

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



70 owned by a natural person or any other housing that is owned by a natural person
 71 and has four or fewer dwelling units.
 72 **Sections 31, 32 and 34-44** of this bill amend the Nevada Fair Housing Law to
 73 conform to federal law. **Section 36** of this bill revises the definition of “disability”
 74 to exclude any current illegal use of or addition to a controlled substance. **Sections**
 75 **37 and 38** of this bill revise the definitions of “dwelling” and “person.” **Sections 31**
 76 **and 32** define the terms “aggrieved person” and “unlawful discriminatory practice
 77 in housing.”
 78 **Section 39** of this bill revises the prohibited practices which constitute an
 79 unlawful discriminatory practice in housing in Nevada. **Section 39** prohibits
 80 discrimination in real estate related transactions. **Section 39** also sets forth certain
 81 exceptions to the application of its provisions.
 82 **Section 40** of this bill prohibits a person from refusing: (1) to allow a person
 83 with a disability to make reasonable modifications to a dwelling which may be
 84 necessary to afford the person with a disability full enjoyment of the dwelling, if
 85 the person with the disability pays for the modifications; or (2) to make reasonable
 86 accommodations in rules, policies, practices or services which may be necessary to
 87 afford a person with a disability equal opportunity to use and enjoy a dwelling.
 88 **Section 41** of this bill revises accessibility requirements relating to the design
 89 and construction of a covered multifamily dwelling. **Section 42** of this bill revises
 90 provisions prohibiting a landlord from refusing to rent a dwelling to a person with a
 91 disability with a service animal.
 92 **Sections 43 and 44** of this bill revise provisions governing civil actions to
 93 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.*



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (e) *Answers to interrogatories.*



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

3 3. *If, at the conclusion of the investigation required by NRS*
4 *233.157, the Administrator determines that there is not probable*
5 *cause to believe that an unlawful discriminatory practice in*
6 *housing has occurred or is about to occur, the Administrator shall*
7 *dismiss the complaint and notify the complainant and the*
8 *respondent.*

9 4. *If, at the conclusion of the investigation required by NRS*
10 *233.157, the Administrator determines that there is probable cause*
11 *to believe that an unlawful discriminatory practice in housing has*
12 *occurred or is about to occur, and attempts at conciliation have*
13 *failed:*

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

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

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

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

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

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

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

43 (d) *Impose upon the respondent:*

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



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

6 (3) *If the respondent has been adjudged in one or more*
7 *separate actions to have committed two or more violations of NRS*
8 *118.010 to 118.120, inclusive, and sections 31, 32 and 33 of this*
9 *act within the 7-year period immediately preceding the filing of the*
10 *complaint, a civil penalty of not more than \$65,000; and*

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

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

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

19 (b) *May, upon motion of the respondent, award costs and*
20 *reasonable attorney's fees to the respondent if the Commission*
21 *determines that the complaint, had it been filed with a court,*
22 *would have violated and been grounds for sanctions under Rule*
23 *11 of the Nevada Rules of Civil Procedure.*

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

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

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

40 **Sec. 15.** 1. *If, pursuant to subsection 4 of section 14 of this*
41 *act, the Administrator has determined that there is probable cause*
42 *to believe that an unlawful discriminatory practice in housing has*
43 *occurred or is about to occur, and attempts at conciliation have*
44 *failed, the complainant, the aggrieved person or the respondent*
45 *may, in lieu of a hearing before the Commission pursuant to*



1 *section 14 of this act, elect to have the claims of an unlawful*
2 *discriminatory practice in housing that were set forth in the*
3 *complaint decided by a court of competent jurisdiction.*

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

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

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

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

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

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

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

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

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

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

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

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

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



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

5 3. A petition for judicial review must:

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

- 42 (a) *In violation of any constitutional or statutory provision;*
43 (b) *In excess of the statutory authority of the Commission;*
44 (c) *Made upon unlawful procedure;*
45 (d) *Affected by other error of law;*



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

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

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

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

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

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

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

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

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

21 233.010 1. It is hereby declared to be the public policy of the
22 State of Nevada to protect the welfare, prosperity, health and peace
23 of all the people of the State, and to foster the right of all persons
24 reasonably to seek and obtain housing accommodations without
25 discrimination, distinction or restriction because of race, religious
26 creed, color, age, sex, disability, *familial status*, sexual orientation,
27 gender identity or expression, national origin or ancestry.

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

36 3. It is hereby declared to be the public policy of the State of
37 Nevada to protect the welfare, prosperity, health and peace of all the
38 people of the State, and to foster the right of all persons reasonably
39 to seek, obtain and hold employment without discrimination,
40 distinction or restriction because of race, ~~religious creed,~~ *religion*,
41 color, age, sex, disability, sexual orientation, gender identity or
42 expression ~~or~~ national origin. ~~for ancestry.~~

43 4. It is recognized that the people of this State should be
44 afforded full and accurate information concerning actual and alleged
45 practices of discrimination and acts of prejudice, and that such



1 information may provide the basis for formulating statutory
2 remedies of equal protection and opportunity for all citizens in this
3 State.

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

5 233.020 As used in this chapter [:

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

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

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

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

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

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

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

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

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

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

26 233.085 The Governor may designate another agency to
27 perform the duties and functions of the Commission set forth in
28 NRS 233.150 [~~233.160, 233.165 and 233.170.~~] and 233.157 to
29 233.170, inclusive, and sections 14, 15 and 16 of this act.

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

31 233.140 The Commission shall:

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

36 2. Aid in securing equal health and welfare services and
37 facilities for all the residents of the State without regard to race,
38 *color*, religion, sex, sexual orientation, gender identity or
39 expression, age, disability , *familial status* or [~~nationality.~~] *national*
40 *origin*.

41 3. Study problems arising between groups within the State
42 which may result in tensions, discrimination or prejudice because of
43 race, color, [~~creed,~~] *religion*, sex, sexual orientation, gender identity
44 or expression, age, disability, *familial status* or national origin , [~~or~~
45 *ancestry,*] and formulate and carry out programs of education and



1 disseminate information with the object of discouraging and
2 eliminating any such tensions, prejudices or discrimination.

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

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

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

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

20 233.150 The Commission may:

21 1. Order its Administrator to:

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

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

34 (c) With regard to employment, investigate:

35 (1) Tensions, practices of discrimination and acts of
36 prejudice against any person or group because of race, color,
37 ~~ereed,~~ *religion*, sex, age, disability, *familial status*, sexual
38 orientation, gender identity or expression ~~;~~ *or* national origin , ~~or~~
39 ~~ancestry,~~ and may conduct hearings with regard thereto; and

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

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



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

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

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

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

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

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

18 2. As used in this section:

19 (a) "Certified agency" has the meaning ascribed to it in 24
20 C.F.R. § 115.100(c). The term refers to the certification of an
21 agency as substantially equivalent as described in 42 U.S.C. §
22 3610(f)(3)(A) and 24 C.F.R. Part 115, Subpart B.

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

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

26 233.157 *1.* The Commission shall accept any complaint
27 alleging an unlawful discriminatory practice over which it has
28 jurisdiction pursuant to this chapter.

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

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

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

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

41 233.160 1. A complaint which alleges unlawful
42 discriminatory practices in:

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



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

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

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

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

14 (a) A copy of the complaint;

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

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

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

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

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

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

33 (b) If 42 U.S.C. § 2000e-5(e)(3)(A) is amended and the
34 Commission determines by regulation that the section, as amended,
35 provides greater protection for employees than the section as it
36 existed on January 1, 2019, the date prescribed by 42 U.S.C. §
37 2000e-5(e)(3)(A), as amended.

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

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

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

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



1 (II) A copy of the procedures of the Commission;
2 (III) The information set forth in sections 14 and 15 of
3 this act; and

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

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

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

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

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

17 233.165 1. ~~{If the Commission determines to conduct}~~ In
18 conducting an investigation of a complaint which alleges an
19 unlawful discriminatory practice in housing in accordance with the
20 regulations adopted pursuant to NRS 233.157, the Commission
21 ~~{must}~~ shall:

22 (a) Begin ~~{an}~~ the investigation of the complaint within 30 days
23 after it receives the complaint.

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

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

28 2. If the Commission determines that it is impracticable to
29 complete an investigation or make a final disposition of a complaint
30 which alleges an unlawful discriminatory practice in housing within
31 the period prescribed in subsection 1, the Commission shall send to
32 the complainant and the ~~{person against whom the complaint was~~
33 ~~filed}~~ respondent a statement setting forth its reasons for not
34 completing the investigation or making a final disposition of the
35 complaint within that period.

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

37 233.170 1. When a complaint is filed whose allegations if
38 true would support a finding of an unlawful practice ~~{, the}~~ in
39 employment or public accommodations:

40 (a) The Commission shall determine whether to hold an
41 informal meeting to attempt a settlement of the dispute in
42 accordance with the regulations adopted pursuant to NRS 233.157.
43 If the Commission determines to hold an informal meeting, the
44 Administrator may, to prepare for the meeting, request from each



1 party any information which is reasonably relevant to the complaint.
2 No further action may be taken if the parties agree to a settlement.

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

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

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

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

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

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

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

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



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

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

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

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

16 ~~{4.}~~ 3. For the purposes of subparagraph (2) of paragraph (b)
17 of subsection ~~{3.}~~ 2, the period for back pay must not exceed a
18 period beginning 2 years before the date on which the complaint
19 was filed and ending on the date the Commission issues an order
20 pursuant to paragraph (b) of subsection ~~{3.}~~ 2.

21 ~~{5.}~~ 4. Before imposing a civil penalty pursuant to
22 subparagraph (4) of paragraph (b) of subsection ~~{3.}~~ 2, the
23 Commission must allow the ~~{person}~~ *respondent* found to have
24 willfully engaged in an unlawful employment practice 30 days to
25 take corrective action from the date of service of the order pursuant
26 to paragraph (a) of subsection ~~{3.}~~ 2. If the ~~{person}~~ *respondent*
27 takes such corrective action, the Commission shall not impose the
28 civil penalty.

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

42 ~~{7.}~~ 6. After the Commission has held a public hearing and
43 rendered a decision, the complainant is barred from proceeding on
44 the same facts and legal theory before any other administrative body
45 or officer.



1 ~~[8.]~~ 7. For the purposes of this section, an unlawful
2 employment practice shall be deemed to be willful if a person
3 engages in the practice with knowledge that it is unlawful or with
4 reckless indifference to whether it is lawful or unlawful.

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

6 233.180 If, after the Administrator has conducted a preliminary
7 investigation into an alleged unlawful discriminatory practice in
8 housing, employment or public accommodations, the Commission
9 determines that the practice will cause immediate and irreparable
10 harm to any person aggrieved by the practice, the Commission,
11 ~~[after the informal meeting and]~~ before holding a public hearing
12 upon the matter, may apply on behalf of such person to the district
13 court for a temporary restraining order or preliminary injunction as
14 provided in the Nevada Rules of Civil Procedure.

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

16 233.190 1. Except as otherwise provided in this section or
17 NRS 239.0115, *or paragraph (c) of subsection 1 of section 14 of*
18 *this act*, any information gathered by the Commission in the course
19 of its investigation of an alleged unlawful discriminatory practice in
20 housing, employment or public accommodations is confidential.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

23 233B.039 1. The following agencies are entirely exempted
24 from the requirements of this chapter:

25 (a) The Governor.

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

28 (c) The Nevada System of Higher Education.

29 (d) The Office of the Military.

30 (e) The Nevada Gaming Control Board.

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

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

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

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

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

44 (k) The Administrator of the Division of Industrial Relations of
45 the Department of Business and Industry in establishing and



1 adjusting the schedule of fees and charges for accident benefits
2 pursuant to subsection 2 of NRS 616C.260.

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

5 (m) The Silver State Health Insurance Exchange.

6 (n) The Cannabis Compliance Board.

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

13 3. The special provisions of:

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

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

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

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

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

28 ➔ prevail over the general provisions of this chapter.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 *(d) Evict a tenant on the basis of an arrest record, conviction*
44 *record or record of criminal history for a misdemeanor offense*



1 *unless the misdemeanor offense occurred on the premises of the*
2 *dwelling that is being rented or leased to the tenant.*

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

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

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

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

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

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

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

32 (a) *The provisions of this section and NRS 118.110 and*
33 *118.120;*

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

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

40 4. *The provisions of this section:*

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

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



1 (1) Pursuant to any federal or state law or regulation that
2 requires the person to inquire into or conduct a background check
3 to determine the arrest record, conviction record or criminal
4 history of an applicant and exclude certain applicants based on
5 certain types of criminal history, including, without limitation, the
6 provisions of NRS 315.031, 42 U.S.C. § 13663 and 24 C.F.R. §
7 982.553.

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

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

14 5. As used in this section:

15 (a) "Applicant" means a person who:

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

18 (2) Applies for a housing rental assistance program,
19 including, without limitation, the Housing Choice Voucher
20 Program pursuant to section 8 of the United States Housing Act of
21 1937, 42 U.S.C. § 1437f; or

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

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

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

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

38 (e) "Dwelling":

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

41 (I) Public housing;

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

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



1 (2) *Does not include:*

2 (I) *A manufactured home; or*

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

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

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

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

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

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

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

18 118.020 1. It is hereby declared to be the public policy of the
19 State of Nevada that all people in the State have equal opportunity
20 to inherit, purchase, lease, rent, sell, hold and convey real property
21 without discrimination, distinction or restriction because of race,
22 ~~religious creed,~~ color, national origin, *religion*, disability, sexual
23 orientation, gender identity or expression, ~~ancestry,~~ familial status
24 or sex.

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

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

30 118.030 As used in NRS 118.010 to 118.120, inclusive, *and*
31 *sections 31, 32 and 33 of this act*, unless the context otherwise
32 requires, the words and terms defined in NRS 118.040 to 118.093,
33 inclusive, *and sections 31 and 32 of this act* have the meanings
34 ascribed to them in those sections.

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

36 118.045 1. “Disability” means, with respect to a person:

37 ~~1-~~ (a) A physical or mental impairment that substantially
38 limits one or more of the major life activities of the person;

39 ~~2-~~ (b) A record of such an impairment; or

40 ~~3-~~ (c) Being regarded as having such an impairment.

41 2. *The term does not include any current illegal use of or*
42 *addiction to a controlled substance as defined in 21 U.S.C. §*
43 *802(6).*



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

2 118.060 ~~[-]~~ “Dwelling” means any building, structure or
3 portion thereof which is occupied as, or designed or intended for
4 occupancy as, a residence by one or more families, and any vacant
5 land which is offered for sale or lease for the construction or
6 location thereon of any such building, structure or portion thereof.

7 ~~[-2. “Dwelling” does not include:~~

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

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

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

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

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

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

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

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

37 118.080 “Person” includes ~~[the]~~ :

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

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

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



1 **Sec. 39.** NRS 118.100 is hereby amended to read as follows:
2 118.100 ~~[A]~~

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

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

16 ~~[2.]~~ (b) Discriminate against any person in the terms, conditions
17 or privileges of sale or rental of a dwelling, including the amount of
18 breakage or brokerage fees, deposits or other undue penalties, or in
19 the provision of services or facilities in connection therewith.

20 ~~[3.]~~ (c) Make, print or publish, or cause to be made, printed or
21 published, any notice, statement or advertisement with respect to the
22 sale or rental of a dwelling that indicates any preference, limitation
23 or discrimination, or an intention to make any preference, limitation
24 or discrimination. As used in this subsection, "dwelling" includes a
25 house, room or unit described in ~~[subsection 2 or 3 of NRS~~
26 ~~118.060.] paragraphs (a) and (b) of subsection 5.~~

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

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

38 ~~[6.—Coerce,]~~

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



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

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

10 4. The provisions of this section:

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

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

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

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

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

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

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

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

43 (3) The house is sold or rented:

44 (I) Without the use in any manner of the sales or rental
45 facilities or services of any real estate broker, agent or salesman



1 licensed under chapter 645 of NRS, other person in the business
2 of selling or renting dwellings or the employee or agent of such a
3 real estate broker, agent or salesman or other person; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

12 118.101 1. A person may not refuse to ~~[-~~

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

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

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

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

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

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

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

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

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

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



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

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

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

8 118.103 1. A covered multifamily dwelling which is
9 designed and constructed for occupancy on or after
10 ~~[March 13, 1991,]~~ *October 1, 2021*, must be constructed in such a
11 manner that the *primary entrance to the* dwelling ~~[contains at least~~
12 ~~one entrance which]~~ is accessible to a person with a disability unless
13 it is impracticable to so design or construct the dwelling because of
14 the terrain or unusual characteristics of the site upon which it is
15 constructed.

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

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

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

24 (c) The units of the dwelling contain:

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

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

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

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

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

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

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

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

42 118.105 1. ~~[Except as otherwise provided in subsection 2, a]~~
43 *A landlord [may] must* not refuse to rent a dwelling subject to the
44 provisions of chapter 118A of NRS to a person with a disability
45 solely because ~~[an]~~ *a service* animal *which affords the person an*



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

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

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

12 118.110 Any aggrieved person ~~[who claims to have been~~
13 ~~injured by a discriminatory housing practice or who believes that he~~
14 ~~or she will be injured by such a practice that is about to occur]~~ may
15 file a complaint with the Commission in the manner prescribed in
16 NRS 233.160 ~~[]~~ *and avail himself or herself of the rights and*
17 *remedies set forth in NRS 233.165 and sections 14, 15 and 16 of*
18 *this act.*

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

20 118.120 ~~[Any]~~

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

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

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

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

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



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

