

SENATE BILL NO. 151—SENATORS RATTI, CANCELA, SPEARMAN,
PARKS; BROOKS, D. HARRIS, OHRENSCHALL AND WOODHOUSE

FEBRUARY 12, 2019

Referred to Committee on Judiciary

SUMMARY—Revises provisions related to certain proceedings concerning property. (BDR 3-516)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 property; removing and revising certain provisions relating to actions for summary eviction; reorganizing procedures for summary eviction of a tenant of a commercial premise; revising provisions governing notices to surrender possession of real property or a mobile home; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides for a summary eviction procedure when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises with periodic rent due by the month or a shorter period defaults in the payment of the rent. (NRS 40.253) **Section 1.7** of this bill removes the provisions governing the summary eviction procedure for a tenant of a commercial premise, thereby making **section 1.7** solely applicable to summary eviction for the tenant of any dwelling, apartment, mobile home or recreational vehicle. **Section 1** of this bill reorganizes the summary eviction procedure for a tenant of a commercial premise.

Existing law requires the landlord or the landlord’s agent to serve a notice in writing informing the tenant that he or she must pay the rent or surrender the premises at or before the fifth full day following the day of service. (NRS 40.253) **Section 1.7** of this bill increases the period of time that a tenant has to act after receiving such notice from 5 full days to 7 judicial days.

Existing law authorizes a court, in an action for summary eviction, to order the removal of a tenant in default for rental payments. Existing law requires a sheriff or constable to remove such a tenant within 24 hours after the court issues such an order. (NRS 40.253) **Section 1.7** revises the period of time before the removal of the tenant. **Section 1.7** requires a sheriff or constable to post the order for removal in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. **Section 1.7** then requires the sheriff or constable to



21 remove the tenant not earlier than 24 hours but not later than 36 hours after the
22 posting of the order by the sheriff or constable.

23 Existing law authorizes a landlord to utilize procedures for summary eviction
24 when a tenant of a dwelling unit, part of a low-rent housing program operated by a
25 public housing authority, a mobile home or a recreational vehicle is guilty of certain
26 unlawful detainers. (NRS 40.254) **Section 2** of this bill eliminates the ability of a
27 landlord of a low-rent housing program operated by a public housing authority to
28 utilize such procedures for summary eviction. **Section 2** also provides that the term
29 "dwelling unit" does not include a unit of a low-income housing project. **Section 1.7**
30 also provides that its provisions do not apply to a low-income housing project.
31 **Sections 1.7 and 2** define "low-income housing project" for such purposes.

32 Existing law provides that a person who holds over and continues in possession
33 of real property or a mobile home which has been foreclosed or sold under certain
34 circumstances may be removed pursuant to certain proceedings after a 3-day notice
35 to surrender has been served. (NRS 40.255) **Section 3** of this bill additionally
36 provides that an existing lease of residential property will remain in effect if the
37 property is transferred or sold to a new owner under certain circumstances. **Section**
38 **3** provides for the duties and obligations of the tenant and the new owner.

39 Existing law requires a tenant to be served with certain notices to surrender.
40 Existing law authorizes such service: (1) by delivering a copy of the notice to the
41 tenant personally, in the presence of a witness, or by a sheriff, constable or certain
42 other persons; (2) by leaving the notice with a person who meets certain
43 qualifications at the place of residence or business of the tenant; or (3) by posting the
44 notice on the rental property, delivering the notice to the person living there, if
45 possible, and mailing a copy to the tenant. Existing law requires that proof of service
46 of such notices must be filed with the court before the court orders removal or issues
47 a writ of restitution. (NRS 40.280) **Section 4** of this bill provides that a notice to
48 surrender the premises must be served by a sheriff, a constable, certain persons
49 licensed as a process server or the agent of an attorney under certain circumstances.
50 **Section 4** of this bill prescribes certain requirements for proof of service. **Sections**
51 **4.5-7.5** of this bill make conforming changes.

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

1 **Section 1.** Chapter 40 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. In addition to the remedy provided in NRS 40.2512 and*
4 *40.290 to 40.420, inclusive, when the tenant of any commercial*
5 *premises with periodic rent reserved by the month or any shorter*
6 *period is in default in payment of the rent, the landlord or the*
7 *landlord's agent, unless otherwise agreed in writing, may serve or*
8 *have served a notice in writing, requiring in the alternative the*
9 *payment of the rent or the surrender of the premises:*

10 *(a) At or before noon of the fifth full day following the day of*
11 *service; or*

12 *(b) If the landlord chooses not to proceed in the manner set*
13 *forth in paragraph (a) and the rent is reserved by a period of 1 week*
14 *or less and the tenancy has not continued for more than 45 days, at*
15 *or before noon of the fourth full day following the day of service.*



1 ↪ As used in this subsection, “day of service” means the day the
2 landlord or the landlord’s agent personally delivers the notice to the
3 tenant. If personal service was not so delivered, the “day of service”
4 means the day the notice is delivered, after posting and mailing
5 pursuant to subsection 2, to the sheriff or constable for service if
6 the request for service is made before noon. If the request for service
7 by the sheriff or constable is made after noon, the “day of service”
8 shall be deemed to be the day next following the day that the request
9 is made for service by the sheriff or constable.

10 2. A landlord or the landlord’s agent who serves a notice to a
11 tenant pursuant to paragraph (b) of subsection 1 shall attempt to
12 deliver a copy of the notice to the tenant personally, in the presence
13 of a witness. If service is accomplished by the sheriff, constable or
14 a person who is licensed as a process server pursuant to chapter 648
15 of NRS, the presence of a witness is not required. If the notice
16 cannot be delivered in person, the landlord or the landlord’s agent:

17 (a) Shall post a copy of the notice in a conspicuous place on the
18 premises and mail the notice by overnight mail; and

19 (b) After the notice has been posted and mailed, may deliver the
20 notice to the sheriff or constable for service in the manner set forth
21 in subsection 1 of NRS 40.280. The sheriff or constable shall not
22 accept the notice for service unless it is accompanied by written
23 evidence, signed by the tenant when the tenant took possession of
24 the premises, that the landlord or the landlord’s agent informed the
25 tenant of the provisions of this section which set forth the lawful
26 procedures for eviction from a short-term tenancy. Upon
27 acceptance, the sheriff or constable shall serve the notice within 48
28 hours after the request for service was made by the landlord or the
29 landlord’s agent.

30 3. A notice served pursuant to subsection 1 or 2 must:

31 (a) Identify the court that has jurisdiction over the matter; and

32 (b) Advise the tenant:

33 (1) Of the tenant’s right to contest the matter by filing, within
34 the time specified in subsection 1 for the payment of the rent or
35 surrender of the premises, an affidavit with the court that has
36 jurisdiction over the matter stating that the tenant has tendered
37 payment or is not in default in the payment of the rent; and

38 (2) That if the court determines that the tenant is guilty of an
39 unlawful detainer, the court may issue a summary order for
40 removal of the tenant or an order providing for the nonadmittance
41 of the tenant, directing the sheriff or constable of the county to
42 remove the tenant within 24 hours after receipt of the order.

43 4. If the tenant files an affidavit pursuant to paragraph (b) of
44 subsection 3 at or before the time stated in the notice, the landlord
45 or the landlord’s agent, after receipt of a file-stamped copy of the



1 *affidavit, shall not provide for the nonadmittance of the tenant to*
2 *the premises by locking or otherwise.*

3 *5. Upon noncompliance of the tenant with a notice served*
4 *pursuant to subsection 1 or 2:*

5 *(a) The landlord or the landlord's agent may apply by affidavit*
6 *of complaint for eviction to the justice court of the township in*
7 *which the commercial premises is located or to the district court of*
8 *the county in which the commercial premises is located, whichever*
9 *has jurisdiction over the matter. The court may thereupon issue an*
10 *order directing the sheriff or constable of the county to remove the*
11 *tenant within 24 hours after receipt of the order. The affidavit must*
12 *state or contain:*

13 *(1) The date the tenancy commenced.*

14 *(2) The amount of periodic rent reserved.*

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

17 *(4) The date the rental payments became delinquent.*

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

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

21 *(7) A statement that the written notice was served on the*
22 *tenant pursuant to subsection 1 or 2 or in accordance with*
23 *NRS 40.280.*

24 *(8) A copy of the written notice served on the tenant.*

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

26 *(b) Except when the tenant has timely filed an affidavit*
27 *described in paragraph (b) of subsection 3 and a file-stamped copy*
28 *of the affidavit has been received by the landlord or the landlord's*
29 *agent, the landlord or the landlord's agent may, in a peaceable*
30 *manner, provide for the nonadmittance of the tenant to the premises*
31 *by locking or otherwise.*

32 *6. Upon the filing by the tenant of an affidavit pursuant to*
33 *paragraph (b) of subsection 3, regardless of the information*
34 *contained in the affidavit or the filing by the landlord of an affidavit*
35 *pursuant to paragraph (b) of subsection 5, the justice court or the*
36 *district court shall hold a hearing, after service of notice of the*
37 *hearing upon the parties, to determine the truthfulness and*
38 *sufficiency of any affidavit or notice provided for in this section. If*
39 *the court determines that there is no legal defense as to the alleged*
40 *unlawful detainer and the tenant is guilty of an unlawful detainer,*
41 *the court may issue a summary order for removal of the tenant or*
42 *an order providing for the nonadmittance of the tenant. If the court*
43 *determines that there is a legal defense as to the alleged unlawful*
44 *detainer, the court shall refuse to grant either party any relief and,*
45 *except as otherwise provided in this subsection, shall require that*



1 *any further proceedings be conducted pursuant to NRS 40.290 to*
2 *40.420, inclusive. The issuance of a summary order for removal of*
3 *the tenant does not preclude an action by the tenant for any*
4 *damages or other relief to which the tenant may be entitled. If the*
5 *alleged unlawful detainer was based upon subsection 5 of NRS*
6 *40.2514, the refusal by the court to grant relief does not preclude*
7 *the landlord thereafter from pursuing an action for unlawful*
8 *detainer in accordance with NRS 40.251.*

9 7. *A tenant may, upon payment of the appropriate fees relating*
10 *to the filing and service of a motion, file a motion with the court, on*
11 *a form provided by the clerk of the court, to dispute the amount of*
12 *the costs, if any, claimed by the landlord pursuant to NRS 118C.230*
13 *for the inventory, moving and storage of personal property left on*
14 *the premises. The motion must be filed within 20 days after the*
15 *summary order for removal of the tenant or the abandonment of the*
16 *premises by the tenant, or within 20 days after:*

17 (a) *The tenant has vacated or been removed from the premises;*
18 *and*

19 (b) *A copy of those charges has been requested by or provided*
20 *to the tenant,*

21 *↳ whichever is later.*

22 8. *Upon the filing of a motion pursuant to subsection 7, the*
23 *court shall schedule a hearing on the motion. The hearing must be*
24 *held within 10 days after the filing of the motion. The court shall*
25 *affix the date of the hearing to the motion and order a copy served*
26 *upon the landlord by the sheriff, constable or other process server.*
27 *At the hearing, the court may:*

28 (a) *Determine the costs due, if any, claimed by the landlord*
29 *pursuant to 118C.230 and any accumulating daily costs; and*

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

33 9. *A landlord shall not refuse to accept rent from a tenant that*
34 *is submitted after the landlord or the landlord's agent has served or*
35 *had served a notice pursuant to subsection 1 if the refusal is based*
36 *on the fact that the tenant has not paid collection fees, attorney's*
37 *fees or other costs other than rent, a reasonable charge for late*
38 *payments of rent or dishonored checks.*

39 **Sec. 1.3.** NRS 40.215 is hereby amended to read as follows:

40 40.215 As used in NRS 40.215 to 40.425, inclusive, *and section*
41 *1 of this act*, unless the context requires otherwise:

42 1. "Dwelling" or "dwelling unit" means a structure or part
43 thereof that is occupied, or designed or intended for occupancy, as a
44 residence or sleeping place by one person who maintains a household
45 or by two or more persons who maintain a common household.



1 2. "Landlord's agent" means a person who is hired or authorized
2 by the landlord or owner of real property to manage the property or
3 dwelling unit, to enter into a rental agreement on behalf of the
4 landlord or owner of the property or who serves as a person within
5 this State who is authorized to act for and on behalf of the landlord or
6 owner for the purposes of service of process or receiving notices and
7 demands. A landlord's agent may also include a successor landlord
8 or a property manager as defined in NRS 645.0195.

9 3. "Mobile home" means every vehicle, including equipment,
10 which is constructed, reconstructed or added to in such a way as to
11 have an enclosed room or addition occupied by one or more persons
12 as a residence or sleeping place and which has no foundation other
13 than wheels, jacks, skirting or other temporary support.

14 4. "Mobile home lot" means a portion of land within a mobile
15 home park which is rented or held out for rent to accommodate a
16 mobile home.

17 5. "Mobile home park" or "park" means an area or tract of land
18 where two or more mobile homes or mobile home lots are rented or
19 held out for rent. "Mobile home park" or "park" does not include
20 those areas or tracts of land, whether within or outside of a park,
21 where the lots are held out for rent on a nightly basis.

22 6. "Premises" includes a mobile home.

23 7. "Recreational vehicle" means a vehicular structure primarily
24 designed as temporary living quarters for travel, recreational or
25 camping use, which may be self-propelled or mounted upon or drawn
26 by a motor vehicle.

27 8. "Recreational vehicle lot" means a portion of land within a
28 recreational vehicle park, or a portion of land so designated within a
29 mobile home park, which is rented or held out for rent to
30 accommodate a recreational vehicle overnight or for less than 3
31 months.

32 9. "Recreational vehicle park" means an area or tract of land
33 where lots are rented or held out for rent to accommodate a
34 recreational vehicle overnight or for less than 3 months.

35 10. "Short-term tenancy" means a tenancy in which rent is
36 reserved by a period of 1 week and the tenancy has not continued for
37 more than 45 days.

38 **Sec. 1.7.** NRS 40.253 is hereby amended to read as follows:

39 40.253 1. Except as otherwise provided in subsection 10, in
40 addition to the remedy provided in NRS 40.2512 and 40.290 to
41 40.420, inclusive, when the tenant of any dwelling, apartment, mobile
42 home ~~or~~ **or** recreational vehicle ~~for commercial premises~~ with
43 periodic rent reserved by the month or any shorter period is in default
44 in payment of the rent, the landlord or the landlord's agent, unless
45 otherwise agreed in writing, may serve or have served a notice in



1 writing, requiring in the alternative the payment of the rent or the
2 surrender of the premises:

3 (a) ~~At~~ *On* or before ~~noon of~~ *5 p.m. on* the ~~[[fifth full]]~~ *seventh*
4 *judicial* day following the day of service; or

5 (b) If the landlord chooses not to proceed in the manner set forth
6 in paragraph (a) and the rent is reserved by a period of 1 week or less
7 and the tenancy has not continued for more than 45 days, at or before
8 noon of the fourth full day following the day of service.

9 ➤ As used in this subsection, “day of service” means the day the
10 landlord or the landlord’s agent personally delivers the notice to the
11 tenant. If personal service was not so delivered, the “day of service”
12 means the day the notice is delivered, after posting and mailing
13 pursuant to subsection 2, to the sheriff or constable for service if the
14 request for service is made before noon. If the request for service by
15 the sheriff or constable is made after noon, the “day of service” shall
16 be deemed to be the day next following the day that the request is
17 made for service by the sheriff or constable.

18 2. A landlord or the landlord’s agent who serves a notice to a
19 tenant pursuant to paragraph (b) of subsection 1 shall attempt to
20 deliver the notice in person in the manner set forth in ~~paragraph (a)~~
21 ~~of~~ subsection ~~[[1]]~~ *2* of ~~[NRS 40.280.]~~ *section 1 of this act*. If the
22 notice cannot be delivered in person, the landlord or the landlord’s
23 agent:

24 (a) Shall post a copy of the notice in a conspicuous place on the
25 premises and mail the notice by overnight mail; and

26 (b) After the notice has been posted and mailed, may deliver the
27 notice to the sheriff or constable for service in the manner set forth in
28 subsection 1 of NRS 40.280. The sheriff or constable shall not accept
29 the notice for service unless it is accompanied by written evidence,
30 signed by the tenant when the tenant took possession of the premises,
31 that the landlord or the landlord’s agent informed the tenant of the
32 provisions of this section which set forth the lawful procedures for
33 eviction from a short-term tenancy. Upon acceptance, the sheriff or
34 constable shall serve the notice within 48 hours after the request for
35 service was made by the landlord or the landlord’s agent.

36 3. A notice served pursuant to subsection 1 or 2 must:

37 (a) Identify the court that has jurisdiction over the matter; and

38 (b) Advise the tenant:

39 (1) Of the tenant’s right to contest the matter by filing, within
40 the time specified in subsection 1 for the payment of the rent or
41 surrender of the premises, an affidavit with the court that has
42 jurisdiction over the matter stating that the tenant has tendered
43 payment or is not in default in the payment of the rent;

44 (2) That if the court determines that the tenant is guilty of an
45 unlawful detainer, the court may issue a summary order for removal



1 of the tenant or an order providing for the nonadmittance of the
2 tenant, directing the sheriff or constable of the county to *post the*
3 *order in a conspicuous place on the premises not later than 24*
4 *hours after the order is received by the sheriff or constable. The*
5 *sheriff or constable shall* remove *the* tenant ~~[within 24]~~ *not earlier*
6 *than 24 hours but not later than 36 hours* after ~~[receipt]~~ *the posting*
7 of the order; and

8 (3) That, pursuant to NRS 118A.390, a tenant may seek relief
9 if a landlord unlawfully removes the tenant from the premises or
10 excludes the tenant by blocking or attempting to block the tenant's
11 entry upon the premises or willfully interrupts or causes or permits
12 the interruption of an essential service required by the rental
13 agreement or chapter 118A of NRS.

14 4. If the tenant files such an affidavit at or before the time stated
15 in the notice, the landlord or the landlord's agent, after receipt of a
16 file-stamped copy of the affidavit which was filed, shall not provide
17 for the nonadmittance of the tenant to the premises by locking or
18 otherwise.

19 5. Upon noncompliance with the notice:

20 (a) The landlord or the landlord's agent may apply by affidavit of
21 complaint for eviction to the justice court of the township in which
22 the dwelling, apartment, mobile home ~~[]~~ *or* recreational vehicle ~~[or~~
23 ~~commercial premises]~~ are located or to the district court of the county
24 in which the dwelling, apartment, mobile home ~~[]~~ *or* recreational
25 vehicle ~~[or—commercial—premises]~~ are located, whichever has
26 jurisdiction over the matter. The court may thereupon issue an order
27 directing the sheriff or constable of the county to *post the order in a*
28 *conspicuous place on the premises not later than 24 hours after the*
29 *order is received by the sheriff or constable. The sheriff or constable*
30 *shall* remove the tenant ~~[within 24]~~ *not earlier than 24 hours but not*
31 *later than 36 hours* after ~~[receipt]~~ *the posting* of the order. The
32 affidavit must state or contain:

33 (1) The date the tenancy commenced.

34 (2) The amount of periodic rent reserved.

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

37 (4) The date the rental payments became delinquent.

38 (5) The length of time the tenant has remained in possession
39 without paying rent.

40 (6) The amount of rent claimed due and delinquent.

41 (7) A statement that the written notice was served on the
42 tenant in accordance with NRS 40.280.

43 (8) A copy of the written notice served on the tenant.

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



1 (b) Except when the tenant has timely filed the affidavit described
2 in subsection 3 and a file-stamped copy of it has been received by the
3 landlord or the landlord's agent, and except when the landlord is
4 prohibited pursuant to NRS 118A.480, the landlord or the landlord's
5 agent may, in a peaceable manner, provide for the nonadmittance of
6 the tenant to the premises by locking or otherwise.

7 6. Upon the filing by the tenant of the affidavit permitted in
8 subsection 3, regardless of the information contained in the affidavit,
9 and the filing by the landlord of the affidavit permitted by subsection
10 5, the justice court or the district court shall hold a hearing, after
11 service of notice of the hearing upon the parties, to determine the
12 truthfulness and sufficiency of any affidavit or notice provided for in
13 this section. If the court determines that there is no legal defense as to
14 the alleged unlawful detainer and the tenant is guilty of an unlawful
15 detainer, the court may issue a summary order for removal of the
16 tenant or an order providing for the nonadmittance of the tenant. If
17 the court determines that there is a legal defense as to the alleged
18 unlawful detainer, the court shall refuse to grant either party any
19 relief, and, except as otherwise provided in this subsection, shall
20 require that any further proceedings be conducted pursuant to NRS
21 40.290 to 40.420, inclusive. The issuance of a summary order for
22 removal of the tenant does not preclude an action by the tenant for
23 any damages or other relief to which the tenant may be entitled. If the
24 alleged unlawful detainer was based upon subsection 5 of NRS
25 40.2514, the refusal by the court to grant relief does not preclude the
26 landlord thereafter from pursuing an action for unlawful detainer in
27 accordance with NRS 40.251.

28 7. The tenant may, upon payment of the appropriate fees relating
29 to the filing and service of a motion, file a motion with the court, on
30 a form provided by the clerk of the court, to dispute the amount of the
31 costs, if any, claimed by the landlord pursuant to NRS 118A.460 ~~for~~
32 ~~118C.230~~ for the inventory, moving and storage of personal property
33 left on the premises. The motion must be filed within 20 days after
34 the summary order for removal of the tenant or the abandonment of
35 the premises by the tenant, or within 20 days after:

36 (a) The tenant has vacated or been removed from the premises;
37 and

38 (b) A copy of those charges has been requested by or provided to
39 the tenant,
40 ↪ whichever is later.

41 8. Upon the filing of a motion pursuant to subsection 7, the court
42 shall schedule a hearing on the motion. The hearing must be held
43 within 10 days after the filing of the motion. The court shall affix the
44 date of the hearing to the motion and order a copy served upon



1 the landlord by the sheriff, constable or other process server. At the
2 hearing, the court may:

3 (a) Determine the costs, if any, claimed by the landlord pursuant
4 to NRS 118A.460 ~~for 118C.230~~ and any accumulating daily costs;
5 and

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

9 9. A landlord shall not refuse to accept rent from a tenant that is
10 submitted after the landlord or the landlord's agent has served or had
11 served a notice pursuant to subsection 1 if the refusal is based on the
12 fact that the tenant has not paid collection fees, attorney's fees or
13 other costs other than rent, a reasonable charge for late payments of
14 rent or dishonored checks, or a security. As used in this subsection,
15 "security" has the meaning ascribed to it in NRS 118A.240.

16 10. This section does not apply to the tenant of ~~fa~~:

17 (a) A mobile home lot in a mobile home park or to the tenant of a
18 recreational vehicle lot in an area of a mobile home park in this State
19 other than an area designated as a recreational vehicle lot pursuant to
20 the provisions of subsection 8 of NRS 40.215 ~~f~~; or

21 (b) A low-income housing project.

22 *11. As used in this section, "low-income housing project" has*
23 *the meaning ascribed to it in 42 U.S.C. § 1437a(b)(1).*

24 **Sec. 2.** NRS 40.254 is hereby amended to read as follows:

25 40.254 1. Except as otherwise provided by specific statute, in
26 addition to the remedy provided in NRS 40.290 to 40.420, inclusive,
27 when the tenant of a dwelling unit, ~~part of a low rent housing~~
28 ~~program operated by a public housing authority.~~ a mobile home or a
29 recreational vehicle is guilty of an unlawful detainer pursuant to NRS
30 40.250, 40.251, 40.2514 or 40.2516, the landlord or the landlord's
31 agent may utilize the summary procedures for eviction as provided in
32 NRS 40.253 except that written notice to surrender the premises must:

33 (a) Be given to the tenant in accordance with the provisions of
34 NRS 40.280;

35 (b) Advise the tenant of the court that has jurisdiction over the
36 matter; and

37 (c) Advise the tenant of the tenant's right to:

38 (1) Contest the notice by filing before the court's close of
39 business on the fifth judicial day after the day of service of the notice
40 an affidavit with the court that has jurisdiction over the matter stating
41 the reasons why the tenant is not guilty of an unlawful detainer; or

42 (2) Request that the court stay the execution of the order for
43 removal of the tenant or order providing for nonadmittance of the
44 tenant for a period not exceeding 10 days pursuant to subsection 2 of
45 NRS 70.010, stating the reasons why such a stay is warranted.



1 2. The affidavit of the landlord or the landlord's agent submitted
2 to the justice court or the district court must state or contain:

3 (a) The date when the tenancy commenced, the term of the
4 tenancy and, if any, a copy of the rental agreement. If the rental
5 agreement has been lost or destroyed, the landlord or the landlord's
6 agent may attach an affidavit or declaration, signed under penalty of
7 perjury, stating such loss or destruction.

8 (b) The date when the tenancy or rental agreement allegedly
9 terminated.

10 (c) The date when written notice to surrender was given to the
11 tenant pursuant to the provisions of NRS 40.251, 40.2514 or 40.2516,
12 together with any facts supporting the notice.

13 (d) The date when the written notice was given, a copy of the
14 notice and a statement that notice was served in accordance with NRS
15 40.280 and, if applicable, a copy of the notice of change of ownership
16 served on the tenant pursuant to NRS 40.255 if the property has been
17 purchased as a residential foreclosure.

18 (e) A statement that the claim for relief was authorized by law.

19 3. If the tenant is found guilty of unlawful detainer as a result of
20 the tenant's violation of any of the provisions of NRS 453.011 to
21 453.552, inclusive, except NRS 453.336, the landlord is entitled to be
22 awarded any reasonable attorney's fees incurred by the landlord or
23 the landlord's agent as a result of a hearing, if any, held pursuant to
24 subsection 6 of NRS 40.253 wherein the tenant contested the eviction.

25 **4. For the purpose of this section, the term "dwelling unit"**
26 **does not include a unit of a low-income housing project. As used in**
27 **this subsection, "low-income housing project" has the meaning**
28 **ascribed to it in 42 U.S.C. § 1437a(b)(1).**

29 **Sec. 2.5.** NRS 40.2545 is hereby amended to read as follows:

30 40.2545 1. In any action for summary eviction pursuant to
31 NRS 40.253 or 40.254 **or section 1 of this act**, the eviction case
32 court file is sealed automatically and not open to inspection:

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

35 (b) Thirty-one days after the tenant has filed an affidavit
36 described in subsection 3 of NRS 40.253 **or subsection 3 of section**
37 **1 of this act**, if the landlord has failed to file an affidavit of complaint
38 pursuant to subsection 5 of NRS 40.253 **or subsection 5 of section 1**
39 **of this act** within 30 days after the tenant filed the affidavit.

40 2. In addition to the provisions for the automatic sealing of an
41 eviction case court file pursuant to subsection 1, the court may order
42 the sealing of an eviction case court file:

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



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

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

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

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

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

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

16 3. If the court orders the eviction case court file sealed pursuant
17 to this section, all proceedings recounted in the eviction case court
18 file shall be deemed never to have occurred.

19 4. As used in this section, "eviction case court file" means all
20 records relating to an action for summary eviction which are
21 maintained by the court, including, without limitation, the affidavit of
22 complaint and any other pleadings, proof of service, findings of the
23 court, any order made on motion as provided in Nevada Rules of Civil
24 Procedure, Justice Court Rules of Civil Procedure and local rules of
25 practice and all other papers, records, proceedings and evidence,
26 including exhibits and transcript of the testimony.

27 **Sec. 3.** NRS 40.255 is hereby amended to read as follows:

28 40.255 1. Except as otherwise provided in subsections 2 , 4
29 and ~~7~~ 9, in any of the following cases, a person who holds over and
30 continues in possession of real property or a mobile home after a 3-
31 day written notice to surrender has been served upon the person may
32 be removed as prescribed in NRS 40.290 to 40.420, inclusive:

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

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

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



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

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

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

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

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

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

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

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

35 (c) *Notifying the tenant or subtenant that failure to pay rent to*
36 *the new owner or comply with any other term of the agreement or*
37 *applicable law constitutes a breach of the lease or rental agreement*
38 *and may result in eviction proceedings, including, without*
39 *limitation, proceedings conducted pursuant to NRS 40.253 and*
40 *40.254.*

41 4. If the property has been sold as a residential foreclosure, a
42 tenant or subtenant in actual occupation of the premises, other than a
43 person whose name appears on the mortgage or deed, who holds over
44 and continues in possession of real property or a mobile home in any
45 of the cases described in paragraph (b) or (c) of subsection 1 may be



1 removed as prescribed in NRS 40.290 to 40.420, inclusive, after
2 receiving a notice of the change of ownership of the real property or
3 mobile home and after the expiration of a notice period beginning on
4 the date the notice was received by the tenant or subtenant and
5 expiring:

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

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

10 ~~[3:]~~ 5. During the notice period described in subsection ~~[2:]~~ 4:

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

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

20 ~~[4:]~~ 6. The notice described in subsection ~~[2:]~~ 4 must contain a
21 statement:

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

24 (b) Notifying the tenant or subtenant that the lease or rental
25 agreement the tenant or subtenant entered into with the previous
26 owner or landlord of the property continues in effect through the
27 notice period described in subsection ~~[2:]~~ 4; and

28 (c) Notifying the tenant or subtenant that failure to pay rent to the
29 new owner or comply with any other term of the agreement or
30 applicable law constitutes a breach of the lease or rental agreement
31 and may result in eviction proceedings, including, without limitation,
32 proceedings conducted pursuant to NRS 40.253 and 40.254. ~~[~~

33 ~~—5.]~~

34 7. If the property has been sold as a residential foreclosure in
35 any of the cases described in paragraph (b) or (c) of subsection 1, no
36 person may enter a record of eviction for a tenant or subtenant who
37 vacates a property during the notice period described in subsection 2

38 ~~[3:]~~ 4.

39 ~~[6:]~~ 8. If the property has been sold as a residential foreclosure
40 in any of the cases described in paragraphs (b) or (c) of subsection 1,
41 nothing in this section shall be deemed to prohibit:

42 (a) The tenant from vacating the property at any time before the
43 expiration of the notice period described in subsection ~~[2:]~~ 4 without
44 any obligation to the new owner of a property purchased pursuant to
45 a foreclosure sale or trustee's sale; or



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

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

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

8 ~~[7-] 9.~~ This section does not apply to the tenant of a mobile
9 home lot in a mobile home park.

10 ~~[8-] 10.~~ As used in this section, "residential foreclosure" means
11 the sale of a single family residence pursuant to NRS 40.430 or under
12 a power of sale granted by NRS 107.080. As used in this subsection,
13 "single family residence" means a structure that is comprised of not
14 more than four units.

15 **Sec. 4.** NRS 40.280 is hereby amended to read as follows:

16 40.280 1. Except as otherwise provided in NRS 40.253 ~~[]~~ *and*
17 *section 1 of this act*, the notices required by NRS 40.251 to 40.260,
18 inclusive, must be served ~~[]~~

19 ~~—(a) By delivering a copy to the tenant personally, in the presence~~
20 ~~of a witness. If service is accomplished]~~ by the sheriff, *a constable ,*
21 ~~[or]~~ a person who is licensed as a process server pursuant to chapter
22 648 of NRS ~~[, the presence of a witness is not required.]~~ *or the agent*
23 *of an attorney licensed to practice in this State:*

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

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

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

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

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

44 (b) If the unlawful or unauthorized occupant is absent from the
45 real property, by leaving a copy with a person of suitable age and



1 discretion at the property and mailing a copy to the unlawful or
2 unauthorized occupant at the place where the property is situated. If
3 the occupant is unknown, the notice must be addressed to "Current
4 Occupant."

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

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

12 4. Proof of service of any notice required by NRS 40.230 to
13 40.260, inclusive, must be filed with the court before:

14 (a) An order for removal of a tenant is issued pursuant to NRS
15 40.253 or 40.254;

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

18 (c) A writ of restitution is issued pursuant to NRS 40.290 to
19 40.420, inclusive ~~for~~; or

20 *(d) An order for removal of a commercial tenant pursuant to*
21 *section 1 of this act.*

22 5. Proof of service of *notice pursuant to NRS 40.230 to 40.260,*
23 *inclusive, that must be filed before the court may issue* an order or
24 writ filed pursuant to *paragraph (a), (b) or (c) of* subsection 4 must
25 consist of:

26 (a) Except as otherwise provided in ~~paragraphs~~ *paragraph (b) :*
27 ~~and (c):~~

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

36 *(I) Was retained by the landlord in an action pursuant to*
37 *NRS 40.230 to 40.420, inclusive;*

38 *(II) Reviewed the date and manner of service by the*
39 *agent; and*

40 *(III) Believes to the best of his or her knowledge that such*
41 *service complies with the requirements of this section.*

42 (2) *If the notice was served pursuant to* paragraph (a) of
43 subsection 2, an affidavit or declaration signed by the tenant or the
44 unlawful or unauthorized occupant, as applicable, and a witness,



1 signed under penalty of perjury by the server, acknowledging that the
2 tenant or occupant received the notice on a specified date.

3 ~~[(2)]~~ (3) If the notice was served pursuant to ~~[paragraph (b)~~
4 ~~or (c) of subsection 1 or]~~ paragraph (b) or (c) of subsection 2, an
5 affidavit or declaration signed under penalty of perjury by the person
6 who served the notice, stating the date and manner of service and
7 accompanied by a confirmation of delivery or certificate of mailing
8 issued by the United States Postal Service or confirmation of actual
9 delivery by a private postal service.

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

16 ~~—(e)]~~ For a short-term tenancy, if service of the notice was not
17 delivered in person:

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

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

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

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

25 (III) Fees paid for the service.

26 **6. Proof of service of notice pursuant to NRS 40.230 to 40.260,**
27 **inclusive, that must be filed before the court may issue an order filed**
28 **pursuant to paragraph (d) of subsection 4 must consist of:**

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

30 (1) **If the notice was served pursuant to subsection 2 of**
31 **section 1 of this act, an affidavit or declaration signed by the tenant or**
32 **the unlawful or unauthorized occupant, and a witness, as**
33 **applicable, signed under penalty of perjury by the server,**
34 **acknowledging that the tenant or occupant received the notice on a**
35 **specified date.**

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

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



1 *include the number of the badge or license of the person who served*
2 *the notice.*

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

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

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

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

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

12 *(III) Fees paid for the service.*

13 *7. For the purpose of this section, an agent of an attorney*
14 *licensed in this State shall only serve notice pursuant to subsection*
15 *1 if:*

16 *(a) The landlord has retained the attorney an action pursuant*
17 *to NRS 40.290 to 40.420, inclusive; and*

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

20 **Sec. 4.5.** NRS 40.385 is hereby amended to read as follows:

21 40.385 Upon an appeal from an order entered pursuant to NRS
22 40.253 ~~§~~ *or section 1 of this act:*

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

35 2. A tenant who retains possession of the premises that are the
36 subject of the appeal during the pendency of the appeal shall pay to
37 the landlord rent in the amount provided in the underlying contract
38 between the tenant and the landlord as it becomes due. If the tenant
39 fails to pay such rent, the landlord may initiate new proceedings for a
40 summary eviction by serving the tenant with a new notice pursuant to
41 NRS 40.253 ~~§~~ *or section 1 of this act.*

42 **Sec. 5.** (Deleted by amendment.)



1 **Sec. 6.** NRS 21.130 is hereby amended to read as follows:

2 21.130 1. Before the sale of property on execution, notice of
3 the sale, in addition to the notice required pursuant to NRS 21.075
4 and 21.076, must be given as follows:

5 (a) In cases of perishable property, by posting written notice of
6 the time and place of sale in three public places at the township or
7 city where the sale is to take place, for such a time as may be
8 reasonable, considering the character and condition of the property.

9 (b) In case of other personal property, by posting a similar notice
10 in three public places of the township or city where the sale is to take
11 place, not less than 5 or more than 10 days before the sale, and, in
12 case of sale on execution issuing out of a district court, by the
13 publication of a copy of the notice in a newspaper, if there is one in
14 the county, at least twice, the first publication being not less than 10
15 days before the date of the sale.

16 (c) In case of real property, by:

17 (1) Personal service upon each judgment debtor or by
18 registered mail to the last known address of each judgment debtor
19 and, if the property of the judgment debtor is operated as a facility
20 licensed under chapter 449 of NRS, upon the State Board of Health;

21 (2) Posting a similar notice particularly describing the
22 property, for 20 days successively, in three public places of the
23 township or city where the property is situated and where
24 the property is to be sold;

25 (3) Publishing a copy of the notice three times, once each
26 week, for 3 successive weeks, in a newspaper, if there is one in the
27 county. The cost of publication must not exceed the rate for legal
28 advertising as provided in NRS 238.070. If the newspaper authorized
29 by this section to publish the notice of sale neglects or refuses from
30 any cause to make the publication, then the posting of notices as
31 provided in this section shall be deemed sufficient notice. Notice of
32 the sale of property on execution upon a judgment for any sum less
33 than \$500, exclusive of costs, must be given only by posting in three
34 public places in the county, one of which must be the courthouse;

35 (4) Recording a copy of the notice in the office of the county
36 recorder; and

37 (5) If the sale of property is a residential foreclosure, posting
38 a copy of the notice in a conspicuous place on the property. In
39 addition to the requirements of NRS 21.140, the notice must not be
40 defaced or removed until the transfer of title is recorded or the
41 property becomes occupied after completion of the sale, whichever is
42 earlier.

43 2. If the sale of property is a residential foreclosure, the notice
44 must include, without limitation:

45 (a) The physical address of the property; and



1 (b) The contact information of the party who is authorized to
2 provide information relating to the foreclosure status of the property.

3 3. If the sale of property is a residential foreclosure, a separate
4 notice must be posted in a conspicuous place on the property and
5 mailed, with a certificate of mailing issued by the United States Postal
6 Service or another mail delivery service, to any tenant or subtenant,
7 if any, other than the judgment debtor, in actual occupation of the
8 premises not later than 3 business days after the notice of the sale is
9 given pursuant to subsection 1. The separate notice must be in
10 substantially the following form:

11
12 NOTICE TO TENANTS OF THE PROPERTY

13
14 Foreclosure proceedings against this property have started, and
15 a notice of sale of the property to the highest bidder has been
16 issued.

17
18 You may either: (1) terminate your lease or rental agreement
19 and move out; or (2) remain and possibly be subject to eviction
20 proceedings under chapter 40 of the Nevada Revised Statutes.
21 Any subtenants may also be subject to eviction proceedings.

22
23 Between now and the date of the sale, you may be evicted if
24 you fail to pay rent or live up to your other obligations to the
25 landlord.

26
27 After the date of the sale, you may be evicted if you fail to pay
28 rent or live up to your other obligations to the successful
29 bidder, in accordance with chapter 118A of the Nevada
30 Revised Statutes.

31
32 Under the Nevada Revised Statutes, eviction proceedings may
33 begin against you after you have been given a notice to
34 surrender.

35
36 If the property is sold and you pay rent by the week or another
37 period of time that is shorter than 1 month, you should
38 generally receive notice after not less than the number of days
39 in that period of time.

40
41 If the property is sold and you pay rent by the month or any
42 other period of time that is 1 month or longer, you should
43 generally receive notice at least 60 days in advance.



1 Under Nevada Revised Statutes 40.280, notice must generally
2 be served on you pursuant to chapter 40 of the Nevada Revised
3 Statutes . ~~and may be served by:~~

4 ~~—(1) Delivering a copy to you personally in the presence of~~
5 ~~a witness, unless service is accomplished by a sheriff,~~
6 ~~constable or licensed process server, in which case the~~
7 ~~presence of a witness is not required;~~

8 ~~—(2) If you are absent from your place of residence or usual~~
9 ~~place of business, leaving a copy with a person of suitable age~~
10 ~~and discretion at either place and mailing a copy to you at your~~
11 ~~place of residence or business and to the place where the leased~~
12 ~~property is situated, if different; or~~

13 ~~—(3) If your place of residence or business cannot be~~
14 ~~ascertained, or a person of suitable age or discretion cannot be~~
15 ~~found there, posting a copy in a conspicuous place on the~~
16 ~~leased property and mailing a copy to you at the place where~~
17 ~~the leased property is situated.]~~

18
19 If the property is sold and a landlord, successful bidder or
20 subsequent purchaser files an eviction action against you in
21 court, you will be served with a summons and complaint and
22 have the opportunity to respond. Eviction actions may result in
23 temporary evictions, permanent evictions, the awarding of
24 damages pursuant to Nevada Revised Statutes 40.360 or some
25 combination of those results.

26
27 Under the Justice Court Rules of Civil Procedure:

28 (1) You will be given at least 10 days to answer a summons
29 and complaint;

30 (2) If you do not file an answer, an order evicting you by
31 default may be obtained against you;

32 (3) A hearing regarding a temporary eviction may be called
33 as soon as 11 days after you are served with the summons and
34 complaint; and

35 (4) A hearing regarding a permanent eviction may be
36 called as soon as 20 days after you are served with the
37 summons and complaint.

38 4. The sheriff shall not conduct a sale of the property on
39 execution or deliver the judgment debtor's property to the judgment
40 creditor if the judgment debtor or any other person entitled to notice
41 has not been properly notified as required in this section and NRS
42 21.075 and 21.076.

43 5. As used in this section, "residential foreclosure" means the
44 sale of a single family residence pursuant to NRS 40.430. As used in



1 this subsection, "single family residence" means a structure that is
2 comprised of not more than four units.

3 **Sec. 7.** NRS 107.087 is hereby amended to read as follows:

4 107.087 1. In addition to the requirements of NRS 107.080, if
5 the sale of property is a residential foreclosure, a copy of the notice
6 of default and election to sell and the notice of sale must:

7 (a) Be posted in a conspicuous place on the property not later
8 than:

9 (1) For a notice of default and election to sell, 100 days before
10 the date of sale; or

11 (2) For a notice of sale, 15 days before the date of sale; and

12 (b) Include, without limitation:

13 (1) The physical address of the property; and

14 (2) The contact information of the trustee or the person
15 conducting the foreclosure who is authorized to provide information
16 relating to the foreclosure status of the property.

17 2. In addition to the requirements of NRS 107.084, the notices
18 must not be defaced or removed until the transfer of title is recorded
19 or the property becomes occupied after completion of the sale,
20 whichever is earlier.

21 3. A separate notice must be posted in a conspicuous place on
22 the property and mailed, with a certificate of mailing issued by the
23 United States Postal Service or another mail delivery service, to any
24 tenant or subtenant, if any, other than the grantor or the grantor's
25 successor in interest, in actual occupation of the premises not later
26 than 15 days before the date of sale. The separate notice must be in
27 substantially the following form:

28
29 **NOTICE TO TENANTS OF THE PROPERTY**

30
31 Foreclosure proceedings against this property have started, and
32 a notice of sale of the property to the highest bidder has been
33 issued.

34
35 You may either: (1) terminate your lease or rental agreement
36 and move out; or (2) remain and possibly be subject to eviction
37 proceedings under chapter 40 of the Nevada Revised Statutes.
38 Any subtenants may also be subject to eviction proceedings.

39
40 Between now and the date of the sale, you may be evicted if
41 you fail to pay rent or live up to your other obligations to the
42 landlord.

43
44 After the date of the sale, you may be evicted if you fail to pay
45 rent or live up to your other obligations to the successful



bidder, in accordance with chapter 118A of the Nevada Revised Statutes.

Under the Nevada Revised Statutes eviction proceedings may begin against you after you have been given a notice to surrender.

If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.

If the property is sold and you pay rent by the month or any other period of time that is 1 month or longer, you should generally receive notice at least 60 days in advance.

Under Nevada Revised Statutes 40.280, notice must generally be served on you pursuant to chapter 40 of the Nevada Revised Statutes . ~~and may be served by:~~

~~— (1) Delivering a copy to you personally in the presence of a witness, unless service is accomplished by a sheriff, constable or licensed process server, in which case the presence of a witness is not required;~~

~~— (2) If you are absent from your place of residence or usual place of business, leaving a copy with a person of suitable age and discretion at either place and mailing a copy to you at your place of residence or business and to the place where the leased property is situated, if different; or~~

~~— (3) If your place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, posting a copy in a conspicuous place on the leased property and mailing a copy to you at the place where the leased property is situated.]~~

If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to Nevada Revised Statutes 40.360 or some combination of those results.

Under the Justice Court Rules of Civil Procedure:



1 (1) You will be given at least 10 days to answer a summons
2 and complaint;

3 (2) If you do not file an answer, an order evicting you by
4 default may be obtained against you;

5 (3) A hearing regarding a temporary eviction may be called
6 as soon as 11 days after you are served with the summons and
7 complaint; and

8 (4) A hearing regarding a permanent eviction may be
9 called as soon as 20 days after you are served with the
10 summons and complaint.

11
12 4. The posting of a notice required by this section must be
13 completed by a process server licensed pursuant to chapter 648 of
14 NRS or any constable or sheriff of the county in which the property
15 is located.

16 5. As used in this section, "residential foreclosure" has the
17 meaning ascribed to it in NRS 107.0805.

18 **Sec. 7.5.** NRS 645H.520 is hereby amended to read as follows:

19 645H.520 1. Subject to the provisions of NRS 645H.770, the
20 services an asset management company may provide include, without
21 limitation:

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

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

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

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

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

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


38 (a) The asset management company shall reasonably provide for
39 the safe storage of the property for 30 days after the abandonment or
40 eviction and may charge and collect the reasonable and actual costs
41 of inventory, moving and storage before releasing the property to the
42 homeowner or the tenant of the homeowner or his or her authorized
43 representative rightfully claiming the property within that period. The
44 asset management company is liable to the homeowner or the tenant



1 of the homeowner only for the asset management company's
2 negligent or wrongful acts in storing the property.

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

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

18 3. Any dispute relating to the amount of the costs claimed by the
19 asset management company pursuant to paragraph (a) of subsection
20 2 may be resolved using the procedure provided in subsection 7 of
21 NRS 40.253  *or section 1 of this act, as applicable.*

22 **Sec. 8.** This act becomes effective on July 1, 2019.



