

Senate Bill No. 254—Senator Neal

CHAPTER.....

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

**Section 15** of this bill provides for the determination of the complaint by a court instead of the Commission. **Section 16** of this bill establishes procedures for



the judicial review of a final decision of the Commission. **Sections 2-13 and 18** of this bill move the existing definitions in chapter 233 of NRS and define various terms relating to the complaint process. **Sections 24-26 and 28** make changes to existing provisions to use these terms.

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

**Section 22** of this bill authorizes the 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.

**Section 33** of this bill prohibits, with certain exceptions, a person seeking to rent or lease a dwelling, or renting or leasing a dwelling, from: (1) inquiring into the arrest record, conviction record or record of criminal history of an applicant or tenant; (2) refusing to rent or lease, or refusing to negotiate to rent or lease, a dwelling to an applicant on the basis of the applicant's arrest record, conviction record or record of criminal history; (3) making, printing or publishing any notice or advertisement which indicates a preference based on the arrest record, conviction record or record of criminal history of an applicant; and (4) evicting a tenant from a dwelling on the basis of his or her arrest record, conviction record or record of criminal history for a misdemeanor offense unless the offense occurred on the premises of the dwelling. **Section 33** provides that a person may inquire into or conduct a background check into the conviction record or record of criminal history of an applicant to determine whether the applicant has certain offenses on his or her record. A person may refuse to rent or lease a dwelling to an applicant who has any such offense on his or her record. **Section 33** also requires a person who makes a dwelling available for rent or lease to provide applicants with information regarding these unlawful discriminatory practices and information on how to file an appeal of a denial to rent or lease or file a complaint with the Commission. **Section 33** limits the applicability of these provisions to any dwelling that is owned by a natural person and contains five or more dwelling units. For purposes of **section 33**, a "dwelling" is defined, with certain exceptions, as: (1) public housing; (2) any housing that is rented or leased to a tenant pursuant to a contract with a housing authority; or (3) any housing which accepts vouchers for rental payment. A "dwelling" does not include: (1) a manufactured home; or (2) a single family house owned by a natural person or any other housing that is owned by a natural person and has four or fewer dwelling units.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

*(e) Answers to interrogatories.*

*↳ The Commission may amend the final investigative report if additional evidence is discovered.*

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

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



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

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

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

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

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

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

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

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

*(d) Impose upon the respondent:*

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

*(2) If the respondent has been adjudged in a separate action to have committed any violation of NRS 118.010 to 118.120, inclusive, and sections 31, 32 and 33 of this act within the 5-year period immediately preceding the filing of the complaint, a civil penalty of not more than \$37,500; or*

*(3) If the respondent has been adjudged in one or more separate actions to have committed two or more violations of NRS 118.010 to 118.120, inclusive, and sections 31, 32 and 33 of this*



*act within the 7-year period immediately preceding the filing of the complaint, a civil penalty of not more than \$65,000; and*

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

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

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

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

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

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

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

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

*2. The election must be made in writing and be received by the Commission not later than 20 days after the date on which the*



*notice was served as required by subsection 4 of section 14 of this act.*

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

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

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

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

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

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

*(1) Ordering a permanent or temporary injunction;*

*(2) Issuing a temporary restraining order; or*

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

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

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

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

*2. Any person identified as a party of record in a hearing before the Commission on a complaint alleging an unlawful*



*discriminatory practice in housing who is aggrieved by a final decision of the Commission may request judicial review.*

*3. A petition for judicial review must:*

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

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

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

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

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

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

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

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



- (a) *May modify its findings and decision; and*
- (b) *Shall file the evidence and any modification, new finding or decision with the court.*

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

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

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

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

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

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

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

- (a) *Conducted by the court without a jury; and*
- (b) *Confined to the record.*

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

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

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

- (a) *In violation of any constitutional or statutory provision;*
- (b) *In excess of the statutory authority of the Commission;*



- (c) *Made upon unlawful procedure;*
- (d) *Affected by other error of law;*
- (e) *Clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or*
- (f) *Arbitrary or capricious or characterized by abuse of discretion.*

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

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

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

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

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

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

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

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

3. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek, obtain and hold employment without discrimination, distinction or restriction because of race, ~~religious—creed,~~ *religion*,



color, age, sex, disability, sexual orientation, gender identity or expression ~~[ ]~~ *or* national origin. ~~[or ancestry.]~~

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

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

233.020 As used in this chapter ~~[~~

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

~~2. "Commission" means the Nevada Equal Rights Commission within the Department of Employment, Training and Rehabilitation.~~

~~3. "Disability" means, with respect to a person:~~

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

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

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

~~4. "Gender identity or expression" means a gender related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.~~

~~5. "Member" means a member of the Nevada Equal Rights Commission.~~

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

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

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

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

233.140 The Commission shall:

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

2. Aid in securing equal health and welfare services and facilities for all the residents of the State without regard to race, *color*, religion, sex, sexual orientation, gender identity or



expression, age, disability , *familial status* or ~~[nationality.]~~ *national origin*.

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

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

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

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

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

233.150 The Commission may:

1. Order its Administrator to:

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

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

(c) With regard to employment, investigate:

(1) Tensions, practices of discrimination and acts of prejudice against any person or group because of race, color,



~~creed,~~ *religion*, sex, age, disability, *familial status*, sexual orientation, gender identity or expression ~~or~~ national origin, ~~or ancestry,~~ and may conduct hearings with regard thereto; and

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

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

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

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

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

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

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

233.153 1. The Commission ~~shall not~~ *may* contract with or enter into a memorandum of understanding 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. ~~unless the Legislature, by resolution or other appropriate legislative measure, expressly authorizes the Commission to do so.~~

2. As used in this section:

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

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

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

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

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

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



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

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

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

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

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

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

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

3. The Commission shall send to the ~~{party against whom an unlawful discriminatory practice is alleged:}~~ **respondent:**

(a) A copy of the complaint;

(b) An explanation of the rights which are available to ~~{that party:}~~ **the respondent;** and

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

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

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

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

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



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

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

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

*(1) Serve upon the aggrieved person:*

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

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

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

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

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

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

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

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

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

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

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

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

2. If the Commission determines that it is impracticable to complete an investigation or make a final disposition of a complaint which alleges an unlawful discriminatory practice in housing within



the period prescribed in subsection 1, the Commission shall send to the complainant and the ~~{person against whom the complaint was filed}~~ **respondent** a statement setting forth its reasons for not completing the investigation or making a final disposition of the complaint within that period.

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

233.170 1. When a complaint is filed whose allegations if true would support a finding of **an** unlawful practice ~~{the}~~ **in employment or public accommodations:**

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

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

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

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

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

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

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

(2) In cases involving an unlawful employment practice, restore all benefits and rights to which the aggrieved person is entitled, including, but not limited to, rehiring, back pay for a period described in subsection ~~{4.}~~ **3,** annual leave time, sick leave time or



pay, other fringe benefits and seniority, with interest thereon from the date of the Commission's decision at a rate equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date of the Commission's decision, plus 2 percent. The rate of interest must be adjusted accordingly on each January 1 and July 1 thereafter until the judgment is satisfied.

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

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

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

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

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

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

~~5.~~ **4.** Before imposing a civil penalty pursuant to subparagraph (4) of paragraph (b) of subsection ~~3.~~ **2**, the Commission must allow the ~~person~~ **respondent** found to have willfully engaged in an unlawful employment practice 30 days to take corrective action from the date of service of the order pursuant to paragraph (a) of subsection ~~3.~~ **2**. If the ~~person~~ **respondent**



takes such corrective action, the Commission shall not impose the civil penalty.

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

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

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

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

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

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

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

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



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

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

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

(a) Each has consented to such disclosure; or

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

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

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

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

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

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

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

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



**Sec. 29.** NRS 233B.039 is hereby amended to read as follows:  
233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.  
(b) Except as otherwise provided in NRS 209.221, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The Nevada Gaming Control Board.

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

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

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

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

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

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

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

(m) The Silver State Health Insurance Exchange.

(n) The Cannabis Compliance Board.

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

3. The special provisions of:

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

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



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

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

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

↳ prevail over the general provisions of this chapter.

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

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

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

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

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

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

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

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

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

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

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



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

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

- 1. Claims to have been injured by an unlawful discriminatory practice in housing; or*
- 2. Believes that he or she will be injured by an unlawful discriminatory practice in housing that is about to occur.*

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

**Sec. 33.** *1. Except as otherwise provided in this section, it is an unlawful discriminatory practice for any person to:*

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

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

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

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

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

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

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

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



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

*↳ A person who inquires into or conducts a background check in accordance this subsection may refuse to rent or lease, refuse to negotiate for the rental or lease of, or otherwise make unavailable a dwelling on the basis of a conviction record or record of criminal history for the offenses set forth in this subsection.*

*3. A person who is subject to this provisions of this section shall provide to each applicant for the rental or lease of a dwelling information on:*

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

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

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

*4. The provisions of this section:*

*(a) Except as otherwise provided in paragraph (b), apply to the rental or lease, including, without limitation, a week to week tenancy, of any dwelling that is owned by a natural person and contains five or more dwelling units.*

*(b) Do not apply to any action taken by a person:*

*(1) Pursuant to any federal or state law or regulation that requires the person to inquire into or conduct a background check to determine the arrest record, conviction record or criminal history of an applicant and exclude certain applicants based on certain types of criminal history, including, without limitation, the provisions of NRS 315.031, 42 U.S.C. § 13663 and 24 C.F.R. § 982.553.*

*(2) To review the statewide registry of sex offenders and offenders convicted of a crime against a child established pursuant to NRS 179B.200.*

*(3) Who makes available for rent a dwelling for tenancy on a week to week basis to determine whether an applicant has any outstanding felony warrants pending against him or her.*



5. *As used in this section:*

(a) *“Applicant” means a person who:*

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

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

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

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

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

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

(e) *“Dwelling”:*

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

(I) *Public housing;*

(II) *Any housing that is rented or leased to a tenant pursuant to a contract with a housing authority; or*

(III) *Any housing which accepts rental payments of vouchers from a federal, state or local housing voucher program.*

(2) *Does not include:*

(I) *A manufactured home; or*

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

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

(g) *“Housing authority” has the meaning ascribed to it in NRS 315.021.*



*(h) “Public housing” has the meaning ascribed to it in NRS 315.021.*

*(i) “Record of criminal history” has the meaning ascribed to it in NRS 179A.070.*

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

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

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

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

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

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

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

118.045 1. “Disability” means, with respect to a person:

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

~~2.~~ *(b)* A record of such an impairment; or

~~3.~~ *(c)* Being regarded as having such an impairment.

2. *The term does not include any current illegal use of or addiction to a 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, deposits or other undue penalties, or in the provision of services or facilities in connection therewith.

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

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

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

~~[6.—Coerce,]~~

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

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

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



*4. The provisions of this section:*

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

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

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

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

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

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

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

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

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

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

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



*(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 maintains and occupies one of the living quarters as his or her residence.*

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

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

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

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

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

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

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

*(a) "Housing for older persons" means housing that is:*

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

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

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

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

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

*(b) "Residential real estate related transaction" means:*



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

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

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

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

118.101 1. A person may not refuse to ~~fr~~

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

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

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

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

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

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

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

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

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

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

5. *A person may not refuse to make reasonable accommodations in rules, policies, practices or services which may*



*be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling.*

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

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

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

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

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

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

(c) The units of the dwelling contain:

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

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

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

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

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

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

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

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

118.105 1. ~~[Except as otherwise provided in subsection 2, a]~~ **A** landlord ~~[may]~~ **must** not refuse to rent a dwelling subject to the provisions of chapter 118A of NRS to a person with a disability solely because ~~[an]~~ **a service** animal *which affords the person an*



*equal opportunity to use and enjoy the dwelling* will be residing with the prospective tenant in the dwelling . ~~[if the animal assists, supports or provides service to the person with a disability.]~~

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

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

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

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

118.120 ~~[Any]~~

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

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

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



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

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

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

