

Amendment No. 1186

Senate Amendment to Assembly Bill No. 189 Third Reprint

(BDR 18-406)

Proposed by: Senator Hardy**Amendment Box:** Replaces Amendment No.1162.**Resolves Conflicts with:** N/A**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend sec. 3, page 4, by deleting lines 1 through 14 and inserting:

“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, 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:

- (a) In violation of constitutional, statutory or regulatory provisions;***
- (b) In excess of the statutory authority of the Commission;***
- (c) Made upon unlawful procedure;***
- (d) Affected by other error of law;***

HC/EGO

Date: 6/4/2005

A.B. No. 189—Revises provisions relating to Nevada Equal Rights Commission.



(e) Clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or

(f) Arbitrary or capricious or characterized by abuse of discretion.

↪ 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 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."

Amend sec. 4, page 4, by deleting lines 19 through 40 and inserting:

"Sec. 4. 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 employment and housing accommodations without discrimination, distinction or restriction in violation of federal law.*

3. It is recognized that the people of this State should be afforded full and accurate information concerning ~~[actual and alleged]~~ *unlawful* 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.”.

Amend sec. 5, pages 4 and 5, by deleting lines 41 through 44 on page 4 and lines 1 through 16 on page 5, and inserting:

“**Sec. 5.** 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. “Member” means a member of the Nevada Equal Rights Commission.
5. *“Sexual orientation” means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.*
6. *“Unlawful discriminatory practice in housing” means a practice prohibited by NRS 118.100.”.*

Amend sec. 6, page 5, by deleting lines 17 through 40 and inserting:

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

233.150 The Commission may:

1. ~~{Order}~~ *If the Commission determines that a complaint may be meritorious, order* its Administrator to :

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

(b) *With regard to employment and housing, investigate tensions, practices of discrimination and acts of prejudice against any person or group in violation of federal law, and may conduct hearings with regard thereto.*

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

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

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

5. Adopt reasonable regulations necessary for the Commission to carry out the functions assigned to it by law.”.

Amend sec. 7, pages 5 and 6, by deleting lines 41 through 45 on page 5 and lines 1 through 5 on page 6, and inserting:

“**Sec. 7.** NRS 233.157 is hereby amended to read as follows:

233.157 The Commission shall accept any complaint alleging an unlawful discriminatory practice over which it has jurisdiction pursuant to this chapter. The Commission shall adopt regulations setting forth the manner in which the Commission will process any such complaint and

determine whether to hold an informal *settlement* meeting or conduct an investigation concerning the complaint. ***If a complaint alleging an unlawful discriminatory practice in housing is not resolved at an informal settlement meeting, the Commission shall investigate any such complaint that it determines may be meritorious.***”.

Amend the bill as a whole by deleting sec. 13 and adding a new section designated sec. 13, following sec. 12, to read as follows:

“**Sec. 13.** NRS 118.020 is hereby amended to read as follows:

118.020 1. It is hereby declared to be the public policy of the State of Nevada that all people in the State have equal opportunity to inherit, purchase, lease, rent, sell, hold and convey real property without discrimination, distinction or restriction ~~[because of race, religious creed, color, national origin, disability, ancestry, familial status or sex.]~~ ***in violation of federal law.***

2. Nothing in this chapter shall be deemed to render enforceable a conveyance or other contract made by a person who lacks the capacity to contract.”.

Amend sec. 15, pages 11 through 13, by deleting lines 39 through 45 on page 11, lines 1 through 44 on page 12 and lines 1 through 19 on page 13, and inserting:

“**Sec. 15.** 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:]~~ ***in violation of federal law:***

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

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

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

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

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

3. *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.”.