make a final disposition of a complaint which alleges an unlawful  
48 discriminatory practice in housing within the period prescribed in subsection 1, the  
49 Commission shall send to the complainant and the ~~person against whom the~~  
50 ~~complaint was filed~~ **respondent** a statement setting forth its reasons for not  
51 completing the investigation or making a final disposition of the complaint within  
52 that period.

1       **Sec. 26.** NRS 233.170 is hereby amended to read as follows:

2       233.170 1. When a complaint is filed whose allegations if true would  
3 support a finding of *an* unlawful practice ~~[, the]~~ *in employment or public*  
4 *accommodations*;

5       (a) *The* Commission shall determine whether to hold an informal meeting to  
6 attempt a settlement of the dispute in accordance with the regulations adopted  
7 pursuant to NRS 233.157. If the Commission determines to hold an informal  
8 meeting, the Administrator may, to prepare for the meeting, request from each party  
9 any information which is reasonably relevant to the complaint. No further action  
10 may be taken if the parties agree to a settlement.

11       ~~[2.]~~ (b) If an agreement is not reached at the informal meeting, the  
12 Administrator shall determine whether to conduct an investigation into the alleged  
13 unlawful practice in accordance with the regulations adopted pursuant to NRS  
14 233.157. After the investigation, if the Administrator determines that an unlawful  
15 practice has occurred, the Administrator shall attempt to mediate between or  
16 reconcile the parties. The ~~[party against whom a complaint was filed]~~ *respondent*  
17 may agree to cease the unlawful practice. If an agreement is reached, no further  
18 action may be taken by the complainant or by the Commission.

19       ~~[3.]~~ (c) If the attempts at mediation or conciliation fail, the Commission may  
20 hold a public hearing on the matter ~~[, After]~~ *in accordance with the requirements*  
21 *of chapter 233B of NRS.*

22       2. *If, after the hearing* ~~[, if]~~ *held pursuant to paragraph (c) of subsection 1,*  
23 *the Commission determines that an unlawful practice has occurred,* ~~[it may:]~~ *the*  
24 *Commission:*

25       (a) ~~[Serve]~~ *Shall serve* a copy of its findings of fact within 10 calendar days  
26 upon any ~~[person]~~ *respondent* found to have engaged in the unlawful practice; and

27       (b) ~~[Order]~~ *May order* the ~~[person]~~ *respondents* to:

28       (1) Cease and desist from the unlawful practice. The order must include,  
29 without limitation, the corrective action the ~~[person]~~ *respondent* must take.

30       (2) In cases involving an unlawful employment practice, restore all  
31 benefits and rights to which the aggrieved person is entitled, including, but not  
32 limited to, rehiring, back pay for a period described in subsection ~~[4.]~~ *3*, annual  
33 leave time, sick leave time or pay, other fringe benefits and seniority, with interest  
34 thereon from the date of the Commission's decision at a rate equal to the prime rate  
35 at the largest bank in Nevada, as ascertained by the Commissioner of Financial  
36 Institutions, on January 1 or July 1, as the case may be, immediately preceding the  
37 date of the Commission's decision, plus 2 percent. The rate of interest must be  
38 adjusted accordingly on each January 1 and July 1 thereafter until the judgment is  
39 satisfied.

40       (3) In cases involving an unlawful employment practice relating to  
41 discrimination on the basis of sex, pay an amount determined to be appropriate by  
42 the Commission for lost wages that would have been earned in the absence of  
43 discrimination or other economic damages resulting from the discrimination,  
44 including, without limitation, lost payment for overtime, shift differential, cost of  
45 living adjustments, merit increases or promotions, or other fringe benefits.

46       (4) In cases involving an unlawful employment practice committed by an  
47 employer with 50 or more employees that the Commission determines was willful,  
48 pay a civil penalty of:

49       (I) For the first unlawful employment practice that the ~~[person]~~  
50 *respondent* has engaged in during the immediately preceding 5 years which the  
51 Commission determines was willful, not more than \$5,000.

1 (II) For the second unlawful employment practice that the ~~{person}~~  
2 *respondent* has engaged in during the immediately preceding 5 years which the  
3 Commission determines was willful, not more than \$10,000.

4 (III) For the third and any subsequent unlawful employment practice  
5 that the ~~{person}~~ *respondent* has engaged in during the immediately preceding 5  
6 years which the Commission determines was willful, not more than \$15,000.

7 ~~{4.}~~ 3. For the purposes of subparagraph (2) of paragraph (b) of subsection  
8 ~~{3.}~~ 2, the period for back pay must not exceed a period beginning 2 years before  
9 the date on which the complaint was filed and ending on the date the Commission  
10 issues an order pursuant to paragraph (b) of subsection ~~{3.}~~ 2.

11 ~~{5.}~~ 4. Before imposing a civil penalty pursuant to subparagraph (4) of  
12 paragraph (b) of subsection ~~{3.}~~ 2, the Commission must allow the ~~{person}~~  
13 *respondent* found to have willfully engaged in an unlawful employment practice 30  
14 days to take corrective action from the date of service of the order pursuant to  
15 paragraph (a) of subsection ~~{3.}~~ 2. If the ~~{person}~~ *respondent* takes such corrective  
16 action, the Commission shall not impose the civil penalty.

17 ~~{6.}~~ 5. The order of the Commission is a final decision in a contested case for  
18 the purpose of judicial review. If the ~~{person}~~ *respondent* fails to comply with the  
19 Commission's order, the Commission shall apply to the district court for an order  
20 compelling such compliance, but failure or delay on the part of the Commission  
21 does not prejudice the right of an aggrieved party to judicial review. The court shall  
22 issue the order unless it finds that the Commission's findings or order are not  
23 supported by substantial evidence or are otherwise arbitrary or capricious. If the  
24 court upholds the Commission's order and finds that the ~~{person}~~ *respondent* has  
25 violated the order by failing to cease and desist from the unlawful practice or to  
26 make the payment ordered, the court shall award the aggrieved party actual  
27 damages for any economic loss and no more.

28 ~~{7.}~~ 6. After the Commission has held a public hearing and rendered a  
29 decision, the complainant is barred from proceeding on the same facts and legal  
30 theory before any other administrative body or officer.

31 ~~{8.}~~ 7. For the purposes of this section, an unlawful employment practice  
32 shall be deemed to be willful if a person engages in the practice with knowledge  
33 that it is unlawful or with reckless indifference to whether it is lawful or unlawful.

34 **Sec. 27.** NRS 233.180 is hereby amended to read as follows:

35 233.180 If, after the Administrator has conducted a preliminary investigation  
36 into an alleged unlawful discriminatory practice in housing, employment or public  
37 accommodations, the Commission determines that the practice will cause  
38 immediate and irreparable harm to any person aggrieved by the practice, the  
39 Commission, ~~[after the informal meeting and]~~ before holding a public hearing upon  
40 the matter, may apply on behalf of such person to the district court for a temporary  
41 restraining order or preliminary injunction as provided in the Nevada Rules of Civil  
42 Procedure.

43 **Sec. 28.** NRS 233.190 is hereby amended to read as follows:

44 233.190 1. Except as otherwise provided in this section or NRS 239.0115,  
45 *or paragraph (c) of subsection 1 of section 14 of this act*, any information gathered  
46 by the Commission in the course of its investigation of an alleged unlawful  
47 discriminatory practice in housing, employment or public accommodations is  
48 confidential.

49 2. Except as otherwise provided in subsection 5, the Commission may  
50 disclose information gathered pursuant to subsection 1 to:

51 (a) Any governmental entity as appropriate or necessary to carry out its duties  
52 pursuant to this chapter; or

1 (b) To any other person if the information is provided in a manner which does  
2 not include any information that may be used to identify the complainant, the ~~{party~~  
3 ~~against whom the unlawful discriminatory practice is alleged}~~ *respondent* or any  
4 person who provided information to the Commission during the investigation.

5 3. Except as otherwise provided in subsection 4, the Commission shall  
6 disclose information gathered pursuant to subsection 1 to the complainant and the  
7 ~~{party against whom the unlawful discriminatory practice is alleged}~~ *respondent* if:

8 (a) Each has consented to such disclosure; or

9 (b) The Commission has determined to conduct a hearing on the matter or  
10 apply for a temporary restraining order or an injunction or an action has been filed  
11 in court concerning the complaint.

12 4. The Commission may not disclose to the complainant or the ~~{party against~~  
13 ~~whom the unlawful discriminatory practice is alleged:}~~ *respondent*.

14 (a) Any information obtained during negotiations for a settlement or attempts  
15 at mediating or conciliating the complaint.

16 (b) Any investigative notes or reports made by the Commission.

17 (c) Any information that may be used to identify a person who provided  
18 information to the Commission during the investigation and who has requested  
19 anonymity.

20 5. After the filing of a complaint with the Commission, access to information  
21 related to the complaint must be limited only to such staff of the Commission as is  
22 necessary to carry out the duties of the Commission relating to the complaint. Such  
23 staff shall not disclose such information to the other officers and employees of the  
24 Department of Employment, Training and Rehabilitation, including, without  
25 limitation, supervisors and the Director of the Department, unless the disclosure is  
26 necessary to carry out the duties of the Commission relating to the complaint.

27 6. Except as otherwise provided in this section or NRS 239.0115, *or*  
28 *paragraph (c) of subsection 1 of section 14 of this act*, if the Commission's  
29 attempts at mediating or conciliating the cause of the grievance succeed, the  
30 information gathered pursuant to subsection 1 must remain confidential.

31 7. If the Commission proceeds with a hearing or applies for injunctive relief,  
32 confidentiality concerning any information, except negotiations for a settlement or  
33 attempts at mediating or conciliating the cause of the grievance, is no longer  
34 required.

35 **Sec. 29.** NRS 233B.039 is hereby amended to read as follows:

36 233B.039 1. The following agencies are entirely exempted from the  
37 requirements of this chapter:

38 (a) The Governor.

39 (b) Except as otherwise provided in NRS 209.221, the Department of  
40 Corrections.

41 (c) The Nevada System of Higher Education.

42 (d) The Office of the Military.

43 (e) The Nevada Gaming Control Board.

44 (f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada  
45 Gaming Commission.

46 (g) Except as otherwise provided in NRS 425.620, the Division of Welfare and  
47 Supportive Services of the Department of Health and Human Services.

48 (h) Except as otherwise provided in NRS 422.390, the Division of Health Care  
49 Financing and Policy of the Department of Health and Human Services.

50 (i) Except as otherwise provided in NRS 533.365, the Office of the State  
51 Engineer.

52 (j) The Division of Industrial Relations of the Department of Business and  
53 Industry acting to enforce the provisions of NRS 618.375.



1 (k) The Administrator of the Division of Industrial Relations of the Department  
2 of Business and Industry in establishing and adjusting the schedule of fees and  
3 charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

4 (l) The Board to Review Claims in adopting resolutions to carry out its duties  
5 pursuant to NRS 445C.310.

6 (m) The Silver State Health Insurance Exchange.

7 (n) The Cannabis Compliance Board.

8 2. Except as otherwise provided in subsection 5 and NRS 391.323, the  
9 Department of Education, the Board of the Public Employees' Benefits Program  
10 and the Commission on Professional Standards in Education are subject to the  
11 provisions of this chapter for the purpose of adopting regulations but not with  
12 respect to any contested case.

13 3. The special provisions of:

14 (a) Chapter 612 of NRS for the adoption of an emergency regulation or the  
15 distribution of regulations by and the judicial review of decisions of the  
16 Employment Security Division of the Department of Employment, Training and  
17 Rehabilitation;

18 (b) Chapters 616A to 617, inclusive, of NRS for the determination of contested  
19 claims;

20 (c) *Chapter 233 of NRS for the judicial review of decisions of the Nevada*  
21 *Equal Rights Commission concerning an unlawful discriminatory practice in*  
22 *housing;*

23 (d) Chapter 91 of NRS for the judicial review of decisions of the Administrator  
24 of the Securities Division of the Office of the Secretary of State; and

25 ~~(e)~~ (e) NRS 90.800 for the use of summary orders in contested cases,

26 ➤ prevail over the general provisions of this chapter.

27 4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do  
28 not apply to the Department of Health and Human Services in the adjudication of  
29 contested cases involving the issuance of letters of approval for health facilities and  
30 agencies.

31 5. The provisions of this chapter do not apply to:

32 (a) Any order for immediate action, including, but not limited to, quarantine  
33 and the treatment or cleansing of infected or infested animals, objects or premises,  
34 made under the authority of the State Board of Agriculture, the State Board of  
35 Health, or any other agency of this State in the discharge of a responsibility for the  
36 preservation of human or animal health or for insect or pest control;

37 (b) An extraordinary regulation of the State Board of Pharmacy adopted  
38 pursuant to NRS 453.2184;

39 (c) A regulation adopted by the State Board of Education pursuant to NRS  
40 388.255 or 394.1694;

41 (d) The judicial review of decisions of the Public Utilities Commission of  
42 Nevada;

43 (e) The adoption, amendment or repeal of policies by the Rehabilitation  
44 Division of the Department of Employment, Training and Rehabilitation pursuant  
45 to NRS 426.561 or 615.178;

46 (f) The adoption or amendment of a rule or regulation to be included in the  
47 State Plan for Services for Victims of Crime by the Department of Health and  
48 Human Services pursuant to NRS 217.130;

49 (g) The adoption, amendment or repeal of rules governing the conduct of  
50 contests and exhibitions of unarmed combat by the Nevada Athletic Commission  
51 pursuant to NRS 467.075; or

1 (h) The adoption, amendment or repeal of regulations by the Director of the  
2 Department of Health and Human Services pursuant to NRS 447.335 to 447.350,  
3 inclusive.

4 6. The State Board of Parole Commissioners is subject to the provisions of  
5 this chapter for the purpose of adopting regulations but not with respect to any  
6 contested case.

7 **Sec. 30.** Chapter 118 of NRS is hereby amended by adding thereto the  
8 provisions set forth as sections 31, 32 and 33 of this act.

9 **Sec. 31.** *“Aggrieved person” means any person who:*

10 1. *Claims to have been injured by an unlawful discriminatory practice in*  
11 *housing; or*

12 2. *Believes that he or she will be injured by an unlawful discriminatory*  
13 *practice in housing that is about to occur.*

14 **Sec. 32.** *“Unlawful discriminatory practice in housing” means a practice*  
15 *prohibited by NRS 118.100 and section 33 of this act.*

16 **Sec. 33.** 1. *Except as otherwise provided in ~~subsections 2 and 3,~~ this*  
17 *section, it is an unlawful discriminatory practice for any person to:*

18 (a) *Inquire into or conduct a background check to determine the arrest*  
19 *record, conviction record or record of criminal history of an applicant for the*  
20 *rental or lease of a dwelling or a tenant;*

21 (b) *Refuse to rent or lease or refuse to negotiate for the rental or lease of, or*  
22 *otherwise make unavailable, a dwelling to an applicant because of any arrest*  
23 *record, conviction record or record of criminal history;*

24 (c) *Make, print or publish, or cause to be made printed or published, any*  
25 *notice, statement or advertisement with respect to the rental or lease of a dwelling*  
26 *that indicates any preference, limitation or discrimination, or an intention to*  
27 *make any preference, limitation or discrimination, on the basis of an applicant’s*  
28 *arrest record, conviction record or record of criminal history; or*

29 (d) *Evict a tenant on the basis of an arrest record, conviction record or*  
30 *record of criminal history for a misdemeanor offense unless the misdemeanor*  
31 *offense occurred on the premises of the dwelling that is being rented or leased to*  
32 *the tenant.*

33 2. *A person may inquire into or conduct a background check to determine*  
34 *whether an applicant for the rental or lease of a dwelling has ~~an arrest record,~~ a*  
35 *conviction record or record of criminal history that includes:*

36 (a) *First degree arson pursuant to NRS 205.010, or the equivalent offense in*  
37 *another jurisdiction ~~for~~, within the immediately preceding year;*

38 (b) *At least two instances of second, third or fourth degree arson pursuant to*  
39 *NRS 205.015, 205.020 or 205.025, or the equivalent offense in another*  
40 *jurisdiction, within the immediately preceding year; ~~for~~*

41 (c) *A violent or sexual offense as defined in NRS 202.876, or the equivalent*  
42 *offense in another jurisdiction; or*

43 (d) *If the rental or lease is being made available by a public housing*  
44 *authority and the public housing authority has adopted a policy to use such*  
45 *offenses as a basis for denying the rental or lease in the public housing and has*  
46 *made a list of the offenses publicly available, any offense set forth in 24 C.F.R. §*  
47 *982.553 as a permissive prohibition, other than drug-related criminal offenses*  
48 *related to cannabis from another jurisdiction, if such offense would not be a*  
49 *criminal offense in this State.*

50 ↪ *A person who inquires into or conducts a background check in accordance*  
51 *this subsection may refuse to rent or lease, refuse to negotiate for the rental or*  
52 *lease of, or otherwise make unavailable a dwelling on the basis of ~~an arrest~~*

1 ~~record,]~~ a conviction record or record of criminal history for the offenses set  
2 forth in this subsection.

3 3. A person ~~[who makes a dwelling available for rent or lease and]~~ who is  
4 subject to this provisions of this section shall provide to each applicant **for the**  
5 **rental or lease of a dwelling** information on:

6 (a) The provisions of this section and NRS 118.110 and 118.120;

7 (b) How the applicant may appeal a denial for a rental or lease of a dwelling  
8 in public housing to a public housing authority; and

9 (c) How the applicant may file a complaint with the Commission pursuant to  
10 NRS 233.160 if the applicant believes that his or her application was denied on  
11 the basis of an unlawful discriminatory practice.

12 4. The provisions of this section :

13 (a) Except as otherwise provided in paragraph (b), apply to the rental or  
14 lease, including, without limitation, ~~[a rental with]~~ a week to week tenancy, of  
15 ~~[any dwelling in~~

16 ~~— (a) Public or private housing or a premises which] :~~

17 (1) Any dwelling that is owned by a natural person ~~[makes available for~~  
18 ~~rent or lease that]~~ and contains ~~[not less than]~~ five ~~[individual]~~ **or more** dwelling  
19 units; and

20 ~~[(b) Public or private housing or a premises made available for rent or lease~~  
21 ~~by a person who own or holds any interest in, title to or any right to any portion~~  
22 ~~of the proceeds from the rental of more than five single family houses or multi-~~  
23 ~~family houses.~~

24 ~~— (c)] (2) Any dwelling that is owned by a corporation or other business entity.~~

25 (b) Do not apply to ~~[a]~~ **any action taken by a person:**

26 (1) ~~[Any actions taken by a person pursuant]~~ Pursuant to any federal or  
27 state law or regulation that requires the person to inquire into or conduct a  
28 background check to determine the arrest record, conviction record or criminal  
29 history of an applicant and exclude certain applicants based on certain types of  
30 criminal history, including, without limitation, the provisions of NRS 315.031, 42  
31 U.S.C. § 13663 and 24 C.F.R. § 982.553.

32 (2) ~~[Any actions taken by a person to]~~ To review the statewide registry of  
33 sex offenders and offenders convicted of a crime against a child established  
34 pursuant to NRS 179B.200.

35 (3) ~~[The rental of a room or unit in a dwelling by a person who makes~~  
36 ~~available for rent or lease not more than four individual dwelling rooms or units.~~

37 ~~— (4) Any action taken by a person who]~~ Who makes available for rent a  
38 dwelling for tenancy on a week to week basis to determine whether an applicant  
39 has any outstanding felony warrants pending against him or her.

40 ~~[(5) The rental or lease of a manufactured home.]~~

41 5. As used in this section:

42 (a) “Applicant” means a person who:

43 (1) Seeks information about, visits or applies to rent or lease a dwelling;

44 (2) Applies for a housing rental assistance program, including, without  
45 limitation, the Housing Choice Voucher Program pursuant to section 8 of the  
46 United States Housing Act of 1937, 42 U.S.C. § 1437f; or

47 (3) Seeks to be added to an existing lease for a dwelling.

48 (b) “Arrest record” means any information indicating that a person has been  
49 apprehended, detained, taken into custody, held for investigation or restrained by  
50 a law enforcement department of military authority due to an accusation or  
51 suspicion that a person committed a crime. The term includes pending criminal  
52 charges where an accusation has not resulted in a final judgment, acquittal,  
53 conviction, plea, dismissal or withdrawal.

1 (c) "Background check" means any report regarding the arrest record,  
2 conviction record or record of criminal history of a person intended to obtain the  
3 person's record of criminal history.

4 (d) "Conviction record" means any information regarding a final  
5 adjudication or other criminal disposition adverse to a person. The term includes,  
6 without limitation, dispositions for which the defendant received a deferred or  
7 suspended sentence, unless the adverse disposition has been vacated or expunged.

8 (e) "Dwelling":

9 (1) Except as otherwise provided in subparagraph (2), means:

10 ~~[(1)] (I) Public housing; [as that term is defined in NRS 315.021];~~

11 ~~[(2)] (II) Any housing [or premises that are] that is rented or leased to a~~  
12 ~~tenant pursuant to a contract with a housing authority; [as those terms are~~  
13 ~~defined in NRS 315.021]; or~~

14 ~~[(3)] (III) Any housing [or premises] which accepts rental payments of~~  
15 ~~vouchers from a federal, state or local housing voucher program.~~

16 (2) Does not include:

17 (I) A manufactured home; or

18 (II) A single-family house owned by a natural person or any other  
19 housing that is owned by a natural person and has four or fewer dwelling units.

20 (f) "Dwelling unit" means a building or a portion of a building planned,  
21 designed or used as a residence for one family only, living independently of other  
22 families or persons, and having its own bathroom and housekeeping facilities  
23 included in the unit.

24 (g) "Housing authority" has the meaning ascribed to it in NRS 315.021.

25 (h) "Public housing" has the meaning ascribed to it in NRS 315.021.

26 (i) "Record of criminal history" has the meaning ascribed to it in NRS  
27 179A.070.

28 **Sec. 33.5.** (Deleted by amendment.)

29 **Sec. 34.** NRS 118.020 is hereby amended to read as follows:

30 118.020 1. It is hereby declared to be the public policy of the State of  
31 Nevada that all people in the State have equal opportunity to inherit, purchase,  
32 lease, rent, sell, hold and convey real property without discrimination, distinction or  
33 restriction because of race, ~~[religious creed,]~~ color, national origin, **religion,**  
34 disability, sexual orientation, gender identity or expression, ~~[ancestry,]~~ familial  
35 status or sex.

36 2. Nothing in ~~[this chapter]~~ **NRS 118.010 to 118.120, inclusive, and sections**  
37 **31, 32 and 33 of this act** shall be deemed to render enforceable a conveyance or  
38 other contract made by a person who lacks the capacity to contract.

39 **Sec. 35.** NRS 118.030 is hereby amended to read as follows:

40 118.030 As used in NRS 118.010 to 118.120, inclusive, **and sections 31, 32**  
41 **and 33 of this act**, unless the context otherwise requires, the words and terms  
42 defined in NRS 118.040 to 118.093, inclusive, **and sections 31 and 32 of this act**  
43 have the meanings ascribed to them in those sections.

44 **Sec. 36.** NRS 118.045 is hereby amended to read as follows:

45 118.045 1. "Disability" means, with respect to a person:

46 ~~[(1)]~~ (a) A physical or mental impairment that substantially limits one or more  
47 of the major life activities of the person;

48 ~~[(2)]~~ (b) A record of such an impairment; or

49 ~~[(3)]~~ (c) Being regarded as having such an impairment.

50 2. **The term does not include any current illegal use of or addiction to a**  
51 **controlled substance as defined in 21 U.S.C. § 802(6).**

Sec. 37. NRS 118.060 is hereby amended to read as follows:

118.060 ~~[1-]~~ “Dwelling” means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

~~[2-]~~ “Dwelling” does not include:

~~— (a) A single family house sold or rented by an owner if:~~

~~— (1) The owner does not own more than three single family houses at any one time or the owner does not own any interest in, nor is there owned or reserved on his or her behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three single-family houses at any one time; and~~

~~— (2) The house was sold or rented without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, real estate broker salesperson or real estate salesperson licensed pursuant to chapter 645 of NRS.~~

~~— (b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by not more than four families living independently of each other if the owner actually maintains and occupies one of the living quarters as his or her residence and the owner has not within the preceding 12 month period participated:~~

~~— (1) As the principal in three or more transactions involving the sale or rental of any dwelling or any interest therein; or~~

~~— (2) As an agent, otherwise than in the sale of his or her own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein.~~

~~— 3. The sale of a single family house by an owner not residing in that house at the time of the sale or who was not the most recent resident of that house before the sale does not bring the house within the definition of “dwelling” unless there is more than one such sale within any 24 month period.]~~

Sec. 38. NRS 118.080 is hereby amended to read as follows:

118.080 “Person” includes ~~[the]~~:

*1. One or more natural persons, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trustees, trustees in cases under Title 11 of the United States Code, receivers or fiduciaries;*

*2. The State of Nevada ; and ~~[all]~~*

*3. All political subdivisions and agencies ~~[thereof.]~~ of the State.*

Sec. 39. NRS 118.100 is hereby amended to read as follows:

118.100 ~~[A]~~

*1. Except as otherwise provided in subsections 4 and 5, a person shall not, because of race, ~~[religious-creed,]~~ color, religion, national origin, ~~[disability,]~~ sexual orientation, gender identity or expression, ~~[ancestry,]~~ familial status , ~~[or]~~ sex ~~[:]~~ or disability, including, without limitation, the disability of a buyer or renter or any person who may reside in a dwelling after it is sold, rented or made available, or because the buyer or renter is associated with a person who is, or is perceived to be, a member of any class of persons protected by the provisions of NRS 118.010 to 118.120, inclusive, and sections 31, 32 and 33 of this act:*

~~[1-]~~ (a) Refuse to sell or rent or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person.

~~[2-]~~ (b) Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, including the amount of breakage or brokerage fees,

1 deposits or other undue penalties, or in the provision of services or facilities in  
2 connection therewith.

3 ~~{3.}~~ (c) Make, print or publish, or cause to be made, printed or published, any  
4 notice, statement or advertisement with respect to the sale or rental of a dwelling  
5 that indicates any preference, limitation or discrimination, or an intention to make  
6 any preference, limitation or discrimination. As used in this subsection, “dwelling”  
7 includes a house, room or unit described in ~~{subsection 2 or 3 of NRS 118.060.}~~  
8 *paragraphs (a) and (b) of subsection 5.*

9 ~~{4.}~~ (d) Represent to any person because of race, ~~{religious-creed,}~~ color,  
10 *religion*, national origin, disability, sexual orientation, gender identity or  
11 expression, ~~{ancestry,}~~ familial status or sex that any dwelling is not available for  
12 inspection, sale or rental when the dwelling is in fact so available.

13 ~~{5.}~~ (e) For profit, induce or attempt to induce any person to sell or rent any  
14 dwelling by representations regarding the entry or prospective entry into the  
15 neighborhood of a person of a particular race, ~~{religious-creed,}~~ *religion*, color,  
16 national origin, disability, sexual orientation, gender identity or expression,  
17 ~~{ancestry,}~~ familial status or sex.

18 ~~{6. Coerce.}~~  
19 (f) *Deny any person access to or membership or participation in any  
20 multiple-listing service, real estate brokers’ organization or other service,  
21 organization or facility relating to the business of selling or renting dwellings, or  
22 discriminate against any person in the terms or conditions of such access,  
23 membership or participation.*

24 *2. A person shall not discriminate against any person in making available a  
25 residential real estate related transaction, or in the terms or conditions of such a  
26 transaction.*

27 *3. A person shall not coerce, intimidate, threaten or interfere with any person  
28 in the exercise or enjoyment of, or on account of that person having exercised or  
29 enjoyed or aided or encouraged any other person in the exercise or enjoyment of,  
30 any right granted or protected in ~~{this chapter.}~~ NRS 118.010 to 118.120, inclusive,  
31 and sections 31, 32 and 33 of this act.*

32 *4. The provisions of this section:*

33 (a) *Do not prohibit a person engaged in the business of furnishing appraisals  
34 of real property from considering factors other than race, color, religion, sex,  
35 national origin, sexual orientation, gender identity or expression, familial status  
36 or disability in performing an appraisal.*

37 (b) *Do not prohibit a religious organization, association or society, or a  
38 nonprofit institution or organization operated, supervised or controlled by or in  
39 conjunction with a religious organization, association or society, from limiting  
40 the sale, rental or occupancy of any dwelling which it owns or operates for other  
41 than a commercial purpose to persons of the same religion or from giving  
42 preferences to such persons, unless membership in the religion is restricted on  
43 account of race, color or national origin.*

44 (c) *Do not prohibit a private club which is not open to the public and which,  
45 as an incident to its primary purposes, provides lodgings that it owns or operates  
46 for other than a commercial purpose from limiting the rental or occupancy of  
47 those lodgings to its members or from giving preference to its members.*

48 (d) *With regard to the prohibition against discrimination based on familial  
49 status, do not apply to housing for older persons.*

50 *5. Except as otherwise provided in paragraph (c) or (f) of subsection 1 or  
51 subsection 2, 3 or 6, the provisions of this section do not apply to:*

52 (a) *A single-family house sold or rented by a private individual owner if:*

1           (1) *The private individual owner does not own more than three single-*  
2 *family houses;*

3           (2) *The private individual owner does not own any interest in, and there*  
4 *is not owned or reserved on his behalf, under any express or voluntary*  
5 *agreement, title to or any right to any portion of the proceeds from the sale or*  
6 *rental of more than three single-family houses; and*

7           (3) *The house is sold or rented:*

8           (I) *Without the use in any manner of the sales or rental facilities or*  
9 *services of any real estate broker, agent or salesman licensed under chapter 645*  
10 *of NRS, other person in the business of selling or renting dwellings or the*  
11 *employee or agent of such a real estate broker, agent or salesman or other*  
12 *person; and*

13           (II) *Without the publication, posting or mailing of any advertisement*  
14 *or written notice in violation of paragraph (c) of subsection 1.*

15           (b) *Rooms or units in dwellings containing living quarters occupied or*  
16 *intended to be occupied by not more than four families living independently of*  
17 *each other if the owner maintains and occupies one of the living quarters as his*  
18 *or her residence.*

19           6. *In the event of the sale of a single-family house by a private individual*  
20 *owner who does not reside in the house at the time of the sale or who was not the*  
21 *most recent resident of the house before the sale, the exemption from the*  
22 *provisions of this section set forth in paragraph (a) of subsection 5 applies only*  
23 *with respect to one such sale within any 24-month period.*

24           7. *The provisions of this section do not prohibit the use by any person of*  
25 *such attorneys, escrow agents, commissioned abstracters, title companies or other*  
26 *professional assistance as necessary to perfect or transfer title to real property.*

27           8. *For the purposes of this section, a person shall be deemed to be in the*  
28 *business of selling or renting dwellings if the person:*

29           (a) *Has, within the immediately preceding 12 months, participated as a*  
30 *principal in three or more transactions involving the sale or rental of any*  
31 *dwelling or any interest in a dwelling;*

32           (b) *Has, within the immediately preceding 12 months, participated as an*  
33 *agent, other than in the sale of his or her own residence, in providing sales or*  
34 *rental facilities or services in two or more transactions involving the sale or*  
35 *rental of any dwelling or any interest in a dwelling; or*

36           (c) *Is the owner of any dwelling occupied by, or designed or intended for*  
37 *occupancy by, five or more families.*

38           9. *As used in this section, unless the context otherwise requires:*

39           (a) *“Housing for older persons” means housing that is:*

40           (1) *Provided under any state or federal program which the Secretary of*  
41 *Housing and Urban Development determines is specifically designed and*  
42 *operated to assist elderly persons;*

43           (2) *Intended for and occupied solely by persons who are 62 years of age*  
44 *or older; or*

45           (3) *Intended and operated for occupancy by persons who are 55 years of*  
46 *age or older and:*

47           (I) *At least 80 percent of the occupied units are occupied by at least*  
48 *one person who is 55 years or older; and*

49           (II) *Applicable rules for verification of occupancy are complied with.*

50           (b) *“Residential real estate related transaction” means:*

51           (1) *The making or purchasing of loans or providing other financial*  
52 *assistance for purchasing, constructing, improving, repairing or maintaining a*  
53 *dwelling;*

1           (2) *The making or purchasing of loans or providing other financial*  
2 *assistance secured by residential real estate; or*

3           (3) *The selling, brokering or appraising of residential real estate.*

4       **Sec. 40.** NRS 118.101 is hereby amended to read as follows:

5       118.101 1. A person may not refuse to ~~};~~

6       ~~—(a) Authorize}~~ *authorize* a person with a disability to make reasonable  
7 modifications to a dwelling which he or she occupies or will occupy if:

8           ~~{(1)}~~ (a) The person with the disability pays for the modifications; and

9           ~~{(2)}~~ (b) The modifications ~~{are} may be~~ necessary to ~~{ensure that} afford~~  
10 the person with the disability ~~{may use and enjoy} the full enjoyment of~~ the  
11 dwelling. ~~}; or~~

12       ~~—(b) Make reasonable accommodations in rules, policies, practices or services if~~  
13 ~~those accommodations are necessary to ensure that the person with the disability~~  
14 ~~may use and enjoy the dwelling.}~~

15       2. A landlord may, as a condition for the authorization of such a modification,  
16 reasonably require the person who requests the authorization, upon the termination  
17 of his or her occupancy, to restore the *interior of the* dwelling to the condition that  
18 existed before the modification, reasonable wear and tear excepted.

19       3. Except as otherwise provided in subsection 4, a landlord may not increase  
20 the amount of security the landlord customarily requires a person to deposit because  
21 that person has requested authorization to modify a dwelling pursuant to subsection  
22 1.

23       4. If a person requests authorization to modify a dwelling pursuant to  
24 subsection 1, the landlord may require that person to deposit a reasonable amount  
25 of security in addition to the amount the landlord usually requires if the additional  
26 amount:

27       (a) Is necessary to ensure the restoration of the dwelling pursuant to subsection  
28 2;

29       (b) Does not exceed the actual cost of the restoration; and

30       (c) Is *collected over a reasonable period and* deposited by the landlord in an  
31 interest-bearing account. Any interest earned on the additional amount must be paid  
32 to the person who requested the authorization.

33       5. *A person may not refuse to make reasonable accommodations in rules,*  
34 *policies, practices or services which may be necessary to afford a person with a*  
35 *disability equal opportunity to use and enjoy a dwelling.*

36       6. As used in this section, “security” has the meaning ascribed to it in NRS  
37 118A.240.

38       **Sec. 41.** NRS 118.103 is hereby amended to read as follows:

39       118.103 1. A covered multifamily dwelling which is designed and  
40 constructed for occupancy on or after ~~{March 13, 1991,} October 1, 2021,~~ must be  
41 constructed in such a manner that the *primary entrance to the* dwelling ~~{contains at~~  
42 ~~least one entrance which}~~ is accessible to a person with a disability unless it is  
43 impracticable to so design or construct the dwelling because of the terrain or  
44 unusual characteristics of the site upon which it is constructed.

45       2. ~~{A} Such a~~ covered multifamily dwelling ~~{which contains at least one~~  
46 ~~entrance which is accessible to a person with a disability}~~ must be constructed in  
47 such a manner that:

48       (a) The ~~{common}~~ areas of the dwelling *intended for public use or common*  
49 *use* are readily accessible to and usable by a person with a disability;

50       (b) The doors of the dwelling are sufficiently wide to allow a person with a  
51 disability to enter and exit in a wheelchair;

52       (c) The units of the dwelling contain:

53           (1) An accessible route into and through the dwelling;



1 (2) Reinforcements in the bathroom walls so that bars for use by a person  
2 with a disability may be installed therein; and

3 (3) Kitchens and bathrooms *which are usable by a person in a wheelchair*  
4 *and* in which *such* a person ~~[in a wheelchair]~~ may maneuver; and

5 (d) The light switches, electrical outlets, thermostats or any other  
6 environmental controls in the units of the dwelling are placed in such a manner that  
7 they are accessible to a person in a wheelchair.

8 3. As used in this section, “covered multifamily dwelling” means:

9 (a) A building which consists of four or more units and contains at least one  
10 elevator; ~~for~~ *and*

11 (b) The units located on the ground floor of any other building which consists  
12 of four or more units.

13 **Sec. 42.** NRS 118.105 is hereby amended to read as follows:

14 118.105 1. ~~[Except as otherwise provided in subsection 2, a]~~ A landlord  
15 ~~[may]~~ *must* not refuse to rent a dwelling subject to the provisions of chapter 118A  
16 of NRS to a person with a disability solely because ~~[an]~~ *a service animal which*  
17 *affords the person an equal opportunity to use and enjoy the dwelling* will be  
18 residing with the prospective tenant in the dwelling . ~~[if the animal assists, supports~~  
19 ~~or provides service to the person with a disability.]~~

20 2. ~~[A landlord may require proof that an animal assists, supports or provides~~  
21 ~~service to the person with a disability. This requirement may be satisfied, without~~  
22 ~~limitation, by a statement from a provider of health care that the animal performs a~~  
23 ~~function that ameliorates the effects of the person's disability.]~~ *As used in this*  
24 *section, “service animal” has the meaning ascribed to it in NRS 426.097.*

25 **Sec. 43.** NRS 118.110 is hereby amended to read as follows:

26 118.110 Any aggrieved person ~~[who claims to have been injured by a~~  
27 ~~discriminatory housing practice or who believes that he or she will be injured by~~  
28 ~~such a practice that is about to occur]~~ may file a complaint with the Commission in  
29 the manner prescribed in NRS 233.160 ~~[.]~~ *and avail himself or herself of the rights*  
30 *and remedies set forth in NRS 233.165 and sections 14, 15 and 16 of this act.*

31 **Sec. 44.** NRS 118.120 is hereby amended to read as follows:

32 118.120 ~~[Any]~~

33 1. *Except as otherwise provided in subsection 2, an aggrieved* person may  
34 commence an action in any district court in this state to enforce the provisions of  
35 NRS 118.100, 207.300, 207.310, 645.321 or 645C.480 *and sections 31, 32 and 33*  
36 *of this act* not ~~[less]~~ *more* than 1 year after the date of the occurrence or termination  
37 of an alleged violation of any of those provisions. If the court determines that the  
38 provisions of any of those sections have been violated by the defendant, and that  
39 the plaintiff has been injured thereby, it may enjoin the defendant from continued  
40 violation or may take such other affirmative action as may be appropriate, and, in  
41 the case of a prevailing plaintiff, may award to the plaintiff actual damages,  
42 punitive damages, court costs and a reasonable attorney’s fee.

43 2. *The limitation on commencing an action set forth in subsection 1 is*  
44 *tolled by the filing of a complaint with the Commission and during the pendency*  
45 *of the complaint before the Commission.*

46 3. *An aggrieved person may commence a civil action under this section*  
47 *regardless of whether the person has filed a complaint under NRS 118.110,*  
48 *unless the person has entered into a conciliation agreement concerning the*  
49 *complaint or the Commission has commenced a hearing pursuant to section 14 of*  
50 *this act with respect to the matters alleged in the complaint.*

51 **Sec. 45.** 1. This section becomes effective upon passage and approval.

52 2. Sections 1 to 44, inclusive, of this act become effective:

- 1 (a) Upon passage and approval for the purpose of adopting regulations and
- 2 performing any other preparatory administrative tasks that are necessary to carry
- 3 out the provisions of this act; and
- 4 (b) On October 1, 2021, for all other purposes.