

Assembly Bill No. 340—Assemblymen Summers-Armstrong;
Brown-May, Duran, Gorelow, Newby, Orentlicher, Peters,
Thomas, Torres and Watts

CHAPTER.....

AN ACT relating to property; revising provisions relating to summary evictions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In general, existing law authorizes a landlord who seeks to recover possession of a premises from a tenant to do so by filing an unlawful detainer action or an action for summary eviction. (NRS 40.253, 40.254, 40.2542, 40.290-40.420) Existing law prescribes separate summary eviction procedures for the summary eviction of: (1) certain tenants who are not tenants of a commercial premises and who default in the payment of rent; (2) certain tenants who are guilty of unlawful detainer for reasons other than a default in the payment of rent; and (3) certain tenants of a commercial premises who default in the payment of rent. (NRS 40.253, 40.254, 40.2542)

In general, the summary eviction procedures prescribed by existing law require a landlord to provide certain written notice to a tenant: (1) informing the tenant that he or she must take certain action or surrender the premises on or before a date specified in the notice; and (2) advising the tenant of his or her right to contest the matter by filing an affidavit with the court that has jurisdiction over the matter. In so doing, the summary eviction procedures prescribed by existing law require a tenant who contests a summary eviction to file an affidavit in court concerning an action for summary eviction before a landlord is required to make any filing concerning the matter. If such an affidavit is filed, a hearing is held. If no such affidavit is filed, upon noncompliance of a tenant with the written notice, existing law authorizes: (1) the landlord to apply by affidavit of complaint for the summary eviction of the tenant; and (2) the court, without holding a hearing, to order the removal of the tenant within a prescribed period. (NRS 40.253, 40.254, 40.2542)

Section 22 of this bill repeals the summary eviction procedures prescribed by existing law for the summary eviction of: (1) certain tenants who are not tenants of a commercial premises and who default in the payment of rent; and (2) certain tenants who are guilty of unlawful detainer for reasons other than a default in the payment of rent. **Sections 2-6.5** of this bill reenact, reorganize and revise these procedures. **Section 2** of this bill establishes a new procedure for the summary eviction of certain tenants who are not tenants of a commercial premises and who default in the payment of rent. **Section 6.5** of this bill establishes a new procedure for the summary eviction of certain tenants who are guilty of unlawful detainer for reasons other than a default in the payment of rent.

The new procedures for summary eviction set forth in **sections 2 and 6.5** are similar to the procedures repealed by **section 22** except with regard to: (1) the required contents of a written notice; (2) certain requirements relating to filings made with the court; and (3) the period of time before the removal of a tenant. Instead of requiring a tenant who contests a summary eviction to file an affidavit in court before the landlord files a complaint, **sections 2 and 6.5** require the landlord, upon the expiration of certain notice provided to the tenant, to: (1) apply by affidavit of complaint for the summary eviction of the tenant; and (2) serve the tenant with a file-stamped copy of the affidavit of complaint and a copy of the summons. **Sections 2 and 6.5** additionally require the landlord to file with the court



proof of service of the affidavit, summons and notice within a prescribed period. **Sections 2 and 6.5** require the tenant to file an answer to the affidavit of compliant within 7 calendar days after the date of service. If a tenant files an answer within the prescribed period, a hearing is held. If no such answer is filed, **sections 2 and 6.5** authorize the court, without holding a hearing, to order the removal of the tenant within a prescribed period under certain circumstances. **Sections 9-20** of this bill make conforming changes relating to the repeal, revision and reorganization of the procedures for summary eviction.

Existing law requires a court that grants an action for summary eviction for a default in the payment of rent during the COVID-19 emergency to automatically seal the eviction case court file. (NRS 40.2545) **Section 11** of this bill removes requirements relating to the COVID-19 emergency. **Section 11** also requires a court to automatically seal the eviction case court file for an action for summary eviction brought pursuant to **section 2 or 6.5** under certain circumstances.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

Section 1. Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. 1. *Except as otherwise provided in subsection 14, in addition to the remedies provided in NRS 40.290 to 40.420, inclusive, a landlord may pursue the summary eviction of a tenant for a default in the payment of rent using the procedure for summary eviction provided in this section.*

2. *Before a landlord or landlord’s agent may file an affidavit of complaint for the summary eviction of a tenant for a default in the payment of rent, the landlord or the landlord’s agent must serve upon the tenant a written notice which:*

(a) *Except as otherwise provided in subsection 12, requires the tenant to pay the past due rent or surrender the premises before the close of business on the seventh calendar day following the date of service; and*

(b) *Informs the tenant that if the tenant fails to comply with the requirements of paragraph (a), the landlord may apply by affidavit of complaint for the summary eviction of the tenant.*

3. *Upon noncompliance of a tenant with the notice provided pursuant to subsection 2, the landlord or the landlord’s agent may apply by affidavit of complaint for summary eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle is located. After the filing of an affidavit of complaint for summary eviction, a summons must be issued.*



4. *An affidavit of complaint for summary eviction filed pursuant to subsection 3 must:*

(a) *Except as otherwise provided in subsection 12, be filed with the court not later than 30 calendar days after the expiration of the notice period described in subsection 2; and*

(b) *State or contain:*

(1) *The date the tenancy commenced;*

(2) *The amount of periodic rent reserved;*

(3) *The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant;*

(4) *The date the rental payments became delinquent;*

(5) *The length of time the tenant has remained in possession without paying rent;*

(6) *The amount of rent claimed due and delinquent;*

(7) *A statement that the written notice was served on the tenant in accordance with NRS 40.280;*

(8) *A copy of the written notice served on the tenant pursuant to subsection 2; and*

(9) *A copy of the signed written rental agreement, if any.*

5. *A landlord or landlord's agent who applies for summary eviction pursuant to subsection 3 shall, within:*

(a) *Fifteen calendar days after the date on which the affidavit of complaint for summary eviction is filed, serve upon the tenant a file-stamped copy of the affidavit of complaint, with or without the documents required to be included in the affidavit of complaint pursuant to subparagraphs (8) and (9) of paragraph (b) of subsection 4, and a copy of the summons which must advise the tenant that:*

(1) *Except as otherwise provided in subsection 12, the tenant must file a written answer to the affidavit of complaint for summary eviction with the court that has jurisdiction over the matter not later than 7 calendar days after service of the affidavit of complaint for summary eviction;*

(2) *If the tenant does not file an answer within the period described in subparagraph (1), the court may issue a summary order for the removal of the tenant or providing for the nonadmittance of the tenant;*

(3) *Pursuant to NRS 118A.390, the tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential item or service required by the rental agreement or chapter 118A of NRS; and*



(4) The tenant may request that the court stay the execution of the summary order for the removal of the tenant or providing for the nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

(b) Thirty calendar days after the date on which the affidavit of complaint for summary eviction is filed, file with the court proof of service of the affidavit and summons required by paragraph (a).

6. Except as otherwise provided in subsection 12, upon being served pursuant to subsection 5, the tenant shall, within 7 calendar days after the day of service, file a written answer with the court that has jurisdiction over the matter. If no written answer is filed within the time period prescribed by this subsection and the landlord otherwise complies with the requirements prescribed by this section, the court may, without holding a hearing but after determining that a landlord has complied with the requirements prescribed by this section and the tenant is guilty of an unlawful detainer, issue a summary order which:

(a) Provides for the removal of the tenant or for the nonadmittance of the tenant; and

(b) Directs the sheriff or constable of the county to perform the actions required by section 4 of this act.

7. If a tenant files a written answer pursuant to subsection 6, the court shall hold a hearing to determine the truthfulness and sufficiency of the affidavit of complaint for summary eviction.

8. If, after a hearing held pursuant to subsection 7, the court determines that:

(a) There is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for the removal of the tenant or providing for the nonadmittance of the tenant.

(b) There is a legal defense as to the alleged unlawful detainer, the court shall take no further action and any further proceedings must be conducted pursuant to NRS 40.290 to 40.420, inclusive.

9. The court shall dismiss an action for summary eviction if the landlord does not comply with the requirements prescribed by paragraph (b) of subsection 5.

10. Written notices to the tenant prescribed by this section, including, without limitation, the affidavit of complaint and summons, must be served in the manner provided by NRS 40.280.

11. Proof of service of any notice required by this section must be filed with the court before a summary order for the



removal of the tenant or providing for the nonadmittance of the tenant is issued pursuant to subsection 6 or 8, as applicable.

12. For the purposes of this section, if the date on which:

(a) An affidavit of complaint for summary eviction or a written answer to such an affidavit must be filed falls on a nonjudicial day, the filing is timely if performed on the next judicial day.

(b) A tenant must pay any past due rent or surrender the premises falls on a Saturday, Sunday or legal holiday, the tenant must pay the past due rent or surrender the premises before the close of business on the next day the business office of the landlord is open.

13. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served a notice pursuant to subsection 2 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security deposit.

14. Except as otherwise provided in NRS 118A.315, this section does not apply to:

(a) A tenant of a commercial premises;

(b) A tenant of a mobile home lot in a mobile home park or a tenant of a recreational vehicle lot in an area of a mobile home park in this State, other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215; or

(c) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

15. As used in this section, "security deposit" has the meaning ascribed to it in NRS 118A.240.

Sec. 3. (Deleted by amendment.)

Sec. 4. *Upon receipt of a summary order for the removal of the tenant or providing for the nonadmittance of the tenant issued pursuant to subsection 6 of section 2 of this act, the sheriff or constable shall:*

1. Post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable.

2. As soon as reasonably practicable, but not earlier than 24 hours after the posting of the order, remove the tenant.

Sec. 5. *1. A tenant against whom a court issues a summary order for removal pursuant to section 2 of this act may, upon payment of the appropriate fees relating to the filing and service of*



a motion, file a motion to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460.

2. A motion filed pursuant to subsection 1 must be made on a form prescribed by the clerk of the court and filed within 20 days after the later of:

(a) The date on which the summary order for removal or providing for nonadmittance was issued.

(b) The date on which the tenant vacated or was removed from the premises.

(c) The date on which a copy of the costs claimed by the landlord was requested by or provided to the tenant.

3. Upon the filing of a motion pursuant to subsection 1, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server licensed pursuant to chapter 648 of NRS. At the hearing, the court may:

(a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

Sec. 6. 1. *A tenant against whom a court issues a summary order for removal pursuant to section 2 of this act may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion to dispute the reasonableness of any action taken by the landlord pursuant to subsection 3 of NRS 118A.460.*

2. A motion filed pursuant to subsection 1 must be made on a form prescribed by the clerk of the court and filed within 5 days after the date on which the tenant vacated or was removed from the premises.

3. Upon the filing of a motion pursuant to subsection 1, the court shall schedule a hearing on the motion. The hearing must be held within 5 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Order the landlord to allow the tenant to retrieve his or her essential personal effects at the date and time and for a period necessary for the retrieval, as determined by the court; and

(b) Award damages in an amount not greater than \$2,500.



4. *In determining the amount of damages, if any, to be awarded under paragraph (b) of subsection 3, the court shall consider:*

- (a) Whether the landlord acted in good faith;*
- (b) The course of conduct between the landlord and the tenant; and*
- (c) The degree of harm to the tenant caused by the landlord's conduct.*

Sec. 6.5. *1. Except as otherwise provided in subsection 15, in addition to the remedies provided in NRS 40.290 to 40.420, inclusive, a landlord may pursue the summary eviction of a tenant for an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516 using the procedure for summary eviction provided in this section.*

2. Before a landlord or landlord's agent may file an affidavit of complaint for the summary eviction of a tenant for an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516, the landlord or the landlord's agent must serve upon the tenant:

(a) The written notice to surrender required by NRS 40.251, 40.2514 or 40.2516, as applicable; and

(b) A written notice which informs the tenant that if the tenant fails to comply with the requirements of written notice to surrender, the landlord may apply by affidavit of complaint for the summary eviction of the tenant.

3. Upon noncompliance of a tenant with the written notice required by paragraph (a) of subsection 2, the landlord or the landlord's agent may apply by affidavit of complaint for summary eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle is located. After the filing of an affidavit of complaint for summary eviction, a summons must be issued.

4. An affidavit of complaint for summary eviction filed pursuant to subsection 3 must:

(a) Except as otherwise provided in subsection 12, be filed with the court not later than 30 calendar days after the expiration of the period described in the written notice to surrender required by paragraph (a) of subsection 2; and

(b) State or contain:

(1) The date the tenancy commenced;

(2) The date when the tenancy or rental agreement allegedly terminated;

(3) A copy of the written notice served on the tenant pursuant to subsection 2;



- (4) Any facts supporting the written notice;
- (5) A copy of the signed written rental agreement, if any;
- (6) A statement that the written notice was served on the tenant in accordance with NRS 40.280; and
- (7) A copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255, if the property has been purchased in a residential foreclosure.

5. A landlord or landlord's agent who applies for summary eviction pursuant to subsection 3 shall, within:

(a) Fifteen calendar days after the date on which the affidavit of complaint for summary eviction is filed, serve upon the tenant a file-stamped copy of the affidavit of complaint, with or without the documents required to be included in the affidavit of complaint pursuant to subparagraphs (3) and (5) of paragraph (b) of subsection 4, and a copy of the summons which must advise the tenant that:

(1) Except as otherwise provided in subsection 12, the tenant must file a written answer to the affidavit of complaint for summary eviction with the court that has jurisdiction over the matter not later than 7 calendar days after service of the affidavit of complaint for summary eviction;

(2) If the tenant does not file an answer within the period described in subparagraph (1), the court may issue a summary order for the removal of the tenant or providing for the nonadmittance of the tenant;

(3) Pursuant to NRS 118A.390, the tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential item or service required by the rental agreement or chapter 118A of NRS; and

(4) The tenant may request that the court stay the execution of the summary order for the removal of the tenant or providing for the nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

(b) Thirty calendar days after the date on which the affidavit of complaint for summary eviction is filed, file with the court proof of service of the affidavit and summons required by paragraph (a).

6. Except as otherwise provided in subsection 12, upon being served pursuant to subsection 5, the tenant shall, within 7 calendar days after the day of service, file a written answer with the court that has jurisdiction over the matter. If no written



answer is filed within the time period prescribed by this subsection and the landlord otherwise complies with the requirements prescribed by this section, the court may, without holding a hearing but after determining that a landlord has complied with the requirements prescribed by this section and the tenant is guilty of an unlawful detainer, issue a summary order which:

(a) Provides for the removal of the tenant or for the nonadmittance of the tenant; and

(b) Directs the sheriff or constable of the county to perform the actions required by section 4 of this act.

7. If a tenant files a written answer pursuant to subsection 6, the court shall hold a hearing to determine the truthfulness and sufficiency of the affidavit of complaint for summary eviction.

8. If, after a hearing held pursuant to subsection 7, the court determines that:

(a) There is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for the removal of the tenant or providing for the nonadmittance of the tenant.

(b) There is a legal defense as to the alleged unlawful detainer, the court shall take no further action and any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive.

9. The court shall dismiss an action for summary eviction if the landlord does not comply with the requirements prescribed by paragraph (b) of subsection 5.

10. Written notices to the tenant prescribed by this section, including, without limitation, the affidavit of complaint and summons, must be served in the manner provided by NRS 40.280.

11. Proof of service of any notice required by this section must be filed with the court before a summary order for the removal of the tenant or providing for the nonadmittance of the tenant is issued pursuant to subsection 6 or 8, as applicable.

12. For the purposes of this section, if the date on which an affidavit of complaint for summary eviction or a written answer to such an affidavit must be filed falls on a nonjudicial day, the filing is timely if performed on the next judicial day.

13. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served a notice pursuant to subsection 2 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security deposit.



14. If the tenant is found guilty of unlawful detainer as a result of the tenant's violation of any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, the landlord is entitled to be awarded any reasonable attorney's fees incurred by the landlord or the landlord's agent as a result of a hearing, if any, held pursuant to subsection 7 wherein the tenant contested the eviction.

15. Except as otherwise provided in NRS 118A.315, this section does not apply to:

(a) A tenant of a commercial premises;

(b) A tenant of a mobile home lot in a mobile home park or a tenant of a recreational vehicle lot in an area of a mobile home park in this State, other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215; or

(c) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

16. As used in this section, "security deposit" has the meaning ascribed to it in NRS 118A.240.

Secs. 7 and 8. (Deleted by amendment.)

Sec. 9. NRS 40.2516 is hereby amended to read as follows:

40.2516 1. A tenant of real property, a dwelling unit, a recreational vehicle or a mobile home other than a mobile home lot or a recreational vehicle lot for a term less than life is guilty of an unlawful detainer when the tenant continues in possession, in person or by subtenant, after a neglect or failure to perform any condition or covenant of the lease or agreement under which the real property, dwelling unit, recreational vehicle or mobile home is held, other than those mentioned in NRS 40.250 to ~~40.254,~~ **40.252**, inclusive, **and sections 2 to 6.5, inclusive, of this act**, and after notice in writing, requiring in the alternative the performance of the condition or covenant or the surrender of the real property, dwelling unit, recreational vehicle or mobile home, served upon the tenant, and, if there is a subtenant in actual occupation of the premises or property, also upon the subtenant, remains uncomplished with for 5 days after the service thereof. Within 5 days after the service, the tenant, or any subtenant in actual occupation of the premises or property, or any mortgagee of the term, or other person, interested in its continuance, may perform the condition or covenant and thereby save the lease from forfeiture; but if the covenants and conditions of the lease, violated by the lessee, cannot afterwards be performed, then no notice need be given.



2. If a tenant is guilty of an unlawful detainer pursuant to this section, the landlord may seek to recover possession of the real property, dwelling unit, recreational vehicle or mobile home pursuant to the provisions of NRS ~~[40.254 or]~~ 40.290 to 40.420, inclusive ~~[,]~~ *or section 6.5 of this act.*

Sec. 10. NRS 40.252 is hereby amended to read as follows:

40.252 For the purposes of NRS 40.250 to 40.252, inclusive, and ~~[NRS 40.254:]~~ *sections 2 to 6.5, inclusive, of this act:*

1. It is unlawful for a landlord to attempt by contract or other agreement to shorten the specified periods of notice and any such contract or agreement is void.

2. Notice to surrender the premises which was given by one colessor of real property or a mobile home is valid unless it is affirmatively shown that one or more of the other colessors did not authorize the giving of the notice.

Sec. 11. NRS 40.254 is hereby amended to read as follows:

40.2545 1. ~~[If a court grants an action for summary eviction pursuant to NRS 40.253 during the COVID-19 emergency, the court shall automatically seal the eviction case court file.~~

~~—2.— In addition to the provisions for the automatic sealing of an eviction case court file pursuant to subsection 1, in] In any action for summary eviction pursuant to NRS ~~[40.253, 40.254 or]~~ 40.2542 ~~[,]~~ *or section 2 or 6.5 of this act,* the eviction case court file is sealed automatically and not open to inspection:~~

(a) Upon the entry of a court order which dismisses the action for summary eviction;

(b) Ten judicial days after the entry of a court order which denies the action for summary eviction; or

(c) Thirty-one days after the tenant has filed an affidavit described in ~~[subsection 3 of NRS 40.253 or]~~ subsection 3 of NRS 40.2542 . ~~[, if the landlord has failed to file an affidavit of complaint pursuant to subsection 5 of NRS 40.253 or subsection 5 of NRS 40.2542 within 30 days after the tenant filed the affidavit.~~

~~—3.] 2. In addition to the provisions for the automatic sealing of an eviction case court file pursuant to [subsections] subsection 1, [and 2,] the court may order the sealing of an eviction case court file for an action for summary eviction pursuant to NRS ~~[40.253, 40.254 or]~~ 40.2542 ~~[,]~~ *or section 2 or 6.5 of this act:*~~

(a) Upon the filing of a written stipulation by the landlord and the tenant to set aside the order of eviction and seal the eviction case court file; or

(b) Upon motion of the tenant and decision by the court if the court finds that:



(1) The eviction should be set aside pursuant to Rule 60 of the Justice Court Rules of Civil Procedure; or

(2) Sealing the eviction case court file is in the interests of justice and those interests are not outweighed by the public's interest in knowing about the contents of the eviction case court file, after considering, without limitation, the following factors:

(I) Circumstances beyond the control of the tenant that led to the eviction;

(II) Other extenuating circumstances under which the order of eviction was granted; and

(III) The amount of time that has elapsed between the granting of the order of eviction and the filing of the motion to seal the eviction case court file.

~~{4.}~~ 3. If the court orders the eviction case court file sealed pursuant to this section, all proceedings recounted in the eviction case court file shall be deemed never to have occurred.

~~{5.}~~ 4. Except as otherwise provided in this subsection, a notice to surrender must not be made available for public inspection by any person or governmental entity, including, without limitation, by a sheriff or constable. This subsection does not:

(a) Apply to a notice to surrender which has been filed with a court and which is part of an eviction case court file that has not been sealed pursuant to this section.

(b) Prohibit the service of a notice to surrender pursuant to NRS 40.280, and such service of a notice to surrender shall be deemed not to constitute making the notice to surrender available for public inspection as described in this subsection.

~~{6.}~~ 5. As used in this section ~~{-~~

~~—(a) “COVID-19 emergency” means the period of time:~~

~~—(1) Beginning on March 12, 2020, the date on which the Governor issued the Declaration of Emergency for COVID-19; and~~

~~—(2) Ending on the date on which the Governor terminates the emergency described in the Declaration May 20, 2022.~~

~~—(b) “Eviction} , “eviction~~ case court file” means all records relating to an action for summary eviction which are maintained by the court, including, without limitation, the affidavit of complaint and any other pleadings, proof of service, findings of the court, any order made on motion as provided in Nevada Rules of Civil Procedure, Justice Court Rules of Civil Procedure and local rules of practice and all other papers, records, proceedings and evidence, including exhibits and transcript of the testimony.



Sec. 12. NRS 40.255 is hereby amended to read as follows:

40.255 1. Except as otherwise provided in subsections 2, 4 and 9, in any of the following cases, a person who holds over and continues in possession of real property or a mobile home after a 3-day written notice to surrender has been served upon the person may be removed as prescribed in NRS 40.290 to 40.420, inclusive:

(a) Where the property or mobile home has been sold under an execution against the person, or against another person under whom the person claims, and the title under the sale has been perfected;

(b) Where the property or mobile home has been sold upon the foreclosure of a mortgage, or under an express power of sale contained therein, executed by the person, or by another person under whom the person claims, and the title under the sale has been perfected;

(c) Where the property or mobile home has been sold under a power of sale granted by NRS 107.080 to the trustee of a deed of trust executed by the person, or by another person under whom the person claims, and the title under such sale has been perfected; or

(d) Where the property or mobile home has been sold by the person, or by another person under whom the person claims, and the title under the sale has been perfected.

2. Except as otherwise provided in subsection 4, if the property has been transferred or sold as a residential sale, absent an agreement between the new owner and the tenant to modify or terminate an existing lease:

(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property;

(b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property; and

(c) Upon termination of the previous owner's interest in the property by residential transfer or sale, the previous owner shall transfer the security deposit in the manner set forth in paragraph (a) of subsection 1 of NRS 118A.244. The successor has the rights, obligations and liabilities of the former landlord as to any securities which are owed under this section or NRS 118A.242 at the time of transfer.



3. The new owner pursuant to subsection 2 must provide a notice to the tenant or subtenant within 30 days after the date of the transfer or sale:

(a) Providing the contact information of the new owner to whom rent should be remitted;

(b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the property continues in effect through the period of the lease term and states the amount held by the new owner for the security deposit; and

(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law constitutes a breach of the lease or rental agreement and may result in eviction proceedings, including, without limitation, proceedings conducted pursuant to ~~NRS 40.253 and 40.254.~~ *sections 2 and 6.5 of this act.*

4. If the property has been sold as a residential foreclosure, a tenant or subtenant in actual occupation of the premises, other than a person whose name appears on the mortgage or deed, who holds over and continues in possession of real property or a mobile home in any of the cases described in paragraph (b) or (c) of subsection 1 may be removed as prescribed in NRS 40.290 to 40.420, inclusive, after receiving a notice of the change of ownership of the real property or mobile home and after the expiration of a notice period beginning on the date the notice was received by the tenant or subtenant and expiring:

(a) For all periodic tenancies with a period of less than 1 month, after not less than the number of days in the period; and

(b) For all other periodic tenancies or tenancies at will, after not less than 60 days.

5. During the notice period described in subsection 4:

(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property; and

(b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property.

6. The notice described in subsection 4 must contain a statement:



(a) Providing the contact information of the new owner to whom rent should be remitted;

(b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the property continues in effect through the notice period described in subsection 4; and

(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law constitutes a breach of the lease or rental agreement and may result in eviction proceedings, including, without limitation, proceedings conducted pursuant to ~~NRS 40.253 and 40.254~~ *sections 2 and 6.5 of this act*.

7. If the property has been sold as a residential foreclosure in any of the cases described in paragraph (b) or (c) of subsection 1, no person may enter a record of eviction for a tenant or subtenant who vacates a property during the notice period described in subsection 4.

8. If the property has been sold as a residential foreclosure in any of the cases described in paragraphs (b) or (c) of subsection 1, nothing in this section shall be deemed to prohibit:

(a) The tenant from vacating the property at any time before the expiration of the notice period described in subsection 4 without any obligation to the new owner of a property purchased pursuant to a foreclosure sale or trustee's sale; or

(b) The new owner of a property purchased pursuant to a foreclosure sale or trustee's sale from:

(1) Negotiating a new purchase, lease or rental agreement with the tenant or subtenant; or

(2) Offering a payment to the tenant or subtenant in exchange for vacating the premises on a date earlier than the expiration of the notice period described in subsection 4.

9. This section does not apply to the tenant of a mobile home lot in a mobile home park.

10. As used in this section, "residential foreclosure" means the sale of a single family residence pursuant to NRS 40.430 or under a power of sale granted by NRS 107.080. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.

Sec. 13. NRS 40.280 is hereby amended to read as follows:

40.280 1. Except as otherwise provided in NRS ~~40.253 and~~ 40.2542, the notices required by NRS 40.251 to 40.260, inclusive, *and sections 2 to 6.5, inclusive, of this act* must be served by the sheriff, a constable, a person who is licensed as a process server



pursuant to chapter 648 of NRS or the agent of an attorney licensed to practice in this State:

(a) By delivering a copy to the tenant personally.

(b) If the tenant is absent from the tenant's place of residence or from the tenant's usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the tenant at the tenant's place of residence or place of business.

(c) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the leased property, delivering a copy to a person there residing, if the person can be found, and mailing a copy to the tenant at the place where the leased property is situated.

2. The notices required by NRS 40.230, 40.240 and 40.414 must be served upon an unlawful or unauthorized occupant:

(a) Except as otherwise provided in this paragraph and paragraph (b), by delivering a copy to the unlawful or unauthorized occupant personally, in the presence of a witness. If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required.

(b) If the unlawful or unauthorized occupant is absent from the real property, by leaving a copy with a person of suitable age and discretion at the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

(c) If a person of suitable age or discretion cannot be found at the real property, by posting a copy in a conspicuous place on the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

3. Service upon a subtenant may be made in the same manner as provided in subsection 1.

4. Proof of service of any notice required by NRS 40.230 to 40.260, inclusive, **and sections 2 to 6.5, inclusive, of this act** must be filed with the court before:

(a) An order for removal of a tenant is issued pursuant to ~~NRS 40.253 or 40.254;~~ **section 2 or 6.5 of this act;**

(b) An order for removal of an unlawful or unauthorized occupant is issued pursuant to NRS 40.414;



(c) A writ of restitution is issued pursuant to NRS 40.290 to 40.420, inclusive; or

(d) An order for removal of a commercial tenant pursuant to NRS 40.2542.

5. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, *and sections 2 to 6.5, inclusive, of this act* that must be filed before the court may issue an order or writ filed pursuant to paragraph (a), (b) or (c) of subsection 4 must consist of:

(a) ~~Except as otherwise provided in paragraph (b):~~

~~(1)~~ If the notice was served pursuant to subsection 1, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice. If the notice was served by the agent of an attorney licensed in this State, the statement must be accompanied by a declaration, signed by the attorney and bearing the license number of the attorney, stating that the attorney:

~~(1)~~ (1) Was retained by the landlord in an action pursuant to NRS 40.230 to 40.420, inclusive ~~(1)~~, *and sections 2 to 6.5, inclusive, of this act;*

~~(2)~~ (2) Reviewed the date and manner of service by the agent; and

~~(3)~~ (3) Believes to the best of his or her knowledge that such service complies with the requirements of this section.

~~(2)~~ (b) If the notice was served pursuant to paragraph (a) of subsection 2, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, as applicable, and a witness, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.

~~(3)~~ (c) If the notice was served pursuant to paragraph (b) or (c) of subsection 2, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.

~~(b) For a short-term tenancy, if service of the notice was not delivered in person:~~

~~(1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or~~

~~(2) The endorsement of a sheriff or constable stating the:~~

~~(1) Time and date the request for service was made by the landlord or the landlord's agent;~~



~~(II) Time, date and manner of the service; and
(III) Fees paid for the service.]~~

6. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, *and sections 2 to 6.5, inclusive, of this act* that must be filed before the court may issue an order filed pursuant to paragraph (d) of subsection 4 must consist of:

(a) Except as otherwise provided in paragraphs (b) and (c):

(1) If the notice was served pursuant to subsection 2 of NRS 40.2542, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, and a witness, as applicable, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.

(2) If the notice was served pursuant to paragraph (b) or (c) of subsection 1, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.

(b) If the notice was served by a sheriff, a constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice.

(c) For a short-term tenancy, if service of the notice was not delivered in person:

(1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or

(2) The endorsement of a sheriff or constable stating the:

(I) Time and date the request for service was made by the landlord or the landlord's agent;

(II) Time, date and manner of the service; and

(III) Fees paid for the service.

7. For the purpose of this section, an agent of an attorney licensed in this State shall only serve notice pursuant to subsection 1 if:

(a) The landlord has retained the attorney in an action pursuant to NRS 40.230 to 40.420, inclusive ~~§~~, *and sections 2 to 6.5, inclusive, of this act*; and

(b) The agent is acting at the direction and under the direct supervision of the attorney.



Sec. 14. NRS 40.385 is hereby amended to read as follows:

40.385 1. Either party may appeal an order entered pursuant to NRS ~~[40.253, 40.254 or]~~ 40.2542 *or section 2 or 6.5 of this act* by filing a notice of appeal within 10 judicial days after the date of entry of the order.

2. Except as otherwise provided in this section, a stay of execution may be obtained by filing with the trial court a bond in the amount of \$250 to cover the expected costs on appeal. A surety upon the bond submits to the jurisdiction of the appellate court and irrevocably appoints the clerk of that court as the surety's agent upon whom papers affecting the surety's liability upon the bond may be served. Liability of a surety may be enforced, or the bond may be released, on motion in the appellate court without independent action. A tenant of commercial property may obtain a stay of execution only upon the issuance of a stay pursuant to Rule 8 of the Nevada Rules of Appellate Procedure and the posting of a supersedeas bond in the amount of 100 percent of any unpaid rent claim of the landlord.

3. A tenant who retains possession of the premises that are the subject of the appeal during the pendency of the appeal shall pay to the landlord rent in the amount provided in the underlying contract between the tenant and the landlord as it becomes due. If the tenant fails to pay such rent, the landlord may initiate new proceedings for a summary eviction by serving the tenant with a new notice pursuant to NRS ~~[40.253, 40.254 or]~~ 40.2542 ~~[.]~~ *or section 2 or 6.5 of this act.*

Sec. 15. NRS 118.205 is hereby amended to read as follows:

118.205 A notice provided by a landlord to a tenant pursuant to NRS 118.195:

1. Must advise the tenant of the provisions of that section and specify:

- (a) The address or other location of the property;
- (b) The date upon which the property will be deemed abandoned and the rental agreement terminated; and
- (c) An address for payment of the rent due and delivery of notice to the landlord.

2. Must be served pursuant to subsection 1 of NRS 40.280.

3. May be included in the notice required by subsection ~~[.]~~ 2 of ~~[NRS 40.253]~~ *section 2 of this act* or subsection 1 of NRS 40.2542, as applicable.

Sec. 16. NRS 118A.460 is hereby amended to read as follows:

118A.460 1. The landlord may dispose of personal property abandoned on the premises by a former tenant or left on the



premises after eviction of the tenant without incurring civil or criminal liability in the following manner:

(a) The landlord shall reasonably provide for the safe storage of the property for 30 days after the abandonment or eviction or the end of the rental period and may charge and collect the reasonable and actual costs of inventory, moving and storage before releasing the property to the tenant or his or her authorized representative rightfully claiming the property within that period. The landlord is liable to the tenant only for the landlord's negligent or wrongful acts in storing the property.

(b) After the expiration of the 30-day period, the landlord may dispose of the property and recover his or her reasonable costs out of the property or the value thereof if the landlord has made reasonable efforts to locate the tenant, has notified the tenant in writing of his or her intention to dispose of the property and 14 days have elapsed since the notice was given to the tenant. The notice must be mailed to the tenant at the tenant's present address, and if that address is unknown, then at the tenant's last known address.

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

2. Any dispute relating to the amount of the costs claimed by the landlord pursuant to paragraph (a) of subsection 1 may be resolved using the procedure provided in ~~[subsection 7 of NRS 40.253.]~~ *section 5 of this act.*

3. During the 5-day period following the eviction or lockout of a tenant, the landlord shall provide the former tenant a reasonable opportunity to retrieve essential personal effects, including, without limitation, medication, baby formula, basic clothing and personal care items. Any dispute relating to the reasonableness of the landlord's actions pursuant to this section may be resolved using the procedure provided in ~~[subsection 9 of NRS 40.253.]~~ *section 6 of this act.*

Sec. 17. (Deleted by amendment.)

Sec. 18. NRS 179.1164 is hereby amended to read as follows:

179.1164 1. Except as otherwise provided in subsection 2, the following property is subject to seizure and forfeiture in a proceeding for forfeiture:

(a) Any proceeds attributable to the commission or attempted commission of any felony.

(b) Any property or proceeds otherwise subject to forfeiture pursuant to NRS 179.121, 200.760, 202.257, 370.419, 453.301 or 501.3857.



2. Property may not, to the extent of the interest of any claimant, be declared forfeited by reason of an act or omission shown to have been committed or omitted without the knowledge, consent or willful blindness of the claimant.

3. Unless the owner of real property or a mobile home:

(a) Has given the tenant notice to surrender the premises pursuant to ~~[NRS 40.254]~~ *section 6.5 of this act* within 90 days after the owner receives notice of a conviction pursuant to subsection 2 of NRS 453.305; or

(b) Shows the court that the owner had good cause not to evict the tenant summarily pursuant to ~~[NRS 40.254,]~~ *section 6.5 of this act,*

↳ the owner of real property or a mobile home used or intended for use by a tenant to facilitate any violation of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, is disputably presumed to have known of and consented to that use if the notices required by NRS 453.305 have been given in connection with another such violation relating to the property or mobile home. The holder of a lien or encumbrance on the property or mobile home is disputably presumed to have acquired an interest in the property for fair value and without knowledge or consent to such use, regardless of when the act giving rise to the forfeiture occurred.

Sec. 19. NRS 453.305 is hereby amended to read as follows:

453.305 1. Whenever a person is arrested for violating any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, and real property or a mobile home occupied by the person as a tenant has been used to facilitate the violation, the prosecuting attorney responsible for the case shall cause to be delivered to the owner of the property or mobile home a written notice of the arrest.

2. Whenever a person is convicted of violating any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, and real property or a mobile home occupied by the person as a tenant has been used to facilitate the violation, the prosecuting attorney responsible for the case shall cause to be delivered to the owner of the property or mobile home a written notice of the conviction.

3. The notices required by this section must:

- (a) Be written in language which is easily understood;
- (b) Be sent by certified or registered mail, return receipt requested, to the owner at the owner's last known address;
- (c) Be sent within 15 days after the arrest occurs or judgment of conviction is entered against the tenant, as the case may be;



(d) Identify the tenant involved and the offense for which the tenant has been arrested or convicted; and

(e) Advise the owner that:

(1) The property or mobile home is subject to forfeiture pursuant to NRS 179.1156 to 179.1205, inclusive, and 453.301 unless the tenant, if convicted, is evicted;

(2) Any similar violation by the same tenant in the future may also result in the forfeiture of the property unless the tenant has been evicted;

(3) In any proceeding for forfeiture based upon such a violation the owner will, by reason of the notice, be deemed to have known of and consented to the unlawful use of the property or mobile home; and

(4) The provisions of NRS 40.2514 and ~~[40.254]~~ *section 6.5 of this act* authorize the supplemental remedy of summary eviction to facilitate the owner's recovery of the property or mobile home upon such a violation and provide for the recovery of any reasonable attorney's fees the owner incurs in doing so.

4. Nothing in this section shall be deemed to preclude the commencement of a proceeding for forfeiture or the forfeiture of the property or mobile home, whether or not the notices required by this section are given as required, if the proceeding and forfeiture are otherwise authorized pursuant to NRS 179.1156 to 179.1205, inclusive, and 453.301.

5. As used in this section, "tenant" means any person entitled under a written or oral rental agreement to occupy real property or a mobile home to the exclusion of others.

Sec. 20. NRS 645H.520 is hereby amended to read as follows:

645H.520 1. Subject to the provisions of NRS 645H.770, the services an asset management company may provide include, without limitation:

(a) Securing real property in foreclosure once it has been determined to be abandoned and all notice provisions required by law have been complied with;

(b) Providing maintenance for real property in foreclosure, including landscape and pool maintenance;

(c) Cleaning the interior or exterior of real property in foreclosure;

(d) Providing repair or improvements for real property in foreclosure; and

(e) Removing trash and debris from real property in foreclosure and the surrounding property.



2. An asset management company may dispose of personal property abandoned on the premises of a residence in foreclosure or left on the premises after the eviction of a homeowner or a tenant of a homeowner without incurring civil or criminal liability in the following manner:

(a) The asset management company shall reasonably provide for the safe storage of the property for 30 days after the abandonment or eviction and may charge and collect the reasonable and actual costs of inventory, moving and storage before releasing the property to the homeowner or the tenant of the homeowner or his or her authorized representative rightfully claiming the property within that period. The asset management company is liable to the homeowner or the tenant of the homeowner only for the asset management company's negligent or wrongful acts in storing the property.

(b) After the expiration of the 30-day period, the asset management company may dispose of the property and recover his or her reasonable costs from the property or the value thereof if the asset management company has made reasonable efforts to locate the homeowner or the tenant of the homeowner, has notified the homeowner or the tenant of the homeowner in writing of his or her intention to dispose of the property and 14 days have elapsed since the notice was given to the homeowner or the tenant of the homeowner. The notice must be mailed to the homeowner or the tenant of the homeowner at the present address of the homeowner or the tenant of the homeowner and, if that address is unknown, then at the last known address of the homeowner or the tenant of the homeowner.

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

3. Any dispute relating to the amount of the costs claimed by the asset management company pursuant to paragraph (a) of subsection 2 may be resolved using the procedure provided in ~~subsection 7 of NRS 40.253.~~ *section 5 of this act.*

Sec. 21. The amendatory provisions of sections 2 to 20, inclusive, of this act apply to an action for summary eviction which accrues on or after October 1, 2023.

Sec. 22. NRS 40.253 and 40.254 are hereby repealed.



