

ASSEMBLY BILL NO. 218—ASSEMBLYWOMAN CONSIDINE

FEBRUARY 23, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing landlords and tenants.
(BDR 10-136)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
Effect on the State: Yes.

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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 real property; prohibiting certain landlords from charging a tenant a fee to make a payment through an Internet website or online portal that exceeds the amount of any fee charged by the operator of the Internet website or online portal for the use of such service; requiring a written rental agreement to separately identify such a fee under certain circumstances; requiring any reference in a written rental agreement to the amount of rent due under the agreement to be set forth in a certain manner; establishing certain practices as deceptive trade practices; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain requirements relating to a written rental agreement. Existing law requires any written agreement for the use and occupancy of a dwelling unit or premises to contain provisions relating to the amount of rent due and the manner and time of its payment. (NRS 118A.200) **Section 4** of this bill requires any reference to the amount of rent due in a written rental agreement to be set forth as a single figure representing the total amount of periodic rent that includes the amount of any fixed, mandatory fees to be charged to the tenant in addition to the base rent. **Section 4** prohibits a landlord from charging a tenant an amount for periodic rent that exceeds the amount of rent due under the written rental agreement, as set forth in the manner required by **section 4**.

Section 2 of this bill prohibits a landlord or his or her agent who requires a tenant to pay rent or any other fee or charge exclusively through an Internet website or online portal or by means which require the tenant to provide direct access to his



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or her bank account from charging the tenant a fee to make a payment through the Internet website or online portal in an amount that exceeds the amount of any fee charged for the use of the Internet website or online portal by the operator of the Internet website or online portal. **Section 2** also requires the amount of any fee to be charged to the tenant by the landlord or his or her agent for the use of an Internet website or online portal to make a payment to be separately identified in any written rental agreement, in addition to including the amount of the fee in the calculation of the amount of rent due pursuant to **section 4**, if applicable.

Existing law defines activities that constitute deceptive trade practices and provides for the imposition of civil and criminal penalties against persons who engage in deceptive trade practices. (Chapter 598 of NRS) **Section 3** of this bill makes it a deceptive trade practice to: (1) charge a tenant a fee to make a payment through an Internet website or online portal in an amount that exceeds the amount of any fee charged for the use of the Internet website or online portal by the operator of the Internet website or online portal, in violation of **section 2**; and (2) charge a tenant an amount for periodic rent that exceeds the amount of rent due under a written rental agreement in violation of **section 4**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 118A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *If a landlord or his or her agent requires a tenant to pay rent or any other fee or charge exclusively through an Internet website or online portal or by means which require the tenant to provide direct access to his or her bank account:*

1. The landlord or his or her agent shall not charge the tenant a fee to make a payment through an Internet website or online portal in an amount that exceeds the amount of any fee charged for the use of the Internet website or online portal by the operator of the Internet website or online portal; and

2. The amount of any fee charged to the tenant by the landlord or his or her agent for the use of the Internet website or online portal, in addition to being included in the calculation of the amount of rent due pursuant to subsection 6 of NRS 118A.200, if applicable, must be separately identified in any written rental agreement.

Sec. 3. *1. A violation of subsection 7 of NRS 118A.200 or subsection 1 of section 2 of this act constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive. A tenant injured by such a violation may bring a civil action in any court of competent jurisdiction for such violation.*

2. If a tenant prevails in an action brought pursuant to subsection 1, the court shall award the tenant:



1 (a) *Any damages the tenant has sustained;*
2 (b) *Any equitable relief that the court deems appropriate; and*
3 (c) *The tenant's costs in the action and reasonable attorney's*
4 *fees.*

5 **Sec. 4.** NRS 118A.200 is hereby amended to read as follows:

6 118A.200 1. Any written agreement for the use and
7 occupancy of a dwelling unit or premises must be signed by the
8 landlord or his or her agent and the tenant or his or her agent.

9 2. The landlord shall provide one copy of any written
10 agreement described in subsection 1 to the tenant free of cost at the
11 time the agreement is executed and, upon request of the tenant,
12 provide additional copies of any such agreement to the tenant within
13 a reasonable time. The landlord may charge a reasonable fee for
14 providing the additional copies.

15 3. Any written rental agreement must contain, but is not limited
16 to, provisions relating to the following subjects:

17 (a) Duration of the agreement.

18 (b) Amount of rent , *set forth in the manner required by*
19 *subsection 6*, and the manner and time of its payment.

20 (c) Occupancy by children or pets.

21 (d) Services included with the dwelling rental.

22 (e) Fees which are required and the purposes for which they are
23 required.

24 (f) Deposits which are required and the conditions for their
25 refund.

26 (g) Charges which may be required for late or partial payment of
27 rent or for return of any dishonored check.

28 (h) Inspection rights of the landlord.

29 (i) A listing of persons or numbers of persons who are to occupy
30 the dwelling.

31 (j) Respective responsibilities of the landlord and the tenant as
32 to the payment of utility charges.

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

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

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

38 (1) A nuisance.

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

41 (n) Information regarding the right of the tenant to engage in the
42 display of the flag of the United States, as set forth in
43 NRS 118A.325.

44 4. In addition to the provisions required by subsection 3, any
45 written rental agreement for a single-family residence which is not



signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS must contain a disclosure at the top of the first page of the agreement, in a font size at least two times larger than any other font size in the agreement, which states that:

(a) There are rebuttable presumptions in NRS 205.0813 and 205.0817 that the tenant does not have lawful occupancy of the dwelling unless the agreement:

(1) Is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; and

(2) Includes the current address and telephone number of the landlord or his or her authorized representative; and

(b) The agreement is valid and enforceable against the landlord and the tenant regardless of whether the agreement:

(1) Is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; or

(2) Includes the current address and telephone number of the landlord or his or her authorized representative.

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

(a) There are no restrictions on occupancy by children or pets.

(b) Maintenance and waste removal services are provided without charge to the tenant.

(c) No charges for partial or late payments of rent or for dishonored checks are paid by the tenant.

(d) Other than normal wear, the premises will be returned in the same condition as when the tenancy began.

6. *Any reference in a written rental agreement to the amount of rent due under the agreement must be set forth as a single figure representing the total amount of periodic rent that includes the amount of any fixed, mandatory fees to be charged to the tenant in addition to the base rent.*

7. *A landlord shall not charge a tenant an amount for periodic rent that exceeds the amount of rent due under a written rental agreement as set forth in the manner required by subsection 6.*

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



1 ~~7.1~~ 9. As used in this section, “single-family residence”
2 means a structure that is comprised of not more than four units. The
3 term does not include a manufactured home as defined in
4 NRS 118B.015.

