

ASSEMBLY BILL NO. 189—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE NEVADA EQUAL RIGHTS COMMISSION)

MARCH 9, 2005

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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.

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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; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

- 1 Existing law prohibits discrimination in employment, housing and places of
- 2 public accommodations. (Chapters 118, 233, 613 and 651 of NRS) Under existing
- 3 law, the Nevada Equal Rights Commission has the power to investigate, mediate
- 4 and hold hearings relating to unlawful discriminatory practices in those areas.
- 5 (NRS 233.150)
- 6 This bill authorizes the Nevada Equal Rights Commission to initiate a
- 7 complaint alleging an unlawful discriminatory practice in housing and requires the
- 8 Commission to investigate such a complaint if the complaint is not resolved at an
- 9 informal settlement meeting.
- 10 Existing law prohibits discrimination in housing against any person or group
- 11 because of race, color, creed, sex, disability, national origin or ancestry. (NRS
- 12 233.010, 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 must also 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.

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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.*



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

4       (a) *The complainant or the person against whom the*  
5 *complaint was filed may elect to have the claims included in the*  
6 *complaint decided in a court of competent jurisdiction. If the court*  
7 *determines that the person against whom the complaint was filed*  
8 *has committed an unlawful discriminatory practice in housing, the*  
9 *court may:*

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

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

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

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

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

18               (III) *Enjoining the defendant from continuing the*  
19 *unlawful discriminatory practice in housing or taking other*  
20 *affirmative action.*

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

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

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

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

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

34       4. *The order of the Commission is a final decision in a*  
35 *contested case for the purpose of judicial review. If the person*  
36 *fails to comply with the Commission's order, the Commission shall*  
37 *apply to the district court for an order compelling such*  
38 *compliance, but failure or delay on the part of the Commission*  
39 *does not prejudice the right of an aggrieved party to judicial*  
40 *review. The court shall issue the order unless it finds that the*  
41 *Commission's findings or order are not supported by substantial*  
42 *evidence or are otherwise arbitrary or capricious. If the court*  
43 *upholds the Commission's order and finds that the person has*  
44 *violated the order by failing to cease and desist from the unlawful*



*discriminatory practice in housing or to make the payment ordered, the court shall award the aggrieved party actual damages for any economic loss and no more.*

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

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

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

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

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

233.020 As used in this chapter:

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

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

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

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

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

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

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



1       6. *“Sexual orientation” means having or being perceived as*  
2 *having an orientation for heterosexuality, homosexuality or*  
3 *bisexuality.*

4       7. *“Unlawful discriminatory practice in housing” means a*  
5 *practice prohibited by NRS 118.100.*

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

7       233.150 The Commission may:

8       1. Order its Administrator to :

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

14       (b) *With regard to housing, investigate tensions, practices of*  
15 *discrimination and acts of prejudice against any person or group*  
16 *because of race, color, creed, sex, disability, familial status,*  
17 *national origin or ancestry, and may conduct hearings with regard*  
18 *thereto.*

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

21       3. *Initiate a complaint alleging an unlawful discriminatory*  
22 *practice in housing.*

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

26       ~~[4.]~~ 5. Delegate its power to hold hearings and issue subpoenas  
27 to any of its members or any hearing officer in its employ.

28       ~~[5.]~~ 6. Adopt reasonable regulations necessary for the  
29 Commission to carry out the functions assigned to it by law.

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

31       233.157 The Commission shall accept any complaint alleging  
32 an unlawful discriminatory practice over which it has jurisdiction  
33 pursuant to this chapter. The Commission shall adopt regulations  
34 setting forth the manner in which the Commission will process any  
35 such complaint and determine whether to hold an informal  
36 *settlement* meeting or conduct an investigation concerning the  
37 complaint. *If a complaint alleging an unlawful discriminatory*  
38 *practice in housing is not resolved at an informal settlement*  
39 *meeting, the Commission shall investigate the complaint.*

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

41       233.160 1. A complaint which alleges an unlawful  
42 discriminatory practice in:

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



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

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

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

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

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

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

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

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

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

(a) A copy of the complaint;

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

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

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

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

**Sec. 7.** NRS 233.165 is hereby amended to read as follows:

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

3. ~~If an agreement is reached by the parties in a case involving a discriminatory practice in housing, the agreement must be approved by the Commission. The agreement must be made public unless the parties otherwise agree and the Commission determines that disclosure is not necessary to further the purposes of chapter 418 of NRS.~~

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

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

(b) Order the person to:





(1) Cease and desist from the unlawful practice.

(2) In cases involving an unlawful employment practice, restore all benefits and rights to which the aggrieved person is entitled, including, ~~[but not limited to,]~~ *without limitation*, rehiring, back pay for a period not to exceed 2 years after the date of the most recent unlawful practice, annual leave time, sick leave time or pay, other fringe benefits and seniority, with interest thereon from the date of the Commission's decision at a rate equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date of the Commission's decision, plus 2 percent. The rate of interest must be adjusted accordingly on each January 1 and July 1 thereafter until the judgment is satisfied.

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

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

~~——(1) Award to the complainant actual damages and, within the 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.]~~ 4. 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,





1 but failure or delay on the part of the Commission does not  
2 prejudice the right of an aggrieved party to judicial review. The  
3 court shall issue the order unless it finds that the Commission's  
4 findings or order are not supported by substantial evidence or are  
5 otherwise arbitrary or capricious. ~~If the court upholds the~~  
6 ~~Commission's order and finds that the person has violated the order~~  
7 ~~by failing to cease and desist from the unlawful practice or to make~~  
8 ~~the payment ordered, the court shall award the aggrieved party~~  
9 ~~actual damages for any economic loss and no more.~~

10 ~~— 7.]~~ 5. After the Commission has held a public hearing and  
11 rendered a decision, the complainant is barred from proceeding on  
12 the same facts and legal theory before any other administrative body  
13 or officer.

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

15 233.180 If, after the Administrator has conducted a preliminary  
16 investigation into an alleged unlawful discriminatory practice in  
17 housing, employment or public accommodations, the Commission  
18 determines that the practice will cause immediate and irreparable  
19 harm to any person aggrieved by the practice, the Commission ~~;~~  
20 ~~after the informal meeting and before holding a public hearing upon~~  
21 ~~the matter,]~~ may apply on behalf of such person to the district court  
22 for a temporary restraining order or preliminary injunction as  
23 provided in the Nevada Rules of Civil Procedure.

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

25 233.190 1. Except as otherwise provided in this section ~~;~~  
26 *and subsection 2 of section 1 of this act,* any information gathered  
27 by the Commission in the course of its investigation of an alleged  
28 unlawful discriminatory practice in housing, employment or public  
29 accommodations is confidential.

30 2. The Commission may disclose information gathered  
31 pursuant to subsection 1 to:

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

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

39 3. Except as otherwise provided in subsection 4, the  
40 Commission shall disclose information gathered pursuant to  
41 subsection 1 to the complainant and the party against whom the  
42 unlawful discriminatory practice is alleged if:

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



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

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

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

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

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

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

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

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

118.060 1. "Dwelling" means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

2. "Dwelling" does not include:

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

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

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

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

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



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

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

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

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

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

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

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

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

*3. All political subdivisions and agencies ~~[thereof.]~~ of the State of Nevada.*

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

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

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

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

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

(d) Represent to any person because of race, religious creed, color, national origin, disability, ancestry, familial status or sex that



1 any dwelling is not available for inspection, sale or rental when the  
2 dwelling is in fact so available.

3 (e) For profit, induce or attempt to induce any person to sell or  
4 rent any dwelling by representations regarding the entry or  
5 prospective entry into the neighborhood of a person of a particular  
6 race, religious creed, color, national origin, disability, ancestry,  
7 familial status or sex.

8 (f) Coerce, intimidate, threaten or interfere with any person in  
9 the exercise or enjoyment of, or on account of *his having exercised*  
10 *or enjoyed, or on account of* that person having aided or  
11 encouraged any other person in the exercise or enjoyment of, any  
12 right granted or protected in this chapter.

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

17 (h) *Deny any person access to or membership or participation*  
18 *in any multiple-listing service, real estate brokers' organization or*  
19 *other service, organization or facility relating to the business of*  
20 *selling or renting dwellings, or discriminate against such a person*  
21 *in the terms or conditions of such access, membership or*  
22 *participation.*

23 2. The provisions of subsection 1 do not prohibit any act that is  
24 not prohibited by the provisions of the Fair Housing Act of 1968 ,  
25 ~~42~~ 42 U.S.C. §§ 3601 et seq. , ~~D~~ as amended.

26 3. *The provisions of this section do not:*

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

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

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

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



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

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

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

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

9     118.103 1. A covered multifamily dwelling which is  
10 designed and constructed for occupancy on or after March 13, 1991,  
11 must be constructed in such a manner that the dwelling contains at  
12 least one entrance which is accessible to a person with a disability  
13 unless it is impracticable to so design or construct the dwelling  
14 because of the terrain or unusual characteristics of the site upon  
15 which it is constructed.

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

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

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

23     (c) The units of the dwelling contain:

24         (1) An accessible route into and through the dwelling;

25         (2) Reinforcements in the bathroom walls so that bars for use  
26 by a person with a disability may be installed therein; and

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

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

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

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

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

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

40     118.105 1. A landlord may not refuse to rent a dwelling  
41 subject to the provisions of chapter 118A of NRS solely because a  
42 service animal will be residing with the prospective tenant in the  
43 dwelling.

44     2. A landlord may require proof that an animal is a service  
45 animal. This requirement may be satisfied, without limitation, by



1 exhibition of the identification card normally presented to a person  
2 with a disability upon ~~his~~ *the* graduation *of the animal* from a  
3 school for guide dogs, school for hearing dogs, school for helping  
4 dogs or school for other service animals. *If a service animal has not*  
5 *attended a school for service animals, a landlord may require the*  
6 *owner of the animal to provide documentation showing that the*  
7 *animal performs a function that ameliorates the effects of its*  
8 *owner's disability.*

9 3. As used in this section:

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

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

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

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

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

19 118.110 Any aggrieved person who claims to have been  
20 injured by ~~an~~ *an unlawful* discriminatory *practice in* housing  
21 ~~practice~~ or who believes that he will be injured by such a practice  
22 that is about to occur may file a complaint with the Commission in  
23 the manner prescribed in NRS 233.160.

24 **Sec. 17.** Section 30 of chapter 579, Statutes of Nevada 1995,  
25 at page 1997, is hereby amended to read as follows:

26 Sec. 30. 1. This section becomes effective upon  
27 passage and approval.

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

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

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



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**TEXT OF REPEALED SECTION**

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**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.

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\* A B 1 8 9 R 2 \*



