
ASSEMBLY BILL NO. 189—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE NEVADA EQUAL RIGHTS COMMISSION)

MARCH 9, 2005

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to Nevada Equal Rights Commission. (BDR 18-406)

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 Nevada Equal Rights Commission; making various changes concerning the duties and authority of the Commission to receive, investigate, process, settle and otherwise remedy complaints of discrimination in employment, housing and public accommodation; providing that a person injured by an unlawful employment practice must, if the complaint is based on discrimination, obtain a notice of right to sue before seeking relief in a court of law; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits discrimination in employment, housing and places of public accommodations. (Chapters 118, 233, 613 and 651 of NRS) Under existing law, the Nevada Equal Rights Commission has the power to investigate, mediate and hold hearings relating to unlawful discriminatory practices in those areas. (NRS 233.150)

This bill authorizes the Nevada Equal Rights Commission to initiate a complaint alleging an unlawful discriminatory practice in housing, and requires the Commission to investigate such a complaint if the complaint is not resolved at an informal settlement meeting.

Existing law prohibits discrimination in housing against any person or group because of race, color, creed, sex, disability, national origin or ancestry. (NRS 233.010, 233.150)



13 This bill adds familial status to the list of discriminatory bases that are
14 prohibited in housing and therefore allows the Nevada Equal Rights Commission to
15 order its Administrator to investigate and conduct hearings concerning tensions,
16 practices of discrimination and acts of prejudice relating to familial status.

17 Existing law authorizes the Nevada Equal Rights Commission to apply to the
18 district court for a temporary restraining order or preliminary injunction on behalf
19 of a person aggrieved by an alleged discriminatory practice in employment,
20 housing or public accommodations after an informal meeting is held and before
21 holding a public hearing on the matter if the Commission determines that the
22 practice will cause immediate and irreparable harm to the person. (NRS 233.180)

23 This bill allows the Commission to apply for such relief at any time after the
24 Administrator of the Commission has conducted a preliminary investigation.

25 Existing law excludes from the regulatory authority of the Nevada Equal Rights
26 Commission a single-family house sold or rented by an owner if the owner does not
27 have any ownership interest in, title to or right to the proceeds from the sale or
28 rental of more than three single-family homes and the house was sold or rented
29 without the use of the facilities or services of a real estate broker or salesman.
30 (NRS 118.060)

31 This bill provides that for such a house to be excluded from the regulatory
32 authority of the Commission, the house also must be sold or rented without the
33 publication, posting or mailing of an advertisement or written notice indicating a
34 discriminatory preference or limitation.

35 Existing law prohibits a person from taking various actions relating to the sale
36 or rental of certain housing based on a discriminatory purpose. (NRS 118.100)

37 This bill expands the list of such prohibited discriminatory practices in housing
38 to include discrimination in making available certain real estate transactions and
39 denial of access to or membership or participation in multiple-listing services and
40 real estate brokers' organizations. This bill also clarifies that certain religious
41 organizations, nonprofit institutions and private clubs may, under certain
42 circumstances, restrict to their own membership or give preference to their own
43 membership in regard to the sale, rental and occupancy of certain dwellings and
44 lodgings that they own or operate.

45 Existing law prohibits a landlord from refusing to rent certain dwellings solely
46 because a service animal will be residing with the prospective tenant in the
47 dwelling. Under existing law, a landlord may require proof that an animal is a
48 service animal. (NRS 118.105)

49 This bill provides that if an animal has not attended a school for service
50 animals, a landlord may require the disabled person who owns the animal to
51 provide documentation showing that the animal performs a function which
52 ameliorates the effects of its owner's disability.

53 Existing law authorizes a person injured by an unlawful employment practice to
54 file a complaint with the Nevada Equal Rights Commission if the complaint is
55 based on discrimination. If the Commission does not conclude that an unfair
56 employment practice occurred, the person may apply to a district court for an order
57 granting or restoring to that person the rights to which he is entitled. Such an action
58 may not be brought more than 180 days after the date of the alleged discriminatory
59 act, except that the 180-day period is extended while a complaint is pending with
60 the Commission. (NRS 613.405-613.435)

61 This bill clarifies that, with regard to unlawful employment practices, the
62 regulatory authority of the Nevada Equal Rights Commission is limited to practices
63 which are discriminatory in nature. This bill provides that if a person is injured by
64 an unlawful employment practice, the aggrieved person must, if his complaint is
65 based on discrimination, obtain a Notice of Right to Sue from the Commission
66 before he is entitled to bring an action concerning the alleged discriminatory
67 practice in the district court. Such an action must be brought not later than 90 days



68 after the date of the issuance of the Notice of Right to Sue. If the complaint is not
69 based on discrimination, the person may bring an action concerning the alleged
70 discriminatory employment practice directly in district court within 180 days after
71 the date on which the alleged discriminatory practice occurred.

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
2 thereto a new section to read as follows:

3 1. *During the period from the filing of a complaint alleging*
4 *an unlawful discriminatory practice in housing until the closure*
5 *of such a complaint, the Commission shall, to the extent feasible,*
6 *engage in conciliation of the complaint.*

7 2. *If an agreement is reached by the parties in a case*
8 *involving an unlawful discriminatory practice in housing, the*
9 *agreement must be approved by the Commission. The agreement*
10 *must be made public unless the parties otherwise agree and the*
11 *Commission determines that disclosure is not necessary to further*
12 *the purposes of chapter 118 of NRS.*

13 3. *After a finding of an unlawful discriminatory practice in*
14 *housing has been made by the Commission and if the attempts at*
15 *mediation or conciliation have failed:*

16 (a) *The complainant or the person against whom the*
17 *complaint was filed may elect to have the claims included in the*
18 *complaint decided in a court of competent jurisdiction. If the court*
19 *determines that the person against whom the complaint was filed*
20 *has committed an unlawful discriminatory practice in housing, the*
21 *court may:*

22 (1) *Award to the complainant actual damages and, within*
23 *the limitations prescribed by federal law, punitive damages.*

24 (2) *Award to the prevailing party costs and reasonable*
25 *attorney's fees.*

26 (3) *Order such other relief as the court deems appropriate,*
27 *including, but not limited to:*

28 (I) *Ordering a permanent or temporary injunction;*

29 (II) *Issuing a temporary restraining order; or*

30 (III) *Enjoining the defendant from continuing the*
31 *unlawful discriminatory practice in housing or taking other*
32 *affirmative action.*

33 (b) *If an election is not made pursuant to paragraph (a), the*
34 *Commission shall hold a public hearing on the matter. After the*
35 *hearing, if the Commission determines that an unlawful*
36 *discriminatory practice in housing has occurred, it may:*



1 (1) *Serve a copy of its finding of fact within 10 days upon*
2 *any person found to have engaged in the unlawful discriminatory*
3 *practice in housing;*

4 (2) *Order the person to cease and desist from the unlawful*
5 *discriminatory practice in housing;*

6 (3) *Award to the complainant actual damages; and*

7 (4) *Impose a civil penalty of an amount not greater than the*
8 *civil penalty prescribed by federal law upon the person who*
9 *committed the unlawful discriminatory practice in housing.*

10 4. *The order of the Commission is a final decision in a*
11 *contested case for the purpose of judicial review. If the person*
12 *fails to comply with the Commission's order, the Commission shall*
13 *apply to the district court for an order compelling such*
14 *compliance, but failure or delay on the part of the Commission*
15 *does not prejudice the right of an aggrieved party to judicial*
16 *review. The court shall issue the order unless it finds that the*
17 *Commission's findings or order are not supported by substantial*
18 *evidence or are otherwise arbitrary or capricious. If the court*
19 *upholds the Commission's order and finds that the person has*
20 *violated the order by failing to cease and desist from the unlawful*
21 *discriminatory practice in housing or to make the payment*
22 *ordered, the court shall award the aggrieved party actual damages*
23 *for any economic loss and no more.*

24 5. *After the Commission has held a public hearing and*
25 *rendered a decision, the complainant is barred from proceeding on*
26 *the same facts and legal theory before any other administrative*
27 *body or officer.*

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

29 233.010 1. It is hereby declared to be the public policy of the
30 State of Nevada to protect the welfare, prosperity, health and peace
31 of all the people of the State, and to foster the right of all persons
32 reasonably to seek, obtain and hold employment , ~~and housing~~
33 ~~accommodations,~~ and reasonably to seek and be granted services in
34 places of public accommodation without discrimination, distinction
35 or restriction because of race, religious creed, color, age, sex,
36 disability, *sexual orientation*, national origin or ancestry.

37 2. *It is hereby declared to be the public policy of the State of*
38 *Nevada to protect the welfare, prosperity, health and peace of all*
39 *the people of the State, and to foster the right of all persons*
40 *reasonably to seek, obtain and hold housing accommodations*
41 *without discrimination, distinction or restriction because of race,*
42 *religious creed, color, sex, disability, familial status, national*
43 *origin or ancestry.*



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

7 **Sec. 3.** NRS 233.020 is hereby amended to read as follows:
8 233.020 As used in this chapter:

9 1. "Administrator" means the Administrator of the
10 Commission.

11 2. "Commission" means the Nevada Equal Rights Commission
12 within the Department of Employment, Training and Rehabilitation.

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

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

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

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

18 4. *"Familial status" has the meaning ascribed to it in*
19 *NRS 118.065.*

20 5. "Member" means a member of the Nevada Equal Rights
21 Commission.

22 6. *"Sexual orientation" means having or being perceived as*
23 *having an orientation for heterosexuality, homosexuality or*
24 *bisexuality.*

25 7. *"Unlawful discriminatory practice in housing" means a*
26 *practice prohibited by NRS 118.100.*

27 **Sec. 4.** NRS 233.150 is hereby amended to read as follows:
28 233.150 The Commission may:

29 1. Order its Administrator to :

30 (a) *With regard to employment and public accommodation,*
31 investigate tensions, practices of discrimination and acts of
32 prejudice against any person or group because of race, color, creed,
33 sex, age, disability, *sexual orientation*, national origin or ancestry,
34 and may conduct hearings with regard thereto.

35 (b) *With regard to housing, investigate tensions, practices of*
36 *discrimination and acts of prejudice against any person or group*
37 *because of race, color, creed, sex, disability, familial status,*
38 *national origin or ancestry, and may conduct hearings with regard*
39 *thereto.*

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

42 3. *Initiate a complaint alleging an unlawful discriminatory*
43 *practice in housing.*



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

4 ~~[4.]~~ 5. Delegate its power to hold hearings and issue subpoenas
5 to any of its members or any hearing officer in its employ.

6 ~~[5.]~~ 6. Adopt reasonable regulations necessary for the
7 Commission to carry out the functions assigned to it by law.

8 **Sec. 5.** NRS 233.157 is hereby amended to read as follows:

9 233.157 The Commission shall accept any complaint alleging
10 an unlawful discriminatory practice over which it has jurisdiction
11 pursuant to this chapter. The Commission shall adopt regulations
12 setting forth the manner in which the Commission will process any
13 such complaint and determine whether to hold an informal
14 *settlement* meeting or conduct an investigation concerning the
15 complaint. *If a complaint alleging an unlawful discriminatory*
16 *practice in housing is not resolved at an informal settlement*
17 *meeting, the Commission shall investigate the complaint.*

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

19 233.160 1. A complaint which alleges an unlawful
20 discriminatory practice in:

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

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

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

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

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

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

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

40 (c) The information set forth in subsection ~~[5 of NRS 233.170;]~~
41 *3 of section 1 of this act;* and

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

44 4. The Commission shall send to the party against whom an
45 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. NRS 233.165 is hereby amended to read as follows:

233.165 1. ~~[[H]]~~ *When* the Commission ~~{determines to conduct}~~ *conducts* an investigation of a complaint which alleges an unlawful discriminatory practice in housing, ~~{in accordance with the regulations adopted pursuant to NRS 233.157.}~~ the Commission must:

(a) Begin an investigation of the complaint within 30 days after it receives the complaint.

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

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

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

Sec. 8. NRS 233.170 is hereby amended to read as follows:

233.170 1. When a complaint is filed whose allegations, if true, would support a finding of *an* unlawful practice ~~{}~~ *in employment or public accommodation*, the Commission shall determine whether to hold an informal meeting to attempt a settlement of the dispute in accordance with the regulations adopted pursuant to NRS 233.157. If the Commission determines to hold an informal meeting, the Administrator may, to prepare for the meeting, request from each party any information which is reasonably relevant to the complaint. ~~{Except as otherwise provided in subsection 3, no}~~ *No* further action may be taken if the parties agree to a settlement.

2. If an agreement is not reached at the informal meeting, the Administrator shall determine whether to conduct an investigation into the alleged unlawful practice in accordance with the regulations



1 adopted pursuant to NRS 233.157. After the investigation, if the
2 Administrator determines that an unlawful practice has occurred, the
3 Administrator shall attempt to mediate between or reconcile
4 the parties. The party against whom a complaint was filed may
5 agree to cease the unlawful practice. ~~[Except as otherwise provided~~
6 ~~in subsection 3, if]~~ If an agreement is reached, no further action may
7 be taken by the complainant or by the Commission.

8 ~~[3. If an agreement is reached by the parties in a case involving~~
9 ~~a discriminatory practice in housing, the agreement must be~~
10 ~~approved by the Commission. The agreement must be made public~~
11 ~~unless the parties otherwise agree and the Commission determines~~
12 ~~that disclosure is not necessary to further the purposes of chapter~~
13 ~~118 of NRS.~~

14 ~~— 4. If the attempts at mediation or conciliation fail in a case~~
15 ~~involving an unlawful practice in employment or public~~
16 ~~accommodations, the Commission may hold a public hearing on the~~
17 ~~matter. After the hearing, if the Commission determines that an~~
18 ~~unlawful practice has occurred, it may:~~

19 ~~— (a) Serve a copy of its findings of fact within 10 calendar days~~
20 ~~upon any person found to have engaged in the unlawful practice;~~
21 ~~and~~

22 ~~— (b) Order the person to:~~

23 ~~— (1) Cease and desist from the unlawful practice.~~

24 ~~— (2) In cases involving an unlawful employment practice,~~
25 ~~restore all benefits and rights to which the aggrieved person is~~
26 ~~entitled, including, but not limited to, rehiring, back pay for a period~~
27 ~~not to exceed 2 years after the date of the most recent unlawful~~
28 ~~practice, annual leave time, sick leave time or pay, other fringe~~
29 ~~benefits and seniority, with interest thereon from the date of the~~
30 ~~Commission's decision at a rate equal to the prime rate at the largest~~
31 ~~bank in Nevada, as ascertained by the Commissioner of Financial~~
32 ~~Institutions, on January 1 or July 1, as the case may be, immediately~~
33 ~~preceding the date of the Commission's decision, plus 2 percent.~~
34 ~~The rate of interest must be adjusted accordingly on each January 1~~
35 ~~and July 1 thereafter until the judgment is satisfied.~~

36 ~~— 5. If the attempts at mediation or conciliation fail in a case~~
37 ~~involving an unlawful housing practice:~~

38 ~~— (a) The complainant or the person against whom the complaint~~
39 ~~was filed may elect to have the claims included in the complaint~~
40 ~~decided in a court of competent jurisdiction. If the court determines~~
41 ~~that the person against whom the complaint was filed has committed~~
42 ~~an unlawful housing practice, the court may:~~

43 ~~— (1) Award to the complainant actual damages and, within the~~
44 ~~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.~~

~~6. The order of the Commission is a final decision in a contested case for the purpose of judicial review. If the person 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 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 actual damages for any economic loss and no more.~~

~~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.]~~


Sec. 9. NRS 233.180 is hereby amended to read as follows:

233.180 If, after the Administrator has conducted a preliminary investigation into an alleged unlawful discriminatory practice in housing, employment or public accommodations, the Commission determines that the practice will cause immediate and irreparable harm to any person aggrieved by the practice, the Commission ~~[~~ after the informal meeting and before holding a public hearing upon the matter,~~]~~ may apply on behalf of such person to the district court



1 for a temporary restraining order or preliminary injunction as
2 provided in the Nevada Rules of Civil Procedure.

3 **Sec. 10.** NRS 233.190 is hereby amended to read as follows:

4 233.190 1. Except as otherwise provided in this section 
5 *and subsection 2 of section 1 of this act*, any information gathered
6 by the Commission in the course of its investigation of an alleged
7 unlawful discriminatory practice in housing, employment or public
8 accommodations is confidential.

9 2. The Commission may disclose information gathered
10 pursuant to subsection 1 to:

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

13 (b) To any other person if the information is provided in a
14 manner which does not include any information that may be used to
15 identify the complainant, the party against whom the unlawful
16 discriminatory practice is alleged or any person who provided
17 information to the Commission during the investigation.

18 3. Except as otherwise provided in subsection 4, the
19 Commission shall disclose information gathered pursuant to
20 subsection 1 to the complainant and the party against whom the
21 unlawful discriminatory practice is alleged if:

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


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

26 4. The Commission may not disclose to the complainant or the
27 party against whom the unlawful discriminatory practice is alleged:

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

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

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

34 5. Except as otherwise provided in this section  *and*
35 *subsection 2 of section 1 of this act*, if the Commission's attempts
36 at mediating or conciliating the cause of the grievance succeed, the
37 information gathered pursuant to subsection 1 must remain
38 confidential.

39 6. If the Commission proceeds with a hearing or applies for
40 injunctive relief, confidentiality concerning any information, except
41 negotiations for a settlement or attempts at mediating or conciliating
42 the cause of the grievance, is no longer required.

43 **Sec. 11.** NRS 118.060 is hereby amended to read as follows:

44 118.060 1. "Dwelling" means any building, structure or
45 portion thereof which is occupied as, or designed or intended for



1 occupancy as, a residence by one or more families, and any vacant
2 land which is offered for sale or lease for the construction or
3 location thereon of any such building, structure or portion thereof.

4 2. "Dwelling" does not include:

5 (a) A single-family house sold or rented by an owner if:

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

12 (2) The house was sold or rented ~~[without]~~ :

13 *(I) Without* the use in any manner of the sales or rental
14 facilities or the sales or rental services of any real estate broker, real
15 estate broker-salesman or real estate salesman licensed pursuant to
16 chapter 645 of NRS ~~[]~~ ; and

17 *(II) Without the publication, posting or mailing of any*
18 *advertisement or written notice which indicates a preference,*
19 *limitation or discrimination based on race, religious creed, color,*
20 *national origin, disability, ancestry, familial status or sex, or an*
21 *intention to make any such preference, limitation or*
22 *discrimination.*

23 (b) Rooms or units in dwellings containing living quarters
24 occupied or intended to be occupied by not more than four families
25 living independently of each other if the owner actually maintains
26 and occupies one of the living quarters as his residence and the
27 owner has not within the preceding 12-month period participated:

28 (1) As the principal in three or more transactions involving
29 the sale or rental of any dwelling or any interest therein; or

30 (2) As an agent, otherwise than in the sale of his own
31 personal residence in providing sales or rental facilities or sales or
32 rental services in two or more transactions involving the sale or
33 rental of any dwelling or any interest therein.

34 3. The sale of a single-family house by an owner not residing
35 in that house at the time of the sale or who was not the most recent
36 resident of that house before the sale does not bring the house within
37 the definition of dwelling unless there is more than one such sale
38 within any 24-month period.

39 **Sec. 12.** NRS 118.080 is hereby amended to read as follows:

40 118.080 "Person" includes ~~[the]~~ :

41 *1. One or more individuals, corporations, partnerships,*
42 *associations, labor organizations, legal representatives, mutual*
43 *companies, joint stock companies, trustees, receivers or*
44 *fiduciaries;*

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



1 **3. All** political subdivisions and agencies ~~thereof~~ **of the State**
2 **of Nevada.**

3 **Sec. 13.** NRS 118.100 is hereby amended to read as follows:

4 118.100 1. Except as otherwise provided in subsection 2, a
5 person shall not, because of race, religious creed, color, national
6 origin, disability, ancestry, familial status or sex:

7 (a) Refuse to sell or rent or refuse to negotiate for the sale or
8 rental of, or otherwise make unavailable or deny, a dwelling to any
9 person.

10 (b) Discriminate against any person in the terms, conditions or
11 privileges of sale or rental of a dwelling, including the amount of
12 breakage or brokerage fees, deposits or other undue penalties, or in
13 the provision of services or facilities in connection therewith.

14 (c) Make, print or publish, or cause to be made, printed or
15 published, any notice, statement or advertisement with respect to the
16 sale or rental of a dwelling that indicates any preference, limitation
17 or discrimination, or an intention to make any preference, limitation
18 or discrimination. As used in this paragraph, "dwelling" includes a
19 house, room or unit described in subsection 2 or 3 of NRS 118.060.

20 (d) Represent to any person because of race, religious creed,
21 color, national origin, disability, ancestry, familial status or sex that
22 any dwelling is not available for inspection, sale or rental when the
23 dwelling is in fact so available.

24 (e) For profit, induce or attempt to induce any person to sell or
25 rent any dwelling by representations regarding the entry or
26 prospective entry into the neighborhood of a person of a particular
27 race, religious creed, color, national origin, disability, ancestry,
28 familial status or sex.

29 (f) Coerce, intimidate, threaten or interfere with any person in
30 the exercise or enjoyment of, or on account of **his having exercised**
31 **or enjoyed, or on account of** that person having aided or
32 encouraged any other person in the exercise or enjoyment of, any
33 right granted or protected in this chapter.

34 **(g) If his business includes engaging in residential real estate-**
35 **related transactions, discriminate against any person in making**
36 **available such a transaction, or in the terms or conditions of such**
37 **a transaction.**

38 **(h) Deny any person access to or membership or participation**
39 **in any multiple-listing service, real estate brokers' organization or**
40 **other service, organization or facility relating to the business of**
41 **selling or renting dwellings, or discriminate against such a person**
42 **in the terms or conditions of such access, membership or**
43 **participation.**



2. The provisions of subsection 1 do not prohibit any act that is not prohibited by the provisions of the Fair Housing Act of 1968 , 42 U.S.C. §§ 3601 et seq. , ~~as amended.~~

3. The provisions of this section do not:

(a) Prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin.

(b) Prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(c) Regarding familial status, apply with respect to housing for older persons as defined in 42 U.S.C. § 3607.

4. As used in this section, unless the context otherwise requires, "residential real estate-related transaction" means any of the following:

(a) The making or purchasing of loans or providing other financial assistance for the purchasing, constructing, improving, repairing or maintaining of a dwelling.

(b) The making or purchasing of loans or providing other financial assistance secured by residential real estate.

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

Sec. 14. NRS 118.103 is hereby amended to read as follows:

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

2. A covered multifamily dwelling ~~[which contains at least one entrance which is accessible to a person with a disability]~~ must be constructed in such a manner that:

(a) The common areas of the dwelling are readily accessible to and usable by a person with a disability;

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

(c) The units of the dwelling contain:



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

(3) Kitchens and bathrooms in which a person in a wheelchair may maneuver; and

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

3. As used in this section, "covered multifamily dwelling" means:

(a) A building which consists of four or more units and contains at least one elevator; or

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

Sec. 15. NRS 118.105 is hereby amended to read as follows:

118.105 1. A landlord may not refuse to rent a dwelling subject to the provisions of chapter 118A of NRS solely because a service animal will be residing with the prospective tenant in the dwelling.

2. A landlord may require proof that an animal is a service animal. This requirement may be satisfied, without limitation, by exhibition of the identification card normally presented to a person with a disability upon ~~his~~ *the* graduation *of the animal* from a school for guide dogs, school for hearing dogs, school for helping dogs or school for other service animals. *If a service animal has not attended a school for service animals, a landlord may require the owner of the animal to provide documentation showing that the animal performs a function that ameliorates the effects of its owner's disability.*

3. As used in this section:

(a) "School for guide dogs" has the meaning ascribed to it in NRS 426.085.

(b) "School for hearing dogs" has the meaning ascribed to it in NRS 426.091.

(c) "School for helping dogs" has the meaning ascribed to it in NRS 426.095.

(d) "Service animal" has the meaning ascribed to it in NRS 426.097.

Sec. 16. NRS 118.110 is hereby amended to read as follows:

118.110 Any aggrieved person who claims to have been injured by ~~an~~ *an unlawful* discriminatory *practice in* housing ~~practice~~ or who believes that he will be injured by such a practice that is about to occur may file a complaint with the Commission in the manner prescribed in NRS 233.160.



1 **Sec. 17.** Chapter 613 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *When a complainant described in subsection 2 of NRS 613.405*
4 *applies to the Commission for a Notice of Right to Sue, the*
5 *Commission shall issue the Notice to the complainant:*

6 1. *Not sooner than 180 days after the date on which the*
7 *complainant filed the complaint; or*

8 2. *If no settlement is reached with respect to the complaint*
9 *pursuant to chapter 233 of NRS, upon a finding by the*
10 *Commission that an unlawful employment practice involving*
11 *discrimination has or has not occurred, unless a Notice of Right to*
12 *Sue has been issued by an agency of the Federal Government on a*
13 *charge arising out of the same facts.*

14 **Sec. 18.** NRS 613.310 is hereby amended to read as follows:

15 613.310 As used in NRS 613.310 to 613.435, inclusive, *and*
16 *section 17 of this act*, unless the context otherwise requires:

17 1. *“Commission” means the Nevada Equal Rights*
18 *Commission within the Department of Employment, Training and*
19 *Rehabilitation.*

20 2. “Disability” means, with respect to a person:

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

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

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

25 ~~[2-]~~ 3. “Employer” means any person who has 15 or more
26 employees for each working day in each of 20 or more calendar
27 weeks in the current or preceding calendar year, but does not
28 include:

29 (a) The United States or any corporation wholly owned by the
30 United States.

31 (b) Any Indian tribe.

32 (c) Any private membership club exempt from taxation pursuant
33 to 26 U.S.C. § 501(c).

34 ~~[3-]~~ 4. “Employment agency” means any person regularly
35 undertaking with or without compensation to procure employees for
36 an employer or to procure for employees opportunities to work for
37 an employer, but does not include any agency of the United States.

38 ~~[4-]~~ 5. “Labor organization” means any organization of any
39 kind, or any agency or employee representation committee or plan,
40 in which employees participate and which exists for the purpose, in
41 whole or in part, of dealing with employers concerning grievances,
42 labor disputes, wages, rates of pay, hours of employment or other
43 conditions of employment.

44 ~~[5-]~~ 6. “Person” includes the State of Nevada and any of its
45 political subdivisions.



~~[6-]~~ 7. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 19. NRS 613.325 is hereby amended to read as follows:

613.325 The ~~[Nevada Equal Rights]~~ Commission may adopt regulations, consistent with the provisions of 42 U.S.C. §§ 12101 et seq., setting forth:

1. The types of examinations which an employer may require; and

2. Any defenses which are available to an employer, relating to the subject matter of those provisions.

Sec. 20. NRS 613.405 is hereby amended to read as follows:

613.405 Any person injured by an unlawful employment practice within the scope of NRS 613.310 to 613.435, inclusive, *and section 17 of this act*, may ~~[file a complaint to that effect with the Nevada Equal Rights Commission if]~~ :

1. *If the complaint is not based on discrimination because of race, color, sex, sexual orientation, age, disability, religion or national origin [1], apply to the district court for relief pursuant to subsection 1 of NRS 613.420.*

2. *If the complaint is based on discrimination because of race, color, sex, sexual orientation, age, disability, religion or national origin:*

(a) File a complaint to that effect with the Commission in the manner prescribed in NRS 233.160;

(b) Apply to the Commission for a Notice of Right to Sue; and

(c) Provided that the Commission issues to him a Notice of Right to Sue, apply to the district court for relief pursuant to subsection 2 of NRS 613.420.

Sec. 21. NRS 613.420 is hereby amended to read as follows:

613.420 ~~[If the Nevada Equal Rights Commission does not conclude that an unfair employment practice within the scope of NRS 613.310 to 613.435, inclusive, has occurred, any person alleging such a practice]~~ *Except as otherwise provided in NRS 613.430:*

1. *A person described in subsection 1 of NRS 613.405 may apply to the district court for an order granting or restoring to [that person] him the rights to which he is entitled [under those sections.] pursuant to NRS 613.310 to 613.435, inclusive, and section 17 of this act.*

2. *A person described in subsection 2 of NRS 613.405 may, if the Commission has issued to him a Notice of Right to Sue, apply to the district court for an order granting or restoring to him the rights to which he is entitled pursuant to NRS 613.310 to 613.435, inclusive, and section 17 of this act. If the district court determines*



1 *that an unlawful employment practice within the scope of those*
2 *sections has occurred, the court may:*

3 *(a) Order a person to cease and desist from the unlawful*
4 *practice; and*

5 *(b) Order the restoration to the aggrieved person of all benefits*
6 *and rights to which he is entitled, including, without limitation:*

7 *(1) Requiring that the aggrieved person be rehired; and*

8 *(2) Providing or restoring to the aggrieved person such*
9 *other payment and relief as is necessary to make him whole,*
10 *including, without limitation:*

11 *(I) Back pay for a period not to exceed 2 years after the*
12 *date on which the most recent unlawful practice was committed;*

13 *(II) Annual leave time;*

14 *(III) Sick leave time or pay;*

15 *(IV) Other fringe benefits and seniority;*

16 *(V) Reasonable attorney's fees, costs and interest; and*

17 *(VI) Punitive damages in an amount not to exceed*
18 *\$25,000.*

19 **Sec. 22.** NRS 613.430 is hereby amended to read as follows:

20 613.430 ~~[No]~~

21 *1. An action authorized by subsection 1 of NRS 613.420 may*
22 *not be brought more than 180 days after the date of the act*
23 *complained of. ~~[When a complaint is filed with the Nevada Equal~~*
24 *~~Rights Commission the limitation provided by this section is tolled~~*
25 *~~as to any action authorized by NRS 613.420 during the pendency of~~*
26 *~~the complaint before the Commission.]~~*

27 *2. An action authorized by subsection 2 of NRS 613.420 may*
28 *not be brought more than 90 days after the date of issuance of the*
29 *Notice of Right to Sue. If a person described in subsection 2 of*
30 *NRS 613.405, before obtaining a Notice of Right to Sue, brings*
31 *legal action or attempts to bring legal action in response to the*
32 *alleged unlawful employment practice, the action must be*
33 *dismissed for failure to exhaust administrative remedies.*

34 **Sec. 23.** NRS 613.435 is hereby amended to read as follows:

35 613.435 1. The Supreme Court shall, with regard to an appeal
36 from a final judgment in an action for age discrimination in
37 employment brought pursuant to ~~[NRS 613.420 or]~~ 29 U.S.C. §§
38 621-634 ~~[]~~ *or subsection 2 of NRS 613.420*, provide by rule for the
39 filing of briefs within 6 months after the date of entry of the
40 judgment. The Supreme Court for good cause shown may grant an
41 extension of time for the filing of such briefs.

42 2. Unless good cause is shown for a later hearing, the Supreme
43 Court shall, with regard to an appeal to which subsection 1 applies,
44 set the appeal for argument on a date within 60 days after the
45 expiration of the period for filing briefs.



1 **Sec. 24.** Section 30 of chapter 579, Statutes of Nevada 1995,
2 at page 1997, is hereby amended to read as follows:

3 Sec. 30. 1. This section becomes effective upon
4 passage and approval.

5 2. Sections 1 to 11, inclusive, 13, 14 and 17 to 29,
6 inclusive, of this act become effective on October 1, 1995.

7 3. Sections 12, 15 and 16 of this act become effective on
8 ~~[the date the governor declares that the Assistant Secretary~~
9 ~~for Fair Housing and Equal Opportunity of the United States~~
10 ~~Department of Housing and Urban Development has~~
11 ~~determined, pursuant to Part 115 of Title 24 of the Code of~~
12 ~~Federal Regulations, that those sections, on their face,~~
13 ~~provide rights and remedies for alleged discriminatory~~
14 ~~housing practices that are substantially equivalent to those~~
15 ~~provided in the Civil Rights Act of 1968, as amended by the~~
16 ~~Fair Housing Amendments Act of 1988 (42 U.S.C. §§ 3601 et~~
17 ~~seq.).] **October 1, 2005.**~~

18 **Sec. 25.** NRS 233.085 is hereby repealed.

TEXT OF REPEALED SECTION

233.085 Governor: Designation of another agency to perform certain duties and functions of Commission. The Governor may designate another agency to perform the duties and functions of the Commission set forth in NRS 233.150, 233.160, 233.165 and 233.170.



