

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



15 discriminatory practice in housing and to attempt to resolve the issues raised in the
16 complaint through informal negotiations with the parties. **Section 24** of this bill
17 requires the Commission to serve upon an aggrieved person certain information.

18 **Section 14** of this bill establishes new procedures and requirements with
19 respect to investigations and administrative hearings concerning such complaints.
20 Following the Commission's investigation of a complaint, if the Administrator of
21 the Commission determines that probable cause exists to believe that an unlawful
22 discriminatory practice in housing has occurred or is about to occur, the Attorney
23 General is required to: (1) prepare a notice of hearing and serve the notice upon the
24 parties; and (2) unless a party elects to have the matter determined by a court,
25 prepare and prosecute the complaint in a public hearing before the Commission. If
26 the Commission, based on a preponderance of the evidence presented at the
27 hearing, determines that an unlawful discriminatory practice in housing has
28 occurred, the Commission may issue an order to cease and desist, order appropriate
29 injunctive or other equitable relief, award actual damages, impose civil penalties
30 and award costs and attorney's fees. **Section 27** of this bill makes a conforming
31 change to eliminate the requirement for the Commission to hold an informal
32 meeting of the parties.

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

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

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

46 **Section 33** of this bill prohibits, with certain exceptions, a person seeking to
47 rent or lease a dwelling from: (1) inquiring into the arrest record, conviction record
48 or record of criminal history of an applicant or tenant; (2) refusing to rent or lease,
49 or refusing to negotiate to rent or lease, a dwelling to an applicant on the basis of
50 the applicant's arrest record, conviction record or record of criminal history; and (3)
51 making, printing or publishing any notice or advertisement which indicates a
52 preference based on the arrest record, conviction record or record of criminal
53 history of an applicant. **Section 33** exempts from these provisions: (1) persons who
54 inquire or run a background check on an applicant pursuant to the requirements of
55 federal or state law; (2) persons who check the statewide registry of sex offenders
56 and offenders convicted of a crime against a child; and (3) persons who occupy or
57 own a dwelling and rent a room or unit in the dwelling while maintaining and
58 occupying one of the living quarters as his or her own residence.

59 **Sections 31, 32 and 34-44** of this bill amend the Nevada Fair Housing Law to
60 conform to federal law. **Section 36** of this bill revises the definition of "disability"
61 to exclude any current illegal use of or addiction to a controlled substance. **Sections**
62 **37 and 38** of this bill revise the definitions of "dwelling" and "person." **Sections 31**
63 **and 32** define the terms "aggrieved person" and "unlawful discriminatory practice
64 in housing."

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



69 **Section 40** of this bill prohibits a person from refusing: (1) to allow a person
70 with a disability to make reasonable modifications to a dwelling which may be
71 necessary to afford the person with a disability full enjoyment of the dwelling, if
72 the person with the disability pays for the modifications; or (2) to make reasonable
73 accommodations in rules, policies, practices or services which may be necessary to
74 afford a person with a disability equal opportunity to use and enjoy a dwelling.
75 **Section 41** of this bill revises accessibility requirements relating to the design
76 and construction of a covered multifamily dwelling. **Section 42** of this bill revises
77 provisions prohibiting a landlord from refusing to rent a dwelling to a person with a
78 disability with a service animal.
79 **Sections 43 and 44** of this bill revise provisions governing civil actions to
80 enforce certain provisions relating to discrimination in housing.

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
2 thereto the provisions set forth as sections 2 to 16, inclusive, of this
3 act.
4 **Sec. 2.** *“Administrator” means the Administrator of the*
5 *Commission.*
6 **Sec. 3.** *“Aggrieved person” has the meaning ascribed to it in*
7 *section 31 of this act.*
8 **Sec. 4.** *“Commission” means the Nevada Equal Rights*
9 *Commission.*
10 **Sec. 5. 1.** *“Complainant” means a person by whom, or on*
11 *whose behalf, a complaint is made which alleges an unlawful*
12 *discriminatory practice over which the Commission has*
13 *jurisdiction pursuant to this chapter.*
14 **2.** *As used in this section, “person” includes the Commission.*
15 **Sec. 6.** *“Conciliation” means the attempted resolution of*
16 *issues raised by a complaint, or by the investigation of a*
17 *complaint, through informal negotiations involving the aggrieved*
18 *person, the respondent and the Commission.*
19 **Sec. 7.** *“Disability” has the meaning ascribed to it in*
20 *NRS 118.045.*
21 **Sec. 8.** *“Familial status” has the meaning ascribed to it in*
22 *NRS 118.065.*
23 **Sec. 9.** *“Gender identity or expression” has the meaning*
24 *ascribed to it in NRS 118.075.*
25 **Sec. 10.** *“Member” means a member of the Commission.*
26 **Sec. 11.** *“Respondent” means a natural person or other*
27 *person against whom is made a complaint which alleges an*
28 *unlawful discriminatory practice over which the Commission has*
29 *jurisdiction pursuant to this chapter.*



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

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

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

8 (a) *The Commission shall, to the extent practicable throughout*
9 *the complaint process, engage in conciliation with respect to the*
10 *complaint. If an agreement is reached with regard to the matters*
11 *alleged in the complaint, no further action may be taken by the*
12 *complainant or the Commission with regard to the matters alleged*
13 *in the complaint.*

14 (b) *Each conciliation agreement between a complainant and a*
15 *respondent must be approved by the Commission. The*
16 *Commission may reject any conciliation agreement that it*
17 *determines is not in the public interest. A conciliation agreement*
18 *may provide for binding arbitration of the matters alleged in the*
19 *complaint and for the awarding of any appropriate relief in the*
20 *arbitration, including, without limitation, monetary relief.*

21 (c) *The Commission shall make a conciliation agreement*
22 *public unless the complainant and the respondent agree that it not*
23 *be made public and the Commission determines that public*
24 *disclosure of the agreement would not further the purposes of this*
25 *chapter or NRS 118.010 to 118.120, inclusive, and sections 31 and*
26 *32 of this act.*

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

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

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

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

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

35 (e) *Answers to interrogatories.*

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

38 **3.** *If, at the conclusion of the investigation required by NRS*
39 *233.157, the Administrator determines that there is not probable*
40 *cause to believe that an unlawful discriminatory practice in*
41 *housing has occurred or is about to occur, the Administrator shall*
42 *dismiss the complaint and notify the complainant and the*
43 *respondent.*

44 **4.** *If, at the conclusion of the investigation required by NRS*
45 *233.157, the Administrator determines that there is probable cause*



1 *to believe that an unlawful discriminatory practice in housing has*
2 *occurred or is about to occur, and attempts at conciliation have*
3 *failed:*

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

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

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

21 *6. If, after a hearing held pursuant to subsection 5, the*
22 *Commission determines, based on a preponderance of the*
23 *evidence, that an unlawful discriminatory practice in housing has*
24 *occurred, the Commission shall serve a copy of its findings of fact*
25 *and conclusions of law upon the complainant, the aggrieved*
26 *persons and the respondent within 10 days of such a finding and*
27 *may:*

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

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

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

33 *(d) Impose upon the respondent:*

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

36 *(2) If the respondent has been adjudged in a separate*
37 *action to have committed any violation of NRS 118.010 to 118.120,*
38 *inclusive, and sections 31 and 32 of this act within the 5-year*
39 *period immediately preceding the filing of the complaint, a civil*
40 *penalty of not more than \$37,500; or*

41 *(3) If the respondent has been adjudged in one or more*
42 *separate actions to have committed two or more violations of NRS*
43 *118.010 to 118.120, inclusive, and sections 31 and 32 of this act*
44 *within the 7-year period immediately preceding the filing of the*
45 *complaint, a civil penalty of not more than \$65,000; and*



1 (e) Award costs and reasonable attorneys' fees to the
2 complainant.

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

7 (a) Shall dismiss the matter and make the dismissal public;
8 and

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

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

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

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

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

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

43 3. The Attorney General shall, if requested by the
44 complainant or the aggrieved person, prepare, file and litigate a
45 civil action on behalf of the complainant or the aggrieved person.



1 4. Any aggrieved person, with respect to the issues to be
2 determined in the civil action, may intervene as a matter of right
3 in the civil action.

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

7 (a) Award actual and punitive damages to the complainant or
8 the aggrieved person, except that the court may not award
9 monetary damages to an aggrieved person who does not intervene
10 if that aggrieved person has not complied with discovery orders
11 entered by the court;

12 (b) Award costs and reasonable attorney's fees to the
13 complainant or the aggrieved person; and

14 (c) Order such other relief as the court determines appropriate,
15 including, without limitation:

16 (1) Ordering a permanent or temporary injunction;

17 (2) Issuing a temporary restraining order; or

18 (3) Enjoining the defendant from engaging in the unlawful
19 practice or ordering such other affirmative action as the court
20 determines appropriate.

21 6. If the court, based on a preponderance of the evidence,
22 determines that the defendant has not committed and is not about
23 to commit an unlawful discriminatory practice in housing, the
24 court shall dismiss the action and may, upon the motion of the
25 defendant, award costs and reasonable attorney's fees to
26 the defendant if the court determines that the complaint was
27 prosecuted in violation of Rule 11 of the Nevada Rules of Civil
28 Procedure.

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

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

36 2. Any person identified as a party of record in a hearing
37 before the Commission on a complaint alleging an unlawful
38 discriminatory practice in housing who is aggrieved by a final
39 decision of the Commission may request judicial review.

40 3. A petition for judicial review must:

41 (a) Name as respondents the Commission and all parties of
42 record to the hearing;

43 (b) Be instituted by filing the petition in the district court in
44 and for Carson City, in and for the county in which the aggrieved



1 party resides or in and for the county in which the hearing
2 occurred; and

3 (c) Be filed within 30 days after service of the final decision of
4 the Commission.

5 4. A cross-petition for judicial review must be filed within 10
6 days after service of a petition for judicial review.

7 5. The Commission and any party wishing to participate in
8 the judicial review must file a statement of intent to participate in
9 the petition for judicial review and serve the statement upon the
10 petitioner and each named respondent within 20 days after service
11 of the petition.

12 6. The petition for judicial review and any cross-petition for
13 judicial review must be served upon the Commission and each
14 party of record within 45 days after the filing of the petition,
15 unless, upon a showing of good cause, the district court extends
16 the time for such service.

17 7. The Commission shall, within 30 days after receipt of
18 service of the petition for judicial review or such time as allowed
19 by the court, transmit to the court the original or a certified copy
20 of the entire record of the proceeding under review, including,
21 without limitation, a transcript of the evidence resulting in the
22 final decision of the Commission. The record may be shortened by
23 stipulation of the parties to the proceeding. If the court determines
24 that a party has unreasonably refused to stipulate to limit the
25 record, the court may assess any additional costs resulting from
26 the refusal against that party. The court may require or permit
27 subsequent corrections or additions to the record.

28 8. If, before submission to the court, an application is made
29 to the court for leave to present additional evidence, and it is
30 shown to the satisfaction of the court that the additional evidence
31 is material and that there were good reasons for failure to present
32 it in the proceeding before the Commission, the court may order
33 that the additional evidence and any rebuttal evidence be taken
34 before the Commission upon such conditions as the court
35 determines appropriate. After receipt of any additional evidence,
36 the Commission:

37 (a) May modify its findings and decision; and

38 (b) Shall file the evidence and any modification, new finding
39 or decision with the court.

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



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

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

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

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

15 14. The court, for good cause, may extend the times allowed
16 in this section for filing memoranda.

17 15. Judicial review of a final decision of the Commission
18 must be:

19 (a) Conducted by the court without a jury; and

20 (b) Confined to the record.

21 ➤ In cases concerning alleged irregularities in procedure before
22 the Commission that are not shown in the record, the court may
23 receive evidence concerning the irregularities.

24 16. The final decision of the Commission shall be deemed
25 reasonable and lawful until reversed or set aside in whole or in
26 part by the court. The burden of proof is on the party attacking or
27 resisting the decision to show that the final decision is invalid
28 pursuant to subsection 17.

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

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

35 (b) In excess of the statutory authority of the Commission;

36 (c) Made upon unlawful procedure;

37 (d) Affected by other error of law;

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

40 (f) Arbitrary or capricious or characterized by abuse of
41 discretion.

42 18. A petitioner who applies for a stay of the final decision of
43 the Commission shall file and serve a written motion for the stay
44 on the Commission and all parties of record to the proceeding at



1 *the time of filing the petition for judicial review. The petitioner*
2 *must provide security before the court may issue a stay.*

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

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

7 *(a) Give deference to the Commission; and*

8 *(b) Consider the risk to the public, if any, of staying the*
9 *decision of the Commission.*

10 *21. An aggrieved party may obtain a review of any final*
11 *judgment of the district court by appeal to the Nevada Supreme*
12 *Court. The appeal may be taken as in other civil cases.*

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

14 233.010 1. It is hereby declared to be the public policy of the
15 State of Nevada to protect the welfare, prosperity, health and peace
16 of all the people of the State, and to foster the right of all persons
17 reasonably to seek and obtain housing accommodations without
18 discrimination, distinction or restriction because of race, religious
19 creed, color, age, sex, disability, *familial status*, sexual orientation,
20 gender identity or expression, national origin or ancestry.

21 2. It is hereby declared to be the public policy of the State of
22 Nevada to protect the welfare, prosperity, health and peace of all the
23 people of the State, and to foster the right of all persons reasonably
24 to seek and be granted services in places of public accommodation
25 without discrimination, distinction or restriction because of race,
26 ~~religious-creed,~~ *religion*, color, age, sex, disability, sexual
27 orientation, national origin ~~[, ancestry]~~ or gender identity or
28 expression.

29 3. It is hereby declared to be the public policy of the State of
30 Nevada to protect the welfare, prosperity, health and peace of all the
31 people of the State, and to foster the right of all persons reasonably
32 to seek, obtain and hold employment without discrimination,
33 distinction or restriction because of race, ~~religious-creed,~~ *religion*,
34 color, age, sex, disability, sexual orientation, gender identity or
35 expression ~~[,]~~ *or* national origin . ~~[or ancestry.]~~

36 4. It is recognized that the people of this State should be
37 afforded full and accurate information concerning actual and alleged
38 practices of discrimination and acts of prejudice, and that such
39 information may provide the basis for formulating statutory
40 remedies of equal protection and opportunity for all citizens in this
41 State.

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

43 233.020 As used in this chapter ~~[~~

44 ~~1. "Administrator" means the Administrator of the~~
45 ~~Commission.~~



1 ~~—2. “Commission” means the Nevada Equal Rights Commission~~
2 ~~within the Department of Employment, Training and Rehabilitation.~~

3 ~~—3. “Disability” means, with respect to a person:~~

4 ~~—(a) A physical or mental impairment that substantially limits one~~
5 ~~or more of the major life activities of the person;~~

6 ~~—(b) A record of such an impairment; or~~

7 ~~—(c) Being regarded as having such an impairment.~~

8 ~~—4. “Gender identity or expression” means a gender related~~
9 ~~identity, appearance, expression or behavior of a person, regardless~~
10 ~~of the person’s assigned sex at birth.~~

11 ~~—5. “Member” means a member of the Nevada Equal Rights~~
12 ~~Commission.~~

13 ~~—6. “Sexual orientation” means having or being perceived as~~
14 ~~having an orientation for heterosexuality, homosexuality or~~
15 ~~bisexuality.], unless the context otherwise requires, the words and~~
16 ~~terms defined in sections 2 to 13, inclusive, of this act have the~~
17 ~~meanings ascribed to them in those sections.~~

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

19 233.085 The Governor may designate another agency to
20 perform the duties and functions of the Commission set forth in
21 NRS 233.150 ~~[, 233.160, 233.165 and 233.170.]~~ *and 233.157 to*
22 *233.170, inclusive, and sections 14, 15 and 16 of this act.*

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

24 233.140 The Commission shall:

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

29 2. Aid in securing equal health and welfare services and
30 facilities for all the residents of the State without regard to race,
31 *color*, religion, sex, sexual orientation, gender identity or
32 expression, age, disability, *family status* or ~~[nationality.]~~ *national*
33 *origin.*

34 3. Study problems arising between groups within the State
35 which may result in tensions, discrimination or prejudice because of
36 race, color, ~~[creed,]~~ *religion*, sex, sexual orientation, gender identity
37 or expression, age, disability, *family status or* national origin, ~~[or~~
38 ~~ancestry,]~~ and formulate and carry out programs of education and
39 disseminate information with the object of discouraging and
40 eliminating any such tensions, prejudices or discrimination.

41 4. Secure the cooperation of various groups, including, without
42 limitation, those based on race, religion, sex, sexual orientation,
43 gender identity or expression, age, disability, nationality and
44 ethnicity, veterans’ organizations, labor organizations, business and
45 industry organizations and fraternal, benevolent and service groups,



1 in educational campaigns devoted to the need for eliminating group
2 prejudice, racial or area tensions, intolerance or discrimination.

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

7 6. Develop and carry out programs of education and
8 disseminate information as necessary to inform employers,
9 employees, employment agencies and job applicants about their
10 rights and responsibilities set forth in NRS 613.4353 to 613.4383,
11 inclusive.

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

13 233.150 The Commission may:

14 1. Order its Administrator to:

15 (a) With regard to public accommodation, investigate tensions,
16 practices of discrimination and acts of prejudice against any person
17 or group because of race, color, ~~creed,~~ *religion*, sex, age,
18 disability, *familial status*, sexual orientation, national origin ~~or~~
19 ~~ancestry~~ or gender identity or expression and may conduct hearings
20 with regard thereto.

21 (b) With regard to housing, investigate tensions, practices of
22 discrimination and acts of prejudice against any person or group
23 because of race, color, ~~creed,~~ *religion*, sex, age, disability, *familial*
24 *status*, sexual orientation, gender identity or expression ~~or~~
25 national origin, ~~or ancestry,~~ and may conduct hearings with regard
26 thereto.

27 (c) With regard to employment, investigate:

28 (1) Tensions, practices of discrimination and acts of
29 prejudice against any person or group because of race, color,
30 ~~creed,~~ *religion*, sex, age, disability, *familial status*, sexual
31 orientation, gender identity or expression ~~or~~ national origin, ~~or~~
32 ~~ancestry,~~ and may conduct hearings with regard thereto; and

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

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

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

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

43 5. *Initiate a complaint against an unlawful discriminatory*
44 *practice in housing.*



1 **6.** Adopt reasonable regulations necessary for the Commission
2 to carry out the functions assigned to it by law.

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

4 233.153 1. The Commission ~~[shall not]~~ *may* contract with or
5 enter into a memorandum of understanding with the United States
6 Department of Housing and Urban Development for the
7 Commission to investigate and enforce laws relating to fair housing
8 as a certified agency. ~~[unless the Legislature, by resolution or other
9 appropriate legislative measure, expressly authorizes the
10 Commission to do so.]~~

11 2. As used in this section:

12 (a) "Certified agency" has the meaning ascribed to it in 24
13 C.F.R. § 115.100(c). The term refers to the certification of an
14 agency as substantially equivalent as described in 42 U.S.C. §
15 3610(f)(3)(A) and 24 C.F.R. Part 115, Subpart B.

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

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

19 233.157 **1.** The Commission shall accept any complaint
20 alleging an unlawful discriminatory practice over which it has
21 jurisdiction pursuant to this chapter.

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

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

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

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

34 233.160 1. A complaint which alleges unlawful
35 discriminatory practices in:

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

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

42 ↪ A complaint is timely if it is filed with an appropriate federal
43 agency within that period. A complainant shall not file a complaint
44 with the Commission if any other state or federal administrative
45 body or officer which has comparable jurisdiction to adjudicate



1 complaints of discriminatory practices has made a decision upon a
2 complaint based upon the same facts and legal theory.

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

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

7 (a) A copy of the complaint;

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

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

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

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

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

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

26 (b) If 42 U.S.C. § 2000e-5(e)(3)(A) is amended and the
27 Commission determines by regulation that the section, as amended,
28 provides greater protection for employees than the section as it
29 existed on January 1, 2019, the date prescribed by 42 U.S.C. §
30 2000e-5(e)(3)(A), as amended.

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

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

36 (I) **Serve upon the aggrieved person:**

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

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

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

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



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

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

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

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

11 233.165 1. ~~[If the Commission determines to conduct]~~ *In*
12 *conducting* an investigation of a complaint which alleges an
13 unlawful discriminatory practice in housing in accordance with the
14 regulations adopted pursuant to NRS 233.157, the Commission
15 ~~[must:]~~ *shall:*

16 (a) Begin ~~[an]~~ *the* investigation of the complaint within 30 days
17 after it receives the complaint.

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

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

22 2. If the Commission determines that it is impracticable to
23 complete an investigation or make a final disposition of a complaint
24 which alleges an unlawful discriminatory practice in housing within
25 the period prescribed in subsection 1, the Commission shall send to
26 the complainant and the ~~[person against whom the complaint was~~
27 ~~filed]~~ *respondent* a statement setting forth its reasons for not
28 completing the investigation or making a final disposition of the
29 complaint within that period.

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

31 233.170 1. When a complaint is filed whose allegations if
32 true would support a finding of *an* unlawful practice ~~[, the]~~ *in*
33 *employment or public accommodations:*

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

41 ~~[2.]~~ (b) If an agreement is not reached at the informal meeting,
42 the Administrator shall determine whether to conduct an
43 investigation into the alleged unlawful practice in accordance with
44 the regulations adopted pursuant to NRS 233.157. After the
45 investigation, if the Administrator determines that an unlawful



1 practice has occurred, the Administrator shall attempt to mediate
2 between or reconcile the parties. The ~~{party against whom a~~
3 ~~complaint was filed}~~ **respondent** may agree to cease the unlawful
4 practice. If an agreement is reached, no further action may be taken
5 by the complainant or by the Commission.

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

9 **2. If, after** the hearing ~~[- if]~~ **held pursuant to paragraph (c) of**
10 **subsection 1,** the Commission determines that an unlawful practice
11 has occurred, ~~{it may:}~~ **the Commission:**

12 (a) ~~{Serve}~~ **Shall serve** a copy of its findings of fact within 10
13 calendar days upon any ~~{person}~~ **respondent** found to have engaged
14 in the unlawful practice; and

15 (b) ~~{Order}~~ **May order** the ~~{person}~~ **respondents** to:

16 (1) Cease and desist from the unlawful practice. The order
17 must include, without limitation, the corrective action the ~~{person}~~
18 **respondent** must take.

19 (2) In cases involving an unlawful employment practice,
20 restore all benefits and rights to which the aggrieved person is
21 entitled, including, but not limited to, rehiring, back pay for a period
22 described in subsection ~~{4.}~~ **3,** annual leave time, sick leave time or
23 pay, other fringe benefits and seniority, with interest thereon from
24 the date of the Commission's decision at a rate equal to the prime
25 rate at the largest bank in Nevada, as ascertained by the
26 Commissioner of Financial Institutions, on January 1 or July 1, as
27 the case may be, immediately preceding the date of the
28 Commission's decision, plus 2 percent. The rate of interest must be
29 adjusted accordingly on each January 1 and July 1 thereafter until
30 the judgment is satisfied.

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

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

42 (I) For the first unlawful employment practice that the
43 ~~{person}~~ **respondent** has engaged in during the immediately
44 preceding 5 years which the Commission determines was willful,
45 not more than \$5,000.



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

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

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

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

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

35 ~~{7.}~~ 6. After the Commission has held a public hearing and
36 rendered a decision, the complainant is barred from proceeding on
37 the same facts and legal theory before any other administrative body
38 or officer.

39 ~~{8.}~~ 7. For the purposes of this section, an unlawful
40 employment practice shall be deemed to be willful if a person
41 engages in the practice with knowledge that it is unlawful or with
42 reckless indifference to whether it is lawful or unlawful.

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

44 233.180 If, after the Administrator has conducted a preliminary
45 investigation into an alleged unlawful discriminatory practice in



1 housing, employment or public accommodations, the Commission
2 determines that the practice will cause immediate and irreparable
3 harm to any person aggrieved by the practice, the Commission,
4 ~~[after the informal meeting and]~~ before holding a public hearing
5 upon the matter, may apply on behalf of such person to the district
6 court for a temporary restraining order or preliminary injunction as
7 provided in the Nevada Rules of Civil Procedure.

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

9 233.190 1. Except as otherwise provided in this section or
10 NRS 239.0115, *or paragraph (c) of subsection 1 of section 14 of*
11 *this act*, any information gathered by the Commission in the course
12 of its investigation of an alleged unlawful discriminatory practice in
13 housing, employment or public accommodations is confidential.

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

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

19 (b) To any other person if the information is provided in a
20 manner which does not include any information that may be used to
21 identify the complainant, the ~~[party against whom the unlawful~~
22 ~~discriminatory practice is alleged]~~ *respondent* or any person who
23 provided information to the Commission during the investigation.

24 3. Except as otherwise provided in subsection 4, the
25 Commission shall disclose information gathered pursuant to
26 subsection 1 to the complainant and the ~~[party against whom the~~
27 ~~unlawful discriminatory practice is alleged]~~ *respondent* if:

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

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

32 4. The Commission may not disclose to the complainant or the
33 ~~[party against whom the unlawful discriminatory practice is~~
34 ~~alleged:]~~ *respondent*.

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

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

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

41 5. After the filing of a complaint with the Commission, access
42 to information related to the complaint must be limited only to such
43 staff of the Commission as is necessary to carry out the duties of the
44 Commission relating to the complaint. Such staff shall not disclose
45 such information to the other officers and employees of the



1 Department of Employment, Training and Rehabilitation, including,
2 without limitation, supervisors and the Director of the Department,
3 unless the disclosure is necessary to carry out the duties of the
4 Commission relating to the complaint.

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

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

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

15 233B.039 1. The following agencies are entirely exempted
16 from the requirements of this chapter:

17 (a) The Governor.

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

20 (c) The Nevada System of Higher Education.

21 (d) The Office of the Military.

22 (e) The Nevada Gaming Control Board.

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

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

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

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

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

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

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

42 (m) The Silver State Health Insurance Exchange.

43 (n) The Cannabis Compliance Board.

44 2. Except as otherwise provided in subsection 5 and NRS
45 391.323, the Department of Education, the Board of the Public



1 Employees' Benefits Program and the Commission on Professional
2 Standards in Education are subject to the provisions of this chapter
3 for the purpose of adopting regulations but not with respect to any
4 contested case.

5 3. The special provisions of:

6 (a) Chapter 612 of NRS for the adoption of an emergency
7 regulation or the distribution of regulations by and the judicial
8 review of decisions of the Employment Security Division of the
9 Department of Employment, Training and Rehabilitation;

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

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

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

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

20 ↪ prevail over the general provisions of this chapter.

21 4. The provisions of NRS 233B.122, 233B.124, 233B.125 and
22 233B.126 do not apply to the Department of Health and Human
23 Services in the adjudication of contested cases involving the
24 issuance of letters of approval for health facilities and agencies.

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

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

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

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

36 (d) The judicial review of decisions of the Public Utilities
37 Commission of Nevada;

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

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



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

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

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

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

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

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

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

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

20 **Sec. 33.** 1. *Except as otherwise provided in subsection 2, it*
21 *is an unlawful discriminatory practice for any person to:*

22 (a) *Inquire into or run a background check to determine the*
23 *arrest record, conviction record or record of criminal history of an*
24 *applicant or tenant;*

25 (b) *Refuse to rent or lease or refuse to negotiate for the rental*
26 *or lease of, or otherwise make unavailable, a dwelling to an*
27 *applicant because of any arrest record, conviction record or record*
28 *of criminal history; and*

29 (c) *Make, print or publish, or cause to be made printed or*
30 *published, any notice, statement or advertisement with respect to*
31 *the rental or lease of a dwelling that indicates any preference,*
32 *limitation or discrimination, or an intention to make any*
33 *preference, limitation or discrimination, on the basis of an*
34 *applicant’s record, conviction record or record of criminal history.*

35 2. *The provisions of this section do not apply to:*

36 (a) *Any actions taken by a person pursuant to any federal or*
37 *state law or regulation that requires the person to inquire into or*
38 *run a background check to determine the arrest record, conviction*
39 *record or criminal history of an applicant and exclude certain*
40 *applicants based on certain types of criminal history, including,*
41 *without limitation, the provisions of NRS 315.021, 42 U.S.C. §*
42 *13663 and 24 C.F.R. § 982.553.*

43 (b) *Any actions taken by a person to review the statewide*
44 *registry of sex offenders and offenders convicted of a crime*
45 *against a child established pursuant to NRS 179B.200.*



1 (c) *The rental of a room or unit in a dwelling by an occupant*
2 *of the dwelling or the owner of the dwelling in which the occupant*
3 *or the owner maintains and occupies one of the living quarters as*
4 *his or her residence.*

5 3. *As used in this section:*

6 (a) *“Applicant” means a person who:*

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

9 (2) *Applies for a housing rental assistance program,*
10 *including, without limitation, the Housing Choice Voucher*
11 *Program pursuant to section 8 of the United States Housing Act of*
12 *1937, 42 U.S.C. § 1437f; or*

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

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

21 (c) *“Background check” means any report regarding the*
22 *arrest record, conviction record or record of criminal history of a*
23 *person intended to obtain the person’s record of criminal history.*

24 (d) *“Conviction record” means any information regarding a*
25 *final adjudication or other criminal disposition adverse to a*
26 *person. The term includes, without limitation, dispositions for*
27 *which the defendant received a deferred or suspended sentence,*
28 *unless the adverse disposition has been vacated or expunged.*

29 (e) *“Dwelling” means:*

30 (1) *Public housing as that term is defined in NRS 315.021;*

31 (2) *Any housing or premises that are rented or leased to a*
32 *tenant pursuant to a contract with a housing authority as those*
33 *terms are defined in NRS 315.021;*

34 (3) *Any housing or premises which accepts rental payments*
35 *of vouchers from a federal, state or local housing voucher*
36 *program;*

37 (4) *Any public or private housing or premises which a*
38 *person makes available for rent or lease that contains not less*
39 *than five individual dwelling units; and*

40 (5) *Any public or private housing or premises made*
41 *available for rent or lease by a person who own or holds any*
42 *interest in, title to or any right to any portion of the proceeds from*
43 *the rental of more than five single-family houses or multi-family*
44 *houses.*



1 *(f) "Record of criminal history" has the meaning ascribed to it*
2 *in NRS 179A.070.*

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

4 118.020 1. It is hereby declared to be the public policy of the
5 State of Nevada that all people in the State have equal opportunity
6 to inherit, purchase, lease, rent, sell, hold and convey real property
7 without discrimination, distinction or restriction because of race,
8 ~~[religious creed,]~~ color, national origin, *religion*, disability, sexual
9 orientation, gender identity or expression, ~~[ancestry,]~~ familial status
10 or sex.

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

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

16 118.030 As used in NRS 118.010 to 118.120, inclusive, *and*
17 *sections 31, 32 and 33 of this act*, unless the context otherwise
18 requires, the words and terms defined in NRS 118.040 to 118.093,
19 inclusive, *and sections 31 and 32 of this act* have the meanings
20 ascribed to them in those sections.

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

22 118.045 1. "Disability" means, with respect to a person:

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

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

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

27 2. *The term does not include any current illegal use of or*
28 *addiction to a controlled substance as defined in 21 U.S.C. §*
29 *802(6).*

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

31 118.060 ~~[1.]~~ "Dwelling" means any building, structure or
32 portion thereof which is occupied as, or designed or intended for
33 occupancy as, a residence by one or more families, and any vacant
34 land which is offered for sale or lease for the construction or
35 location thereon of any such building, structure or portion thereof.

36 ~~[2.] "Dwelling" does not include:~~

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

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

44 ~~— (2) The house was sold or rented without the use in any~~
45 ~~manner of the sales or rental facilities or the sales or rental services~~



1 ~~of any real estate broker, real estate broker salesperson or real estate~~
2 ~~salesperson licensed pursuant to chapter 645 of NRS.~~

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

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

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

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

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

21 118.080 “Person” includes ~~[the]~~ :

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

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

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

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

30 118.100 ~~[A]~~

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

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

44 ~~[2.]~~ *(b) Discriminate against any person in the terms, conditions*
45 *or privileges of sale or rental of a dwelling, including the amount of*



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

3 ~~{3.}~~ (c) Make, print or publish, or cause to be made, printed or
4 published, any notice, statement or advertisement with respect to the
5 sale or rental of a dwelling that indicates any preference, limitation
6 or discrimination, or an intention to make any preference, limitation
7 or discrimination. As used in this subsection, "dwelling" includes a
8 house, room or unit described in ~~{subsection 2 or 3 of NRS~~
9 ~~118.060.}~~ *paragraphs (a) and (b) of subsection 5.*

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

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

21 ~~{6.—Coerce.}~~

22 (f) *Deny any person access to or membership or participation*
23 *in any multiple-listing service, real estate brokers' organization or*
24 *other service, organization or facility relating to the business of*
25 *selling or renting dwellings, or discriminate against any person in*
26 *the terms or conditions of such access, membership or*
27 *participation.*

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

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

37 *4. The provisions of this section:*

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

43 (b) *Do not prohibit a religious organization, association or*
44 *society, or a nonprofit institution or organization operated,*
45 *supervised or controlled by or in conjunction with a religious*



1 organization, association or society, from limiting the sale, rental
2 or occupancy of any dwelling which it owns or operates for other
3 than a commercial purpose to persons of the same religion or
4 from giving preferences to such persons, unless membership in the
5 religion is restricted on account of race, color or national origin.

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

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

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

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

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

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

25 (3) The house is sold or rented:

26 (I) Without the use in any manner of the sales or rental
27 facilities or services of any real estate broker, agent or salesman
28 licensed under chapter 645 of NRS, other person in the business
29 of selling or renting dwellings or the employee or agent of such a
30 real estate broker, agent or salesman or other person; and

31 (II) Without the publication, posting or mailing of any
32 advertisement or written notice in violation of paragraph (c) of
33 subsection 1.

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

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

44 7. The provisions of this section do not prohibit the use by
45 any person of such attorneys, escrow agents, commissioned



1 *abstracters, title companies or other professional assistance as*
2 *necessary to perfect or transfer title to real property.*

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

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

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

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

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

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

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

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

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

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

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

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

30 (1) *The making or purchasing of loans or providing other*
31 *financial assistance for purchasing, constructing, improving,*
32 *repairing or maintaining a dwelling;*

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

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

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

38 118.101 1. A person may not refuse to ~~[-~~

39 ~~—(a) Authorize]~~ *authorize* a person with a disability to make
40 reasonable modifications to a dwelling which he or she occupies or
41 will occupy if:

42 ~~[(1)]~~ (a) The person with the disability pays for the
43 modifications; and



1 ~~[(2)]~~ (b) The modifications ~~[are]~~ *may be* necessary to
2 ~~[ensure that]~~ *afford* the person with the disability ~~[may use and~~
3 ~~enjoy]~~ *the full enjoyment of* the dwelling. ~~[-or~~

4 ~~—(b) Make reasonable accommodations in rules, policies,~~
5 ~~practices or services if those accommodations are necessary to~~
6 ~~ensure that the person with the disability may use and enjoy the~~
7 ~~dwelling.]~~

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

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

17 4. If a person requests authorization to modify a dwelling
18 pursuant to subsection 1, the landlord may require that person to
19 deposit a reasonable amount of security in addition to the amount
20 the landlord usually requires if the additional amount:

21 (a) Is necessary to ensure the restoration of the dwelling
22 pursuant to subsection 2;

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

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

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

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

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

35 118.103 1. A covered multifamily dwelling which is
36 designed and constructed for occupancy on or after
37 ~~[March 13, 1991,]~~ *October 1, 2021*, must be constructed in such a
38 manner that the *primary entrance to the* dwelling ~~[contains at least~~
39 ~~one entrance which]~~ is accessible to a person with a disability unless
40 it is impracticable to so design or construct the dwelling because of
41 the terrain or unusual characteristics of the site upon which it is
42 constructed.

43 2. ~~[A]~~ *Such a* covered multifamily dwelling ~~[which contains at~~
44 ~~least one entrance which is accessible to a person with a disability]~~
45 must be constructed in such a manner that:



1 (a) The ~~common~~ areas of the dwelling *intended for public use*
2 *or common use* are readily accessible to and usable by a person
3 with a disability;

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

6 (c) The units of the dwelling contain:

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

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

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

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

17 3. As used in this section, "covered multifamily dwelling"
18 means:

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

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

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

24 118.105 1. ~~[Except as otherwise provided in subsection 2, a]~~
25 *A* landlord ~~[may]~~ *must* not refuse to rent a dwelling subject to the
26 provisions of chapter 118A of NRS to a person with a disability
27 solely because ~~[an]~~ *a service animal which affords the person an*
28 *equal opportunity to use and enjoy the dwelling* will be residing
29 with the prospective tenant in the dwelling . ~~[if the animal assists,~~
30 ~~supports or provides service to the person with a disability.]~~

31 2. ~~[A landlord may require proof that an animal assists,~~
32 ~~supports or provides service to the person with a disability. This~~
33 ~~requirement may be satisfied, without limitation, by a statement~~
34 ~~from a provider of health care that the animal performs a function~~
35 ~~that ameliorates the effects of the person's disability.]~~ *As used in*
36 *this section, "service animal" has the meaning ascribed to it in*
37 *NRS 426.097.*

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

39 118.110 Any aggrieved person ~~[who claims to have been~~
40 ~~injured by a discriminatory housing practice or who believes that he~~
41 ~~or she will be injured by such a practice that is about to occur]~~ may
42 file a complaint with the Commission in the manner prescribed in
43 NRS 233.160 ~~[]~~ *and avail himself or herself of the rights and*
44 *remedies set forth in NRS 233.165 and sections 14, 15 and 16 of*
45 *this act.*



1 **Sec. 44.** NRS 118.120 is hereby amended to read as follows:
2 118.120 ~~[Any]~~

3 ***1. Except as otherwise provided in subsection 2, an aggrieved***
4 person may commence an action in any district court in this state to
5 enforce the provisions of NRS 118.100, 207.300, 207.310, 645.321
6 or 645C.480 ***and section 33 of this act*** not ~~[less]~~ ***more*** than 1 year
7 after the date of the occurrence or termination of an alleged
8 violation of any of those provisions. If the court determines that the
9 provisions of any of those sections have been violated by the
10 defendant, and that the plaintiff has been injured thereby, it may
11 enjoin the defendant from continued violation or may take such
12 other affirmative action as may be appropriate, and, in the case of a
13 prevailing plaintiff, may award to the plaintiff actual damages,
14 punitive damages, court costs and a reasonable attorney's fee.

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

19 ***3. An aggrieved person may commence a civil action under***
20 ***this section regardless of whether the person has filed a complaint***
21 ***under NRS 118.110, unless the person has entered into a***
22 ***conciliation agreement concerning the complaint or the***
23 ***Commission has commenced a hearing pursuant to section 14 of***
24 ***this act with respect to the matters alleged in the complaint.***

