

SENATE BILL NO. 254—SENATOR NEAL

MARCH 16, 2021

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to discrimination in housing. (BDR 18-38)

FISCAL NOTE: Effect on Local Government: No.
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 discriminatory practices; revising various provisions relating to discrimination in housing; providing civil penalties and other remedies for certain violations; authorizing the Nevada Equal Rights Commission to enter into certain agreements with the United States Department of Housing and Urban Development for the Commission to investigate and enforce laws relating to fair housing as a certified agency under federal law; providing that certain conduct relating to seeking an applicant or tenant’s arrest record, conviction record or record of criminal history constitutes an unlawful discriminatory practice in housing; providing that discriminating on the basis of source of income constitutes an unlawful discriminatory practice in housing; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law creates the Nevada Equal Rights Commission. (NRS 233.030) The Commission is authorized to investigate and conduct hearings concerning acts of prejudice with regard to housing, employment and public accommodation. (NRS 233.150) Existing law also sets forth the Nevada Fair Housing Law to prohibit discrimination in housing. (NRS 118.010-118.120) In addition, the federal Fair Housing Act of 1968, as amended, prohibits discrimination in the sale, rental and financing of dwellings and in other housing related transactions. (42 U.S.C. §§ 3601 et seq.)

Sections 17, 20 and 21 of this bill revise references to the types of discrimination from which persons are protected in Nevada to conform to federal law.



12 **Section 21** of this bill authorizes the Commission to initiate a complaint
13 alleging an unlawful discriminatory practice in housing. **Section 23** of this bill
14 requires the Commission to investigate each complaint which alleges an unlawful
15 discriminatory practice in housing and to attempt to resolve the issues raised in the
16 complaint through informal negotiations with the parties. **Section 24** of this bill
17 requires the Commission to serve upon an aggrieved person certain information.

18 **Section 14** of this bill establishes new procedures and requirements with
19 respect to investigations and administrative hearings concerning such complaints.
20 Following the Commission's investigation of a complaint, if the Administrator of
21 the Commission determines that probable cause exists to believe that an unlawful
22 discriminatory practice in housing has occurred or is about to occur, the Attorney
23 General is required to: (1) prepare a notice of hearing and serve the notice upon the
24 parties; and (2) unless a party elects to have the matter determined by a court,
25 prepare and prosecute the complaint in a public hearing before the Commission. If
26 the Commission, based on a preponderance of the evidence presented at the
27 hearing, determines that an unlawful discriminatory practice in housing has
28 occurred, the Commission may issue an order to cease and desist, order appropriate
29 injunctive or other equitable relief, award actual damages, impose civil penalties
30 and award costs and attorney's fees. **Section 27** of this bill makes a conforming
31 change to eliminate the requirement for the Commission to hold an informal
32 meeting of the parties.

33 **Section 15** of this bill provides for the determination of the complaint by a
34 court instead of the Commission. **Section 16** of this bill establishes procedures for
35 the judicial review of a final decision of the Commission. **Sections 2-13 and 18** of
36 this bill move the existing definitions in chapter 233 of NRS and define various
37 terms relating to the complaint process. **Sections 24-26 and 28** make changes to
38 existing provisions to use these terms.

39 **Section 29** of this bill provides that the provisions of chapter 233 of NRS for
40 judicial review of decisions of the Commission concerning unlawful discriminatory
41 practice in housing prevail over the provisions of the Administrative Procedure Act.

42 **Section 22** of this bill authorizes the Commission to enter into certain
43 agreements with the United States Department of Housing and Urban Development
44 for the Commission to investigate and enforce laws relating to fair housing as a
45 certified agency under federal law.

46 **Section 33** of this bill prohibits, with certain exceptions, a person seeking to
47 rent or lease a dwelling, or renting or leasing a dwelling, from: (1) inquiring into
48 the arrest record, conviction record or record of criminal history of an applicant or
49 tenant; (2) refusing to rent or lease, or refusing to negotiate to rent or lease, a
50 dwelling to an applicant on the basis of the applicant's arrest record, conviction
51 record or record of criminal history; (3) making, printing or publishing any notice
52 or advertisement which indicates a preference based on the arrest record, conviction
53 record or record of criminal history of an applicant; and (4) evicting a tenant from a
54 dwelling on the basis of his or her arrest record, conviction record or record of
55 criminal history for a misdemeanor offense unless the offense occurred on the
56 premises of the dwelling. **Section 33** provides that a person may inquire into or
57 conduct a background check into the arrest record, conviction record or record of
58 criminal history of an applicant to determine whether the applicant has certain
59 offenses on his or her record. A person may refuse to rent or lease a dwelling to an
60 applicant who has any such offense on his or her record. **Section 33** also requires a
61 person who makes a dwelling available for rent or lease to provide applicants with
62 information regarding these unlawful discriminatory practices and information on
63 how to file an appeal of a denial to rent or lease or file a complaint with the
64 Commission. **Section 33** exempts from these provisions: (1) persons who inquire or
65 conduct a background check on an applicant pursuant to the requirements of federal
66 or state law; (2) persons who check the statewide registry of sex offenders and



67 offenders convicted of a crime against a child; (3) persons who make available for
68 rent or lease not more than four individual dwelling units; (4) any action taken to
69 determine whether an applicant for a rental with a week to week tenancy has any
70 outstanding felony warrants pending against him or her; and (5) the rental or lease
71 of a manufactured home.

72 **Section 33.5** of this bill prohibits discrimination in housing on the basis of
73 source of income and defines "source of income" as money, assistance or benefits
74 derived from a federal law intended to provide assistance during the COVID-19
75 pandemic.

76 **Sections 31, 32 and 34-44** of this bill amend the Nevada Fair Housing Law to
77 conform to federal law. **Section 36** of this bill revises the definition of "disability"
78 to exclude any current illegal use of or addiction to a controlled substance. **Sections**
79 **37 and 38** of this bill revise the definitions of "dwelling" and "person." **Sections 31**
80 **and 32** define the terms "aggrieved person" and "unlawful discriminatory practice
81 in housing."

82 **Section 39** of this bill revises the prohibited practices which constitute an
83 unlawful discriminatory practice in housing in Nevada. **Section 39** prohibits
84 discrimination in real estate related transactions. **Section 39** also sets forth certain
85 exceptions to the application of its provisions.

86 **Section 40** of this bill prohibits a person from refusing: (1) to allow a person
87 with a disability to make reasonable modifications to a dwelling which may be
88 necessary to afford the person with a disability full enjoyment of the dwelling, if
89 the person with the disability pays for the modifications; or (2) to make reasonable
90 accommodations in rules, policies, practices or services which may be necessary to
91 afford a person with a disability equal opportunity to use and enjoy a dwelling.

92 **Section 41** of this bill revises accessibility requirements relating to the design
93 and construction of a covered multifamily dwelling. **Section 42** of this bill revises
94 provisions prohibiting a landlord from refusing to rent a dwelling to a person with a
95 disability with a service animal.

96 **Sections 43 and 44** of this bill revise provisions governing civil actions to
97 enforce certain provisions relating to discrimination in housing.

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 the provisions set forth as sections 2 to 16, inclusive, of this
3 act.

4 **Sec. 2.** *"Administrator" means the Administrator of the*
5 *Commission.*

6 **Sec. 3.** *"Aggrieved person" has the meaning ascribed to it in*
7 *section 31 of this act.*

8 **Sec. 4.** *"Commission" means the Nevada Equal Rights*
9 *Commission.*

10 **Sec. 5. 1.** *"Complainant" means a person by whom, or on*
11 *whose behalf, a complaint is made which alleges an unlawful*
12 *discriminatory practice over which the Commission has*
13 *jurisdiction pursuant to this chapter.*

14 **2.** *As used in this section, "person" includes the Commission.*



1 **Sec. 6.** *“Conciliation” means the attempted resolution of*
2 *issues raised by a complaint, or by the investigation of a*
3 *complaint, through informal negotiations involving the aggrieved*
4 *person, the respondent and the Commission.*

5 **Sec. 7.** *“Disability” has the meaning ascribed to it in*
6 *NRS 118.045.*

7 **Sec. 8.** *“Familial status” has the meaning ascribed to it in*
8 *NRS 118.065.*

9 **Sec. 9.** *“Gender identity or expression” has the meaning*
10 *ascribed to it in NRS 118.075.*

11 **Sec. 10.** *“Member” means a member of the Commission.*

12 **Sec. 11.** *“Respondent” means a natural person or other*
13 *person against whom is made a complaint which alleges an*
14 *unlawful discriminatory practice over which the Commission has*
15 *jurisdiction pursuant to this chapter.*

16 **Sec. 12.** *“Sexual orientation” has the meaning ascribed to it*
17 *in NRS 118.093.*

18 **Sec. 13.** *“Unlawful discriminatory practice in housing” has*
19 *the meaning ascribed to it in section 32 of this act.*

20 **Sec. 14.** 1. *When a complaint is filed whose allegations if*
21 *true would support a finding of an unlawful discriminatory*
22 *practice in housing:*

23 (a) *The Commission shall, to the extent practicable throughout*
24 *the complaint process, engage in conciliation with respect to the*
25 *complaint. If an agreement is reached with regard to the matters*
26 *alleged in the complaint, no further action may be taken by the*
27 *complainant or the Commission with regard to the matters alleged*
28 *in the complaint.*

29 (b) *Each conciliation agreement between a complainant and a*
30 *respondent must be approved by the Commission. The*
31 *Commission may reject any conciliation agreement that it*
32 *determines is not in the public interest. A conciliation agreement*
33 *may provide for binding arbitration of the matters alleged in the*
34 *complaint and for the awarding of any appropriate relief in the*
35 *arbitration, including, without limitation, monetary relief.*

36 (c) *The Commission shall make a conciliation agreement*
37 *public unless the complainant and the respondent agree that it not*
38 *be made public and the Commission determines that public*
39 *disclosure of the agreement would not further the purposes of this*
40 *chapter or NRS 118.010 to 118.120, inclusive, and sections 31 to*
41 *33.5, inclusive, of this act.*

42 2. *The Commission shall, at the conclusion of the*
43 *investigation required by NRS 233.157, prepare a final*
44 *investigative report containing:*

45 (a) *The name of and the date of contact with each witness;*



1 (b) A summary and the dates of correspondence and other
2 contact with the complainant and the respondent;

3 (c) A summary description of other pertinent records;

4 (d) A summary of witness statements; and

5 (e) Answers to interrogatories.

6 ↪ The Commission may amend the final investigative report if
7 additional evidence is discovered.

8 3. If, at the conclusion of the investigation required by NRS
9 233.157, the Administrator determines that there is not probable
10 cause to believe that an unlawful discriminatory practice in
11 housing has occurred or is about to occur, the Administrator shall
12 dismiss the complaint and notify the complainant and the
13 respondent.

14 4. If, at the conclusion of the investigation required by NRS
15 233.157, the Administrator determines that there is probable cause
16 to believe that an unlawful discriminatory practice in housing has
17 occurred or is about to occur, and attempts at conciliation have
18 failed:

19 (a) The Attorney General shall prepare a notice of hearing
20 which complies with the requirements of NRS 233B.121 and serve
21 a copy of the notice upon the complainant, the aggrieved person
22 and the respondent, together with notice of the right to elect, in
23 lieu of the hearing, to have the matter determined in a civil action
24 in a court of competent jurisdiction pursuant to section 15 of this
25 act.

26 (b) Any aggrieved person may intervene as a party in the
27 proceeding.

28 5. Unless an election is made to have the matter determined
29 in a court of competent jurisdiction pursuant to section 15 of this
30 act, the Commission shall hold a public hearing on the matter in
31 conformance with the requirements of chapter 233B of NRS,
32 except that the provisions of subsection 5 of NRS 233B.121 and
33 NRS 233B.124 do not apply to the hearing. The Attorney General
34 shall prepare and prosecute the complaint on behalf of the
35 complainant.

36 6. If, after a hearing held pursuant to subsection 5, the
37 Commission determines, based on a preponderance of the
38 evidence, that an unlawful discriminatory practice in housing has
39 occurred, the Commission shall serve a copy of its findings of fact
40 and conclusions of law upon the complainant, the aggrieved
41 persons and the respondent within 10 days after such a finding
42 and may:

43 (a) Order the respondent to cease and desist from the unlawful
44 practice;



1 (b) Order such injunctive or other equitable relief as may be
2 appropriate;

3 (c) Award actual damages to the complainant;

4 (d) Impose upon the respondent:

5 (1) Except as otherwise provided in this paragraph, a civil
6 penalty of not more than \$16,000;

7 (2) If the respondent has been adjudged in a separate
8 action to have committed any violation of NRS 118.010 to 118.120,
9 inclusive, and sections 31 to 33.5, inclusive, of this act within the
10 5-year period immediately preceding the filing of the complaint, a
11 civil penalty of not more than \$37,500; or

12 (3) If the respondent has been adjudged in one or more
13 separate actions to have committed two or more violations of NRS
14 118.010 to 118.120, inclusive, and sections 31 to 33.5, inclusive, of
15 this act within the 7-year period immediately preceding the filing
16 of the complaint, a civil penalty of not more than \$65,000; and

17 (e) Award costs and reasonable attorneys' fees to the
18 complainant.

19 7. If, after a hearing held pursuant to subsection 5, the
20 Commission determines, based on a preponderance of the
21 evidence, that an unlawful discriminatory practice in housing has
22 not occurred, the Commission:

23 (a) Shall dismiss the matter and make the dismissal public;
24 and

25 (b) May, upon motion of the respondent, award costs and
26 reasonable attorney's fees to the respondent if the Commission
27 determines that the complaint, had it been filed with a court,
28 would have violated and been grounds for sanctions under Rule
29 11 of the Nevada Rules of Civil Procedure.

30 8. Any resolution of a complaint before a final order of the
31 Commission following a hearing held pursuant to subsection 5
32 must, to the extent practicable, be agreed to by the aggrieved
33 person.

34 9. If the respondent fails to comply with a final order of the
35 Commission, the Commission shall apply to the district court for
36 an order compelling compliance. If the court finds that the
37 respondent has violated the order by failing to cease and desist
38 from the unlawful practice, failing to make any payment ordered
39 or otherwise failing to comply with the order, the court shall
40 award the aggrieved person actual damages caused by the
41 noncompliance.

42 10. After the Commission has held a public hearing and
43 rendered a decision, the complainant is barred from proceeding on
44 the same facts and legal theory before any other administrative
45 body or officer.



1 **Sec. 15. 1.** *If, pursuant to subsection 4 of section 14 of this*
2 *act, the Administrator has determined that there is probable cause*
3 *to believe that an unlawful discriminatory practice in housing has*
4 *occurred or is about to occur, and attempts at conciliation have*
5 *failed, the complainant, the aggrieved person or the respondent*
6 *may, in lieu of a hearing before the Commission pursuant to*
7 *section 14 of this act, elect to have the claims of an unlawful*
8 *discriminatory practice in housing that were set forth in the*
9 *complaint decided by a court of competent jurisdiction.*

10 **2.** *The election must be made in writing and be received by*
11 *the Commission not later than 20 days after the date on which the*
12 *notice was served as required by subsection 4 of section 14 of this*
13 *act.*

14 **3.** *The Attorney General shall, if requested by the*
15 *complainant or the aggrieved person, prepare, file and litigate a*
16 *civil action on behalf of the complainant or the aggrieved person.*

17 **4.** *Any aggrieved person, with respect to the issues to be*
18 *determined in the civil action, may intervene as a matter of right*
19 *in the civil action.*

20 **5.** *If the court, based on a preponderance of the evidence,*
21 *determines that the defendant has committed or is about to commit*
22 *an unlawful discriminatory practice in housing, the court may:*

23 **(a)** *Award actual and punitive damages to the complainant or*
24 *the aggrieved person, except that the court may not award*
25 *monetary damages to an aggrieved person who does not intervene*
26 *if that aggrieved person has not complied with discovery orders*
27 *entered by the court;*

28 **(b)** *Award costs and reasonable attorney's fees to the*
29 *complainant or the aggrieved person; and*

30 **(c)** *Order such other relief as the court determines appropriate,*
31 *including, without limitation:*

32 **(1)** *Ordering a permanent or temporary injunction;*

33 **(2)** *Issuing a temporary restraining order; or*

34 **(3)** *Enjoining the defendant from engaging in the unlawful*
35 *practice or ordering such other affirmative action as the court*
36 *determines appropriate.*

37 **6.** *If the court, based on a preponderance of the evidence,*
38 *determines that the defendant has not committed and is not about*
39 *to commit an unlawful discriminatory practice in housing, the*
40 *court shall dismiss the action and may, upon the motion of the*
41 *defendant, award costs and reasonable attorney's fees to*
42 *the defendant if the court determines that the complaint was*
43 *prosecuted in violation of Rule 11 of the Nevada Rules of Civil*
44 *Procedure.*



1 7. The Commission shall notify the complainant, all
2 aggrieved persons and the respondent of the court's decision in
3 any action filed pursuant to this section.

4 **Sec. 16.** 1. An order of the Commission issued pursuant to
5 section 14 of this act in a complaint alleging an unlawful
6 discriminatory practice in housing is a final decision in a
7 contested case for the purpose of judicial review.

8 2. Any person identified as a party of record in a hearing
9 before the Commission on a complaint alleging an unlawful
10 discriminatory practice in housing who is aggrieved by a final
11 decision of the Commission may request judicial review.

12 3. A petition for judicial review must:

13 (a) Name as respondents the Commission and all parties of
14 record to the hearing;

15 (b) Be instituted by filing the petition in the district court in
16 and for Carson City, in and for the county in which the aggrieved
17 party resides or in and for the county in which the hearing
18 occurred; and

19 (c) Be filed within 30 days after service of the final decision of
20 the Commission.

21 4. A cross-petition for judicial review must be filed within 10
22 days after service of a petition for judicial review.

23 5. The Commission and any party wishing to participate in
24 the judicial review must file a statement of intent to participate in
25 the petition for judicial review and serve the statement upon the
26 petitioner and each named respondent within 20 days after service
27 of the petition.

28 6. The petition for judicial review and any cross-petition for
29 judicial review must be served upon the Commission and each
30 party of record within 45 days after the filing of the petition,
31 unless, upon a showing of good cause, the district court extends
32 the time for such service.

33 7. The Commission shall, within 30 days after receipt of
34 service of the petition for judicial review or such time as allowed
35 by the court, transmit to the court the original or a certified copy
36 of the entire record of the proceeding under review, including,
37 without limitation, a transcript of the evidence resulting in the
38 final decision of the Commission. The record may be shortened by
39 stipulation of the parties to the proceeding. If the court determines
40 that a party has unreasonably refused to stipulate to limit the
41 record, the court may assess any additional costs resulting from
42 the refusal against that party. The court may require or permit
43 subsequent corrections or additions to the record.

44 8. If, before submission to the court, an application is made
45 to the court for leave to present additional evidence, and it is



1 *shown to the satisfaction of the court that the additional evidence*
2 *is material and that there were good reasons for failure to present*
3 *it in the proceeding before the Commission, the court may order*
4 *that the additional evidence and any rebuttal evidence be taken*
5 *before the Commission upon such conditions as the court*
6 *determines appropriate. After receipt of any additional evidence,*
7 *the Commission:*

8 (a) *May modify its findings and decision; and*

9 (b) *Shall file the evidence and any modification, new finding*
10 *or decision with the court.*

11 9. *A petitioner or cross-petitioner who is seeking judicial*
12 *review shall serve and file a memorandum of points and*
13 *authorities within 40 days after the Commission gives written*
14 *notice to the parties that the record of the proceeding under review*
15 *has been filed with the court.*

16 10. *The respondent or cross-petitioner shall serve and file a*
17 *reply memorandum of points and authorities within 30 days after*
18 *service of the memorandum of points and authorities.*

19 11. *The petitioner or cross-petitioner may serve and file a*
20 *reply memoranda of points and authorities within 30 days after*
21 *service of the reply memorandum.*

22 12. *Within 7 days after the expiration of the period within*
23 *which the petitioner is required to reply, any party may request a*
24 *hearing. Unless a request for a hearing has been filed, the matter*
25 *shall be deemed submitted.*

26 13. *All memoranda of points and authorities filed in*
27 *proceedings involving petitions for judicial review must be in the*
28 *form provided for appellate briefs in Rule 28 of the Nevada Rules*
29 *of Appellate Procedure.*

30 14. *The court, for good cause, may extend the times allowed*
31 *in this section for filing memoranda.*

32 15. *Judicial review of a final decision of the Commission*
33 *must be:*

34 (a) *Conducted by the court without a jury; and*

35 (b) *Confined to the record.*

36 ↪ *In cases concerning alleged irregularities in procedure before*
37 *the Commission that are not shown in the record, the court may*
38 *receive evidence concerning the irregularities.*

39 16. *The final decision of the Commission shall be deemed*
40 *reasonable and lawful until reversed or set aside in whole or in*
41 *part by the court. The burden of proof is on the party attacking or*
42 *resisting the decision to show that the final decision is invalid*
43 *pursuant to subsection 17.*

44 17. *The court shall not substitute its judgment for that of the*
45 *Commission as to the weight of evidence on a question of fact. The*



1 *court may remand or affirm the final decision or set it aside in*
2 *whole or in part if substantial rights of the petitioner have been*
3 *prejudiced because the final decision of the Commission is:*

4 (a) *In violation of any constitutional or statutory provision;*

5 (b) *In excess of the statutory authority of the Commission;*

6 (c) *Made upon unlawful procedure;*

7 (d) *Affected by other error of law;*

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

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

12 18. *A petitioner who applies for a stay of the final decision of*
13 *the Commission shall file and serve a written motion for the stay*
14 *on the Commission and all parties of record to the proceeding at*
15 *the time of filing the petition for judicial review. The petitioner*
16 *must provide security before the court may issue a stay.*

17 19. *In determining whether to grant a stay, the court shall*
18 *consider the same factors as are considered for a preliminary*
19 *injunction under Rule 65 of the Nevada Rules of Civil Procedure.*

20 20. *In making a ruling, the court shall:*

21 (a) *Give deference to the Commission; and*

22 (b) *Consider the risk to the public, if any, of staying the*
23 *decision of the Commission.*

24 21. *An aggrieved party may obtain a review of any final*
25 *judgment of the district court by appeal to the Nevada Supreme*
26 *Court. The appeal may be taken as in other civil cases.*

27 **Sec. 17.** NRS 233.010 is hereby amended to read as follows:

28 233.010 1. It is hereby declared to be the public policy of the
29 State of Nevada to protect the welfare, prosperity, health and peace
30 of all the people of the State, and to foster the right of all persons
31 reasonably to seek and obtain housing accommodations without
32 discrimination, distinction or restriction because of race, religious
33 creed, color, age, sex, disability, *familial status*, sexual orientation,
34 gender identity or expression, national origin or ancestry.

35 2. It is hereby declared to be the public policy of the State of
36 Nevada to protect the welfare, prosperity, health and peace of all the
37 people of the State, and to foster the right of all persons reasonably
38 to seek and be granted services in places of public accommodation
39 without discrimination, distinction or restriction because of race,
40 ~~religious-creed,~~ *religion*, color, age, sex, disability, sexual
41 orientation, national origin ~~[-ancestry]~~ or gender identity or
42 expression.

43 3. It is hereby declared to be the public policy of the State of
44 Nevada to protect the welfare, prosperity, health and peace of all the
45 people of the State, and to foster the right of all persons reasonably



1 to seek, obtain and hold employment without discrimination,
2 distinction or restriction because of race, ~~religious creed,~~ *religion*,
3 color, age, sex, disability, sexual orientation, gender identity or
4 expression ~~or~~ national origin. ~~for ancestry.~~

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

11 **Sec. 18.** NRS 233.020 is hereby amended to read as follows:

12 233.020 As used in this chapter ~~:~~

13 ~~1. "Administrator" means the Administrator of the~~
14 ~~Commission.~~

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

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

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

20 ~~(b) A record of such an impairment; or~~

21 ~~(c) Being regarded as having such an impairment.~~

22 ~~4. "Gender identity or expression" means a gender related~~
23 ~~identity, appearance, expression or behavior of a person, regardless~~
24 ~~of the person's assigned sex at birth.~~

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

27 ~~6. "Sexual orientation" means having or being perceived as~~
28 ~~having an orientation for heterosexuality, homosexuality or~~
29 ~~bisexuality.] , unless the context otherwise requires, the words and~~
30 ~~terms defined in sections 2 to 13, inclusive, of this act have the~~
31 ~~meanings ascribed to them in those sections.~~

32 **Sec. 19.** NRS 233.085 is hereby amended to read as follows:

33 233.085 The Governor may designate another agency to
34 perform the duties and functions of the Commission set forth in
35 NRS 233.150 ~~[, 233.160, 233.165 and 233.170.] and 233.157 to~~
36 ~~233.170, inclusive, and sections 14, 15 and 16 of this act.~~

37 **Sec. 20.** NRS 233.140 is hereby amended to read as follows:

38 233.140 The Commission shall:

39 1. Foster mutual understanding and respect among all groups,
40 including, without limitation, those based on race, religion,
41 disability, ethnicity, sexual orientation and gender identity or
42 expression, and between the sexes in the State.

43 2. Aid in securing equal health and welfare services and
44 facilities for all the residents of the State without regard to race,
45 *color*, religion, sex, sexual orientation, gender identity or



1 expression, age, disability , *familial status* or ~~[nationality.]~~ *national*
2 *origin*.

3 3. Study problems arising between groups within the State
4 which may result in tensions, discrimination or prejudice because of
5 race, color, ~~[creed.]~~ *religion*, sex, sexual orientation, gender identity
6 or expression, age, disability, *familial status or* national origin , ~~[or~~
7 ~~ancestry.]~~ and formulate and carry out programs of education and
8 disseminate information with the object of discouraging and
9 eliminating any such tensions, prejudices or discrimination.

10 4. Secure the cooperation of various groups, including, without
11 limitation, those based on race, religion, sex, sexual orientation,
12 gender identity or expression, age, disability, nationality and
13 ethnicity, veterans' organizations, labor organizations, business and
14 industry organizations and fraternal, benevolent and service groups,
15 in educational campaigns devoted to the need for eliminating group
16 prejudice, racial or area tensions, intolerance or discrimination.

17 5. Cooperate with and seek the cooperation of federal and state
18 agencies and departments in carrying out projects within their
19 respective authorities to eliminate intergroup tensions and to
20 promote intergroup harmony.

21 6. Develop and carry out programs of education and
22 disseminate information as necessary to inform employers,
23 employees, employment agencies and job applicants about their
24 rights and responsibilities set forth in NRS 613.4353 to 613.4383,
25 inclusive.

26 **Sec. 21.** NRS 233.150 is hereby amended to read as follows:

27 233.150 The Commission may:

28 1. Order its Administrator to:

29 (a) With regard to public accommodation, investigate tensions,
30 practices of discrimination and acts of prejudice against any person
31 or group because of race, color, ~~[creed.]~~ *religion*, sex, age,
32 disability, *familial status*, sexual orientation, national origin ~~[~~
33 ~~ancestry]~~ or gender identity or expression and may conduct hearings
34 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.]~~ *religion*, sex, age, disability, *familial*
38 *status*, sexual orientation, gender identity or expression ~~[;]~~ *or*
39 national origin , ~~[or-ancestry.]~~ and may conduct hearings with regard
40 thereto.

41 (c) With regard to employment, investigate:

42 (1) Tensions, practices of discrimination and acts of
43 prejudice against any person or group because of race, color,
44 ~~[creed.]~~ *religion*, sex, age, disability, *familial status*, sexual



1 orientation, gender identity or expression ~~[]~~ *or* national origin , ~~for~~
2 ~~ancestry,~~ and may conduct hearings with regard thereto; and

3 (2) Any unlawful employment practice by an employer
4 pursuant to the provisions of NRS 613.4353 to 613.4383, inclusive,
5 and may conduct hearings with regard thereto.

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

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

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

13 5. *Initiate a complaint against an unlawful discriminatory*
14 *practice in housing.*

15 6. Adopt reasonable regulations necessary for the Commission
16 to carry out the functions assigned to it by law.

17 **Sec. 22.** NRS 233.153 is hereby amended to read as follows:

18 233.153 1. The Commission ~~[shall not]~~ *may* contract with or
19 enter into a memorandum of understanding with the United States
20 Department of Housing and Urban Development for the
21 Commission to investigate and enforce laws relating to fair housing
22 as a certified agency . ~~[unless the Legislature, by resolution or other~~
23 ~~appropriate — legislative — measure, — expressly — authorizes — the~~
24 ~~Commission to do so.]~~

25 2. As used in this section:

26 (a) “Certified agency” has the meaning ascribed to it in 24
27 C.F.R. § 115.100(c). The term refers to the certification of an
28 agency as substantially equivalent as described in 42 U.S.C. §
29 3610(f)(3)(A) and 24 C.F.R. Part 115, Subpart B.

30 (b) “Memorandum of understanding” means the memorandum
31 of understanding described in 24 C.F.R. § ~~[115.210.]~~ *115.205.*

32 **Sec. 23.** NRS 233.157 is hereby amended to read as follows:

33 233.157 1. The Commission shall accept any complaint
34 alleging an unlawful discriminatory practice over which it has
35 jurisdiction pursuant to this chapter.

36 2. The Commission shall adopt regulations setting forth the
37 manner in which the Commission will process ~~[any—such]~~ *a*
38 complaint ~~[and]~~ *received pursuant to subsection 1.*

39 3. *If a complaint alleges an unlawful discriminatory practice*
40 *in employment or public accommodations, the Commission shall*
41 *determine whether to hold an informal settlement meeting or*
42 *conduct an investigation concerning the complaint.*

43 4. *If a complaint alleges an unlawful discriminatory practice*
44 *in housing, the Commission shall investigate the complaint and*



1 *shall, to the extent practicable, engage in conciliation with respect*
2 *to the complaint.*

3 **Sec. 24.** NRS 233.160 is hereby amended to read as follows:

4 233.160 1. A complaint which alleges unlawful
5 discriminatory practices in:

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

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

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

18 2. The complainant shall specify in the complaint the alleged
19 unlawful practice and sign it under oath.

20 3. The Commission shall send to the ~~{party against whom an~~
21 ~~unlawful discriminatory practice is alleged:}~~ *respondent:*

22 (a) A copy of the complaint;

23 (b) An explanation of the rights which are available to ~~{that~~
24 ~~party:}~~ *the respondent;* and

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

26 4. The Commission shall notify each party to the complaint of
27 the limitation on the period of time during which a person may
28 apply to the district court for relief pursuant to NRS 613.430.

29 5. If a person files a complaint pursuant to paragraph (b) of
30 subsection 1 which alleges an unlawful discriminatory practice in
31 employment, the Commission shall, as soon as practicable after
32 receiving the complaint, notify in writing the person who filed the
33 complaint that the person may request the Commission to issue a
34 right-to-sue notice pursuant to NRS 613.412.

35 6. For the purposes of paragraph (b) of subsection 1, an
36 unlawful discriminatory practice in employment which relates to
37 compensation occurs on:

38 (a) Except as otherwise provided in paragraph (b), the date
39 prescribed by 42 U.S.C. § 2000e-5(e)(3)(A), as it existed on
40 January 1, 2019.

41 (b) If 42 U.S.C. § 2000e-5(e)(3)(A) is amended and the
42 Commission determines by regulation that the section, as amended,
43 provides greater protection for employees than the section as it
44 existed on January 1, 2019, the date prescribed by 42 U.S.C. §
45 2000e-5(e)(3)(A), as amended.



1 7. *If a person files a complaint pursuant to paragraph (a) of*
2 *subsection 1 which alleges an unlawful discriminatory practice in*
3 *housing:*

4 (a) *The Commission shall, not later than 10 days after*
5 *receiving the complaint:*

6 (1) *Serve upon the aggrieved person:*

7 (I) *Notice that the complaint was filed with the*
8 *Commission;*

9 (II) *A copy of the procedures of the Commission;*

10 (III) *The information set forth in sections 14 and 15 of*
11 *this act; and*

12 (IV) *Information relating to the state and federal*
13 *administrative bodies and courts with which the aggrieved person*
14 *may file the complaint.*

15 (2) *Send to the respondent the information set forth in*
16 *subsection 3.*

17 (b) *The respondent may file with the Commission an answer to*
18 *the complaint not later than 10 days after the respondent receives*
19 *the information set forth in subsection 3.*

20 (c) *A person who is not named as a respondent but who is*
21 *identified as a respondent in the course of the investigation may be*
22 *joined as an additional or substitute respondent upon written*
23 *notice from the Commission to that person.*

24 **Sec. 25.** NRS 233.165 is hereby amended to read as follows:

25 233.165 1. ~~[If the Commission determines to conduct]~~ *In*
26 *conducting* an investigation of a complaint which alleges an
27 unlawful discriminatory practice in housing in accordance with the
28 regulations adopted pursuant to NRS 233.157, the Commission
29 ~~[must:]~~ *shall:*

30 (a) Begin ~~[an]~~ *the* investigation of the complaint within 30 days
31 after it receives the complaint.

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

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

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



Sec. 26. 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 ~~[-the]~~ *in employment or public accommodations*:

(a) *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. No further action may be taken if the parties agree to a settlement.

~~[2-]~~ (b) 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]~~ *respondent* may agree to cease the unlawful practice. If an agreement is reached, no further action may be taken by the complainant or by the Commission.

~~[3-]~~ (c) If the attempts at mediation or conciliation fail, the Commission may hold a public hearing on the matter ~~[-After]~~ *in accordance with the requirements of chapter 233B of NRS.*

2. *If, after* the hearing ~~[-if]~~ *held pursuant to paragraph (c) of subsection 1,* the Commission determines that an unlawful practice has occurred, ~~[it may-]~~ *the Commission*:

(a) ~~[Serve]~~ *Shall serve* a copy of its findings of fact within 10 calendar days upon any ~~[person]~~ *respondent* found to have engaged in the unlawful practice; and

(b) ~~[Order]~~ *May order* the ~~[person]~~ *respondents* to:

(1) Cease and desist from the unlawful practice. The order must include, without limitation, the corrective action the ~~[person]~~ *respondent* must take.

(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, rehiring, back pay for a period described in subsection ~~[4-]~~ *3,* 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



1 adjusted accordingly on each January 1 and July 1 thereafter until
2 the judgment is satisfied.

3 (3) In cases involving an unlawful employment practice
4 relating to discrimination on the basis of sex, pay an amount
5 determined to be appropriate by the Commission for lost wages that
6 would have been earned in the absence of discrimination or other
7 economic damages resulting from the discrimination, including,
8 without limitation, lost payment for overtime, shift differential, cost
9 of living adjustments, merit increases or promotions, or other fringe
10 benefits.

11 (4) In cases involving an unlawful employment practice
12 committed by an employer with 50 or more employees that the
13 Commission determines was willful, pay a civil penalty of:

14 (I) For the first unlawful employment practice that the
15 **[person] respondent** has engaged in during the immediately
16 preceding 5 years which the Commission determines was willful,
17 not more than \$5,000.

18 (II) For the second unlawful employment practice that the
19 **[person] respondent** has engaged in during the immediately
20 preceding 5 years which the Commission determines was willful,
21 not more than \$10,000.

22 (III) For the third and any subsequent unlawful
23 employment practice that the **[person] respondent** has engaged in
24 during the immediately preceding 5 years which the Commission
25 determines was willful, not more than \$15,000.

26 ~~[4.]~~ 3. For the purposes of subparagraph (2) of paragraph (b)
27 of subsection ~~[3.]~~ 2, the period for back pay must not exceed a
28 period beginning 2 years before the date on which the complaint
29 was filed and ending on the date the Commission issues an order
30 pursuant to paragraph (b) of subsection ~~[3.]~~ 2.

31 ~~[5.]~~ 4. Before imposing a civil penalty pursuant to
32 subparagraph (4) of paragraph (b) of subsection ~~[3.]~~ 2, the
33 Commission must allow the **[person] respondent** found to have
34 willfully engaged in an unlawful employment practice 30 days to
35 take corrective action from the date of service of the order pursuant
36 to paragraph (a) of subsection ~~[3.]~~ 2. If the **[person] respondent**
37 takes such corrective action, the Commission shall not impose the
38 civil penalty.

39 ~~[6.]~~ 5. The order of the Commission is a final decision in a
40 contested case for the purpose of judicial review. If the **[person]**
41 **respondent** fails to comply with the Commission's order, the
42 Commission shall apply to the district court for an order compelling
43 such compliance, but failure or delay on the part of the Commission
44 does not prejudice the right of an aggrieved party to judicial review.
45 The court shall issue the order unless it finds that the Commission's



1 findings or order are not supported by substantial evidence or are
2 otherwise arbitrary or capricious. If the court upholds the
3 Commission's order and finds that the ~~{person}~~ *respondent* has
4 violated the order by failing to cease and desist from the unlawful
5 practice or to make the payment ordered, the court shall award the
6 aggrieved party actual damages for any economic loss and no more.

7 ~~{7.}~~ 6. After the Commission has held a public hearing and
8 rendered a decision, the complainant is barred from proceeding on
9 the same facts and legal theory before any other administrative body
10 or officer.

11 ~~{8.}~~ 7. For the purposes of this section, an unlawful
12 employment practice shall be deemed to be willful if a person
13 engages in the practice with knowledge that it is unlawful or with
14 reckless indifference to whether it is lawful or unlawful.

15 **Sec. 27.** NRS 233.180 is hereby amended to read as follows:

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

25 **Sec. 28.** NRS 233.190 is hereby amended to read as follows:

26 233.190 1. Except as otherwise provided in this section or
27 NRS 239.0115, *or paragraph (c) of subsection 1 of section 14 of*
28 *this act*, any information gathered by the Commission in the course
29 of its investigation of an alleged unlawful discriminatory practice in
30 housing, employment or public accommodations is confidential.

31 2. Except as otherwise provided in subsection 5, the
32 Commission may disclose information gathered pursuant to
33 subsection 1 to:

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

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

41 3. Except as otherwise provided in subsection 4, the
42 Commission shall disclose information gathered pursuant to
43 subsection 1 to the complainant and the ~~{party against whom the~~
44 ~~unlawful discriminatory practice is alleged}~~ *respondent* if:

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



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

4 4. The Commission may not disclose to the complainant or the
5 ~~party against whom the unlawful discriminatory practice is~~
6 ~~alleged:]~~ *respondent.*

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

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

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

13 5. After the filing of a complaint with the Commission, access
14 to information related to the complaint must be limited only to such
15 staff of the Commission as is necessary to carry out the duties of the
16 Commission relating to the complaint. Such staff shall not disclose
17 such information to the other officers and employees of the
18 Department of Employment, Training and Rehabilitation, including,
19 without limitation, supervisors and the Director of the Department,
20 unless the disclosure is necessary to carry out the duties of the
21 Commission relating to the complaint.

22 6. Except as otherwise provided in this section or NRS
23 239.0115, *or paragraph (c) of subsection 1 of section 14 of this*
24 *act*, if the Commission's attempts at mediating or conciliating the
25 cause of the grievance succeed, the information gathered pursuant to
26 subsection 1 must remain confidential.

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

31 **Sec. 29.** NRS 233B.039 is hereby amended to read as follows:

32 233B.039 1. The following agencies are entirely exempted
33 from the requirements of this chapter:

34 (a) The Governor.

35 (b) Except as otherwise provided in NRS 209.221, the
36 Department of Corrections.

37 (c) The Nevada System of Higher Education.

38 (d) The Office of the Military.

39 (e) The Nevada Gaming Control Board.

40 (f) Except as otherwise provided in NRS 368A.140 and 463.765,
41 the Nevada Gaming Commission.

42 (g) Except as otherwise provided in NRS 425.620, the Division
43 of Welfare and Supportive Services of the Department of Health and
44 Human Services.



1 (h) Except as otherwise provided in NRS 422.390, the Division
2 of Health Care Financing and Policy of the Department of Health
3 and Human Services.

4 (i) Except as otherwise provided in NRS 533.365, the Office of
5 the State Engineer.

6 (j) The Division of Industrial Relations of the Department of
7 Business and Industry acting to enforce the provisions of
8 NRS 618.375.

9 (k) The Administrator of the Division of Industrial Relations of
10 the Department of Business and Industry in establishing and
11 adjusting the schedule of fees and charges for accident benefits
12 pursuant to subsection 2 of NRS 616C.260.

13 (l) The Board to Review Claims in adopting resolutions to carry
14 out its duties pursuant to NRS 445C.310.

15 (m) The Silver State Health Insurance Exchange.

16 (n) The Cannabis Compliance Board.

17 2. Except as otherwise provided in subsection 5 and NRS
18 391.323, the Department of Education, the Board of the Public
19 Employees' Benefits Program and the Commission on Professional
20 Standards in Education are subject to the provisions of this chapter
21 for the purpose of adopting regulations but not with respect to any
22 contested case.

23 3. The special provisions of:

24 (a) Chapter 612 of NRS for the adoption of an emergency
25 regulation or the distribution of regulations by and the judicial
26 review of decisions of the Employment Security Division of the
27 Department of Employment, Training and Rehabilitation;

28 (b) Chapters 616A to 617, inclusive, of NRS for the
29 determination of contested claims;

30 (c) *Chapter 233 of NRS for the judicial review of decisions of*
31 *the Nevada Equal Rights Commission concerning an unlawful*
32 *discriminatory practice in housing;*

33 (d) Chapter 91 of NRS for the judicial review of decisions of the
34 Administrator of the Securities Division of the Office of the
35 Secretary of State; and

36 ~~(d)~~ (e) NRS 90.800 for the use of summary orders in
37 contested cases,

38 ↪ prevail over the general provisions of this chapter.

39 4. The provisions of NRS 233B.122, 233B.124, 233B.125 and
40 233B.126 do not apply to the Department of Health and Human
41 Services in the adjudication of contested cases involving the
42 issuance of letters of approval for health facilities and agencies.

43 5. The provisions of this chapter do not apply to:

44 (a) Any order for immediate action, including, but not limited
45 to, quarantine and the treatment or cleansing of infected or infested



1 animals, objects or premises, made under the authority of the State
2 Board of Agriculture, the State Board of Health, or any other agency
3 of this State in the discharge of a responsibility for the preservation
4 of human or animal health or for insect or pest control;

5 (b) An extraordinary regulation of the State Board of Pharmacy
6 adopted pursuant to NRS 453.2184;

7 (c) A regulation adopted by the State Board of Education
8 pursuant to NRS 388.255 or 394.1694;

9 (d) The judicial review of decisions of the Public Utilities
10 Commission of Nevada;

11 (e) The adoption, amendment or repeal of policies by the
12 Rehabilitation Division of the Department of Employment, Training
13 and Rehabilitation pursuant to NRS 426.561 or 615.178;

14 (f) The adoption or amendment of a rule or regulation to be
15 included in the State Plan for Services for Victims of Crime by the
16 Department of Health and Human Services pursuant to
17 NRS 217.130;

18 (g) The adoption, amendment or repeal of rules governing the
19 conduct of contests and exhibitions of unarmed combat by the
20 Nevada Athletic Commission pursuant to NRS 467.075; or

21 (h) The adoption, amendment or repeal of regulations by the
22 Director of the Department of Health and Human Services pursuant
23 to NRS 447.335 to 447.350, inclusive.

24 6. The State Board of Parole Commissioners is subject to the
25 provisions of this chapter for the purpose of adopting regulations but
26 not with respect to any contested case.

27 **Sec. 30.** Chapter 118 of NRS is hereby amended by adding
28 thereto the provisions set forth as sections 31 *to 33.5, inclusive*, of
29 this act.

30 **Sec. 31.** *“Aggrieved person” means any person who:*

31 *1. Claims to have been injured by an unlawful discriminatory*
32 *practice in housing; or*

33 *2. Believes that he or she will be injured by an unlawful*
34 *discriminatory practice in housing that is about to occur.*

35 **Sec. 32.** *“Unlawful discriminatory practice in housing”*
36 *means a practice prohibited by NRS 118.100 and sections 33 and*
37 *33.5 of this act.*

38 **Sec. 33.** *1. Except as otherwise provided in subsections 2*
39 *and 3, it is an unlawful discriminatory practice for any person to:*

40 *(a) Inquire into or conduct a background check to determine*
41 *the arrest record, conviction record or record of criminal history*
42 *of an applicant or tenant;*

43 *(b) Refuse to rent or lease or refuse to negotiate for the rental*
44 *or lease of, or otherwise make unavailable, a dwelling to an*



1 *applicant because of any arrest record, conviction record or record*
2 *of criminal history;*

3 (c) *Make, print or publish, or cause to be made printed or*
4 *published, any notice, statement or advertisement with respect to*
5 *the rental or lease of a dwelling that indicates any preference,*
6 *limitation or discrimination, or an intention to make any*
7 *preference, limitation or discrimination, on the basis of an*
8 *applicant's record, conviction record or record of criminal history;*
9 *and*

10 (d) *Evict a tenant on the basis of an arrest record, conviction*
11 *record or record of criminal history for a misdemeanor offense*
12 *unless the misdemeanor offense occurred on the premises of the*
13 *dwelling that is being rented or leased to the tenant.*

14 2. *A person may inquire into or conduct a background check*
15 *to determine whether an applicant has an arrest record, conviction*
16 *record or record of criminal history that includes:*

17 (a) *First degree arson pursuant to NRS 205.010, or the*
18 *equivalent offense in another jurisdiction;*

19 (b) *At least two instances of second, third or fourth degree*
20 *arson pursuant to NRS 205.015, 205.020 or 205.025, or the*
21 *equivalent offense in another jurisdiction, within the immediately*
22 *preceding year.*

23 (c) *A violent or sexual offense as defined in NRS 202.876, or*
24 *the equivalent offense in another jurisdiction; and*

25 (d) *If the rental or lease is being made available by a public*
26 *housing authority and the public housing authority has adopted a*
27 *policy to use such offenses as a basis for denying the rental or*
28 *lease in the public housing and has made a list of the offenses*
29 *publicly available, any offense set forth in 24 C.F.R. § 982.553 as*
30 *a permissive prohibition, other than drug-related criminal offenses*
31 *related to cannabis from another jurisdiction, if such offense*
32 *would not be a criminal offense in this State.*

33 ↪ *A person who inquires into or conducts a background check in*
34 *accordance this subsection may refuse to rent or lease, refuse to*
35 *negotiate for the rental or lease of, or otherwise make unavailable*
36 *a dwelling on the basis of an arrest record, conviction record or*
37 *record of criminal history for the offenses set forth in this*
38 *subsection.*

39 3. *A person who makes a dwelling available for rent or lease*
40 *and who is subject to this provisions of this section shall provide to*
41 *each applicant information on:*

42 (a) *The provisions of this section and NRS 118.110 and*
43 *118.120;*

44 (b) *How the applicant may appeal a denial for a rental or lease*
45 *of a dwelling in public housing to a public housing authority; and*



1 (c) How the applicant may file a complaint with the
2 Commission pursuant to NRS 233.160 if the applicant believes
3 that his or her application was denied on the basis of an unlawful
4 discriminatory practice.

5 4. The provisions of this section apply to the rental or lease,
6 including, without limitation, a rental with a week to week
7 tenancy, of any dwelling in:

8 (a) Public or private housing or a premises which a person
9 makes available for rent or lease that contains not less than five
10 individual dwelling units; and

11 (b) Public or private housing or a premises made available for
12 rent or lease by a person who own or holds any interest in, title to
13 or any right to any portion of the proceeds from the rental of more
14 than five single-family houses or multi-family houses.

15 (c) Do not apply to:

16 (1) Any actions taken by a person pursuant to any federal
17 or state law or regulation that requires the person to inquire into
18 or conduct a background check to determine the arrest record,
19 conviction record or criminal history of an applicant and exclude
20 certain applicants based on certain types of criminal history,
21 including, without limitation, the provisions of NRS 315.031, 42
22 U.S.C. § 13663 and 24 C.F.R. § 982.553.

23 (2) Any actions taken by a person to review the statewide
24 registry of sex offenders and offenders convicted of a crime
25 against a child established pursuant to NRS 179B.200.

26 (3) The rental of a room or unit in a dwelling by a person
27 who makes available for rent or lease not more than four
28 individual dwelling rooms or units.

29 (4) Any action taken by a person who makes available for
30 rent a dwelling for tenancy on a week to week basis to determine
31 whether an applicant has any outstanding felony warrants
32 pending against him or her.

33 (5) The rental or lease of a manufactured home.

34 5. As used in this section:

35 (a) "Applicant" means a person who:

36 (1) Seeks information about, visits or applies to rent or
37 lease a dwelling;

38 (2) Applies for a housing rental assistance program,
39 including, without limitation, the Housing Choice Voucher
40 Program pursuant to section 8 of the United States Housing Act of
41 1937, 42 U.S.C. § 1437f; or

42 (3) Seeks to be added to an existing lease for a dwelling.

43 (b) "Arrest record" means any information indicating that a
44 person has been apprehended, detained, taken into custody, held
45 for investigation or restrained by a law enforcement department of



1 *military authority due to an accusation or suspicion that a person*
2 *committed a crime. The term includes pending criminal charges*
3 *where an accusation has not resulted in a final judgment,*
4 *acquittal, conviction, plea, dismissal or withdrawal.*

5 (c) *“Background check” means any report regarding the*
6 *arrest record, conviction record or record of criminal history of a*
7 *person intended to obtain the person’s record of criminal history.*

8 (d) *“Conviction record” means any information regarding a*
9 *final adjudication or other criminal disposition adverse to a*
10 *person. The term includes, without limitation, dispositions for*
11 *which the defendant received a deferred or suspended sentence,*
12 *unless the adverse disposition has been vacated or expunged.*

13 (e) *“ Dwelling ” means:*

14 (1) *Public housing as that term is defined in NRS 315.021;*

15 (2) *Any housing or premises that are rented or leased to a*
16 *tenant pursuant to a contract with a housing authority as those*
17 *terms are defined in NRS 315.021; or*

18 (3) *Any housing or premises which accepts rental payments*
19 *of vouchers from a federal, state or local housing voucher*
20 *program.*

21 (f) *“Record of criminal history” has the meaning ascribed to it*
22 *in NRS 179A.070.*

23 **Sec. 33.5.** 1. *A person shall not, based on source of income,*
24 *discriminate against any person in the terms, conditions or*
25 *privileges in the sale or rental of a dwelling or the equal*
26 *enjoyment of a dwelling.*

27 2. *A violation of subsection 1 shall be deemed an unlawful*
28 *discriminatory practice in housing for the purposes of NRS*
29 *118.010 to 118.120, inclusive, and sections 31 to 33.5, inclusive, of*
30 *this act.*

31 3. *The provisions of this section do not prohibit a person who*
32 *makes available a dwelling for sale or rent from taking into*
33 *consideration the sufficiency or sustainability of the income or*
34 *credit rating of an applicant or prospective buyer in a*
35 *commercially reasonable manner.*

36 4. *An aggrieved person who is injured pursuant to this*
37 *section may file a complaint with the Commission in the manner*
38 *prescribed in NRS 233.160.*

39 5. *As used in this section, “source of income” means any*
40 *source of money, housing assistance or benefits paid to or on*
41 *behalf of a person as a result of a federal law passed for the*
42 *purposes of providing relief for the COVID-19 pandemic.*

43 **Sec. 34.** NRS 118.020 is hereby amended to read as follows:

44 118.020 1. It is hereby declared to be the public policy of the
45 State of Nevada that all people in the State have equal opportunity



1 to inherit, purchase, lease, rent, sell, hold and convey real property
2 without discrimination, distinction or restriction because of race,
3 ~~[religious creed,]~~ color, national origin, *religion*, disability, sexual
4 orientation, gender identity or expression, ~~[ancestry,]~~ familial status
5 or sex.

6 2. Nothing in ~~[this chapter]~~ *NRS 118.010 to 118.120,*
7 *inclusive, and sections 31 to 33.5, inclusive, of this act* shall be
8 deemed to render enforceable a conveyance or other contract made
9 by a person who lacks the capacity to contract.

10 **Sec. 35.** NRS 118.030 is hereby amended to read as follows:

11 118.030 As used in NRS 118.010 to 118.120, inclusive, *and*
12 *sections 31 to 33.5, inclusive, of this act*, unless the context
13 otherwise requires, the words and terms defined in NRS 118.040 to
14 118.093, inclusive, *and sections 31 and 32 of this act* have the
15 meanings ascribed to them in those sections.

16 **Sec. 36.** NRS 118.045 is hereby amended to read as follows:

17 118.045 1. "Disability" means, with respect to a person:

18 ~~[1.]~~ (a) A physical or mental impairment that substantially
19 limits one or more of the major life activities of the person;

20 ~~[2.]~~ (b) A record of such an impairment; or

21 ~~[3.]~~ (c) Being regarded as having such an impairment.

22 2. *The term does not include any current illegal use of or*
23 *addiction to a controlled substance as defined in 21 U.S.C. §*
24 *802(6).*

25 **Sec. 37.** NRS 118.060 is hereby amended to read as follows:

26 118.060 ~~[1.]~~ "Dwelling" means any building, structure or
27 portion thereof which is occupied as, or designed or intended for
28 occupancy as, a residence by one or more families, and any vacant
29 land which is offered for sale or lease for the construction or
30 location thereon of any such building, structure or portion thereof.

31 ~~[2.]—"Dwelling" does not include:~~

32 ~~—(a) A single family house sold or rented by an owner if:~~

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

39 ~~—(2) The house was sold or rented without the use in any~~
40 ~~manner of the sales or rental facilities or the sales or rental services~~
41 ~~of any real estate broker, real estate broker salesperson or real estate~~
42 ~~salesperson licensed pursuant to chapter 645 of NRS.~~

43 ~~—(b) Rooms or units in dwellings containing living quarters~~
44 ~~occupied or intended to be occupied by not more than four families~~
45 ~~living independently of each other if the owner actually maintains~~



~~and occupies one of the living quarters as his or her 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 or her 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. 38. NRS 118.080 is hereby amended to read as follows:

118.080 “Person” includes ~~[the]~~ :

1. One or more natural persons, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trustees, trustees in cases under Title 11 of the United States Code, receivers or fiduciaries;

2. The State of Nevada ; and [all]

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

Sec. 39. NRS 118.100 is hereby amended to read as follows:

118.100 ~~[A]~~

1. Except as otherwise provided in subsections 4 and 5, a person shall not, because of race, ~~[religious creed,]~~ color, religion, national origin, ~~[disability,]~~ sexual orientation, gender identity or expression, ~~[ancestry,]~~ familial status , ~~[or]~~ sex ~~[-]~~ or disability, including, without limitation, the disability of a buyer or renter or any person who may reside in a dwelling after it is sold, rented or made available, or because the buyer or renter is associated with a person who is, or is perceived to be, a member of any class of persons protected by the provisions of NRS 118.010 to 118.120, inclusive, and sections 31 to 33.5, inclusive, of this act:

~~[1.]~~ (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.

~~[2.]~~ (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.

~~[3.]~~ (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



1 or discrimination, or an intention to make any preference, limitation
2 or discrimination. As used in this subsection, “dwelling” includes a
3 house, room or unit described in ~~[subsection 2 or 3 of NRS~~
4 ~~118.060.] paragraphs (a) and (b) of subsection 5.~~

5 ~~[4.] (d)~~ *Deny any person because of race, religious*
6 *creed, color, religion, national origin, disability, sexual orientation,*
7 *gender identity or expression, ancestry, familial status or sex that*
8 *any dwelling is not available for inspection, sale or rental when the*
9 *dwelling is in fact so available.*

10 ~~[5.] (e)~~ *For profit, induce or attempt to induce any person to sell*
11 *or rent any dwelling by representations regarding the entry or*
12 *prospective entry into the neighborhood of a person of a particular*
13 *race, religious creed, religion, color, national origin, disability,*
14 *sexual orientation, gender identity or expression, ancestry, familial*
15 *status or sex.*

16 ~~[6.—Coerce,]~~

17 *(f) 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 any person in*
21 *the terms or conditions of such access, membership or*
22 *participation.*

23 *2. A person shall not discriminate against any person in*
24 *making available a residential real estate related transaction, or in*
25 *the terms or conditions of such a transaction.*

26 *3. A person shall not coerce, intimidate, threaten or interfere*
27 *with any person in the exercise or enjoyment of, or on account of*
28 *that person having exercised or enjoyed or aided or encouraged any*
29 *other person in the exercise or enjoyment of, any right granted or*
30 *protected in this chapter, NRS 118.010 to 118.120, inclusive, and*
31 *sections 31 to 33.5, inclusive, of this act.*

32 *4. The provisions of this section:*

33 *(a) Do not prohibit a person engaged in the business of*
34 *furnishing appraisals of real property from considering factors*
35 *other than race, color, religion, sex, national origin, sexual*
36 *orientation, gender identity or expression, familial status or*
37 *disability in performing an appraisal.*

38 *(b) Do not prohibit a religious organization, association or*
39 *society, or a nonprofit institution or organization operated,*
40 *supervised or controlled by or in conjunction with a religious*
41 *organization, association or society, from limiting the sale, rental*
42 *or occupancy of any dwelling which it owns or operates for other*
43 *than a commercial purpose to persons of the same religion or*
44 *from giving preferences to such persons, unless membership in the*
45 *religion is restricted on account of race, color or national origin.*



1 (c) Do not prohibit a private club which is not open to the
2 public and which, as an incident to its primary purposes, provides
3 lodgings that it owns or operates for other than a commercial
4 purpose from limiting the rental or occupancy of those lodgings to
5 its members or from giving preference to its members.

6 (d) With regard to the prohibition against discrimination based
7 on familial status, do not apply to housing for older persons.

8 5. Except as otherwise provided in paragraph (c) or (f) of
9 subsection 1 or subsection 2, 3 or 6, the provisions of this section
10 do not apply to:

11 (a) A single-family house sold or rented by a private individual
12 owner if:

13 (1) The private individual owner does not own more than
14 three single-family houses;

15 (2) The private individual owner does not own any interest
16 in, and there is not owned or reserved on his behalf, under any
17 express or voluntary agreement, title to or any right to any portion
18 of the proceeds from the sale or rental of more than three single-
19 family houses; and

20 (3) The house is sold or rented:

21 (I) Without the use in any manner of the sales or rental
22 facilities or services of any real estate broker, agent or salesman
23 licensed under chapter 645 of NRS, other person in the business
24 of selling or renting dwellings or the employee or agent of such a
25 real estate broker, agent or salesman or other person; and

26 (II) Without the publication, posting or mailing of any
27 advertisement or written notice in violation of paragraph (c) of
28 subsection 1.

29 (b) Rooms or units in dwellings containing living quarters
30 occupied or intended to be occupied by not more than four
31 families living independently of each other if the owner maintains
32 and occupies one of the living quarters as his or her residence.

33 6. In the event of the sale of a single-family house by a
34 private individual owner who does not reside in the house at the
35 time of the sale or who was not the most recent resident of the
36 house before the sale, the exemption from the provisions of this
37 section set forth in paragraph (a) of subsection 5 applies only with
38 respect to one such sale within any 24-month period.

39 7. The provisions of this section do not prohibit the use by
40 any person of such attorneys, escrow agents, commissioned
41 abstracters, title companies or other professional assistance as
42 necessary to perfect or transfer title to real property.

43 8. For the purposes of this section, a person shall be deemed
44 to be in the business of selling or renting dwellings if the person:



1 (a) Has, within the immediately preceding 12 months,
2 participated as a principal in three or more transactions involving
3 the sale or rental of any dwelling or any interest in a dwelling;

4 (b) Has, within the immediately preceding 12 months,
5 participated as an agent, other than in the sale of his or her own
6 residence, in providing sales or rental facilities or services in two
7 or more transactions involving the sale or rental of any dwelling
8 or any interest in a dwelling; or

9 (c) Is the owner of any dwelling occupied by, or designed or
10 intended for occupancy by, five or more families.

11 9. As used in this section, unless the context otherwise
12 requires:

13 (a) "Housing for older persons" means housing that is:

14 (1) Provided under any state or federal program which the
15 Secretary of Housing and Urban Development determines is
16 specifically designed and operated to assist elderly persons;

17 (2) Intended for and occupied solely by persons who are 62
18 years of age or older; or

19 (3) Intended and operated for occupancy by persons who
20 are 55 years of age or older and:

21 (I) At least 80 percent of the occupied units are occupied
22 by at least one person who is 55 years or older; and

23 (II) Applicable rules for verification of occupancy are
24 complied with.

25 (b) "Residential real estate related transaction" means:

26 (1) The making or purchasing of loans or providing other
27 financial assistance for purchasing, constructing, improving,
28 repairing or maintaining a dwelling;

29 (2) The making or purchasing of loans or providing other
30 financial assistance secured by residential real estate; or

31 (3) The selling, brokering or appraising of residential real
32 estate.

33 **Sec. 40.** NRS 118.101 is hereby amended to read as follows:

34 118.101 1. A person may not refuse to ~~f:~~

35 ~~—(a) Authorize~~ authorize a person with a disability to make
36 reasonable modifications to a dwelling which he or she occupies or
37 will occupy if:

38 ~~{(1)}~~ (a) The person with the disability pays for the
39 modifications; and

40 ~~{(2)}~~ (b) The modifications ~~{are}~~ may be necessary to
41 ~~{ensure that}~~ afford the person with the disability ~~{may use and}~~
42 ~~{enjoy}~~ the full enjoyment of the dwelling. ~~{; or}~~

43 ~~—(b) Make reasonable accommodations in rules, policies,~~
44 ~~practices or services if those accommodations are necessary to~~



1 ~~ensure that the person with the disability may use and enjoy the~~
2 ~~dwelling.]~~

3 2. A landlord may, as a condition for the authorization of such
4 a modification, reasonably require the person who requests the
5 authorization, upon the termination of his or her occupancy, to
6 restore the *interior of the* dwelling to the condition that existed
7 before the modification, reasonable wear and tear excepted.

8 3. Except as otherwise provided in subsection 4, a landlord
9 may not increase the amount of security the landlord customarily
10 requires a person to deposit because that person has requested
11 authorization to modify a dwelling pursuant to subsection 1.

12 4. If a person requests authorization to modify a dwelling
13 pursuant to subsection 1, the landlord may require that person to
14 deposit a reasonable amount of security in addition to the amount
15 the landlord usually requires if the additional amount:

16 (a) Is necessary to ensure the restoration of the dwelling
17 pursuant to subsection 2;

18 (b) Does not exceed the actual cost of the restoration; and

19 (c) Is *collected over a reasonable period and* deposited by the
20 landlord in an interest-bearing account. Any interest earned on the
21 additional amount must be paid to the person who requested
22 the authorization.

23 5. *A person may not refuse to make reasonable*
24 *accommodations in rules, policies, practices or services which may*
25 *be necessary to afford a person with a disability equal opportunity*
26 *to use and enjoy a dwelling.*

27 6. As used in this section, "security" has the meaning ascribed
28 to it in NRS 118A.240.

29 **Sec. 41.** NRS 118.103 is hereby amended to read as follows:

30 118.103 1. A covered multifamily dwelling which is
31 designed and constructed for occupancy on or after
32 ~~[March 13, 1991,]~~ *October 1, 2021*, must be constructed in such a
33 manner that the *primary entrance to the* dwelling ~~[contains at least~~
34 ~~one entrance which]~~ is accessible to a person with a disability unless
35 it is impracticable to so design or construct the dwelling because of
36 the terrain or unusual characteristics of the site upon which it is
37 constructed.

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

41 (a) The ~~[common]~~ areas of the dwelling *intended for public use*
42 *or common use* are readily accessible to and usable by a person
43 with a disability;

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



1 (c) The units of the dwelling contain:

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

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

5 (3) Kitchens and bathrooms *which are usable by a person in*
6 *a wheelchair and* in which *such* a person ~~[in a wheelchair]~~ may
7 maneuver; and

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

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

14 (a) A building which consists of four or more units and contains
15 at least one elevator; ~~[or]~~ *and*

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

18 **Sec. 42.** NRS 118.105 is hereby amended to read as follows:

19 118.105 1. ~~[Except as otherwise provided in subsection 2, a]~~
20 *A* landlord ~~[may]~~ *must* not refuse to rent a dwelling subject to the
21 provisions of chapter 118A of NRS to a person with a disability
22 solely because ~~[an]~~ *a service* animal *which affords the person an*
23 *equal opportunity to use and enjoy the dwelling* will be residing
24 with the prospective tenant in the dwelling . ~~[if the animal assists,~~
25 ~~supports or provides service to the person with a disability.]~~

26 2. ~~[A landlord may require proof that an animal assists,~~
27 ~~supports or provides service to the person with a disability. This~~
28 ~~requirement may be satisfied, without limitation, by a statement~~
29 ~~from a provider of health care that the animal performs a function~~
30 ~~that ameliorates the effects of the person's disability.]~~ *As used in*
31 *this section, "service animal" has the meaning ascribed to it in*
32 *NRS 426.097.*

33 **Sec. 43.** NRS 118.110 is hereby amended to read as follows:

34 118.110 Any aggrieved person ~~[who claims to have been~~
35 ~~injured by a discriminatory housing practice or who believes that he~~
36 ~~or she will be injured by such a practice that is about to occur]~~ may
37 file a complaint with the Commission in the manner prescribed in
38 NRS 233.160 ~~[]~~ *and avail himself or herself of the rights and*
39 *remedies set forth in NRS 233.165 and sections 14, 15 and 16 of*
40 *this act.*

41 **Sec. 44.** NRS 118.120 is hereby amended to read as follows:

42 118.120 ~~[Any]~~

43 1. *Except as otherwise provided in subsection 2, an aggrieved*
44 *person may commence an action in any district court in this state to*
45 *enforce the provisions of NRS 118.100, 207.300, 207.310, 645.321*



1 or 645C.480 *and sections 31 to 33.5, inclusive, of this act* not ~~Hess~~
2 *more* than 1 year after the date of the occurrence or termination of
3 an alleged violation of any of those provisions. If the court
4 determines that the provisions of any of those sections have been
5 violated by the defendant, and that the plaintiff has been injured
6 thereby, it may enjoin the defendant from continued violation or
7 may take such other affirmative action as may be appropriate, and,
8 in the case of a prevailing plaintiff, may award to the plaintiff actual
9 damages, punitive damages, court costs and a reasonable attorney's
10 fee.

11 *2. The limitation on commencing an action set forth in*
12 *subsection 1 is tolled by the filing of a complaint with the*
13 *Commission and during the pendency of the complaint before the*
14 *Commission.*

15 *3. An aggrieved person may commence a civil action under*
16 *this section regardless of whether the person has filed a complaint*
17 *under NRS 118.110, unless the person has entered into a*
18 *conciliation agreement concerning the complaint or the*
19 *Commission has commenced a hearing pursuant to section 14 of*
20 *this act with respect to the matters alleged in the complaint.*

21 **Sec. 45.** 1. This section becomes effective upon passage and
22 approval.

23 2. Sections 1 to 44, inclusive, of this act become effective:

24 (a) Upon passage and approval for the purpose of adopting
25 regulations and performing any other preparatory administrative
26 tasks that are necessary to carry out the provisions of this act; and

27 (b) On October 1, 2021, for all other purposes.

28 3. Section 33.5 of this act expires by limitation on June 30,
29 2022.

