

Amendment No. 638

Senate Amendment to Assembly Bill No. 218 First Reprint (BDR 10-136)

Proposed by: Senate Committee on Commerce and Labor

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

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"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

VDW/SJQ



Date: 5/22/2023

A.B. No. 218—Revises provisions governing landlords and tenants. (BDR 10-136)



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; requiring a landlord or his or her agent to provide a tenant at least one method of paying rent or any other fee or charge that meets certain requirements; authorizing a tenant to bring a civil action against a landlord who has committed certain violations; prohibiting a landlord 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 a landlord or his or her agent to provide, upon request, a copy of a written rental agreement to a prospective tenant; requiring certain references to the amount of rent due under a rental 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 that, in each place where a landlord lists the amount of rent due under a rental agreement and in any reference to the amount of rent due in a written rental agreement, the rent 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. **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 3.5** of this bill requires a landlord or his or her agent, upon request, to provide a prospective tenant with a copy of the written rental agreement, if any, to which the prospective tenant would be subject if he or she were to become a tenant.

Section 2 of this bill requires a landlord to provide a tenant at least one method to pay rent or any other fee or charge which does not require the tenant to: (1) pay any fee or charge

to use the method; or (2) provide information concerning a bank account of the tenant. **Section 2** also prohibits a landlord or his or her agent who allows a tenant to pay rent or any other fee or charge through an Internet website or online portal 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** 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.

~~[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) violate]~~ authorizes a tenant who is aggrieved by a violation of the requirements of section 4 concerning the manner in which rent must be listed or referenced in a written rental agreement [1. and (2) charge] or the prohibition set forth in section 4 on charging a tenant an amount for periodic rent that exceeds the amount of rent due under a written rental agreement [in violation of section 4.] to bring a civil action for such a violation. Section 3 requires a court to award certain relief to a tenant who prevails in such an action.

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, 3 and 3.5 of this act.

Sec. 2. 1. *A landlord or his or her agent shall provide a tenant at least one method of paying rent or any other fee or charge which does not require the tenant to:*

- (a) *Pay any fee or charge for using the method; or*
- (b) *Provide information concerning a bank account of the tenant.*

2. *If a landlord or his or her agent allows a tenant to pay rent or any other fee or charge through an Internet website or online portal:*

- (a) *The landlord or his or her agent shall not charge 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; and*
- (b) *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 must be separately identified in any written rental agreement.*

Sec. 3. 1. *A tenant who is aggrieved by a violation of subsection 6 or 7 of NRS 118A.200 ~~[constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0909, 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:*

- (a) *Any damages the tenant has sustained;*
- (b) *Any equitable relief that the court deems appropriate; ~~[and]~~*
- (c) *The tenant's costs in the action and reasonable attorney's fees ~~[1.];~~*
- (d) *Statutory damages of \$1,000 for each violation which involved deception; and*
- (e) *Treble the amount of actual damages sustained by the tenant as a result of each willful violation.*

Sec. 3.5. *A landlord or his or her agent shall, upon request, provide to a prospective tenant a copy of the written rental agreement, if any, to which the tenant would be subject if he or she were to become a tenant.*

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

2 118A.200 1. Any written agreement for the use and occupancy of a
3 dwelling unit or premises must be signed by the landlord or his or her agent and the
4 tenant or his or her agent.

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

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

12 (a) Duration of the agreement.

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

15 (c) Occupancy by children or pets.

16 (d) Services included with the dwelling rental.

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

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

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

21 (h) Inspection rights of the landlord.

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

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

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

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

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

30 (1) A nuisance.

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

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

34 4. In addition to the provisions required by subsection 3, any written rental
35 agreement for a single-family residence which is not signed by an authorized agent
36 of the landlord who at the time of signing holds a permit to engage in property
37 management pursuant to chapter 645 of NRS must contain a disclosure at the top of
38 the first page of the agreement, in a font size at least two times larger than any other
39 font size in the agreement, which states that:

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

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

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

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

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

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

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

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

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

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

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

9 6. *In each place where a landlord lists the amount of rent due under a
10 rental agreement and in any reference in a written rental agreement to the
11 amount of rent due under the agreement, the rent must be set forth as a single
12 figure representing the total amount of periodic rent that includes the amount of
13 any fixed, mandatory fees to be charged to the tenant in addition to the base rent.*

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

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

21 ~~7.9~~ 9. As used in this section, "single-family residence" means a structure
22 that is comprised of not more than four units. The term does not include a
23 manufactured home as defined in NRS 118B.015.