

Amendment No. 879

Senate Amendment to Senate Bill No. 143 First Reprint	(BDR 18-1)
Proposed by: Senate Committee on Finance	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will ADD an appropriation where one does not currently exist in S.B. 143 R1.

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.

TJO/ERS



Date: 6/1/2023

S.B. No. 143—Revises provisions relating to discrimination in housing.
(BDR 18-1)



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

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

76 **Sections 36-47** of this bill amend the Nevada Fair Housing Law to conform to federal
77 law. **Section 38** of this bill revises the definition of "disability" to exclude any current illegal
78 use of or addiction to a controlled substance. **Sections 39 and 40** of this bill revise the

79 definitions of “dwelling” and “person.” Sections 32 and 33 of this bill define the terms
80 “aggrieved person” and “unlawful discriminatory practice in housing.”

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

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

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

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

97 Section 47.5 of this bill makes an appropriation to the Nevada Equal Rights
98 Commission for personnel, operating and technology expenses associated with carrying
99 out the provisions of this bill.

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:*

1 (a) *The Commission shall, to the extent practicable throughout the complaint*
2 *process, engage in conciliation with respect to the complaint. If an agreement is*
3 *reached with regard to the matters alleged in the complaint, no further action*
4 *may be taken by the complainant or the Commission with regard to the matters*
5 *alleged in the complaint.*

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

12 (c) *The Commission shall make a conciliation agreement public, unless the*
13 *complainant and the respondent agree that it not be made public and the*
14 *Commission determines that public disclosure of the agreement would not further*
15 *the purposes of this chapter or NRS 118.010 to 118.120, inclusive, and sections*
16 *32 to 35, inclusive, of this act.*

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

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

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

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

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

24 (e) *Answers to interrogatories.*

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

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

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

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

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

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

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

- 1 (a) Order the respondent to cease and desist from the unlawful practice;
2 (b) Order such injunctive or equitable relief as may be appropriate;
3 (c) Award actual damages to the complainant;
4 (d) Impose upon the respondent:

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

7 (2) If the respondent has been adjudged in a separate action to have
8 committed any violation of NRS 118.010 to 118.120, inclusive, and sections 32 to
9 35, inclusive, of this act within the 5-year period immediately preceding the filing
10 of the complaint, a civil penalty of not more than \$37,500; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 3. *A petition for judicial review must:*

32 (a) *Name as respondents the Commission and all parties of record to the*
33 *hearing;*

34 (b) *Be instituted by filing the petition in the district court in and for Carson*
35 *City, in and for the county in which the aggrieved party resides or in and for the*
36 *county in which the hearing occurred; and*

37 (c) *Be filed within 30 days after service of the final decision of the*
38 *Commission.*

39 4. *A cross-petition for judicial review must be filed within 10 days after*
40 *service of a petition for judicial review.*

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

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

49 7. *The Commission shall, within 30 days after receipt of service of the*
50 *petition for judicial review or such time as allowed by the court, transmit to the*
51 *court the original or a certified copy of the entire record of the proceeding under*
52 *review, including, without limitation, a transcript of the evidence resulting in the*
53 *final decision of the Commission. The record may be shortened by stipulation of*

1 *the parties to the proceeding. If the court determines that a party has*
2 *unreasonably refused to stipulate to limit the record, the court may assess any*
3 *additional costs resulting from the refusal against that party. The court may*
4 *require or permit subsequent corrections or additions to the record.*

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

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

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

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

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

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

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

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

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

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

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

36 *(b) Confined to the record.*

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

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

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

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

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

51 *(c) Made upon unlawful procedure;*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48 233.020 As used in this chapter ~~:-~~

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

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

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

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

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

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

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

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

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

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

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

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

19 233.140 The Commission shall:

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

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

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

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

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

42 6. Develop and carry out programs of education and disseminate information
43 as necessary to inform employers, employees, employment agencies and job
44 applicants about their rights and responsibilities set forth in NRS 613.4353 to
45 613.4383, inclusive.

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

47 233.150 The Commission may:

48 1. Order its Administrator to:

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

1 (b) With regard to housing, investigate tensions, practices of discrimination
2 and acts of prejudice against any person or group because of race, color, ~~freed,~~
3 *religion*, sex, age, disability, *familial status*, sexual orientation, gender identity or
4 expression ~~or~~ national origin ~~or ancestry,~~ and may conduct hearings with
5 regard thereto.

6 (c) With regard to employment, investigate:

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

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

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

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

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

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

24 5. *Initiate a complaint against an unlawful discriminatory practice in*
25 *housing.*

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

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

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

34 2. As used in this section:

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

38 (b) “Memorandum of understanding” means the memorandum of
39 understanding described in 24 C.F.R. § ~~115.210.~~ *115.205.*

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

41 233.157 1. The Commission shall accept any complaint alleging an
42 unlawful discriminatory practice over which it has jurisdiction pursuant to this
43 chapter.

44 2. The Commission shall adopt regulations setting forth the manner in which
45 the Commission will process ~~any such~~ *a* complaint ~~and~~ *received pursuant to*
46 *subsection 1.*

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

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

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

2 233.160 1. A complaint which alleges an unlawful discriminatory practice
3 in:

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

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

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

14 2. The complainant shall specify in the complaint the alleged unlawful
15 practice. The complaint must be in writing and signed, under oath, by the
16 complainant.

17 3. If the complaint alleges an unlawful discriminatory practice ~~[(a)]~~ :

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

20 ~~[(a)]~~ (1) Notice that the complaint was filed with the Commission;

21 ~~[(b)]~~ (2) A copy of the Commission's procedures;

22 ~~[(c)]~~ (3) The information set forth in ~~[subsection 5]~~ *sections 14 and 15* of
23 ~~[NRS 233.170; and~~

24 ~~—(d)] this act; and~~

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

27 (b) *In employment, the Commission shall, as soon as practicable after*
28 *receiving the complaint, notify the complainant in writing that the complainant*
29 *may request the Commission to issue a right-to-sue notice pursuant to NRS*
30 *613.412.*

31 4. The Commission shall send to the ~~[party against whom an unlawful~~
32 ~~discriminatory practice is alleged]~~ *respondent*:

33 (a) A copy of the complaint;

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

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

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

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

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

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

51 ~~[7.— If a person files a complaint pursuant to paragraph (b) of subsection 1~~
52 ~~which alleges an unlawful discriminatory practice in employment, the Commission~~
53 ~~shall, as soon as practicable after receiving the complaint, notify in writing the~~

1 ~~person who filed the complaint that the person may request the Commission to~~
2 ~~issue a right to sue notice pursuant to NRS 613.412.]~~

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

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

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

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

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

16 (a) Begin ~~[an]~~ **the** investigation of the complaint within 30 days after it
17 receives the complaint.

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

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

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

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

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

33 (a) **The** Commission shall determine whether to hold an informal **settlement**
34 meeting to attempt a settlement of the dispute in accordance with the regulations
35 adopted pursuant to NRS 233.157. If the Commission determines to hold an
36 informal **settlement** meeting, the Administrator may, to prepare for the meeting,
37 request from each party any information which is reasonably relevant to the
38 complaint. ~~[Except as otherwise provided in subsection 3,]~~ **If an agreement is**
39 **reached,** no further action may be taken. ~~[if the parties agree to a settlement.~~
40 ~~—2.]~~

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

52 ~~—3. If an agreement is reached by the parties in a case involving a~~
53 ~~discriminatory practice in housing, the agreement must be approved by the~~
~~Commission. The agreement must be made public unless the parties otherwise~~

1 ~~agree and the Commission determines that disclosure is not necessary to further the~~
2 ~~purposes of chapter 118 of NRS.~~

3 ~~— 4.] with regard to the matters alleged in the complaint.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

~~17. If the attempts at mediation or conciliation fail in a case involving an 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

1 Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., or NRS 613.330 and that the
2 discriminatory practice that forms the basis of such a complaint is severe or
3 pervasive such that removal from office is an appropriate remedy. In addition to
4 any monetary penalties, the Commission may impose upon the local elected officer
5 any other reasonable sanction, including, without limitation, a requirement to
6 complete a course or training related to the unlawful employment practice of
7 discrimination.

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

15 4. As used in this section, “local elected officer” means a person who holds a
16 local government office to which the person was elected.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 233B.039 1. The following agencies are entirely exempted from the
21 requirements of this chapter:

22 (a) The Governor.

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

25 (c) The Nevada System of Higher Education.

26 (d) The Office of the Military.

27 (e) The Nevada Gaming Control Board.

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

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

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

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

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

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

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

43 (m) The Silver State Health Insurance Exchange.

44 (n) The Cannabis Compliance Board.

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

50 3. The special provisions of:


51 (a) Chapter 612 of NRS for the adoption of an emergency regulation or the
52 distribution of regulations by and the judicial review of decisions of the

1 Employment Security Division of the Department of Employment, Training and
2 Rehabilitation;

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

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

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

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

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

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

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

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

24 (c) A regulation adopted by the State Board of Education pursuant to NRS
25 388.255 or 394.1694;

26 (d) The judicial review of decisions of the Public Utilities Commission of
27 Nevada;

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

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

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

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

40 (i) The adoption, amendment or repeal of standards of content and performance
41 for courses of study in public schools by the Council to Establish Academic
42 Standards for Public Schools and the State Board of Education pursuant to NRS
43 389.520;

44 (j) The adoption, amendment or repeal of the statewide plan to allocate money
45 from the Fund for a Resilient Nevada created by NRS 433.732 established by the
46 Department of Health and Human Services pursuant to paragraph (b) of subsection
47 1 of NRS 433.734; or

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

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

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

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

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

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

8 **Sec. 33.** *“Unlawful discriminatory practice in housing” means a practice*
9 *prohibited by NRS 118.100 and sections 34 and 35 of this act.*

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

12 (a) *Refuse to rent or lease or refuse to negotiate for the rental or lease of, or*
13 *otherwise make unavailable, a dwelling to an applicant because of any:*

14 (1) *Arrest record if the applicant has not been prosecuted in relation to*
15 *any arrest; or*

16 (2) *Conviction record or record of criminal history if the applicant:*

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

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

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

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

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

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

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

36 (b) *If the rental or lease is being made available by a housing authority and*
37 *the housing authority has adopted a policy to use such offenses as a basis for*
38 *denying the rental or lease of the public housing and has made a list of the*
39 *offenses publicly available, any offense set forth in 24 C.F.R. § 982.553 as a*
40 *permissive prohibition.*

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

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

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

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

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

1 4. *The provisions of this section:*

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

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

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

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

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

17 5. *As used in this section:*

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

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

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

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

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

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

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

37 (e) *“Dwelling”:*

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

39 (I) *Public housing;*

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

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

44 (2) *Does not include:*

45 (I) *A manufactured home; or*

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

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

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

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

1 (i) *“Record of criminal history” has the meaning ascribed to it in NRS*
2 *179A.070.*

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

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

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

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

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

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

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

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

24 3. *As used in this section:*

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

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

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

33 118.020 1. It is hereby declared to be the public policy of the State of
34 Nevada that all people in the State have equal opportunity to inherit, purchase,
35 lease, rent, sell, hold and convey real property without discrimination, distinction or
36 restriction because of race, ~~religious creed,~~ color, national origin, *religion*,
37 disability, sexual orientation, gender identity or expression, ~~ancestry,~~ familial
38 status or sex.

39 2. Nothing in ~~this chapter~~ *NRS 118.010 to 118.120, inclusive, and sections*
40 *32 to 35, inclusive, of this act* shall be deemed to render enforceable a conveyance
41 or other contract made by a person who lacks the capacity to contract.

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

43 118.030 As used in NRS 118.010 to 118.120, inclusive, *and sections 32 to*
44 *35, inclusive, of this act*, unless the context otherwise requires, the words and terms
45 defined in NRS 118.040 to 118.093, inclusive, *and sections 32 and 33 of this act*
46 have the meanings ascribed to them in those sections.

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

48 118.045 1. “Disability” means, with respect to a person:

49 ~~11-~~ (a) A physical or mental impairment that substantially limits one or more
50 of the major life activities of the person;

51 ~~12-~~ (b) A record of such an impairment; or

52 ~~13-~~ (c) Being regarded as having such an impairment.

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

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

4 118.060 ~~[1-]~~ “Dwelling” means any building, structure or portion thereof
 5 which is occupied as, or designed or intended for occupancy as, a residence by one
 6 or more families, and any vacant land which is offered for sale or lease for the
 7 construction or location thereon of any such building, structure or portion thereof.

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

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

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

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

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 each~~
 21 ~~other if the owner actually maintains and occupies one of the living quarters as his~~
 22 ~~or her residence and the owner has not within the preceding 12 month period~~
 23 ~~participated:~~

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

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

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

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

35 118.080 “Person” includes ~~[the]~~ :

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

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

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

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

43 118.100 ~~[A]~~

44 **1. Except as otherwise provided in subsections 4 and 5, a person shall not,**
 45 **because of race, [religious-creed,] color, religion, national origin, [disability,]**
 46 **sexual orientation, gender identity or expression, [ancestry,] familial status , [or]**
 47 **sex [;] or disability, including, without limitation, the disability of a buyer or**
 48 **renter or any person who may reside in a dwelling after it is sold, rented or made**
 49 **available, or because the buyer or renter is associated with a person who is, or is**
 50 **perceived to be, a member of any class of persons protected by the provisions of**
 51 **NRS 118.010 to 118.120, inclusive, and sections 32 to 35, inclusive, of this act:**

52 ~~[1-]~~ (a) Refuse to sell or rent or refuse to negotiate for the sale or rental of, or
 53 otherwise make unavailable or deny, a dwelling to any person.

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

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

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

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

20 ~~[6.—Coerce.]~~

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

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

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

34 *4. The provisions of this section:*

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

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

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

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

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

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

2 (1) *The private individual owner owns four or fewer single-family*
3 *houses;*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

51 (1) *The making or purchasing of loans or providing other financial*
52 *assistance for purchasing, constructing, improving, repairing or maintaining a*
53 *dwelling;*

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

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

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

5 118.101 1. A person may not refuse to ~~};~~

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

8 ~~{(1)}~~ (a) The person with the disability pays for the modifications; and

9 ~~{(2)}~~ (b) The modifications ~~{are} may be~~ necessary to ~~{ensure that} afford~~
 10 the person with the disability ~~{may use and enjoy} the full enjoyment of~~ the
 11 dwelling. ~~}; or~~

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

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

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

23 4. If a person requests authorization to modify a dwelling pursuant to
 24 subsection 1, the landlord may require that person to deposit an additional security
 25 deposit in addition to the amount the landlord usually requires if the additional
 26 security deposit:

27 (a) Is necessary to ensure the restoration of the dwelling pursuant to subsection
 28 2;

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

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

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

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

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

39 118.103 1. A covered multifamily dwelling which is designed and
 40 constructed for occupancy on or after ~~{March 13, 1991,}~~ *October 1, 2023*, must be
 41 constructed in such a manner that the *primary entrance to the* dwelling ~~{contains at~~
 42 ~~least one entrance which}~~ is accessible to a person with a disability unless it is
 43 impracticable to so design or construct the dwelling because of the terrain or
 44 unusual characteristics of the site upon which it is constructed.

45 2. ~~{A}~~ *Such a* covered multifamily dwelling ~~{which contains at least one~~
 46 ~~entrance which is accessible to a person with a disability}~~ must be constructed in
 47 such a manner that:

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

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

52 (c) The units of the dwelling contain:

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

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

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

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

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

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

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

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

14 118.105 1. ~~[Except as otherwise provided in subsection 2, a]~~ A landlord
15 ~~[may]~~ *must* not refuse to rent a dwelling subject to the provisions of chapter 118A
16 of NRS to a person with a disability solely because ~~[an]~~ *a service animal which*
17 *affords the person an equal opportunity to use and enjoy the dwelling* will be
18 residing with the prospective tenant in the dwelling . ~~[if the animal assists, supports~~
19 ~~or provides service to the person with a disability.]~~

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

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

26 118.110 Any aggrieved person ~~[who claims to have been injured by a~~
27 ~~discriminatory housing practice or who believes that he or she will be injured by~~
28 ~~such a practice that is about to occur]~~ may file a complaint with the Commission in
29 the manner prescribed in NRS 233.160 ~~[.]~~ *and avail himself or herself of the rights*
30 *and remedies set forth in NRS 233.160 and sections 14, 15 and 16 of this act.*

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

32 118.120 ~~[Any]~~

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

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

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

47 118.120 1. Except as otherwise provided in subsection 2, an aggrieved
48 person may commence an action in any district court in this state to enforce the
49 provisions of NRS 118.100, 207.300, 207.310, 645.321 or 645C.480 or section 34
50 or 35 of this act not more than 1 year after the date of the occurrence or termination
51 of an alleged violation of any of those provisions. If the court determines that the
52 provisions of any of those sections have been violated by the defendant, and that
53 the plaintiff has been injured thereby, it may enjoin the defendant from continued

1 violation or may take such other affirmative action as may be appropriate, ~~and, in~~
 2 ~~the case of a prevailing plaintiff, may~~ including, without limitation, an award ~~to~~
 3 ~~the plaintiff~~ of actual damages ~~[, punitive damages, court costs and a]~~ and such
 4 *civil penalties as provided in section 14 of this act. The court may award the*
 5 *prevailing party* reasonable attorney's ~~fee~~ fees and costs, except that no such
 6 fees or costs may be awarded against the State of Nevada unless, upon a motion
 7 by a party, the court determines that the State of Nevada acted in violation of
 8 *Rule 11 of the Nevada Rules of Civil Procedure.*

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

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

17 Sec. 47.5. 1. There is hereby appropriated from the State General
 18 Fund to the Nevada Equal Rights Commission within the Department of
 19 Employment, Training and Rehabilitation for personnel, operating and
 20 technology expenses associated with carrying out the provisions of this act the
 21 following sums:

22 For the Fiscal Year 2023-2024 \$101,086

23 For the Fiscal Year 2024-2025 \$96,135

24 2. Any balance of the sums appropriated by subsection 1 remaining at
 25 the end of the respective fiscal years must not be committed for expenditure
 26 after June 30 of the respective fiscal years by the entity to which the
 27 appropriation is made or any entity to which money from the appropriation is
 28 granted or otherwise transferred in any manner, and any portion of the
 29 appropriated money remaining must not be spent for any purpose after
 30 September 20, 2024, and September 19, 2025, respectively, by either the entity
 31 to which the money was appropriated or the entity to which the money was
 32 subsequently granted or transferred, and must be reverted to the State
 33 General Fund on or before September 20, 2024, and September 19, 2025,
 34 respectively.

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

36 2. Section 47.5 of this act becomes effective on July 1, 2023.

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

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

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

43 ~~3~~ 4. Sections 14, 15, 16, 19, 24 to 27, inclusive, 29, 45 and 47 of this act
 44 become effective on the date the Governor declares that the Federal Government
 45 has determined that certain provisions of NRS provide rights and remedies for
 46 alleged discriminatory housing practices substantially equivalent to federal law.