

SUMMARY—Revises provisions relating to housing. (BDR 10-226)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.

Effect on the State: No.

AN ACT relating to housing; prohibiting discrimination in housing and certain other transactions involving real property on the basis of source of income; requiring a person who refuses to rent a dwelling to a prospective tenant to provide to the prospective tenant a written notice that states the reason for the refusal; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that: (1) any provision in a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, leasing or mortgaging of such real property to any person of a specified race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation, or gender identity or expression is void and unenforceable; (2) any restriction or prohibition as to the use or occupation of real property because of the user’s or occupier’s race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation, or gender identity or expression is void and unenforceable; and (3) any restriction or prohibition which directly or indirectly limits the acquisition, use or occupation of property



because of the acquirer's, user's or occupier's race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation, or gender identity or expression is void and unenforceable. Existing law also authorizes owners of real property subject to such restrictions or prohibitions that are void and unenforceable to record a form prescribed by the Real Estate Division of the Department of Business and Industry declaring that all such restrictions or prohibitions are removed from the referenced original written instrument. (NRS 111.237, 111.2375)

Sections 1 and 2 of this bill add discrimination based upon source of income to such provisions of existing law that make such restrictions or prohibitions relating to real property void and unenforceable. **Section 4** of this bill defines "source of income" to mean any lawful, verifiable source of money or housing assistance paid to or on behalf of a renter or buyer including, without limitation: (1) money from any legal occupation or activity; (2) money from any judgment, decree or order from a court of competent jurisdiction, including an order for the payment of child support; (3) money from any contract, agreement, loan or settlement; and (4) money or other benefits from any federal, state or local governmental program or service, including any disability benefits, housing choice voucher or any other subsidy for rent or program for the assistance of rent.

Existing law, commonly referred to as the Nevada Fair Housing Law, prohibits discrimination in housing, including selling or renting a dwelling, on the basis of race, religious creed, color, national origin, disability, sexual orientation, gender identity or expression, ancestry, familial status or sex. The Nevada Fair Housing Law also authorizes remedies to enforce the law if a person engages in such discrimination, which includes the authority to file a complaint with the Nevada



Equal Rights Commission and to file an action in a district court to obtain an injunction and civil damages. (NRS 118.010-118.120, chapter 233 of NRS) Existing law further makes it a crime to engage in such discrimination as a basis to refuse to rent, lease, sell or otherwise convey property, or to deny a real estate loan or engage in certain other practices relating to such a loan. (NRS 207.300, 207.310) Additionally, existing law: (1) makes it a crime for a real estate broker or salesperson to engage in such discrimination with respect to certain real estate transactions; (2) subjects a real estate broker or salesperson, property manager or owner-developer to disciplinary action for refusing to show, sell or rent any real estate for sale or rent to qualified purchasers or renters based upon such discrimination; and (3) subjects a real estate appraiser to disciplinary action for refusing to prepare or communicate an appraisal based upon such discrimination. (NRS 645.321, 645.635, 645C.480)

Sections 5, 7, 11 and 14-22 of this bill expand those prohibitions and crimes to include such discriminatory practices based upon source of income. **Sections 6, 8, 10 and 12** of this bill make conforming changes to indicate the proper placement of **sections 4 and 5** in the Nevada Revised Statutes.

Existing law provides that a provision of a contract or settlement agreement is void and unenforceable if the provision prohibits or restricts a party to the contract or settlement agreement from testifying at a judicial or administrative proceeding concerning an act of discrimination by a landlord on the basis of race, religion, color, national origin, disability, sexual orientation, gender identity or expression, ancestry, familial status, age or sex or concerning an act of retaliation by a landlord against another person for the reporting of such discrimination. (NRS 50.069) **Section 13**



of this bill adds discrimination by a landlord based upon source of income to the list of such provisions that are void and unenforceable. **Section 23** of this bill provides that the change in **section 13** applies to a contract or settlement agreement entered into on or after July 1, 2023, the effective date of this bill.

Sections 5 and 9 of this bill require a person who refuses to rent a dwelling to a prospective tenant to provide the prospective tenant with a written notice that states the reason for the refusal.

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

Section 1. NRS 111.237 is hereby amended to read as follows:

111.237 1. Every provision in a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, leasing or mortgaging of such real property to any person of a specified race, color, religion, ancestry, national origin, disability, familial status, *source of income*, sex, sexual orientation, or gender identity or expression is void and unenforceable and every restriction or prohibition as to the use or occupation of real property because of the user's or occupier's race, color, religion, ancestry, national origin, disability, familial status, *source of income*, sex, sexual orientation, or gender identity or expression is void and unenforceable.



2. Every restriction or prohibition, whether by way of covenant, condition upon use or occupation, or upon transfer of title to real property, which restriction or prohibition directly or indirectly limits the acquisition, use or occupation of such property because of the acquirer's, user's or occupier's race, color, religion, ancestry, national origin, disability, familial status, *source of income*, sex, sexual orientation, or gender identity or expression is void and unenforceable.

3. The owner or owners of any real property subject to a restriction or prohibition that is void and unenforceable by operation of law pursuant to subsection 1 or 2 may record a form prescribed by the Real Estate Division of the Department of Business and Industry pursuant to NRS 111.2375 declaring that all such restrictions or prohibitions are removed from the referenced original written instrument.

4. The form must be completed and signed by the owner or owners of the real property and filed in the office of the county recorder in which the real property is located.

5. If the form is filed with the appropriate county recorder pursuant to subsection 4, the county recorder shall record and index the form with any other restriction or prohibition upon real property, including, without limitation, real property within a common-interest community pursuant to chapter 116 of NRS.

6. If the form is not filed with the county recorder of the appropriate county pursuant to subsection 4, the county recorder shall transfer the form to the county recorder of the appropriate county for recording and indexing in the manner described in subsection 5.

7. Nothing in this section regarding familial status shall be construed to apply to housing for older persons so long as such housing complies with the requirements of 42 U.S.C. § 3607.



8. As used in this section:

(a) "Disability" means, with respect to a person:

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

(2) A record of such an impairment; or

(3) Being regarded as having such an impairment.

(b) "Familial status" means the fact that a person:

(1) Lives with a child under the age of 18 and has:

(I) Lawful custody of the child; or

(II) Written permission to live with the child from the person who has lawful custody of the child;

(2) Is pregnant; or

(3) Has begun the proceeding to adopt or otherwise obtain lawful custody of a child.

(c) "Source of income" has the meaning ascribed to it in section 4 of this act.

Sec. 2. NRS 111.2375 is hereby amended to read as follows:

111.2375 1. The Real Estate Division of the Department of Business and Industry shall:

(a) Solicit recommendations from the county recorder of each county concerning the design and contents of a form that may be used to make a declaration of removal of a discriminatory restriction pursuant to NRS 111.237.

(b) Prescribe such a form after considering all recommendations solicited pursuant to paragraph (a).



2. The form must provide for the inclusion of the following:

(a) Identifying information concerning the original written instrument that contains a prohibition or restriction that is void and unenforceable pursuant to NRS 111.237;

(b) The name or names of the owner or owners of the property;

(c) The assessor's parcel number;

(d) The legal description of the real property as provided in the original written instrument;

(e) The mailing address of the owner or owners of the property; and

(f) The following statements in 14-point font, in substantially the following form:

(1) The referenced original written instrument contains discriminatory restrictions that are void and unenforceable pursuant to NRS 111.237. This declaration removes from the referenced original instrument all provisions that are void and unenforceable pursuant to NRS 111.237 and is valid solely for that purpose; and

(2) All persons in this State shall have an equal opportunity to inherit, purchase, lease, rent, sell, hold and convey real property without discrimination, distinction or restriction because of race, color, religion, ancestry, national origin, disability, familial status, *source of income*, sex, sexual orientation or gender identity or expression pursuant to chapter 118 of NRS.

3. The form must be made available, free of charge:

(a) By the Real Estate Division at its principal office designated pursuant to NRS 645.170 and at each branch office established pursuant to NRS 645.170 and on any Internet website maintained by the Division; and



(b) By the county recorder at the office of the county recorder and on any Internet website maintained by the county recorder in his or her official capacity.

Sec. 3. Chapter 118 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.

Sec. 4. *“Source of income” means any lawful, verifiable source of money or housing assistance paid to or on behalf of a person seeking to buy or rent a dwelling, including, without limitation:*

- 1. Money from any legal occupation or activity.*
- 2. Money from any contract, agreement, loan or settlement.*
- 3. Money from any judgment, decree or order from a court of competent jurisdiction, including, without limitation, an order for the payment of child support.*
- 4. Money or other benefits from any federal, state or local governmental program or service, including, without limitation, any disability benefits, housing choice voucher or any other subsidy for rent or program for the assistance of rent. As used in this subsection, “housing choice voucher” includes, without limitation, any financial assistance that a person receives under the Housing Choice Voucher Program pursuant to section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f, and any regulations adopted pursuant thereto or pursuant to any successor program.*

Sec. 5. 1. *A person shall not, because of source of income:*

(a) Refuse to sell or rent or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person;



(b) Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, including the amount of breakage or brokerage fees, deposits or other undue penalties, or in the provision of services or facilities in connection therewith;

(c) Make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination, or an intention to make any preference, limitation or discrimination;

(d) Represent to any person that any dwelling is not available for inspection, sale or rental when the dwelling is in fact so available;

(e) For profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person with a particular source of income; or

(f) Coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected in this chapter.

2. If a person refuses to rent a dwelling to a prospective tenant, the person must provide the prospective tenant with a written notice that states the reason for the refusal.

3. This section does not apply to:

(a) A religious organization, corporation, association or society; or

(b) A person who:

(1) Owns and makes available for rent not more than one house, room or unit; or



(2) Owns and makes available for rent living quarters in not more than one dwelling containing living quarters occupied or intended to be occupied by not more than two families living independently of each other if the person actually maintains and occupies one of the living quarters as his or her residence.

4. Nothing in this section shall be construed to prohibit any secured residential long-term care facility, group home, supportive living facility, home in which supported living arrangement services are provided, assisted living facility or other facility for long-term care whose use is restricted to the elderly or to persons with physical or intellectual disabilities.

5. As used in this section:

(a) "Dwelling" includes a house, room or unit described in subsection 2 or 3 of NRS 118.060 and offered for rent.

(b) "Facility for long-term care" has the meaning ascribed to it in NRS 427A.028.

(c) "Secured residential long-term care facility" has the meaning ascribed to it in NRS 159.0255.

Sec. 6. NRS 118.010 is hereby amended to read as follows:

118.010 The provisions of NRS 118.010 to 118.120, inclusive, *and sections 4 and 5 of this act* may be cited as the Nevada Fair Housing Law.

Sec. 7. NRS 118.020 is hereby amended to read as follows:

118.020 1. It is hereby declared to be the public policy of the State of Nevada that all people in the State have equal opportunity to inherit, purchase, lease, rent, sell, hold and convey real property without discrimination, distinction or restriction because of race, religious creed, color,



national origin, disability, sexual orientation, gender identity or expression, ancestry, familial status, ~~sex~~ ~~sex~~ *or source of income.*

2. Nothing in this chapter shall be deemed to render enforceable a conveyance or other contract made by a person who lacks the capacity to contract.

Sec. 8. NRS 118.030 is hereby amended to read as follows:

118.030 As used in NRS 118.010 to 118.120, inclusive, *and sections 4 and 5 of this act*, unless the context otherwise requires, the words and terms defined in NRS 118.040 to 118.093, inclusive, *and section 4 of this act* have the meanings ascribed to them in those sections.

Sec. 9. NRS 118.100 is hereby amended to read as follows:

118.100 *1.* A person shall not, because of race, religious creed, color, national origin, disability, sexual orientation, gender identity or expression, ancestry, familial status or sex:

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

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

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



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

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

~~16.~~ (f) Coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected in this chapter.

2. If a person refuses to rent a dwelling to a prospective tenant, the person must provide the prospective tenant with a written notice that states the reason for the refusal.

Sec. 10. NRS 118.115 is hereby amended to read as follows:

118.115 A tenant has a defense in a summary proceeding or other action for possession of a dwelling if the landlord's attempt to terminate the tenancy or regain possession violates any provision of NRS 118.010 to 118.120, inclusive, *and sections 4 and 5 of this act* or the Fair Housing Act of 1968, 42 U.S.C. §§ 3601 et seq.

Sec. 11. NRS 118.120 is hereby amended to read as follows:

118.120 Any person may commence an action in any district court in this state to enforce the provisions of NRS 118.100, 207.300, 207.310, 645.321 or 645C.480 *or section 5 of this act* not less than 1 year after the date of the occurrence or termination of an alleged violation of any of



those provisions. If the court determines that the provisions of any of those sections have been violated by the defendant, and that the plaintiff has been injured thereby, it may enjoin the defendant from continued violation or may take such other affirmative action as may be appropriate, and, in the case of a prevailing plaintiff, may award to the plaintiff actual damages, punitive damages, court costs and a reasonable attorney's fee.

Sec. 12. NRS 118A.510 is hereby amended to read as follows:

118A.510 1. Except as otherwise provided in subsection 3, the landlord may not, in retaliation, terminate a tenancy, refuse to renew a tenancy, increase rent or decrease essential items or services required by the rental agreement or this chapter, or bring or threaten to bring an action for possession if:

(a) The tenant has complained in good faith of a violation of a building, housing or health code applicable to the premises and affecting health or safety to a governmental agency charged with the responsibility for the enforcement of that code;

(b) The tenant has complained in good faith to the landlord or a law enforcement agency of a violation of this chapter or of a specific statute that imposes a criminal penalty;

(c) The tenant has organized or become a member of a tenant's union or similar organization;

(d) A citation has been issued resulting from a complaint described in paragraph (a);

(e) The tenant has instituted or defended against a judicial or administrative proceeding or arbitration in which the tenant raised an issue of compliance with the requirements of this chapter respecting the habitability of dwelling units;



(f) The tenant has failed or refused to give written consent to a regulation adopted by the landlord, after the tenant enters into the rental agreement, which requires the landlord to wait until the appropriate time has elapsed before it is enforceable against the tenant;

(g) The tenant has complained in good faith to the landlord, a government agency, an attorney, a fair housing agency or any other appropriate body of a violation of NRS 118.010 to 118.120, inclusive, *and sections 4 and 5 of this act* or the Fair Housing Act of 1968, 42 U.S.C. §§ 3601 et seq., or has otherwise exercised rights which are guaranteed or protected under those laws;

(h) The tenant or, if applicable, a cotenant or household member, is a victim of domestic violence, harassment, sexual assault or stalking or terminates a rental agreement pursuant to NRS 118A.345; or

(i) Except as otherwise provided in NRS 118A.315, the tenant is a federal worker, tribal worker, state worker or household member of such a worker and the tenant pays rent during the time specified in subsection 2 of NRS 118A.310. As used in this paragraph, “household member” has the meaning ascribed to it in NRS 40.0025.

2. If the landlord violates any provision of subsection 1, the tenant is entitled to the remedies provided in NRS 118A.390 and has a defense in any retaliatory action by the landlord for possession.

3. A landlord who acts under the circumstances described in subsection 1 does not violate that subsection if:



(a) The violation of the applicable building, housing or health code of which the tenant complained was caused primarily by the lack of reasonable care by the tenant, a member of his or her household or other person on the premises with his or her consent;

(b) The tenancy is terminated with cause;

(c) A citation has been issued and compliance with the applicable building, housing or health code requires alteration, remodeling or demolition and cannot be accomplished unless the tenant's dwelling unit is vacant; or

(d) The increase in rent applies in a uniform manner to all tenants.

↪ The maintenance of an action under this subsection does not prevent the tenant from seeking damages or injunctive relief for the landlord's failure to comply with the rental agreement or maintain the dwelling unit in a habitable condition as required by this chapter.

4. As used in this section:

(a) "Cotenant" has the meaning ascribed to it in NRS 118A.345.

(b) "Domestic violence" has the meaning ascribed to it in NRS 118A.345.

(c) "Harassment" means a violation of NRS 200.571.

(d) "Household member" has the meaning ascribed to it in NRS 118A.345.

(e) "Sexual assault" means a violation of NRS 200.366.

(f) "Stalking" means a violation of NRS 200.575.

Sec. 13. NRS 50.069 is hereby amended to read as follows:

50.069 1. Except as otherwise provided in NRS 233.190, a provision of a contract or settlement agreement is void and unenforceable if:



(a) The provision prohibits or otherwise restricts a party to the contract or settlement agreement from testifying at a judicial or administrative proceeding when the party has been required or requested to testify at the proceeding pursuant to:

- (1) A court order;
- (2) A lawful subpoena; or
- (3) A written request by an administrative agency; and

(b) The judicial or administrative proceeding described in paragraph (a) concerns another party to the contract or settlement agreement and his or her commission of:

- (1) A criminal offense;
- (2) An act of sexual harassment, including, without limitation, repeated, unsolicited verbal or physical contact of a sexual nature that is threatening in character;
- (3) An act of discrimination on the basis of race, religion, color, national origin, disability, sexual orientation, gender identity or expression, ancestry, familial status, age or sex by an employer or *an act of discrimination on the basis of race, religion, color, national origin, disability, sexual orientation, gender identity or expression, ancestry, familial status, source of income, age or sex by* a landlord; or
- (4) An act of retaliation by an employer ~~for a landlord~~ against another person for the reporting of discrimination on the basis of race, religion, color, national origin, disability, sexual orientation, gender identity or expression, ancestry, familial status, age or sex ~~or an act of retaliation by a landlord against a person for the reporting of discrimination on the basis of~~



race, religion, color, national origin, disability, sexual orientation, gender identity or expression, ancestry, familial status, source of income, age or sex.

2. As used in this section:

(a) “Employer” has the meaning ascribed to it in NRS 33.220.

(b) “Landlord” means an owner of real property, or the owner’s representative, who provides a dwelling unit on the real property for occupancy by another for valuable consideration.

(c) “Source of income” has the meaning ascribed to it in section 4 of this act.

Sec. 14. NRS 207.297 is hereby amended to read as follows:

207.297 As used in NRS 207.300 and 207.310:

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

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

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

2. “Familial status” means the fact that a person:

(a) Lives with a child under the age of 18 and has:

(1) Lawful custody of the child; or

(2) Written permission to live with the child from the person who has lawful custody of the child;

(b) Is pregnant; or

(c) Has begun a proceeding to adopt or otherwise obtain lawful custody of a child.



3. “Sexual orientation” means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

4. “Source of income” has the meaning ascribed to it in section 4 of this act.

Sec. 15. NRS 207.300 is hereby amended to read as follows:

207.300 It is unlawful for any person to refuse to rent, lease, sell or otherwise convey any real property solely because of race, religious creed, color, national origin, disability, sexual orientation, gender identity or expression, ancestry, familial status , ~~sex~~ *or source of income.*

Sec. 16. NRS 207.310 is hereby amended to read as follows:

207.310 1. As used in this section:

(a) “Customer” means a person who applies for a loan or other financial assistance to purchase, construct, improve or repair a dwelling. The term includes a person who does not intend to enter into a transaction for a loan or other financial assistance, but applies for the loan or financial assistance as if the person intended to enter into the transaction.

(b) “Lender” means a bank, savings and loan association, savings bank, insurance company or other person whose business consists in whole or in part of making commercial real estate loans.

2. It is unlawful for any lender to deny a loan, or other financial assistance rendered by the lender, to any customer or to discriminate against any customer in fixing the amount, conditions, duration, rate of interest or other terms of a loan or other financial assistance or to refuse to purchase a loan from another lender because of the race, color, religious creed, national origin,



disability, sexual orientation, gender identity or expression, ancestry, familial status , ~~sex~~ *or source of income* of:

- (a) The customer;
- (b) Any person associated with the customer in connection with the loan or other financial assistance or with the purpose of the loan or other financial assistance; or
- (c) The present or prospective owners, lessees, tenants or occupants of the dwelling in relation to which the loan or other financial assistance is to be made or given.

3. A person who violates the provisions of this section is guilty of:

- (a) A misdemeanor for the first and second offenses.
- (b) A gross misdemeanor for the third and subsequent offenses.

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

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

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



3. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek, obtain and hold employment without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, sexual orientation, gender identity or expression, national origin or ancestry. As used in this subsection:

(a) “Protective hairstyle” includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.

(b) “Race” includes traits associated with race, including, without limitation, hair texture and protective hairstyles.

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

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

233.020 As used in this chapter:

1. “Administrator” means the Administrator of the Commission.
2. “Commission” means the Nevada Equal Rights Commission within the Department of Employment, Training and Rehabilitation.
3. “Disability” means, with respect to a person:
 - (a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;



(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

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

5. “Member” means a member of the Nevada Equal Rights Commission.

6. “Sexual orientation” means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

7. “Source of income” has the meaning ascribed to it in section 4 of this act.

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

233.150 The Commission may:

1. Order its Administrator to:

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

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

(c) With regard to employment, investigate:



(1) Tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual orientation, gender identity or expression, national origin or ancestry, and may conduct hearings with regard thereto; and

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

↪ As used in this paragraph, “race” includes traits associated with race, including, without limitation, hair texture and protective hairstyles, as defined in paragraph (a) of subsection 3 of NRS 233.010.

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

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

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

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

Sec. 20. NRS 645.321 is hereby amended to read as follows:

645.321 1. It is unlawful, on account of race, religious creed, color, national origin, disability, sexual orientation, gender identity or expression, ancestry, familial status , ~~sex~~ ~~sex~~ *or source of income*, to:

(a) Discriminate against any person:



(1) By denying the person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service or facility relating to the sale or rental of dwellings; or

(2) In the terms or conditions of such access, membership or participation.

(b) Discriminate against any person:

(1) By denying the person access to any opportunity to engage in a transaction regarding residential real estate; or

(2) In the terms or conditions of such a transaction.

2. Any person violating the provisions of subsection 1 shall be punished by a fine of \$500 for the first offense and for the second offense shall show cause why his or her license should not be revoked by the Commission.

3. As used in this section:

(a) "Disability" means, with respect to a person:

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

(2) A record of such an impairment; or

(3) Being regarded as having such an impairment.

(b) "Familial status" means the fact that a person:

(1) Lives with a child under the age of 18 and has:

(I) Lawful custody of the child; or



(II) Written permission to live with the child from the person who has lawful custody of the child;

(2) Is pregnant; or

(3) Has begun a proceeding to adopt or otherwise obtain lawful custody of a child.

(c) “Gender identity or expression” means a gender-related identity, appearance, expression or behavior of a person, regardless of the person’s assigned sex at birth.

(d) “Sexual orientation” means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

(e) “Source of income” has the meaning ascribed to it in section 4 of this act.

Sec. 21. NRS 645.635 is hereby amended to read as follows:

645.635 The Commission may take action pursuant to NRS 645.630 against any person subject to that section who is guilty of:

1. Offering real estate for sale or lease without the knowledge and consent of the owner or the owner’s authorized agent or on terms other than those authorized by the owner or the owner’s authorized agent.

2. Negotiating a sale, exchange or lease of real estate, or communicating after such negotiations but before closing, directly with a client if the person knows that the client has a brokerage agreement in force in connection with the property granting an exclusive agency, including, without limitation, an exclusive right to sell to another broker, unless permission in writing has been obtained from the other broker.



3. Failure to deliver within a reasonable time a completed copy of any purchase agreement or offer to buy or sell real estate to the purchaser or to the seller, except as otherwise provided in subsection 4 of NRS 645.254.

4. Failure to deliver to the seller in each real estate transaction, within 10 business days after the transaction is closed, a complete, detailed closing statement showing all of the receipts and disbursements handled by him or her for the seller, failure to deliver to the buyer a complete statement showing all money received in the transaction from the buyer and how and for what it was disbursed, or failure to retain true copies of those statements in his or her files. The furnishing of those statements by an escrow holder relieves the broker's, broker-salesperson's or salesperson's responsibility and must be deemed to be in compliance with this provision.

5. Representing to any lender, guaranteeing agency or any other interested party, verbally or through the preparation of false documents, an amount in excess of the actual sale price of the real estate or terms differing from those actually agreed upon.

6. Failure to produce any document, book or record in his or her possession or under his or her control, concerning any real estate transaction under investigation by the Division.

7. Failure to reduce a bona fide offer to writing where a proposed purchaser requests that it be submitted in writing, except as otherwise provided in subsection 4 of NRS 645.254.

8. Failure to submit all written bona fide offers to a seller when the offers are received before the seller accepts an offer in writing and until the broker has knowledge of that acceptance, except as otherwise provided in subsection 4 of NRS 645.254.



9. Refusing because of race, color, national origin, sex, sexual orientation, gender identity or expression, *source of income* or ethnic group to show, sell or rent any real estate for sale or rent to qualified purchasers or renters. *As used in this subsection, “source of income” has the meaning ascribed to it in section 4 of this act.*

10. Knowingly submitting any false or fraudulent appraisal to any financial institution or other interested person.

11. Any violation of NRS 645C.557.

Sec. 22. NRS 645C.480 is hereby amended to read as follows:

645C.480 1. A certified or licensed appraiser is guilty of unprofessional conduct if the certified or licensed appraiser:

(a) Fails to produce any document, book or record in his or her possession or under his or her control after being requested to do so by the Division as part of its investigation of a complaint;

(b) Refuses to prepare or communicate an appraisal because of age, race, color, national origin, disability, sexual orientation, gender identity or expression, familial status, sex, ~~or~~ ethnic group ~~or~~ *source of income*; or

(c) Fails to supervise adequately an intern associated with him or her.

2. As used in this section:

(a) “Disability” means, with respect to a person:

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

(2) A record of such an impairment; or



- (3) Being regarded as having such an impairment.
- (b) “Familial status” means the fact that a person:
 - (1) Lives with a child under the age of 18 and has:
 - (I) Lawful custody of the child; or
 - (II) Written permission to live with the child from the person who has lawful custody of the child;
 - (2) Is pregnant; or
 - (3) Has begun a proceeding to adopt or otherwise obtain lawful custody of a child.
- (c) “Gender identity or expression” means a gender-related identity, appearance, expression or behavior of a person, regardless of the person’s assigned sex at birth.
- (d) “Sexual orientation” means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.
- (e) *“Source of income” has the meaning ascribed to it in section 4 of this act.*

Sec. 23. The amendatory provisions of section 13 of this act apply to any contract or settlement agreement entered into on or after July 1, 2023.

Sec. 24. This act becomes effective on July 1, 2023.

