

SENATE JUDICIARY COMMITTEE

MINUTES OF MEETING

MAY 7, 1977

The meeting was called to order at 5:55 p.m. Senator Close was in the Chair.

PRESENT:            Senator Close  
                      Senator Bryan  
                      Senator Ashworth  
                      Senator Foote  
                      Senator Gojack  
                      Senator Sheerin

ABSENT:            Senator Dodge

Senator Close stated that Gary Owens was here from the Governor's office to help with the bill as they had some real problems and as they didn't have much time they needed him to give them some help and hopefully get the bill out.

AB 173    Enacts Fair Rental Housing Act.

Senator Close stated they would go through the bill and tell Mr. Owens where the problems were. First on page 2 line 42 is the words "mortgagee in possession". There are no mortgagee's in possession in the State of Nevada. He stated he also questions even if the trustees are in possession, they foreclose and that is the end of it.

Senator Bryan stated he thought they might go into the section where owner is defined and make it consistent with the deed of trust, trustee, trustor and even beneficiary.

Senator Close stated another problem we have is that NRS 118.010 through 118.130 is at the present the uniform landlord/tenant act, which is not completely repealed by this act, and therefore the terms in that are in conflict with the terms throughout this bill. If that is the case we might find somewhere in there where it defines owner.

Senator Sheerin stated what you are going to do is find that sections 1 thru 63 of this bill is going to be one fair housing law, that will be one chapter in NRS. Then you will have chapter 118 with just a few parts of it as another part of it.

Senator Close stated why it is this way we don't know? He feels it should be one act not two acts. He wants Mr. Owens to take a look at this and see if they can make just one act and if there is a reason or justification for leaving one of the old laws in.

Senator Bryan stated he felt it would be helpful too for him to know that we are structuring this act here to exclude 6-plexes or less this only applies to owners with 7 or more dwelling units.

Senator Close stated we are also deleting section 18, because when we get through with our amendments there is no reference in the bill to a single-family unit. Under section 20 we would add (c) which would be the person who owns less than 7 dwelling units. Then we would delete the entire section 20.5, then delete lines 47 thru 49 and then on page 4 rather than the numerals we would make these letters and have them continue in section 22 after (c) to be (d) thru (j). Now, we are not certain if section 22 is in conflict with NRS 47.180, or with any other part of that section, that is the portion of NRS dealing with presumptions.

Senator Bryan stated he would like to have Mr. Owens go down to the bill drafter, after they had gone through this, so that they could really get this thing going so it wouldn't die.

Mr. Owens stated he wanted to get one thing clear and that was if there was a conflict in the law of presumptions do you want to go with this or existing law.

Senator Close stated he was to let the Committee know so that they can then make the decision of which way they want to go.

Senator Bryan stated under section 22 they wanted to make it consistent as to the manner of notice, whether delivery or mailing. This seems to say the only way of delivery is physical delivery.

Mr. Owens stated then you want these to be coordinated so that they will be coextensive.

Senator Close stated on line 40 Section 24 "and a signed copy to the tenant" is to come out. Then on line 42 of that section change "The rental" to "Any written rental". On line 48 "are" will be substituted for "may be" and also on line 1 of page 5. Then delete line 5, (h) in its entirety.

The Committee after some discussion felt that they should delete "separately" of section (k) so it would just be "A signed record". Also the end of that paragraph starting on line 11 and all of line 12.

Senator Bryan stated he feels that if Mr. Owen's understands the basic conforming concerns that we have to this chapter we can solve these little problems, delete this word. The issue that bothers him is how does chapter 118 tie in to this.

Also what are we doing to Chapter 40 the unlawful detainer provision.

After some discussion the Committee felt that line 36 (c) in section 24.5 should be deleted.

As they had to go into session Senator Close stated they would continue going through the bill in the morning where they left off and he would ask Jerry Lopez to be present as he understood that he was the bill drafter that worked on the bill. Also, Rusty Nash will be here.

The meeting reconvened at 9:40 a.m. May 8, 1977. Senator Close was in the Chair. All were present but Senators Dodge and Sheerin.

Jerry Lopez stated that they do not believe that this bill conflicts with NRS 118.010 thru 118.130, which is the Nevada Fair Housing Law. Although both rely on a definition of dwelling, they both do two different things. The Nevada Fair Housing prohibits certain practices with regard to renting dwellings and really prohibits discrimination basically. He stated another question came up in Section 21, certain arrangements were not to be governed by the chapter unless they were created to avoid application of the chapter. It is my understanding that you want the provisions on the top of page four merged into subsection 2 of section 20, the chapter that does not apply. I would suggest that it would have a substantive impact on the bill because section 20 flat bar to application. In 21 it allows the court some margine. So I want to make sure that it is the consensus of the Committee that they want to remove the distinction.

Senator Close stated that was the Committees consensus. He asked if there was any problem with Section 22.

Mr. Lopez stated that they checked the provisions in Chapter 47, dealing with presumptions and that deals with evidence and would have no application here. This is talking about notice.

After some discussion the Committee agreed that subsection 2 under Section 25 could be deleted and placed as an (f) under the section of what a landlord may not do.

Mr. Lopez stated he felt it was covered by (a). So we could just take it out.

The Committee concurred with this suggestion.

Senator Close stated that in line 24 they want "necessary" changed to "reasonable" to conform with the terminology in other parts of the bill.

After some discussion the Committee agreed that lines 15 thru 17 in Section 30 should be mandated and then sub-

section 3, lines 18 thru 22 should be deleted. Also, on lines 23 and 24 change "will accept" to "to accept". Also, on line 35 take out "manager" and substitute "person authorized".

Senator Close asked what is meant in Section 33, line 36 (j) Safety from the hazards of fire. How can you ever keep a place from fire?

Mr. Nash stated that this goes back to line 5 to the substantially lacks provision.

After some discussion on this by the Committee they felt this should be deleted, the rest of it is covered in the items above. They also felt that lines 42 thru 44 under subsection 2 could be deleted.

Senator Bryan stated that under Section 38 lines 35 and 39 contained three different things and felt that this should be broken down into (a), (b) and (c).

The Committee concurred with this modification.

After some discussion the Committee agreed that on line 47, Section 41 they only need "Recover actual damages" as they would have injunctive relief as common law. They also felt on line 11 it should be spelled out as to "one month's periodic rent".

Senator Close stated that under Section 47, line 8 "each" should be changed to "the". The Committee concurred with this.

The Committee also agreed that under Section 49, line 16 "so that health or safety is affected", should be deleted.

Senator Bryan stated under Section 49, somewhere there should be language that states "if the breach cannot be remedied. The Committee agreed with this.

Senator Close felt on lines 38 and 39 under Section 50 perhaps some language should be added to say that the security deposit could be deducted, he told Mr. Lopez to think about it as he was making the amendments, unless it was covered somewhere else.

The Committee agreed that under Section 54 line 24, "holding over is willful and not in good faith" should be deleted. Also, under Section 58 line 4 change the period to after "If no rent remains due". And delete the rest of that thru line 6.

Senator Bryan felt under Section 58 lines 48 and 49 there should be some language in there as to the court may hold part of the money or disperse it, but it should be made clear.

Mr. Lopez stated that then you want to put may when it is in dispute and shall what is not in dispute.

Senator Bryan stated that on line 44 of Section 64 page 17 he felt that it should be spelled out "in accordance with the provisions of section 40.280". The Committee concurred.

Senator Bryan stated he felt on line 16 page 19 Section 65 that unlawful detainer was not clear here.

Mr. Lopez asked if then we could say "issues concerning the eliments of an unlawful detainer"?

Senator Bryan stated what he thought we wanted to say was "the affidavit filed by the tenant does not raise a proper defense".

Mr. Lopez stated he would get some language in here to cover that.

Senator Bryan stated that now that we had gone through the bill, he just would like to bring up one point and that was he thought the language should conform on increasing the rent on both the over 6 units and under 6 units.

The Committee agreed with this. Mr. Lopez stated that they would try to incorporate this in this bill so that you don't have to go to two sections, and also he felt that we should include the abandonment, and that could be done by saying this act would not apply to the small landlord except in these things.

Mr. Nash felt that sections 24, 34, 52 and 53 are the only ones that the small landlords should be subject to. The Committee concurred with this.

Meeting was adjourned at 1:20 p.m. (See attachment A for the third reprint of this bill that was worked on at this time.

Respectfully submitted,

  
Virginia C. Letts, Secretary

APPROVED:

SENATOR MELVIN D. CLOSE, JR., CHAIRMAN

(REPRINTED WITH ADOPTED AMENDMENTS)

THIRD REPRINT

A. B. 173

ASSEMBLY BILL NO. 173—ASSEMBLYMEN VERGIELS, SCHOFIELD, DEMERS, KISSAM, JEFFREY, HORN, MANN, HARMON, HAYES, SENA, DREYER, CRADDOCK, BENNETT, GOMES, CHANEY, MELLO, MURPHY, ROBINSON, WAGNER, KOSINSKI, BANNER, PRICE, POLISH, GOODMAN, DINI, HICKEY, GLOVER, HOWARD AND MOODY

JANUARY 27, 1977

Referred to Committee on Judiciary

SUMMARY—Enacts Fair Rental Housing Act. (BDR 10-1106)

FISCAL NOTE: Local Government Impact: No.  
State or Industrial Insurance Impact: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to landlord-tenant relationships; providing rights, obligations and remedies; repealing certain statutory liens of landlords of rental housing; and providing other matters properly relating thereto.

WHEREAS, The legislature finds and declares that the business of renting dwelling units, particularly the contractual relationship between the landlord and the tenant, affects the public interest of this state; now, therefore,

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. Title 10 of NRS is hereby amended by adding thereto
- 2 a new chapter to consist of the provisions set forth as sections 2 to 63,
- 3 inclusive, of this act.
- 4 SEC. 2. This chapter may be cited as the Residential Landlord and
- 5 Tenant Act.
- 6 SEC. 3. As used in this chapter, unless the context otherwise requires,
- 7 the terms defined in sections 3.5 to 19, inclusive, of this act have the
- 8 meanings ascribed to them in those sections.
- 9 SEC. 3.5. "Abandoned property" means property which is left unat-
- 10 tended on the premises after the termination of the tenancy, unless the
- 11 owner of the property has expressed an intent to return for the property.
- 12 SEC. 4. "Action" includes counterclaim, cross-claim, third-party
- 13 claim or any other proceeding in which rights are determined.

Original bill is 20 pages long.  
Contact the Research Library for  
a copy of the complete bill.