

CHAPTER.....

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 certain additional information; 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; authorizing the real estate commission to discipline certain licensees in certain circumstances; requiring certain governmental agencies to maintain a log of certain complaints and to submit certain reports to the director of the legislative counsel bureau; 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. NRS 449.160 is hereby amended to read as follows:

449.160 **1.** The health division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.001 to 449.240, inclusive, upon any of the following grounds:

~~1-1~~ **(a)** Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 ~~1-1~~ **or** 449.001 to 449.245, inclusive, or of any other law of this state or of the standards, rules and regulations adopted thereunder.

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

~~1-1~~ **(c)** Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

~~1-1~~ **(d)** Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

~~1-1~~ **(e)** Failure of the applicant to obtain any written approval required by NRS 439A.100 or an ordinance adopted pursuant to section 1 of *Senate Bill No. 328* of this ~~1-1~~ *session* or as provided in any regulation adopted pursuant to this chapter, if such approval is required.

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

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

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

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

3. The health division shall maintain a log of any complaints that it receives relating to activities for which the health division may revoke the license to operate a facility for the dependent pursuant to subsection 2.

4. On or before February 1 of each odd-numbered year, the health division shall submit to the director of the legislative counsel bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the health division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the health division pursuant to subsection 2.

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

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

(a) Suspend or revoke its certification; and

(b) Impose an administrative fine of not more than \$1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum.

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

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

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

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

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

(a) Suspend the certificate of the halfway house until the administrative fine is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative fine.

~~3-1~~ 4. Any money collected as an administrative fine must be deposited in the state general fund. If money is needed to pay the costs of an investigation or inspection to carry out the provisions of NRS 458.141 to 458.171, inclusive, the health division may present a claim to the state board of examiners for recommendation to the interim finance committee.

5. *The health division shall maintain a log of any complaints that it receives relating to activities for which the health division may revoke the certification of a halfway house for alcohol and drug abusers pursuant to subsection 2.*

6. *On or before February 1 of each odd-numbered year, the health division shall submit to the director of the legislative counsel bureau a written report setting forth, for the previous biennium:*

(a) Any complaints included in the log maintained by the health division pursuant to subsection 5; and

(b) Any disciplinary actions taken by the health division pursuant to subsection 2.

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

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

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

- (a) Duration of the agreement.
- (b) Amount of rent and the manner and time of its payment.
- (c) Occupancy by children or pets.
- (d) Services included with the dwelling rental.
- (e) Fees which are required and the purposes for which they are required.
- (f) Deposits which are required and the conditions for their refund.
- (g) Charges which may be required for late or partial payment of rent or for return of any dishonored check.
- (h) Inspection rights of the landlord.
- (i) A listing of persons or numbers of persons who are to occupy the dwelling.
- (j) Respective responsibilities of the landlord and the tenant as to the payment of utility charges.

(k) A signed record of the inventory and condition of the premises under the exclusive custody and control of the tenant.

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

(m) Information regarding the procedure pursuant to which a tenant may report to the appropriate authorities:

(1) A nuisance.

(2) A violation of a building, safety or health code or regulation.

3. The absence of a written agreement raises a disputable presumption that:

- (a) There are no restrictions on occupancy by children or pets.
- (b) Maintenance and waste removal services are provided without charge to the tenant.
- (c) No charges for partial or late payments of rent or for dishonored checks are paid by the tenant.
- (d) Other than normal wear, the premises will be returned in the same condition as when the tenancy began.

4. It is unlawful for a landlord or any person authorized to enter into a rental agreement on his behalf to use any written agreement which does not conform to the provisions of this section , and any provision in an agreement which contravenes the provisions of this section is void.

Sec. 4. NRS 118A.260 is hereby amended to read as follows:

118A.260 1. The landlord, or any person authorized to enter into a rental agreement on his behalf, shall disclose to the tenant in writing at or before the commencement of the tenancy:

- (a) The name and address of:
 - (1) The persons authorized to manage the premises;
 - (2) A person authorized to act for and on behalf of the landlord for the purpose of service of process and receiving notices and demands; and
 - (3) The principal or corporate owner.

(b) A telephone number at which a responsible person *who resides in the county in which the premises are located* may be called in case of emergency.

2. The information required to be furnished by this section must be kept current , and this section is enforceable against any successor landlord or manager of the premises.

3. A party who enters into a rental agreement on behalf of the landlord and fails to comply with this section is an agent of the landlord for purposes of:

(a) Service of process and receiving notices and demands; and

(b) Performing the obligations of the landlord under law and under the rental agreement.

4. In any action against a landlord which involves his rental property, service of process upon the manager of the property shall be deemed to be service upon the landlord. The obligations of the landlord devolve upon the persons authorized to enter into a rental agreement on his behalf.

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

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

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

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

(a) The duration of the agreement.

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

(c) Restrictions on occupancy by children or pets.

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

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

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

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

(h) Any restrictions on subletting.

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

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

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

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

(m) Information regarding the procedure pursuant to which a tenant may report to the appropriate authorities:

(1) A nuisance.

(2) A violation of a building, safety or health code or regulation.

(n) The amount to be charged each month to the tenant to reimburse the landlord for the cost of a capital improvement to the mobile home park. Such an amount must be stated separately and include the length of time

the charge will be collected and the total amount to be recovered by the landlord from all tenants in the mobile home park.

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

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

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

~~1-2~~ **(b)** Aiding, abetting or permitting the commission of any illegal act.

~~1-3~~ **(c)** Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the child care facility for which a license is issued.

~~1-4~~ **(d)** Conduct or practice detrimental to the health or safety of the occupants or employees of the child care facility, or the clients of the outdoor youth program.

~~1-5~~ **(e)** Conviction of any crime listed in subsection 2 of NRS 432A.170 committed by the applicant or licensee or an employee of the applicant or licensee, or by a resident of the child care facility or participant in the outdoor youth program who is 18 years of age or older.

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

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

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

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

3. The bureau shall maintain a log of any complaints that it receives relating to activities for which the bureau may revoke the license to operate a child care facility pursuant to subsection 2.

4. On or before February 1 of each odd-numbered year, the bureau shall submit to the director of the legislative counsel bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the bureau pursuant to subsection 3; and

(b) Any disciplinary actions taken by the bureau pursuant to subsection 2.

Sec. 7. NRS 645.633 is hereby amended to read as follows:

645.633 **1.** The commission may take action pursuant to NRS 645.630 against any person subject to that section who is guilty of:

~~1-1~~ **(a)** Willfully using any trade name, service mark or insignie of membership in any real estate organization of which the licensee is not a member, without the legal right to do so.

~~12-1~~ (b) Violating any order of the commission, any agreement with the division, any of the provisions of this chapter, chapter 116, 119, 119A, 119B, 645A or 645C of NRS or any regulation adopted thereunder.

~~13-1~~ (c) Paying a commission, compensation or a finder's fee to any person for performing the services of a broker, broker-salesman or salesman who has not secured his license pursuant to this chapter. This subsection does not apply to payments to a broker who is licensed in his state of residence.

~~14-1~~ (d) A felony, or has entered a plea of guilty, guilty but mentally ill or nolo contendere to a charge of felony or any crime involving fraud, deceit, misrepresentation or moral turpitude.

~~15-1~~ (e) Guaranteeing, or having authorized or permitted any person to guarantee, future profits which may result from the resale of real property.

~~16-1~~ (f) Failure to include a fixed date of expiration in any written brokerage agreement or to leave a copy of the brokerage agreement with the client.

~~17-1~~ (g) Accepting, giving or charging any undisclosed commission, rebate or direct profit on expenditures made for a client.

~~18-1~~ (h) Gross negligence or incompetence in performing any act for which he is required to hold a license pursuant to this chapter, chapter 119, 119A or 119B of NRS.

~~19-1~~ (i) Any other conduct which constitutes deceitful, fraudulent or dishonest dealing.

~~10-1~~ (j) Any conduct which took place before he became licensed, which was in fact unknown to the division and which would have been grounds for denial of a license had the division been aware of the conduct.

~~11-1~~ (k) Knowingly permitting any person whose license has been revoked or suspended to act as a real estate broker, broker-salesman or salesman, with or on behalf of the licensee.

~~12-1~~ (l) Recording or causing to be recorded a claim pursuant to the provisions of NRS 645.8701 to 645.8811, inclusive, that is determined by a district court to be frivolous and made without reasonable cause pursuant to NRS 645.8791.

2. ~~{Action may also be taken}~~ *The commission may take action pursuant to NRS 645.630 against a person who is subject to that section for the suspension or revocation of a real estate broker's, broker-salesman's or salesman's license issued to him by any other jurisdiction.*

3. *The commission may take action pursuant to NRS 645.630 against any person who:*

(a) *Holds a permit to engage in property management issued pursuant to NRS 645.6052; and*

(b) *In connection with any property for which the person has obtained a written brokerage agreement to manage the property pursuant to NRS 645.6056:*

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

(2) *Has been notified in writing by the appropriate governmental agency of a potential violation of NRS 244.360, 244.3603 or 268.4124, and has failed to inform the owner of the property of such notification; or*

(3) Has been directed in writing by the owner of the property to correct a potential violation of NRS 244.360, 244.3603 or 268.4124, and has failed to correct the potential violation, if such corrective action is within the scope of the person's duties pursuant to the written brokerage agreement.

4. The commission shall maintain a log of any complaints that it receives relating to activities for which the commission may take action against a person holding a permit to engage in property management pursuant to subsection 3.

5. On or before February 1 of each odd-numbered year, the commission shall submit to the director of the legislative counsel bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the commission pursuant to subsection 4; and

(b) Any disciplinary actions taken by the commission pursuant to subsection 3.

Sec. 8. 1. This section and sections 2 to 7, inclusive, of this act become effective on July 1, 2001.

2. Section 1 of this act becomes effective at 12:01 a.m. on July 1, 2001.