

ASSEMBLY BILL NO. 107—ASSEMBLYWOMAN BILBRAY-AXELROD

PREFILED FEBRUARY 7, 2017

Referred to Committee on Judiciary

SUMMARY—Provides for the sealing of records relating to eviction under certain circumstances. (BDR 3-689)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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

AN ACT relating to unlawful detainer; providing for the sealing of court records relating to eviction under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 This bill provides that eviction case court files relating to actions for summary
2 eviction are sealed automatically and not open to inspection: (1) upon the entry of a
3 court order denying or dismissing the action for summary eviction; or (2) if a
4 landlord fails to file an affidavit of complaint within 30 days after a tenant files an
5 affidavit to contest the matter. This bill also authorizes the court to seal an eviction
6 case court file: (1) upon a written stipulation between the landlord and the tenant;
7 or (2) upon motion by the tenant, if the court finds that the eviction should be set
8 aside pursuant to the Justice Court Rules of Civil Procedure or that sealing the
9 eviction case court file is in the interests of justice.

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 any action for summary eviction pursuant to NRS*
4 *40.253 or 40.254, the eviction case court file is sealed*
5 *automatically and not open to inspection:*

6 *(a) Upon the entry of a court order which denies or dismisses*
7 *the action for summary eviction; or*

8 *(b) Thirty-one days after the tenant has filed an affidavit*
9 *described in subsection 3 of NRS 40.253, if the landlord has failed*



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1 *to file an affidavit of complaint pursuant to subsection 5 of NRS*
2 *40.253 within 30 days after the tenant filed the affidavit.*

3 *2. In addition to the provisions for the automatic sealing of*
4 *an eviction case court file pursuant to subsection 1, the court may*
5 *order the sealing of an eviction case court file:*

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

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

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

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

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

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

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

24 *3. If the court orders the eviction case court file sealed*
25 *pursuant to this section, all proceedings recounted in the eviction*
26 *case court file shall be deemed never to have occurred.*

27 *4. As used in this section, "eviction case court file" means all*
28 *records relating to an action for summary eviction which are*
29 *maintained by the court, including, without limitation, the*
30 *affidavit of complaint and any other pleadings, proof of service,*
31 *findings of the court, any order made on motion as provided in*
32 *Nevada Rules of Civil Procedure, Justice Court Rules of*
33 *Procedure and local rules of practice and all other papers,*
34 *records, proceedings and evidence, including exhibits and*
35 *transcript of the testimony.*

36 **Sec. 2.** NRS 40.215 is hereby amended to read as follows:
37 40.215 As used in NRS 40.215 to 40.425, inclusive, *and*
38 *section 1 of this act*, unless the context requires otherwise:

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

44 2. "Landlord's agent" means a person who is hired or
45 authorized by the landlord or owner of real property to manage the



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

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

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

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

21 6. "Premises" includes a mobile home.

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

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

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

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

37 **Sec. 3.** The amendatory provisions of this act apply to all
38 actions pending or filed on or after October 1, 2017.

