

Amendment No. 459

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| Senate Amendment to Senate Bill No. 143   | (BDR 18-1) |
| <b>Proposed by:</b> Senate Committee on Government Affairs                          |            |
| <b>Amends:</b> Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes |            |

| ASSEMBLY ACTION                       | Initial and Date              |       | SENATE ACTION                         | Initial and Date              |
|---------------------------------------|-------------------------------|-------|---------------------------------------|-------------------------------|
| Adopted <input type="checkbox"/>      | Lost <input type="checkbox"/> | _____ | Adopted <input type="checkbox"/>      | Lost <input type="checkbox"/> |
| Concurred In <input type="checkbox"/> | Not <input type="checkbox"/>  | _____ | Concurred In <input type="checkbox"/> | Not <input type="checkbox"/>  |
| Receded <input type="checkbox"/>      | Not <input type="checkbox"/>  | _____ | Receded <input type="checkbox"/>      | Not <input type="checkbox"/>  |

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.





## SENATE BILL NO. 143—SENATOR NEAL

FEBRUARY 14, 2023

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to discrimination in housing. (BDR 18-1)

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 within the Department of Employment, Training and Rehabilitation 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 an applicant or tenant's arrest record, conviction record or record of criminal history constitutes an unlawful discriminatory practice in housing; providing that certain requirements relating to guarantors 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 within the Department of Employment, Training and Rehabilitation. (NRS 232.910, 233.030) The Commission is authorized to investigate and conduct hearings concerning acts of prejudice with regard to housing, employment and public accommodations. (NRS 233.150) Existing law 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** authorizes the Commission to initiate a complaint alleging an unlawful discriminatory practice in housing. **Section 23** of this bill requires the Commission to investigate each complaint which alleges an unlawful discriminatory practice in housing and to attempt to resolve the issues raised in the complaint through informal negotiations with the parties. **Section 24** of this bill requires the Commission to serve upon an aggrieved person certain information.

**Section 14** of this bill establishes new procedures and requirements with respect to investigations and administrative hearings concerning such complaints. Following the Commission's investigation of a complaint, if the Administrator of the Commission

20 determines that probable cause exists to believe that an unlawful discriminatory practice in  
21 housing has occurred or is about to occur, the Attorney General is required to: (1) prepare a  
22 notice of hearing and serve the notice upon the parties; and (2) unless a party elects to have  
23 the matter determined by a court, prepare and prosecute the complaint in a public hearing  
24 before the Commission. If the Commission, based on a preponderance of the evidence  
25 presented at the hearing, determines that an unlawful discriminatory practice in housing has  
26 occurred, the Commission may issue an order to cease and desist, order appropriate injunctive  
27 or other equitable relief, award actual damages, impose civil penalties and award costs and  
28 attorney's fees. **Section 28** of this bill makes a conforming change to eliminate a requirement  
29 for the Commission to hold an informal meeting of the parties.

30 **Section 15** of this bill provides for the determination of the complaint by a court instead  
31 of the Commission. **Section 16** of this bill establishes procedures for the judicial review of a  
32 final decision of the Commission.

33 **Sections 2-13 and 18** of this bill move the existing definitions in chapter 233 of NRS and  
34 define various terms relating to the complaint process. **Sections 24-26, 28 and 29** of this bill  
35 make changes to existing provisions to use these terms. **Sections 19 and 27** of this bill make  
36 conforming changes to internal references.

37 Existing law prohibits the Commission from entering into certain agreements with the  
38 United States Department of Housing and Urban Development for the Commission to  
39 investigate and enforce laws relating to fair housing as a certified agency under federal law  
40 unless the Legislature expressly authorizes the Commission to do so. (NRS 233.153) **Section**  
41 **22** of this bill authorizes the Commission to enter into such an agreement without legislative  
42 approval.

43 **Section 30** of this bill provides that the provisions of chapter 233 of NRS relating to the  
44 judicial review of decisions of the Commission concerning unlawful discriminatory practice  
45 in housing prevail over the provisions of the Nevada Administrative Procedure Act.

46 **Section 34** of this bill prohibits, with certain exceptions, a person seeking to rent or lease  
47 a dwelling, or renting or leasing a dwelling, from: (1) ~~[inquiring into the arrest record,~~  
48 ~~conviction record or record of criminal history of an applicant or tenant; (2)]~~ refusing to rent  
49 or lease, or refusing to negotiate to rent or lease, a dwelling to an applicant on the basis of the  
50 applicant's arrest record, conviction record or record of criminal history; ~~[(3)]~~ (2) making,  
51 printing or publishing any notice, statement or advertisement relating to the rental or lease  
52 which indicates a preference based on the arrest record, conviction record or record of  
53 criminal history of an applicant; and ~~[(4)]~~ (3) evicting a tenant from a dwelling on the basis of  
54 his or her arrest record, conviction record or record of criminal history for a misdemeanor  
55 offense, unless the offense occurred on the premises of the dwelling. **Section 34** provides that  
56 a person may inquire into or conduct a background check into the conviction record or record  
57 of criminal history of an applicant to determine whether the applicant has certain offenses on  
58 his or her record. A person may refuse to rent or lease a dwelling to an applicant who has any  
59 such offense on his or her record. **Section 34** also requires a person who makes a dwelling  
60 available for rent or lease to provide each applicant with information on how to file an appeal  
61 of a denial to rent or lease or file a complaint with the Commission. **Section 34** limits the  
62 applicability of these provisions to any dwelling unit that is owned by a natural person and  
63 contains ~~three~~ five or more dwelling units. For purposes of **section 34**, a "dwelling" is  
64 defined, with certain exceptions, as: (1) public housing; (2) any housing that is rented or  
65 leased to a tenant pursuant to a contract with a housing authority; or (3) any housing which  
66 accepts vouchers for rental payment. A "dwelling" does not include: (1) a manufactured  
67 home; or (2) a single-family house owned by a natural person or any other housing that is  
68 owned by a natural person and has ~~two~~ four or fewer dwelling units.

69 **Section 35** of this bill prohibits a person seeking to rent or lease a dwelling, or renting or  
70 leasing a dwelling from: (1) requiring a guarantor on a contract to rent or lease a dwelling to  
71 provide proof of income in an amount greater than three times the monthly rent or lease; (2)  
72 refusing to rent or lease or refusing to negotiate to rent or lease a dwelling to an applicant  
73 because a guarantor has not provided proof of income in an amount greater than three times  
74 the monthly rent or lease; or (3) making, printing or publishing any notice, statement or  
75 advertisement relating to the rental or lease of a dwelling which indicates a requirement for a  
76 guarantor to provide proof of income in an amount greater than three times the monthly rent.

77 **Sections 36-47** of this bill amend the Nevada Fair Housing Law to conform to federal  
78 law. **Section 38** of this bill revises the definition of "disability" to exclude any current illegal

79 use of or addiction to a controlled substance. **Sections 39 and 40** of this bill revise the  
80 definitions of “dwelling” and “person.” **Sections 32 and 33** of this bill define the terms  
81 “aggrieved person” and “unlawful discriminatory practice in housing.”

82 **Section 41** of this bill revises the prohibited practices which constitute an unlawful  
83 discriminatory practice in housing in Nevada. **Section 41** prohibits discrimination in real  
84 estate related transactions. **Section 41** also sets forth certain exceptions to the application of  
85 its provisions.

86 **Section 42** of this bill prohibits a person from refusing to: (1) allow a person with a  
87 disability to make reasonable modifications to a dwelling which may be necessary to afford  
88 the person with a disability full enjoyment of the dwelling, if the person with a disability pays  
89 for the modifications; or (2) make reasonable accommodations in rules, policies, practices or  
90 services which may be necessary to afford a person with a disability equal opportunity to use  
91 and enjoy the dwelling.

92 **Section 43** of this bill revises accessibility requirements relating to the design and  
93 construction of a covered multifamily dwelling. **Section 44** of this bill revises provisions  
94 prohibiting a landlord from refusing to rent a dwelling to a person with a disability with a  
95 service animal.

96 **Sections 45-47** of this bill revise provisions governing civil actions to enforce certain  
97 provisions relating to discrimination in housing.

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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 thereto the  
2 provisions set forth as sections 2 to 16, inclusive, of this act.

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

4 **Sec. 3.** *“Aggrieved person” has the meaning ascribed to it in section 32 of*  
5 *this act.*

6 **Sec. 4.** *“Commission” means the Nevada Equal Rights Commission within*  
7 *the Department of Employment, Training and Rehabilitation.*

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

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

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

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

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

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

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

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

23 **Sec. 12.** *“Sexual orientation” has the meaning ascribed to it in NRS*  
24 *118.093.*

25 **Sec. 13.** *“Unlawful discriminatory practice in housing” has the meaning*  
26 *ascribed to it in section 33 of this act.*

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

29 (a) *The Commission shall, to the extent practicable throughout the complaint*  
30 *process, engage in conciliation with respect to the complaint. If an agreement is*

1 *reached with regard to the matters alleged in the complaint, no further action*  
2 *may be taken by the complainant or the Commission with regard to the matters*  
3 *alleged in the complaint.*

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

10 *(c) The Commission shall make a conciliation agreement public, unless the*  
11 *complainant and the respondent agree that it not be made public and the*  
12 *Commission determines that public disclosure of the agreement would not further*  
13 *the purposes of this chapter or NRS 118.010 to 118.120, inclusive, and sections*  
14 *32 to 35, inclusive, of this act.*

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

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

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

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

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

22 *(e) Answers to interrogatories.*

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

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

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

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

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

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

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

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

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

1 (c) Award actual damages to the complainant;

2 (d) Impose upon the respondent:

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

5 (2) If the respondent has been adjudged in a separate action to have  
6 committed any violation of NRS 118.010 to 118.120, inclusive, and sections 32 to  
7 35, inclusive, of this act within the 5-year period immediately preceding the filing  
8 of the complaint, a civil penalty of not more than \$37,500; or

9 (3) If the respondent has been adjudged in one or more separate actions  
10 to have committed two or more violations of NRS 118.010 to 118.120, inclusive,  
11 and sections 32 to 35, inclusive, of this act within the 7-year period immediately  
12 preceding the filing of the complaint, a civil penalty of not more than \$65,000;  
13 and

14 (e) Award costs and reasonable attorney's fees to the complainant.

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

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

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

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

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

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

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

43 2. An election made pursuant to subsection 1 must be made in writing and  
44 be received by the Commission not later than 20 days after the date on which the  
45 notice of hearing was served pursuant to subsection 4 of section 14 of this act.

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

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

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

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

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

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

9           (1) Ordering a permanent or temporary injunction;

10           (2) Issuing a temporary restraining order; or

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

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

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

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

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

28           3. A petition for judicial review must:

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

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

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

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

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

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

46           7. The Commission shall, within 30 days after receipt of service of the  
47 petition for judicial review or such time as allowed by the court, transmit to the  
48 court the original or a certified copy of the entire record of the proceeding under  
49 review, including, without limitation, a transcript of the evidence resulting in the  
50 final decision of the Commission. The record may be shortened by stipulation of  
51 the parties to the proceeding. If the court determines that a party has  
52 unreasonably refused to stipulate to limit the record, the court may assess any



1 *additional costs resulting from the refusal against that party. The court may*  
2 *require or permit subsequent corrections or additions to the record.*

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

10 *(a) May modify its finding and decision; and*

11 *(b) Shall file the evidence and any modification, new finding or decision with*  
12 *the court.*

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

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

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

23 *12. Within 7 days after the expiration of the period within which the*  
24 *petitioner is authorized to reply pursuant to subsection 11, any party may request*  
25 *a hearing. Unless a request for a hearing has been filed, the matter shall be*  
26 *deemed submitted.*

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

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

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

33 *(a) Conducted by the court without a jury; and*

34 *(b) Confined to the record.*

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

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

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

47 *(a) In violation of any constitutional or statutory provision;*

48 *(b) In excess of the statutory authority of the Commission;*

49 *(c) Made upon unlawful procedure;*

50 *(d) Affected by other error of law;*

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

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

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

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

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

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

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

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

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

17 233.010 1. It is hereby declared to be the public policy of the State of  
 18 Nevada to protect the welfare, prosperity, health and peace of all the people of the  
 19 State, and to foster the right of all persons reasonably to seek and obtain housing  
 20 accommodations without discrimination, distinction or restriction because of race,  
 21 ~~religious creed,~~ *religion*, color, age, sex, disability, *familial status*, sexual  
 22 orientation, gender identity or expression, national origin or ancestry.

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

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

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

38 (b) "Race" includes traits associated with race, including, without limitation,  
 39 hair texture and protective hairstyles.

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

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

45 233.020 As used in this chapter ~~the~~

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

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

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

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

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

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

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

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

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

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

10 233.085 The Governor may designate another agency to perform the duties  
11 and functions of the Commission set forth in NRS 233.150 ~~[, 233.160, 233.165 and~~  
12 ~~233.170.] and 233.157 to 233.170, inclusive, and sections 14, 15 and 16 of this~~  
13 ~~act.~~

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

15 233.140 The Commission shall:

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

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

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

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

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

38 6. Develop and carry out programs of education and disseminate information  
39 as necessary to inform employers, employees, employment agencies and job  
40 applicants about their rights and responsibilities set forth in NRS 613.4353 to  
41 613.4383, inclusive.

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

43 233.150 The Commission may:

44 1. Order its Administrator to:

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

50 (b) With regard to housing, investigate tensions, practices of discrimination  
51 and acts of prejudice against any person or group because of race, color, ~~[creed,]~~  
52 *religion*, sex, age, disability, *familial status*, sexual orientation, gender identity or

1 expression ~~and~~ or national origin ~~[or ancestry,]~~ and may conduct hearings with  
2 regard thereto.

3 (c) With regard to employment, investigate:

4 (1) Tensions, practices of discrimination and acts of prejudice against any  
5 person or group because of race, color, ~~[creed,]~~ religion, sex, age, disability,  
6 *familial status*, sexual orientation, gender identity or expression ~~and~~ or national  
7 origin ~~[or ancestry,]~~ and may conduct hearings with regard thereto; and

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

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

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

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

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

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

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

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

26 233.153 1. The Commission ~~[shall not]~~ may contract with or enter into a  
27 memorandum of understanding with the United States Department of Housing and  
28 Urban Development for the Commission to investigate and enforce laws relating to  
29 fair housing as a certified agency . ~~[unless the Legislature, by resolution or other~~  
30 ~~appropriate legislative measure, expressly authorizes the Commission to do so.]~~

31 2. As used in this section:

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

35 (b) “Memorandum of understanding” means the memorandum of  
36 understanding described in 24 C.F.R. § ~~[115.210.]~~ **115.205.**

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

38 233.157 1. The Commission shall accept any complaint alleging an  
39 unlawful discriminatory practice over which it has jurisdiction pursuant to this  
40 chapter.

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

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

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

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

51 233.160 1. A complaint which alleges an unlawful discriminatory practice  
52 in:

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

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

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

11 2. The complainant shall specify in the complaint the alleged unlawful  
 12 practice. The complaint must be in writing and signed, under oath, by the  
 13 complainant.

14 3. If the complaint alleges an unlawful discriminatory practice ~~that~~ :

15 (a) *In housing*, the Commission shall , *not later than 10 days after receiving*  
 16 *the complaint*, serve upon the complainant:

17 ~~{(a)}~~ (1) Notice that the complaint was filed with the Commission;

18 ~~{(b)}~~ (2) A copy of the Commission's procedures;

19 ~~{(c)}~~ (3) The information set forth in ~~subsection 5~~ *sections 14 and 15* of  
 20 ~~NRS 233.170; and~~  
 21 ~~—(d)—~~ *this act; and*

22 (4) Information relating to the state and federal administrative bodies and  
 23 courts with which the complainant may file the complaint.

24 (b) *In employment, the Commission shall, as soon as practicable after*  
 25 *receiving the complaint, notify the complainant in writing that the complainant*  
 26 *may request the Commission to issue a right-to-sue notice pursuant to NRS*  
 27 *613.412.*

28 4. The Commission shall send to the ~~party against whom an unlawful~~  
 29 ~~discriminatory practice is alleged;~~ *respondent:*

30 (a) A copy of the complaint;

31 (b) An explanation of the rights which are available to ~~that party;~~ *the*  
 32 *respondent;* and

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

34 ➤ If the complaint alleges an unlawful discriminatory practice in housing, the  
 35 Commission shall comply with the requirements of this subsection within 10 days  
 36 after it receives the complaint.

37 5. ~~[A person against whom an unlawful discriminatory practice in housing is~~  
 38 ~~alleged] The respondent~~ may file with the Commission an answer to the complaint  
 39 ~~[filed against him or her]~~ not later than 10 days after the ~~person]~~ *respondent*  
 40 receives the information described in subsection 4.

41 6. *If a complaint alleges an unlawful discriminatory practice in housing, a*  
 42 *person who is not named as a respondent but who is identified as a respondent in*  
 43 *the course of the investigation may be joined as an additional or substitute*  
 44 *respondent upon written notice from the Commission to that person.*

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

48 ~~[7.— If a person files a complaint pursuant to paragraph (b) of subsection 1~~  
 49 ~~which alleges an unlawful discriminatory practice in employment, the Commission~~  
 50 ~~shall, as soon as practicable after receiving the complaint, notify in writing the~~  
 51 ~~person who filed the complaint that the person may request the Commission to~~  
 52 ~~issue a right to sue notice pursuant to NRS 613.412.]~~

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

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

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

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

10 233.165 1. ~~If the Commission determines to conduct~~ **In conducting** an  
11 investigation of a complaint which alleges an unlawful discriminatory practice in  
12 housing in accordance with the regulations adopted pursuant to NRS 233.157, the  
13 Commission ~~must~~ **shall**:

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

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

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

20 2. If the Commission determines that it is impracticable to complete an  
21 investigation or make a final disposition of a complaint which alleges an unlawful  
22 discriminatory practice in housing within the period prescribed in subsection 1, the  
23 Commission shall send to the complainant and the ~~person against whom the~~  
24 ~~complaint was filed~~ **respondent** a statement setting forth its reasons for not  
25 completing the investigation or making a final disposition of the complaint within  
26 that period.

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

28 233.170 1. When a complaint is filed whose allegations if true would  
29 support a finding of **an** unlawful practice ~~, the~~ **in employment or public**  
30 **accommodations**:

31 (a) **The** Commission shall determine whether to hold an informal **settlement**  
32 meeting to attempt a settlement of the dispute in accordance with the regulations  
33 adopted pursuant to NRS 233.157. If the Commission determines to hold an  
34 informal **settlement** meeting, the Administrator may, to prepare for the meeting,  
35 request from each party any information which is reasonably relevant to the  
36 complaint. ~~Except as otherwise provided in subsection 3,~~ **If an agreement is**  
37 **reached**, no further action may be taken. ~~if the parties agree to a settlement.~~

38 ~~2.~~ (b) If an agreement is not reached at the informal **settlement** meeting, the  
39 ~~Administrator~~ **Commission** shall determine whether to conduct an investigation  
40 into the alleged unlawful practice in accordance with the regulations adopted  
41 pursuant to NRS 233.157. After the investigation, if the ~~Administrator~~  
42 **Commission** determines that **there is probable cause to believe that** an unlawful  
43 practice has occurred, the ~~Administrator~~ **Commission** shall ~~attempt to mediate~~  
44 ~~between or reconcile~~ **engage in conciliation with** the parties. The ~~party against~~  
45 ~~whom a complaint was filed~~ **respondent** may agree to cease the unlawful practice  
46 ~~. Except as otherwise provided in subsection 3, if~~ **and provide any additional**  
47 **relief as the parties may agree upon. If** an agreement is reached, no further action  
48 may be taken by the complainant or ~~by~~ the Commission ~~;~~

49 ~~3. If an agreement is reached by the parties in a case involving a~~  
50 ~~discriminatory practice in housing, the agreement must be approved by the~~  
51 ~~Commission. The agreement must be made public unless the parties otherwise~~  
52 ~~agree and the Commission determines that disclosure is not necessary to further the~~  
53 ~~purposes of chapter 118 of NRS.~~

1 ~~—4.1~~ with regard to the matters alleged in the complaint.

2 (c) If the attempts at ~~[mediation or]~~ conciliation fail in a case involving an  
3 unlawful practice in employment or public accommodations, the Commission may  
4 hold a public hearing on the matter ~~[After]~~ in accordance with the requirements  
5 of chapter 233B of NRS.

6 2. If, after the hearing, ~~[if]~~ the Commission determines that *there is probable*  
7 *cause to believe that* an unlawful practice has occurred, ~~[it may:]~~ the Commission:

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

11 (b) ~~[Order]~~ May order the ~~[person]~~ respondent to:

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

14 (2) In cases involving an unlawful employment practice, restore all  
15 benefits and rights to which the ~~[aggrieved person]~~ complainant is entitled,  
16 including, but not limited to, rehiring, back pay for a period described in subsection  
17 ~~[5.]~~ 3, annual leave time, sick leave time or pay, other fringe benefits and seniority,  
18 with interest thereon from the date of the Commission's decision at a rate equal to  
19 the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of  
20 Financial Institutions, on January 1 or July 1, as the case may be, immediately  
21 preceding the date of the Commission's decision, plus 2 percent. The rate of  
22 interest must be adjusted accordingly on each January 1 and July 1 thereafter until  
23 the judgment is satisfied.

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

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

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

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

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

42 ~~[5.]~~ 3. For the purposes of subparagraph (2) of paragraph (b) of subsection  
43 ~~[4.]~~ 2, the period for back pay must not exceed a period beginning 2 years before  
44 the date on which the complaint was filed and ending on the date the Commission  
45 issues an order pursuant to paragraph (b) of subsection ~~[4.]~~ 2.

46 ~~[6.]~~ 4. Before imposing a civil penalty pursuant to subparagraph (4) of  
47 paragraph (b) of subsection ~~[4.]~~ 2, the Commission must allow the ~~[person]~~  
48 respondent found to have willfully engaged in an unlawful employment practice 30  
49 days to take corrective action from the date of service of the order pursuant to  
50 paragraph (a) of subsection ~~[4.]~~ 2. If the ~~[person]~~ respondent takes such corrective  
51 action, the Commission shall not impose the civil penalty.

52 ~~[7. If the attempts at mediation or conciliation fail in a case involving an~~  
53 ~~unlawful housing practice:~~

~~(a) The complainant or the person against whom the complaint was filed may elect to have the claims included in the complaint decided in a court of competent jurisdiction. If the court determines that the person against whom the complaint was filed has committed an unlawful housing practice, the court may:~~

~~(1) Award to the complainant actual damages and, within the limitations prescribed by federal law, punitive damages.~~

~~(2) Award to the prevailing party costs and reasonable attorney's fees.~~

~~(3) Order such other relief as the court deems appropriate, including, but not limited to:~~

~~(I) Ordering a permanent or temporary injunction;~~

~~(II) Issuing a temporary restraining order; or~~

~~(III) Enjoining the defendant from continuing the unlawful practice or taking other such affirmative action.~~

~~(b) If an election is not made pursuant to paragraph (a), the Commission shall hold a public hearing on the matter. After the hearing, if the Commission determines that an unlawful practice has occurred, it may:~~

~~(1) Serve a copy of its findings of fact within 10 days upon any person found to have engaged in the unlawful practice;~~

~~(2) Order the person to cease and desist from the unlawful practice;~~

~~(3) Award to the complainant actual damages; and~~

~~(4) Impose a civil penalty of not more than \$25,000 upon the person who committed the unlawful discriminatory practice.~~

~~8.] 5. If, after the hearing, the Commission determines that there is no probable cause to believe that an unlawful practice has occurred, the Commission shall dismiss the matter and make the dismissal public.~~

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

~~[9.] 7.~~ After the Commission has held a public hearing and rendered a decision, the complainant is barred from proceeding on the same facts and legal theory before any other administrative body or officer.

~~[10.] 8.~~ For the purposes of this section, an unlawful employment practice shall be deemed to be willful if a person engages in the practice with knowledge that it is unlawful or with reckless indifference to whether it is lawful or unlawful.

**Sec. 27.** NRS 233.175 is hereby amended to read as follows:

233.175 1. The Commission shall accept a complaint that alleges that a local elected officer has engaged in an unlawful employment practice of discrimination pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., or NRS 613.330 and take appropriate action.

2. The Commission shall present a complaint to the district court pursuant to NRS 283.440 if the Commission determines after a hearing held pursuant to ~~[subsection 3 of]~~ NRS 233.170 that a local elected officer has engaged in an unlawful employment practice of discrimination pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., or NRS 613.330 and that the discriminatory practice that forms the basis of such a complaint is severe or



1 pervasive such that removal from office is an appropriate remedy. In addition to  
2 any monetary penalties, the Commission may impose upon the local elected officer  
3 any other reasonable sanction, including, without limitation, a requirement to  
4 complete a course or training related to the unlawful employment practice of  
5 discrimination.

6 3. Any fine or penalty required to be paid by a local elected officer because  
7 such officer was determined to have engaged in an unlawful employment practice  
8 of discrimination pursuant to subsection 2 must be assessed against such officer in  
9 his or her personal capacity, and may not be paid with public money or  
10 contributions received pursuant to chapter 294A of NRS. Except for a fine or a  
11 penalty, no damages may be assessed against the local elected officer in his or her  
12 personal capacity.

13 4. As used in this section, "local elected officer" means a person who holds a  
14 local government office to which the person was elected.

15 **Sec. 28.** NRS 233.180 is hereby amended to read as follows:

16 233.180 If, after the Administrator has conducted a preliminary investigation  
17 into an alleged unlawful discriminatory practice in housing, employment or public  
18 accommodations, the Commission determines that the practice will cause  
19 immediate and irreparable harm to any ~~{person}~~ aggrieved ~~{by the practice,}~~ *person*,  
20 the Commission, ~~{after the informal meeting and}~~ before holding a public hearing  
21 upon the matter, may apply on behalf of such person to the district court for a  
22 temporary restraining order or preliminary injunction as provided in the Nevada  
23 Rules of Civil Procedure.

24 **Sec. 29.** NRS 233.190 is hereby amended to read as follows:

25 233.190 1. Except as otherwise provided in this section or NRS 239.0115,  
26 *or paragraph (c) of subsection 1 of section 14 of this act*, any information gathered  
27 by the Commission in the course of its investigation of an alleged unlawful  
28 discriminatory practice in housing, employment or public accommodations is  
29 confidential.

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

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

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

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

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

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

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

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

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

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

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

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

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

16           **Sec. 30.** NRS 233B.039 is hereby amended to read as follows:

17           233B.039 1. The following agencies are entirely exempted from the  
18 requirements of this chapter:

19           (a) The Governor.

20           (b) Except as otherwise provided in NRS 209.221 and 209.2473, the  
21 Department of Corrections.

22           (c) The Nevada System of Higher Education.

23           (d) The Office of the Military.

24           (e) The Nevada Gaming Control Board.

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

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

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

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

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

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

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

40           (m) The Silver State Health Insurance Exchange.

41           (n) The Cannabis Compliance Board.

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

47           3. The special provisions of:

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

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

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

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

6 ~~[(d)]~~ (e) NRS 90.800 for the use of summary orders in contested cases,  
7 ~~☞~~ prevail over the general provisions of this chapter.

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

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

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

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

20 (c) A regulation adopted by the State Board of Education pursuant to NRS  
21 388.255 or 394.1694;

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

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

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

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

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

36 (i) The adoption, amendment or repeal of standards of content and performance  
37 for courses of study in public schools by the Council to Establish Academic  
38 Standards for Public Schools and the State Board of Education pursuant to NRS  
39 389.520;

40 (j) The adoption, amendment or repeal of the statewide plan to allocate money  
41 from the Fund for a Resilient Nevada created by NRS 433.732 established by the  
42 Department of Health and Human Services pursuant to paragraph (b) of subsection  
43 1 of NRS 433.734; or

44 (k) The adoption or amendment of a data request by the Commissioner of  
45 Insurance pursuant to NRS 687B.404.

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

49 **Sec. 31.** Chapter 118 of NRS is hereby amended by adding thereto the  
50 provisions set forth as sections 32 to 35, inclusive, of this act.

51 **Sec. 32.** *“Aggrieved person” means any person who:*

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

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

3           Sec. 33. "Unlawful discriminatory practice in housing" means a practice  
4 prohibited by NRS 118.100 and sections 34 and 35 of this act.

5           Sec. 34. 1. Except as otherwise provided in this section, it is an unlawful  
6 discriminatory practice in housing for any person to:

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

10           ~~(b) Refuse to rent or lease or refuse to negotiate for the rental or lease of, or~~  
11 ~~otherwise make unavailable, a dwelling to an applicant because of any ~~arrest~~;~~

12           (1) Arrest record ~~or conviction~~ if the applicant has not been prosecuted  
13 in relation to any arrest; or

14           (2) Conviction record or record of criminal history ~~or~~

15           ~~(c) if the applicant:~~

16           (I) Has been acquitted, granted a pardon or otherwise exonerated;

17           (II) Has served his or her sentence and has been released from  
18 prison; or

19           (III) Has had his or her record sealed in this State or another state;

20           (b) Make, print or publish, or cause to be made, printed or published, any  
21 notice, statement or advertisement with respect to the rental or lease of a dwelling  
22 that indicates any preference, limitation or discrimination, or intention to make  
23 any preference, limitation or discrimination, on the basis of an applicant's arrest  
24 record, conviction record or record of criminal history ~~or~~ in violation of  
25 paragraph (a); or

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

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

33           (a) A violent or sexual offense as defined in NRS 202.876, or the equivalent  
34 offense in another jurisdiction; or

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

42           ↪ A person who inquires into or conducts a background check in accordance  
43 with this subsection may refuse to rent or lease, refuse to negotiate for the rental  
44 or lease of, or otherwise make unavailable a dwelling on the basis of an arrest  
45 record, conviction record or record of criminal history for the offenses set forth  
46 in this subsection.

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

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

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

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

4           4. *The provisions of this section:*

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

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

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

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

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

20           5. *As used in this section:*

21           (a) *“Applicant” means a person who:*

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

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

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

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

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

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

40           (e) *“Dwelling”:*

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

42           (I) *Public housing;*

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

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

47           (2) *Does not include:*

48           (I) *A manufactured home; or*

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

52           (f) *“Dwelling unit” means a building or a portion of a building planned,*  
53 *designed or used as a residence for one family only, living independently of other*

1 *families or persons, and having its own bathroom and housekeeping facilities*  
2 *included in the unit.*

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

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

5 (i) *“Record of criminal history” has the meaning ascribed to it in NRS*  
6 *179A.070.*

7 **Sec. 35.** *1. It is an unlawful discriminatory practice in housing for any*  
8 *person to:*

9 (a) *Require a guarantor on a contract to rent or lease a dwelling to provide*  
10 *proof of income in an amount greater than three times the monthly rent or lease;*

11 (b) *Refuse to rent or lease or refuse to negotiate for the rental or lease of, or*  
12 *otherwise make unavailable, a dwelling to an applicant because a guarantor has*  
13 *not provided proof of income in an amount greater than three times the monthly*  
14 *rent or lease; or*

15 (c) *Make, print or publish, or cause to be made, printed or published, any*  
16 *notice, statement or advertisement with respect to the rental or lease of a dwelling*  
17 *that indicates any requirement for a guarantor on a contract to rent or lease a*  
18 *dwelling to provide proof of income in an amount greater than three times the*  
19 *monthly rent or lease.*

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

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

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

25 (c) *How the applicant may file a complaint with the Commission pursuant to*  
26 *NRS 233.160, if the applicant believes that his or her application has been denied*  
27 *on the basis of an unlawful discriminatory practice in housing.*

28 3. *As used in this section:*

29 (a) *“Guarantor” means a person who cosigns on a contract to rent or lease a*  
30 *dwelling or dwelling unit.*

31 (b) *“Proof of income” means documentation of the amount of money a*  
32 *person earns or receives from any source, including, without limitation, a pay*  
33 *stub, tax return, letter of employment, unemployment documentation, pension*  
34 *statement, social security award letter and workers’ compensation or disability*  
35 *insurance statement.*

36 **Sec. 36.** NRS 118.020 is hereby amended to read as follows:

37 118.020 1. It is hereby declared to be the public policy of the State of  
38 Nevada that all people in the State have equal opportunity to inherit, purchase,  
39 lease, rent, sell, hold and convey real property without discrimination, distinction or  
40 restriction because of race, ~~religious creed,~~ color, national origin, *religion*,  
41 disability, sexual orientation, gender identity or expression, ~~ancestry,~~ familial  
42 status or sex.

43 2. Nothing in ~~[this chapter]~~ *NRS 118.010 to 118.120, inclusive, and sections*  
44 *32 to 35, inclusive, of this act* shall be deemed to render enforceable a conveyance  
45 or other contract made by a person who lacks the capacity to contract.

46 **Sec. 37.** NRS 118.030 is hereby amended to read as follows:

47 118.030 As used in NRS 118.010 to 118.120, inclusive, *and sections 32 to*  
48 *35, inclusive, of this act*, unless the context otherwise requires, the words and terms  
49 defined in NRS 118.040 to 118.093, inclusive, *and sections 32 and 33 of this act*  
50 have the meanings ascribed to them in those sections.

51 **Sec. 38.** NRS 118.045 is hereby amended to read as follows:

52 118.045 1. “Disability” means, with respect to a person:

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

3 ~~[2]~~ (b) A record of such an impairment; or

4 ~~[3]~~ (c) Being regarded as having such an impairment.

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

7 **Sec. 39.** NRS 118.060 is hereby amended to read as follows:

8 118.060 ~~[H]~~ “Dwelling” means any building, structure or portion thereof  
9 which is occupied as, or designed or intended for occupancy as, a residence by one  
10 or more families, and any vacant land which is offered for sale or lease for the  
11 construction or location thereon of any such building, structure or portion thereof.

12 ~~[2. “Dwelling” does not include:~~

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

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

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

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

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

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

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

38 **Sec. 40.** NRS 118.080 is hereby amended to read as follows:

39 118.080 “Person” includes ~~[the]~~ :

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

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

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

46 **Sec. 41.** NRS 118.100 is hereby amended to read as follows:

47 118.100 ~~[A]~~

48 **1. *Except as otherwise provided in subsections 4 and 5, a person shall not,***  
49 ***because of race, [religious-creed,] color, religion, national origin, [disability,]***  
50 ***sexual orientation, gender identity or expression, [ancestry,] familial status , [or]***  
51 ***sex [H] or disability, including, without limitation, the disability of a buyer or***  
52 ***renter or any person who may reside in a dwelling after it is sold, rented or made***  
53 ***available, or because the buyer or renter is associated with a person who is, or is***

1 *perceived to be, a member of any class of persons protected by the provisions of*  
2 *NRS 118.010 to 118.120, inclusive, and sections 32 to 35, inclusive, of this act:*

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

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

9 ~~[3.]~~ (c) Make, print or publish, or cause to be made, printed or published, any  
10 notice, statement or advertisement with respect to the sale or rental of a dwelling  
11 that indicates any preference, limitation or discrimination, or an intention to make  
12 any preference, limitation or discrimination. As used in this ~~[subsection,]~~  
13 *paragraph*, “dwelling” includes a house, room or unit described in ~~[subsection 2 or~~  
14 ~~3 of NRS 118.060.] paragraphs (a) and (b) of subsection 5.~~

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

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

24 ~~[6.—Coerce.]~~

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

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

33 *3. A person shall not coerce, intimidate, threaten or interfere with any person*  
34 *in the exercise or enjoyment of, or on account of that person having exercised or*  
35 *enjoyed or aided or encouraged any other person in the exercise or enjoyment of,*  
36 *any right granted or protected in ~~[this chapter.] NRS 118.010 to 118.120, inclusive,~~*  
37 *and sections 32 to 35, inclusive, of this act.*

38 *4. The provisions of this section:*

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

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

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



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

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

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

6 (1) *The private individual owner ~~does not own more than three~~ owns*  
7 *four or fewer single-family houses;*

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

12 (3) *The house is sold or rented without:*

13 (I) *The use in any manner of the sales or rental facilities or services*  
14 *of any real estate broker, agent or salesperson licensed under chapter 645 of*  
15 *NRS, other person in the business of selling or renting dwellings or the employee*  
16 *or agent of such a real estate broker, agent or salesperson or other person; and*

17 (II) *The publication, posting or mailing of any advertisement or*  
18 *written notice in violation of paragraph (c) of subsection 1.*

19 (b) *Rooms or units in dwellings containing living quarters occupied or*  
20 *intended to be occupied by not more than four families living independently of*  
21 *each other, if the owner maintains and occupies one of the living quarters as his*  
22 *or her residence.*

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

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

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

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

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

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

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

43 (a) *“Housing for older persons” means housing that is:*

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

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

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

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

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

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

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

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

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

8 **Sec. 42.** NRS 118.101 is hereby amended to read as follows:

9 118.101 1. A person may not refuse to ~~;~~

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

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

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

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

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

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

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

31 (a) Is necessary to ensure the restoration of the dwelling pursuant to subsection  
 32 2;

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

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

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

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

42 **Sec. 43.** NRS 118.103 is hereby amended to read as follows:

43 118.103 1. A covered multifamily dwelling which is designed and  
 44 constructed for occupancy on or after ~~March 13, 1991,~~ *October 1, 2023,* must be  
 45 constructed in such a manner that the *primary entrance to the* dwelling ~~contains at~~  
 46 ~~least one entrance which~~ is accessible to a person with a disability unless it is  
 47 impracticable to so design or construct the dwelling because of the terrain or  
 48 unusual characteristics of the site upon which it is constructed.

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

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

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

3 (c) The units of the dwelling contain:

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

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

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

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

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

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

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

17 **Sec. 44.** NRS 118.105 is hereby amended to read as follows:

18 118.105 1. ~~[Except as otherwise provided in subsection 2, a]~~ A landlord  
19 ~~[may]~~ *must* not refuse to rent a dwelling subject to the provisions of chapter 118A  
20 of NRS to a person with a disability solely because ~~[an]~~ *a service animal which*  
21 *affords the person an equal opportunity to use and enjoy the dwelling* will be  
22 residing with the prospective tenant in the dwelling . ~~[if the animal assists, supports~~  
23 ~~or provides service to the person with a disability.]~~

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

29 **Sec. 45.** NRS 118.110 is hereby amended to read as follows:

30 118.110 Any aggrieved person ~~[who claims to have been injured by a~~  
31 ~~discriminatory housing practice or who believes that he or she will be injured by~~  
32 ~~such a practice that is about to occur]~~ may file a complaint with the Commission in  
33 the manner prescribed in NRS 233.160 ~~[.]~~ *and avail himself or herself of the rights*  
34 *and remedies set forth in NRS 233.160 and sections 14, 15 and 16 of this act.*

35 **Sec. 46.** NRS 118.120 is hereby amended to read as follows:

36 118.120 ~~[Any]~~

37 1. *Except as otherwise provided in subsection 2, an aggrieved* person may  
38 commence an action in any district court in this state to enforce the provisions of  
39 NRS 118.100, 207.300, 207.310, 645.321 or 645C.480 *or section 34 or 35 of this*  
40 *act* not ~~[less]~~ *more* than 1 year after the date of the occurrence or termination of an  
41 alleged violation of any of those provisions. If the court determines that the  
42 provisions of any of those sections have been violated by the defendant, and that  
43 the plaintiff has been injured thereby, it may enjoin the defendant from continued  
44 violation or may take such other affirmative action as may be appropriate, and, in  
45 the case of a prevailing plaintiff, may award to the plaintiff actual damages,  
46 punitive damages, court costs and a reasonable attorney’s fee.

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

50 **Sec. 47.** NRS 118.120 is hereby amended to read as follows:

51 118.120 1. Except as otherwise provided in subsection 2, an aggrieved  
52 person may commence an action in any district court in this state to enforce the  
53 provisions of NRS 118.100, 207.300, 207.310, 645.321 or 645C.480 or section 34

1 or 35 of this act not more than 1 year after the date of the occurrence or termination  
2 of an alleged violation of any of those provisions. If the court determines that the  
3 provisions of any of those sections have been violated by the defendant, and that  
4 the plaintiff has been injured thereby, it may enjoin the defendant from continued  
5 violation or may take such other affirmative action as may be appropriate, ~~and, in~~  
6 ~~the case of a prevailing plaintiff, may~~ **including, without limitation, an** award ~~to~~  
7 ~~the plaintiff~~ of actual damages ~~[, punitive damages, court costs and a]~~ **and such**  
8 **civil penalties as provided in section 14 of this act. The court may award the**  
9 **prevailing party** reasonable attorney's ~~fee~~ **fees and costs, except that no such**  
10 **fees or costs may be awarded against the State of Nevada unless, upon a motion**  
11 **by a party, the court determines that the State of Nevada acted in violation of**  
12 **Rule 11 of the Nevada Rules of Civil Procedure.**

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

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

21 **Sec. 48.** 1. This section becomes effective upon passage and approval.

22 2. Sections 1 to 13, inclusive, 17, 18, 20 to 23, inclusive, 28, 30 to 44,  
23 inclusive, and 46 of this act become effective:

24 (a) Upon passage and approval for the purpose of adopting regulations and  
25 carrying out any other preparatory administrative tasks that are necessary to carry  
26 out the provisions of this act; and

27 (b) On October 1, 2023, for all other purposes.

28 3. Sections 14, 15, 16, 19, 24 to 27, inclusive, 29, 45 and 47 of this act  
29 become effective on the date the Governor declares that the Federal Government  
30 has determined that certain provisions of NRS provide rights and remedies for  
31 alleged discriminatory housing practices substantially equivalent to federal law.