

ASSEMBLY BILL NO. 444—ASSEMBLYWOMAN FREEMAN

MARCH 19, 2001

Referred to Committee on Government Affairs

SUMMARY—Makes various changes regarding preservation of neighborhoods.
(BDR 40-906)

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

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

AN ACT relating to the preservation of neighborhoods; providing for the revocation of the license or certification of certain facilities for the care and treatment of persons in certain circumstances; requiring certain rental agreements to contain a summary of certain criminal provisions regarding nuisances; requiring that the responsible person whose telephone number a landlord is required to provide to a tenant for emergencies must reside in the same county in which the premises are located; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 449.160 is hereby amended to read as follows:
2 449.160 ***1.*** The health division may deny an application for a license
3 or may suspend or revoke any license issued under the provisions of NRS
4 449.001 to 449.240, inclusive, upon any of the following grounds:
5 ~~1-1~~ ***(a)*** Violation by the applicant or the licensee of any of the
6 provisions of NRS 439B.410 ~~1-1~~ ***or*** 449.001 to 449.245, inclusive, or of any
7 other law of this state or of the standards, rules and regulations adopted
8 thereunder.
9 ~~1-1~~ ***(b)*** Aiding, abetting or permitting the commission of any illegal
10 act.
11 ~~1-1~~ ***(c)*** Conduct inimical to the public health, morals, welfare and
12 safety of the people of the State of Nevada in the maintenance and
13 operation of the premises for which a license is issued.
14 ~~1-1~~ ***(d)*** Conduct or practice detrimental to the health or safety of the
15 occupants or employees of the facility.
16 ~~1-1~~ ***(e)*** Failure of the applicant to obtain written approval from the
17 director of the department of human resources as required by NRS
18 439A.100 or as provided in any regulation adopted pursuant to this chapter,
19 if such approval is required.



1 2. *In addition to the provisions of subsection 1, the health division*
2 *may revoke a license to operate a facility for the dependent if, with*
3 *respect to that facility, the licensee that operates the facility, or an agent*
4 *or employee of the licensee:*

- 5 (a) *Is convicted of violating any of the provisions of NRS 202.470;*
6 (b) *Is ordered to abate a nuisance pursuant to NRS 244.360, 244.3603*
7 *or 268.4124; or*
8 (c) *Is ordered by the appropriate governmental agency to correct a*
9 *violation of a building, safety or health code or regulation.*

10 **Sec. 2.** NRS 458.155 is hereby amended to read as follows:

11 458.155 1. If a halfway house for alcohol and drug abusers violates
12 any provisions related to its certification, including, without limitation, any
13 law of this state or any applicable condition, standard or regulation adopted
14 by the bureau, the bureau may:

- 15 (a) Suspend or revoke its certification; and
16 (b) Impose an administrative fine of not more than \$1,000 per day for
17 each violation, together with interest thereon at a rate not to exceed 10
18 percent per annum.

19 2. *In addition to the provisions of subsection 1, the bureau may*
20 *revoke the certification of a halfway house for alcohol and drug abusers*
21 *if, with respect to that halfway house, the person or governmental entity*
22 *that operates and maintains the halfway house, or an agent or employee*
23 *of the person or governmental entity:*

- 24 (a) *Is convicted of violating any of the provisions of NRS 202.470;*
25 (b) *Is ordered to abate a nuisance pursuant to NRS 244.360, 244.3603*
26 *or 268.4124; or*
27 (c) *Is ordered by the appropriate governmental agency to correct a*
28 *violation of a building, safety or health code or regulation.*

29 3. If a halfway house for alcohol and drug abusers fails to pay an
30 administrative fine imposed pursuant to subsection 1, the bureau may:

- 31 (a) Suspend the certificate of the halfway house until the administrative
32 fine is paid; and
33 (b) Collect court costs, reasonable attorney's fees and other costs
34 incurred to collect the administrative fine.

35 ~~3.1~~ 4. Any money collected as an administrative fine must be
36 deposited in the state general fund. If money is needed to pay the costs of
37 an investigation or inspection to carry out the provisions of NRS 458.141
38 to 458.171, inclusive, the bureau may present a claim to the state board of
39 examiners for recommendation to the interim finance committee.

40 **Sec. 3.** NRS 118A.200 is hereby amended to read as follows:

41 118A.200 1. Any written agreement for the use and occupancy of a
42 dwelling unit or premises ~~shall~~ **must** be signed by the landlord or his
43 agent and the tenant or his agent.

44 2. Any written rental agreement ~~shall~~ **must** contain , but is not
45 limited to , provisions relating to the following subjects:

- 46 (a) Duration of the agreement.
47 (b) Amount of rent and the manner and time of its payment.
48 (c) Occupancy by children or pets.
49 (d) Services included with the dwelling rental.



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- 1 (e) Fees which are required and the purposes for which they are
2 required.
3 (f) Deposits which are required and the conditions for their refund.
4 (g) Charges which may be required for late or partial payment of rent or
5 for return of any dishonored check.
6 (h) Inspection rights of the landlord.
7 (i) A listing of persons or numbers of persons who are to occupy the
8 dwelling.
9 (j) Respective responsibilities of the landlord and the tenant as to the
10 payment of utility charges.
11 (k) A signed record of the inventory and condition of the premises
12 under the exclusive custody and control of the tenant.
13 *(l) A summary of the provisions of NRS 202.470.*
14 3. The absence of a written agreement raises a disputable presumption
15 that:
16 (a) There are no restrictions on occupancy by children or pets.
17 (b) Maintenance and waste removal services are provided without
18 charge to the tenant.
19 (c) No charges for partial or late payments of rent or for dishonored
20 checks are paid by the tenant.
21 (d) Other than normal wear, the premises will be returned in the same
22 condition as when the tenancy began.
23 4. It is unlawful for a landlord or any person authorized to enter into a
24 rental agreement on his behalf to use any written agreement which does not
25 conform to the provisions of this section , and any provision in an
26 agreement which contravenes the provisions of this section is void.
27 **Sec. 4.** NRS 118A.260 is hereby amended to read as follows:
28 118A.260 1. The landlord, or any person authorized to enter into a
29 rental agreement on his behalf, shall disclose to the tenant in writing at or
30 before the commencement of the tenancy:
31 (a) The name and address of:
32 (1) The persons authorized to manage the premises;
33 (2) A person authorized to act for and on behalf of the landlord for
34 the purpose of service of process and receiving notices and demands; and
35 (3) The principal or corporate owner.
36 (b) A telephone number at which a responsible person *who resides in*
37 *the county in which the premises are located* may be called in case of
38 emergency.
39 2. The information required to be furnished by this section must be
40 kept current , and this section is enforceable against any successor landlord
41 or manager of the premises.
42 3. A party who enters into a rental agreement on behalf of the landlord
43 and fails to comply with this section is an agent of the landlord for
44 purposes of:
45 (a) Service of process and receiving notices and demands; and
46 (b) Performing the obligations of the landlord under law and under the
47 rental agreement.
48 4. In any action against a landlord which involves his rental property,
49 service of process upon the manager of the property shall be deemed to be



1 service upon the landlord. The obligations of the landlord devolve upon the
2 persons authorized to enter into a rental agreement on his behalf.

3 5. This section does not limit or remove the liability of an undisclosed
4 landlord.

5 **Sec. 5.** NRS 118B.040 is hereby amended to read as follows:

6 118B.040 1. A rental agreement or lease between a landlord and
7 tenant to rent or lease any mobile home lot must be in writing. The
8 landlord shall give the tenant a copy of the agreement or lease at the time
9 the tenant signs it.

10 2. A rental agreement or lease must contain , but is not limited to ,
11 provisions relating to:

12 (a) The duration of the agreement.

13 (b) The amount of rent, the manner and time of its payment and the
14 amount of any charges for late payment and dishonored checks.

15 (c) Restrictions on occupancy by children or pets.

16 (d) Services and utilities included with the rental of a lot and the
17 responsibility of maintaining or paying for them, including the charge, if
18 any, for cleaning the lots.

19 (e) Deposits which may be required and the conditions for their refund.

20 (f) Maintenance which the tenant is required to perform and any
21 appurtenances he is required to provide.

22 (g) The name and address of the owner of the mobile home park and his
23 authorized agent.

24 (h) Any restrictions on subletting.

25 (i) Any recreational facilities and other amenities provided to the tenant
26 and any deposits or fees required for their use.

27 (j) Any restriction of the park to older persons pursuant to federal law.

28 (k) The dimensions of the mobile home lot of the tenant.

29 (l) *A summary of the provisions of NRS 202.470.*

30 (m) The amount to be charged each month to the tenant to reimburse the
31 landlord for the cost of a capital improvement to the mobile home park.
32 Such an amount must be stated separately and include the length of time
33 the charge will be collected and the total amount to be recovered by the
34 landlord from all tenants in the mobile home park.

35 **Sec. 6.** NRS 432A.190 is hereby amended to read as follows:

36 432A.190 1. The bureau may deny an application for a license or
37 may suspend or revoke any license issued under the provisions of this
38 chapter upon any of the following grounds:

39 ~~1-1~~ (a) Violation by the applicant or licensee or an employee of the
40 applicant or licensee of any of the provisions of this chapter or of any other
41 law of this state or of the standards and other regulations adopted
42 thereunder.

43 ~~1-1~~ (b) Aiding, abetting or permitting the commission of any illegal
44 act.

45 ~~1-1~~ (c) Conduct inimical to the public health, morals, welfare and
46 safety of the people of the State of Nevada in the maintenance and
47 operation of the child care facility for which a license is issued.



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1 ~~14.1~~ (d) Conduct or practice detrimental to the health or safety of the
2 occupants or employees of the child care facility, or the clients of the
3 outdoor youth program.

4 ~~15.1~~ (e) Conviction of any crime listed in subsection 2 of NRS
5 432A.170 committed by the applicant or licensee or an employee of the
6 applicant or licensee, or by a resident of the child care facility or
7 participant in the outdoor youth program who is 18 years of age or older.

8 *2. In addition to the provisions of subsection 1, the bureau may*
9 *revoke a license to operate a child care facility if, with respect to that*
10 *facility, the licensee that operates the facility, or an agent or employee of*
11 *the licensee:*

12 *(a) Is convicted of violating any of the provisions of NRS 202.470;*

13 *(b) Is ordered to abate a nuisance pursuant to NRS 244.360, 244.3603*
14 *or 268.4124; or*

15 *(c) Is ordered by the appropriate governmental agency to correct a*
16 *violation of a building, safety or health code or regulation.*

17 **Sec. 7.** This act becomes effective on July 1, 2001.

