

ASSEMBLY BILL NO. 5—COMMITTEE OF THE WHOLE

JUNE 7, 2005

Declared an Emergency Measure

SUMMARY—Revises provisions relating to Nevada Equal Rights Commission. (BDR 18-18)

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

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the Nevada Equal Rights Commission; requiring the approval of the Legislature for the Commission to enter into certain contracts or memoranda of understanding to investigate and enforce laws relating to fair housing; revising provisions governing the receipt and investigation of complaints of discrimination in employment, housing and public accommodation by the Commission; and providing other matters properly relating thereto.

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

Section 1. Chapter 233 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commission shall not contract with or enter into a memorandum of understanding 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 unless the Legislature, by resolution or other appropriate legislative measure, expressly authorizes the Commission to do so.

2. As used in this section:

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



1 ***(b) “Memorandum of understanding” means the***
2 ***memorandum of understanding described in 24 C.F.R. § 115.210.***

3 **Sec. 2.** NRS 233.010 is hereby amended to read as follows:

4 233.010 1. It is hereby declared to be the public policy of the
5 State of Nevada to protect the welfare, prosperity, health and peace
6 of all the people of the State, and to foster the right of all persons
7 reasonably to seek, obtain and hold employment and housing
8 accommodations ~~[-, and reasonably to seek and be granted services~~
9 ~~in places of public accommodation]~~ without discrimination,
10 distinction or restriction because of race, religious creed, color, age,
11 sex, disability, national origin or ancestry.

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

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

25 **Sec. 3.** NRS 233.020 is hereby amended to read as follows:

26 233.020 As used in this chapter:

27 1. “Administrator” means the Administrator of the
28 Commission.

29 2. “Commission” means the Nevada Equal Rights Commission
30 within the Department of Employment, Training and Rehabilitation.

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

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

34 (b) A record of such an impairment; or

35 (c) Being regarded as having such an impairment.

36 4. “Member” means a member of the Nevada Equal Rights
37 Commission.

38 5. ***“Sexual orientation” means having or being perceived as***
39 ***having an orientation for heterosexuality, homosexuality or***
40 ***bisexuality.***

41 **Sec. 4.** NRS 233.150 is hereby amended to read as follows:

42 233.150 The Commission may:

43 1. Order its Administrator to :

44 ***(a) With regard to public accommodation,*** investigate tensions,
45 practices of discrimination and acts of prejudice against any person



or group because of race, color, creed, sex, age, disability, *sexual orientation*, national origin or ancestry, and may conduct hearings with regard thereto.

(b) With regard to employment and housing, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, national origin or ancestry, and may conduct hearings with regard thereto.

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

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

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

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

Sec. 5. NRS 233.160 is hereby amended to read as follows:

233.160 1. A complaint which alleges unlawful discriminatory practices in:

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

(b) Employment or public accommodations must be filed with the Commission not later than ~~180~~ 300 days after the date of the occurrence of the alleged practice.

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

2. The complainant shall specify in the complaint the alleged unlawful practice and sign it under oath.

3. The Commission shall send to the party against whom an unlawful discriminatory practice is alleged:

(a) A copy of the complaint;

(b) An explanation of the rights which are available to him; and

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

Sec. 6. NRS 233.160 is hereby amended to read as follows:

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



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

(b) Employment or public accommodations must be filed with the Commission not later than ~~180~~ 300 days after the date of the occurrence of the alleged practice.

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

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

3. If the complaint alleges an unlawful discriminatory practice in housing, the Commission shall serve upon the complainant:

(a) Notice that the complaint was filed with the Commission;

(b) A copy of the Commission's procedures;

(c) The information set forth in subsection 5 of NRS 233.170; and

(d) Information relating to the state and federal administrative bodies and courts with which he may file the complaint.

4. The Commission shall send to the party against whom an unlawful discriminatory practice is alleged:

(a) A copy of the complaint;

(b) An explanation of the rights which are available to him; and

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

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

5. A person against whom an unlawful discriminatory practice in housing is alleged may file with the Commission an answer to the complaint filed against him not later than 10 days after he receives the information described in subsection 4.

Sec. 7. 1. This section and sections 1 to 5, inclusive, of this act become effective on October 1, 2005.

2. Section 5 of this act expires by limitation on the date the Governor declares that the Federal Government has determined that certain provisions of NRS provide rights and remedies for alleged discriminatory housing practices substantially equivalent to federal law.



1 3. Section 6 of this act becomes effective on the date the
2 Governor declares that the Federal Government has determined that
3 certain provisions of NRS provide rights and remedies for alleged
4 discriminatory housing practices substantially equivalent to federal
5 law.



