

ASSEMBLY BILL NO. 111—ASSEMBLYWOMAN GALLANT

PREFILED FEBRUARY 3, 2023

Referred to Committee on Judiciary

SUMMARY—Prohibits certain restrictions on the display of religious items in common-interest communities. (BDR 10-770)

FISCAL NOTE: Effect on Local Government: No. Effect on the State: No.

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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 common-interest communities; prohibiting a unit-owners’ association or a unit’s owner who rents or leases his or her unit from imposing certain restrictions on the display of religious items; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the unit-owners’ association of a common-interest community to adopt bylaws and authorizes an association to amend bylaws and adopt rules and regulations concerning the community. (NRS 116.3102) Section 1 of this bill prohibits, with certain exceptions, an association or a unit’s owner who rents or leases his or her unit from prohibiting a unit’s owner or occupant of a unit from engaging in the display of religious items. Section 1 defines “display of religious items” to mean, in general, an item or combination of items made from certain materials and displayed or affixed on an entry door or doorframe of a unit because of sincerely held religious beliefs. Section 2 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.

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

Section 1. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2 or 3, the executive board of an association or a unit’s owner who rents or leases his or her unit shall not and the governing documents of an



1 *association or a rental agreement must not prohibit a unit's owner*
2 *or an occupant of a unit from engaging in the display of religious*
3 *items within such physical portion of the common-interest*
4 *community as that owner or occupant has a right to occupy and*
5 *use exclusively.*

6 2. *The provisions of this section do not:*

7 (a) *Apply to a display of religious items that:*

8 (1) *Has a total size that is greater than 36 by 12 square*
9 *inches or that exceeds the size of the door on which or whose*
10 *frame on which the display of religious items is displayed or*
11 *affixed;*

12 (2) *Threatens the health, safety or welfare of the public;*

13 (3) *Hinders the opening or closing of any entry door;*

14 (4) *Violates any federal, state or local law; or*

15 (5) *Contains graphics, language or any display that is*
16 *obscene or otherwise illegal.*

17 (b) *Preclude an association or a unit's owner who rents or*
18 *leases his or her unit from adopting, and do not preclude the*
19 *governing documents of an association or a rental agreement*
20 *from setting forth, rules that reasonably restrict the placement and*
21 *manner of the display of religious items by a unit's owner or an*
22 *occupant of a unit.*

23 3. *An association or a unit's owner who is performing or*
24 *causing to be performed any maintenance, repair or replacement*
25 *of an entry door or doorframe of a unit may require the unit's*
26 *owner or an occupant of the unit to remove a display of religious*
27 *items on the entry door or doorframe during the time the work is*
28 *being performed. After the work is completed, the unit's owner or*
29 *occupant must be permitted to return the display of religious items*
30 *to the entry door or doorframe. An association or unit's owner*
31 *shall, before requiring a unit's owner or occupant of a unit to*
32 *temporarily remove a display of religious items pursuant to this*
33 *subsection, provide notice to the affected unit's owner or*
34 *occupant.*

35 4. *In any action commenced to enforce the provisions of this*
36 *section, the prevailing party is entitled to recover reasonable*
37 *attorney's fees and costs.*

38 5. *As used in this section:*

39 (a) *"Display of religious items" means an item or combination*
40 *of items:*

41 (1) *Made of wood, metal, glass, plastic, cloth, fabric or*
42 *paper; and*

43 (2) *Displayed or affixed on any entry door or doorframe of*
44 *a unit because of sincerely held religious beliefs.*



1 **(b) “Rental agreement” means an oral or written agreement**
2 **between a unit’s owner and another person for the use and**
3 **occupancy of a unit.**

4 **Sec. 2.** NRS 116.1203 is hereby amended to read as follows:

5 116.1203 1. Except as otherwise provided in subsections 2
6 and 3, if a planned community contains no more than 12 units and is
7 not subject to any developmental rights, it is subject only to NRS
8 116.1106 and 116.1107 unless the declaration provides that this
9 entire chapter is applicable.

10 2. The provisions of NRS 116.12065 and the definitions set
11 forth in NRS 116.005 to 116.095, inclusive, to the extent that the
12 definitions are necessary to construe any of those provisions, apply
13 to a residential planned community containing more than 6 units.

14 3. Except for NRS 116.3104, 116.31043, 116.31046 and
15 116.31138, the provisions of NRS 116.3101 to 116.350, inclusive,
16 **and section 1 of this act**, and the definitions set forth in NRS
17 116.005 to 116.095, inclusive, to the extent that such definitions are
18 necessary in construing any of those provisions, apply to a
19 residential planned community containing more than 6 units.

20 **Sec. 3.** 1. Any provision in a governing document of an
21 association or in a rental agreement or policy of a unit’s owner who
22 rents or leases his or her unit that is in effect on July 1, 2023, and
23 which is contrary to the provisions of this act is void and
24 unenforceable.

25 2. On or before October 1, 2023, each executive board of an
26 association and unit’s owner who rents or leases his or her unit shall
27 review and amend as necessary to ensure compliance with the
28 provisions of this act:

29 (a) In the case of an executive board of an association, the
30 governing documents of the association.

31 (b) In the case of a unit’s owner who rents or leases his or her
32 unit, the policies of the unit’s owner.

33 3. A unit’s owner who rents or leases his or her unit shall
34 review any rental agreement that is in effect on July 1, 2023, to
35 ensure compliance with the provisions of this act. On or before the
36 date for renewal of such a rental agreement, the unit’s owner shall
37 remove any provision of the agreement that is void and
38 unenforceable pursuant to subsection 1.

39 4. As used in this section:

40 (a) “Association” has the meaning ascribed to it in
41 NRS 116.011.

42 (b) “Executive board” has the meaning ascribed to it in
43 NRS 116.045.

44 (c) “Governing documents” has the meaning ascribed to it in
45 NRS 116.049.



1 (d) "Rental agreement" has the meaning ascribed to it in section
2 1 of this act.

3 (e) "Unit" has the meaning ascribed to it in NRS 116.093.

4 (f) "Unit's owner" has the meaning ascribed to it in
5 NRS 116.095.

6 **Sec. 4.** This act becomes effective on July 1, 2023.

