

**(REPRINTED WITH ADOPTED AMENDMENTS)**  
**FIRST REPRINT** **A.B. 444**

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ASSEMBLY BILL NO. 444—ASSEMBLYWOMAN FREEMAN

MARCH 19, 2001

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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.

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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; authorizing the real estate commission to discipline certain licensees in certain circumstances; 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     ~~1-2~~ *(b)* Aiding, abetting or permitting the commission of any illegal  
10    act.  
11    ~~1-3~~ *(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    ~~1-4~~ *(d)* Conduct or practice detrimental to the health or safety of the  
15    occupants or employees of the facility.  
16    ~~1-5~~ *(e)* Failure of the applicant to obtain written approval from the  
17    director of the department of human resources as required by NRS



1 439A.100 or as provided in any regulation adopted pursuant to this chapter,  
2 if such approval is required.

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

7 *(a) Is convicted of violating any of the provisions of NRS 202.470;*  
8 *(b) Is ordered to but fails to abate a nuisance pursuant to NRS*  
9 *244.360, 244.3603 or 268.4124; or*

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

13 **Sec. 2.** NRS 458.155 is hereby amended to read as follows:  
14 458.155 1. If a halfway house for alcohol and drug abusers violates  
15 any provisions related to its certification, including, without limitation, any  
16 law of this state or any applicable condition, standard or regulation adopted  
17 by the bureau, the bureau may:

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

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

27 *(a) Is convicted of violating any of the provisions of NRS 202.470;*  
28 *(b) Is ordered to but fails to abate a nuisance pursuant to NRS*  
29 *244.360, 244.3603 or 268.4124; or*

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

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

35 (a) Suspend the certificate of the halfway house until the administrative  
36 fine is paid; and  
37 (b) Collect court costs, reasonable attorney's fees and other costs  
38 incurred to collect the administrative fine.

39 ~~3-1~~ **4.** Any money collected as an administrative fine must be  
40 deposited in the state general fund. If money is needed to pay the costs of  
41 an investigation or inspection to carry out the provisions of NRS 458.141  
42 to 458.171, inclusive, the bureau may present a claim to the state board of  
43 examiners for recommendation to the interim finance committee.

44 **Sec. 3.** NRS 118A.200 is hereby amended to read as follows:  
45 118A.200 1. Any written agreement for the use and occupancy of a  
46 dwelling unit or premises ~~shall~~ **must** be signed by the landlord or his  
47 agent and the tenant or his agent.

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



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



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

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

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

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

10 118B.040 1. A rental agreement or lease between a landlord and  
11 tenant to rent or lease any mobile home lot must be in writing. The  
12 landlord shall give the tenant a copy of the agreement or lease at the time  
13 the tenant signs it.

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

16 (a) The duration of the agreement.

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

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

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

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

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

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

28 (h) Any restrictions on subletting.

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

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

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

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

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

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

40 432A.190 1. The bureau may deny an application for a license or  
41 may suspend or revoke any license issued under the provisions of this  
42 chapter upon any of the following grounds:

43 ~~1-1~~ (a) Violation by the applicant or licensee or an employee of the  
44 applicant or licensee of any of the provisions of this chapter or of any other  
45 law of this state or of the standards and other regulations adopted  
46 thereunder.

47 ~~1-2~~ (b) Aiding, abetting or permitting the commission of any illegal  
48 act.



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- 1 ~~13-1~~ (c) Conduct inimical to the public health, morals, welfare and  
2 safety of the people of the State of Nevada in the maintenance and  
3 operation of the child care facility for which a license is issued.
- 4 ~~14-1~~ (d) Conduct or practice detrimental to the health or safety of the  
5 occupants or employees of the child care facility, or the clients of the  
6 outdoor youth program.
- 7 ~~15-1~~ (e) Conviction of any crime listed in subsection 2 of NRS  
8 432A.170 committed by the applicant or licensee or an employee of the  
9 applicant or licensee, or by a resident of the child care facility or  
10 participant in the outdoor youth program who is 18 years of age or older.
- 11 *2. In addition to the provisions of subsection 1, the bureau may*  
12 *revoke a license to operate a child care facility if, with respect to that*  
13 *facility, the licensee that operates the facility, or an agent or employee of*  
14 *the licensee:*
- 15 *(a) Is convicted of violating any of the provisions of NRS 202.470;*  
16 *(b) Is ordered to but fails to abate a nuisance pursuant to NRS*  
17 *244.360, 244.3603 or 268.4124; or*  
18 *(c) Is ordered by the appropriate governmental agency to correct a*  
19 *violation of a building, safety or health code or regulation but fails to*  
20 *correct the violation.*
- 21 **Sec. 7.** NRS 645.633 is hereby amended to read as follows:  
22 645.633 **1.** The commission may take action pursuant to NRS  
23 645.630 against any person subject to that section who is guilty of:
- 24 ~~11-1~~ (a) Willfully using any trade name, service mark or insignia of  
25 membership in any real estate organization of which the licensee is not a  
26 member, without the legal right to do so.
- 27 ~~12-1~~ (b) Violating any order of the commission, any agreement with the  
28 division, any of the provisions of this chapter, chapter 116, 119, 119A,  
29 119B, 645A or 645C of NRS or any regulation adopted thereunder.
- 30 ~~13-1~~ (c) Paying a commission, compensation or a finder's fee to any  
31 person for performing the services of a broker, broker-salesman or  
32 salesman who has not secured his license pursuant to this chapter. This  
33 subsection does not apply to payments to a broker who is licensed in his  
34 state of residence.
- 35 ~~14-1~~ (d) A felony, or has entered a plea of guilty, guilty but mentally ill  
36 or nolo contendere to a charge of felony or any crime involving fraud,  
37 deceit, misrepresentation or moral turpitude.
- 38 ~~15-1~~ (e) Guaranteeing, or having authorized or permitted any person to  
39 guarantee, future profits which may result from the resale of real property.
- 40 ~~16-1~~ (f) Failure to include a fixed date of expiration in any written  
41 brokerage agreement or to leave a copy of the brokerage agreement with  
42 the client.
- 43 ~~17-1~~ (g) Accepting, giving or charging any undisclosed commission,  
44 rebate or direct profit on expenditures made for a client.
- 45 ~~18-1~~ (h) Gross negligence or incompetence in performing any act for  
46 which he is required to hold a license pursuant to this chapter, chapter 119,  
47 119A or 119B of NRS.
- 48 ~~19-1~~ (i) Any other conduct which constitutes deceitful, fraudulent or  
49 dishonest dealing.



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1 ~~1101~~ (j) Any conduct which took place before he became licensed,  
2 which was in fact unknown to the division and which would have been  
3 grounds for denial of a license had the division been aware of the conduct.  
4 ~~1111~~ (k) Knowingly permitting any person whose license has been  
5 revoked or suspended to act as a real estate broker, broker-salesman or  
6 salesman, with or on behalf of the licensee.  
7 ~~1121~~ (l) Recording or causing to be recorded a claim pursuant to the  
8 provisions of NRS 645.8701 to 645.8811, inclusive, that is determined by a  
9 district court to be frivolous and made without reasonable cause pursuant  
10 to NRS 645.8791.  
11 2. ~~{Action may also be taken}~~ *The commission may take action*  
12 pursuant to NRS 645.630 against a person who is subject to that section for  
13 the suspension or revocation of a real estate broker's, broker-salesman's or  
14 salesman's license issued to him by any other jurisdiction.  
15 3. *The commission may take action pursuant to NRS 645.630 against*  
16 *any person holding a permit to engage in property management issued*  
17 *pursuant to NRS 645.6052 who:*  
18 (a) *Is convicted of violating any of the provisions of NRS 202.470.*  
19 (b) *Is ordered to but fails to abate a nuisance pursuant to NRS*  
20 *244.360, 244.3603 or 268.4124.*  
21 (c) *Is ordered by the appropriate governmental agency to correct a*  
22 *violation of a building, safety or health code or regulation but fails to*  
23 *correct the violation.*  
24 **Sec. 8.** This act becomes effective on July 1, 2001.

