

Amendment No. CA6

Conference Committee Amendment to
Senate Bill No. 151 Fourth Reprint

(BDR 3-516)

Proposed by: Conference Committee

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

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

KMN/NCA



Date: 6/3/2019

S.B. No. 151—Revises provisions related to certain proceedings concerning property. (BDR 3-516)



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; limiting the amount of fees for the late payment of rent; requiring a landlord to allow a former tenant to retrieve essential personal effects and establishing an expedited procedure if a landlord acts unreasonably under such circumstances; 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 or have served 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: (1) authorizes the landlord or landlord’s agent to cause the notice to be served upon the tenant; and (2) increases the period that a tenant has to act after receiving such notice from at or before noon on the fifth full day to before the close of business of the court that has jurisdiction on the seventh judicial day.

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

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

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

30 Existing law requires a tenant to be served with certain notices to surrender. Existing law
31 authorizes such service: (1) by delivering a copy of the notice to the tenant personally, in the
32 presence of a witness, or by a sheriff, constable or certain other persons; (2) by leaving the
33 notice with a person who meets certain qualifications at the place of residence or business of
34 the tenant; or (3) by posting the notice on the rental property, delivering the notice to the
35 person living there, if possible, and mailing a copy to the tenant. Existing law requires that
36 proof of service of such notices must be filed with the court before the court orders removal or
37 issues a writ of restitution. (NRS 40.280) **Section 4** of this bill provides that a notice to
38 surrender the premises must be served by a sheriff, a constable, certain persons licensed as a
39 process server or the agent of an attorney under certain circumstances. **Section 4** of this bill
40 prescribes certain requirements for proof of service. **Sections 4.5-~~7-3~~ 7.1 and 7.3** of this
41 bill make conforming changes.

42 Existing law defines certain terms used in chapter 118A of NRS, otherwise known as
43 the Residential Landlord and Tenant Act. (NRS 118A.030-118A.170) Section 7.13 of this
44 bill defines “periodic rent” for the purpose of this chapter. Section 7.2 of this bill
45 authorizes a landlord to charge a reasonable late fee for the late payment of rent, but
46 limits the maximum amount that may be imposed for a late fee to not more than 5
47 percent of the periodic rent.

48 Existing law sets forth the procedure for a landlord to dispose of personal property
49 abandoned on the premises by a former tenant or left on the premises after eviction of
50 the tenant without incurring civil or criminal liability. (NRS 118A.460) Section 7.25 of
51 this bill requires a landlord, during the 5-day period following the eviction or lockout of
52 a tenant, to provide the former tenant a reasonable opportunity to retrieve essential
53 personal effects from the premises. Section 1.7 establishes an expedited procedure for a
54 former tenant to retrieve essential personal effects if a landlord acts unreasonably in
55 providing access to the former tenant to retrieve essential personal effects.

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 thereto a new
2 section to read as follows:

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

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

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

14 *↳ As used in this subsection, “day of service” means the day the landlord or the*
15 *landlord’s agent personally delivers the notice to the tenant. If personal service*

1 *was not so delivered, the “day of service” means the day the notice is delivered,*
2 *after posting and mailing pursuant to subsection 2, to the sheriff or constable for*
3 *service if the request for service is made before noon. If the request for service by*
4 *the sheriff or constable is made after noon, the “day of service” shall be deemed*
5 *to be the day next following the day that the request is made for service by the*
6 *sheriff or constable.*

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

13 *(a) Shall post a copy of the notice in a conspicuous place on the premises*
14 *and mail the notice by overnight mail; and*

15 *(b) After the notice has been posted and mailed, may deliver the notice to the*
16 *sheriff or constable for service in the manner set forth in subsection 1 of NRS*
17 *40.280. The sheriff or constable shall not accept the notice for service unless it is*
18 *accompanied by written evidence, signed by the tenant when the tenant took*
19 *possession of the premises, that the landlord or the landlord’s agent informed the*
20 *tenant of the provisions of this section which set forth the lawful procedures for*
21 *eviction from a short-term tenancy. Upon acceptance, the sheriff or constable*
22 *shall serve the notice within 48 hours after the request for service was made by*
23 *the landlord or the landlord’s agent.*

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

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

26 *(b) Advise the tenant:*

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

31 *(2) That if the court determines that the tenant is guilty of an unlawful*
32 *detainer, the court may issue a summary order for removal of the tenant or an*
33 *order providing for the nonadmittance of the tenant, directing the sheriff or*
34 *constable of the county to remove the tenant within 24 hours after receipt of the*
35 *order.*

36 *4. If the tenant files an affidavit pursuant to paragraph (b) of subsection 3*
37 *at or before the time stated in the notice, the landlord or the landlord’s agent,*
38 *after receipt of a file-stamped copy of the affidavit, shall not provide for the*
39 *nonadmittance of the tenant to the premises by locking or otherwise.*

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

42 *(a) The landlord or the landlord’s agent may apply by affidavit of complaint*
43 *for eviction to the justice court of the township in which the commercial premises*
44 *is located or to the district court of the county in which the commercial premises*
45 *is located, whichever has jurisdiction over the matter. The court may thereupon*
46 *issue an order directing the sheriff or constable of the county to remove the*
47 *tenant within 24 hours after receipt of the order. The affidavit must state or*
48 *contain:*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47 (a) *Determine the costs due, if any, claimed by the landlord pursuant to*
48 *118C.230 and any accumulating daily costs; and*

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

51 9. *A landlord shall not refuse to accept rent from a tenant that is submitted*
52 *after the landlord or the landlord's agent has served or had served a notice*

1 *pursuant to subsection 1 if the refusal is based on the fact that the tenant has not*
2 *paid collection fees, attorney's fees or other costs other than rent, a reasonable*
3 *charge for late payments of rent or dishonored checks.*

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

5 40.215 As used in NRS 40.215 to 40.425, inclusive, *and section 1 of this act,*
6 unless the context requires otherwise:

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

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

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

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

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

29 6. "Premises" includes a mobile home.

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

33 8. "Recreational vehicle lot" means a portion of land within a recreational
34 vehicle park, or a portion of land so designated within a mobile home park, which
35 is rented or held out for rent to accommodate a recreational vehicle overnight or for
36 less than 3 months.

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

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

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

43 40.253 1. Except as otherwise provided in subsection ~~10~~ 12, in addition to
44 the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the
45 tenant of any dwelling, apartment, mobile home ~~or~~ recreational vehicle ~~for~~
46 ~~commercial premises~~ with periodic rent reserved by the month or any shorter
47 period is in default in payment of the rent, the landlord or the landlord's agent ~~if~~
48 ~~unless otherwise agreed in writing,~~ may ~~serve or have~~ *cause to be* served a notice
49 in writing, requiring in the alternative the payment of the rent or the surrender of
50 the premises:

51 (a) ~~At or before noon of~~ *Before the close of business on* the ~~the fifth full~~
52 *seventh judicial* day following the day of service; or

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

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

13 2. A landlord or the landlord’s agent who serves a notice to a tenant pursuant
14 to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the
15 manner set forth in ~~paragraph (a) of~~ subsection ~~1~~ 2 of ~~NRS 40.280.~~ **section 1**
16 **of this act.** If the notice cannot be delivered in person, the landlord or the landlord’s
17 agent:

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

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

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

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

31 (b) Advise the tenant:

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

36 (2) That if the court determines that the tenant is guilty of an unlawful
37 detainer, the court may issue a summary order for removal of the tenant or an order
38 providing for the nonadmittance of the tenant, directing the sheriff or constable of
39 the county to **post the order in a conspicuous place on the premises not later than**
40 **24 hours after the order is received by the sheriff or constable. The sheriff or**
41 **constable shall remove the tenant ~~within 24~~ not earlier than 24 hours but not**
42 **later than 36 hours** after ~~receipt~~ **the posting** of the order; and

43 (3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord
44 unlawfully removes the tenant from the premises or excludes the tenant by blocking
45 or attempting to block the tenant’s entry upon the premises or willfully interrupts or
46 causes or permits the interruption of an essential service required by the rental
47 agreement or chapter 118A of NRS.

48 4. If the tenant files such an affidavit at or before the time stated in the notice,
49 the landlord or the landlord’s agent, after receipt of a file-stamped copy of the
50 affidavit which was filed, shall not provide for the nonadmittance of the tenant to
51 the premises by locking or otherwise.

52 5. Upon noncompliance with the notice:

1 (a) The landlord or the landlord's agent may apply by affidavit of complaint
2 for eviction to the justice court of the township in which the dwelling, apartment,
3 mobile home ~~{ }~~ or recreational vehicle ~~{ for commercial premises }~~ are located or to
4 the district court of the county in which the dwelling, apartment, mobile home ~~{ }~~ or
5 recreational vehicle ~~{ for commercial premises }~~ are located, whichever has
6 jurisdiction over the matter. The court may thereupon issue an order directing the
7 sheriff or constable of the county to *post the order in a conspicuous place on the*
8 *premises not later than 24 hours after the order is received by the sheriff or*
9 *constable. The sheriff or constable shall remove the tenant ~~{ within 24 }~~ not earlier*
10 *than 24 hours but not later than 36 hours* after ~~{ receipt }~~ *the posting* of the order.
11 The affidavit must state or contain:

- 12 (1) The date the tenancy commenced.
- 13 (2) The amount of periodic rent reserved.
- 14 (3) The amounts of any cleaning, security or rent deposits paid in advance,
15 in excess of the first month's rent, by the tenant.
- 16 (4) The date the rental payments became delinquent.
- 17 (5) The length of time the tenant has remained in possession without
18 paying rent.
- 19 (6) The amount of rent claimed due and delinquent.
- 20 (7) A statement that the written notice was served on the tenant in
21 accordance with NRS 40.280.
- 22 (8) A copy of the written notice served on the tenant.
- 23 (9) A copy of the signed written rental agreement, if any.

24 (b) Except when the tenant has timely filed the affidavit described in
25 subsection 3 and a file-stamped copy of it has been received by the landlord or the
26 landlord's agent, and except when the landlord is prohibited pursuant to NRS
27 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide
28 for the nonadmittance of the tenant to the premises by locking or otherwise.

29 6. Upon the filing by the tenant of the affidavit permitted in subsection 3,
30 regardless of the information contained in the affidavit, and the filing by the
31 landlord of the affidavit permitted by subsection 5, the justice court or the district
32 court shall hold a hearing, after service of notice of the hearing upon the parties, to
33 determine the truthfulness and sufficiency of any affidavit or notice provided for in
34 this section. If the court determines that there is no legal defense as to the alleged
35 unlawful detainer and the tenant is guilty of an unlawful detainer, the court may
36 issue a summary order for removal of the tenant or an order providing for the
37 nonadmittance of the tenant. If the court determines that there is a legal defense as
38 to the alleged unlawful detainer, the court shall refuse to grant either party any
39 relief, and, except as otherwise provided in this subsection, shall require that any
40 further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The
41 issuance of a summary order for removal of the tenant does not preclude an action
42 by the tenant for any damages or other relief to which the tenant may be entitled. If
43 the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the
44 refusal by the court to grant relief does not preclude the landlord thereafter from
45 pursuing an action for unlawful detainer in accordance with NRS 40.251.

46 7. The tenant may, upon payment of the appropriate fees relating to the filing
47 and service of a motion, file a motion with the court, on a form provided by the
48 clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord
49 pursuant to NRS 118A.460 ~~{ for 118C.230 }~~ for the inventory, moving and storage of
50 personal property left on the premises. The motion must be filed within 20 days
51 after the summary order for removal of the tenant or the abandonment of the
52 premises by the tenant, or within 20 days after:

- 1 (a) The tenant has vacated or been removed from the premises; and
2 (b) A copy of those charges has been requested by or provided to the tenant,
3 whichever is later.

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

9 (a) Determine the costs, if any, claimed by the landlord pursuant to NRS
10 118A.460 ~~for 118C.230~~ and any accumulating daily costs; and

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

13 9. The tenant may, upon payment of the appropriate fees relating to the
14 filing and service of a motion, file a motion with the court on a form provided by
15 the clerk of court to dispute the reasonableness of the actions of a landlord
16 pursuant to subsection 3 of NRS 118A.460. The motion must be filed within 5
17 days after the tenant has vacated or been removed from the premises. Upon the
18 filing of a motion pursuant to this subsection, the court shall schedule a hearing
19 on the motion. The hearing must be held within 5 days after the filing of the
20 motion. The court shall affix the date of the hearing to the motion and order a
21 copy served upon the landlord by the sheriff, constable or other process server. At
22 the hearing, the court may:

23 (a) Order the landlord to allow the retrieval of the tenant's essential personal
24 effects at the date and time and for a period necessary for the retrieval, as
25 determined by the court; and

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

27 10. In determining the amount of damages, if any, to be awarded under
28 paragraph (b) of subsection 9, the court shall consider:

29 (a) Whether the landlord acted in good faith;

30 (b) The course of conduct between the landlord and the tenant; and

31 (c) The degree of harm to the tenant caused by the landlord's conduct.

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

38 ~~10.~~ 12. This section does not apply to the tenant of a mobile home lot in a
39 mobile home park or to the tenant of a recreational vehicle lot in an area of a
40 mobile home park in this State other than an area designated as a recreational
41 vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215 .

42 ~~11.~~ 13. *As used in this section, "close of business" means the close of*
43 *business of the court that has jurisdiction over the matter.*

44 **Sec. 2.** (Deleted by amendment.)

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

46 40.2545 1. In any action for summary eviction pursuant to NRS 40.253 or
47 40.254 ~~or section 1 of this act~~, the eviction case court file is sealed automatically
48 and not open to inspection:

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

51 (b) Thirty-one days after the tenant has filed an affidavit described in
52 subsection 3 of NRS 40.253 ~~or subsection 3 of section 1 of this act~~, if the

1 landlord has failed to file an affidavit of complaint pursuant to subsection 5 of NRS
2 40.253 *or subsection 5 of section 1 of this act* within 30 days after the tenant filed
3 the affidavit.

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

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

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

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

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

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

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

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

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

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

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

33 40.255 1. Except as otherwise provided in subsections 2, 4 and ~~7~~ 9, in
34 any of the following cases, a person who holds over and continues in possession of
35 real property or a mobile home after a 3-day written notice to surrender has been
36 served upon the person may be removed as prescribed in NRS 40.290 to 40.420,
37 inclusive:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 ~~3.~~ 5. *During the notice period described in subsection ~~2.~~ 4:*

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

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

52 ~~4.~~ 6. *The notice described in subsection ~~2.~~ 4 must contain a statement:*

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

3 (b) Notifying the tenant or subtenant that the lease or rental agreement the
4 tenant or subtenant entered into with the previous owner or landlord of the property
5 continues in effect through the notice period described in subsection ~~2-] 4;~~ and

6 (c) Notifying the tenant or subtenant that failure to pay rent to the new owner
7 or comply with any other term of the agreement or applicable law constitutes a
8 breach of the lease or rental agreement and may result in eviction proceedings,
9 including, without limitation, proceedings conducted pursuant to NRS 40.253 and
10 40.254.

11 ~~5-] 7.~~ If the property has been sold as a residential foreclosure in any of the
12 cases described in paragraph (b) or (c) of subsection 1, no person may enter a
13 record of eviction for a tenant or subtenant who vacates a property during the notice
14 period described in subsection ~~2-] 4.~~

15 ~~6-] 8.~~ If the property has been sold as a residential foreclosure in any of the
16 cases described in paragraphs (b) or (c) of subsection 1, nothing in this section shall
17 be deemed to prohibit:

18 (a) The tenant from vacating the property at any time before the expiration of
19 the notice period described in subsection ~~2-] 4~~ without any obligation to the new
20 owner of a property purchased pursuant to a foreclosure sale or trustee's sale; or

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

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

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

28 ~~7-] 9.~~ This section does not apply to the tenant of a mobile home lot in a
29 mobile home park.

30 ~~8-] 10.~~ As used in this section, "residential foreclosure" means the sale of a
31 single family residence pursuant to NRS 40.430 or under a power of sale granted by
32 NRS 107.080. As used in this subsection, "single family residence" means a
33 structure that is comprised of not more than four units.

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

35 40.280 1. Except as otherwise provided in NRS 40.253 ~~1-] and section 1 of~~
36 ~~this act,~~ the notices required by NRS 40.251 to 40.260, inclusive, must be served ~~1-~~

37 ~~— (a) By delivering a copy to the tenant personally, in the presence of a witness.~~
38 ~~If service is accomplished]~~ by the sheriff, a constable, ~~for]~~ a person who is licensed
39 as a process server pursuant to chapter 648 of NRS ~~1- the presence of a witness is~~
40 ~~not required.] or the agent of an attorney licensed to practice in this State:~~

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

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

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

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

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

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

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

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

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

19 (a) An order for removal of a tenant is issued pursuant to NRS 40.253 or
20 40.254;

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

23 (c) A writ of restitution is issued pursuant to NRS 40.290 to 40.420, inclusive
24 ~~{;}~~; *or*

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

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

30 (a) Except as otherwise provided in ~~{paragraphs}~~ *paragraph (b) : ~~{and (c)}~~*

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

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

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

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

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

48 ~~{(2)}~~ (3) If the notice was served pursuant to ~~{paragraph (b) or (c) of~~
49 ~~subsection 1 or}~~ paragraph (b) or (c) of subsection 2, an affidavit or declaration
50 signed under penalty of perjury by the person who served the notice, stating the
51 date and manner of service and accompanied by a confirmation of delivery or

1 certificate of mailing issued by the United States Postal Service or confirmation of
2 actual delivery by a private postal service.

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

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

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

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

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

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

16 (III) Fees paid for the service.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 40.385 Upon an appeal from an order entered pursuant to NRS 40.253 ~~or~~ **or**
3 **section 1 of this act:**

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

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

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

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

22 21.130 1. Before the sale of property on execution, notice of the sale, in
23 addition to the notice required pursuant to NRS 21.075 and 21.076, must be given
24 as follows:

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

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

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

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

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

43 (3) Publishing a copy of the notice three times, once each week, for 3
44 successive weeks, in a newspaper, if there is one in the county. The cost of
45 publication must not exceed the rate for legal advertising as provided in NRS
46 238.070. If the newspaper authorized by this section to publish the notice of sale
47 neglects or refuses from any cause to make the publication, then the posting of
48 notices as provided in this section shall be deemed sufficient notice. Notice of the
49 sale of property on execution upon a judgment for any sum less than \$500,
50 exclusive of costs, must be given only by posting in three public places in the
51 county, one of which must be the courthouse;

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

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

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

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

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

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

18
19 NOTICE TO TENANTS OF THE PROPERTY

20
21 Foreclosure proceedings against this property have started, and a notice of
22 sale of the property to the highest bidder has been issued.

23
24 You may either: (1) terminate your lease or rental agreement and move out;
25 or (2) remain and possibly be subject to eviction proceedings under chapter
26 40 of the Nevada Revised Statutes. Any subtenants may also be subject to
27 eviction proceedings.

28
29 Between now and the date of the sale, you may be evicted if you fail to pay
30 rent or live up to your other obligations to the landlord.

31
32 After the date of the sale, you may be evicted if you fail to pay rent or live
33 up to your other obligations to the successful bidder, in accordance with
34 chapter 118A of the Nevada Revised Statutes.

35
36 Under the Nevada Revised Statutes, eviction proceedings may begin
37 against you after you have been given a notice to surrender.

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

42
43 If the property is sold and you pay rent by the month or any other period of
44 time that is 1 month or longer, you should generally receive notice at least
45 60 days in advance.

46
47 Under Nevada Revised Statutes 40.280, notice must generally be served on
48 you pursuant to chapter 40 of the Nevada Revised Statutes . ~~and may be~~
49 ~~served by:~~

50 ~~—(1) Delivering a copy to you personally in the presence of a witness,~~
51 ~~unless service is accomplished by a sheriff, constable or licensed process~~
52 ~~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) You will be given at least 10 days to answer a summons and complaint;

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

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

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

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

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

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

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

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

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

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

(b) Include, without limitation:

(1) The physical address of the property; and

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

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

3. A separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service

1 or another mail delivery service, to any tenant or subtenant, if any, other than the
2 grantor or the grantor's successor in interest, in actual occupation of the premises
3 not later than 15 days before the date of sale. The separate notice must be in
4 substantially the following form:

5
6 NOTICE TO TENANTS OF THE PROPERTY
7

8 Foreclosure proceedings against this property have started, and a notice of
9 sale of the property to the highest bidder has been issued.

10
11 You may either: (1) terminate your lease or rental agreement and move out;
12 or (2) remain and possibly be subject to eviction proceedings under chapter
13 40 of the Nevada Revised Statutes. Any subtenants may also be subject to
14 eviction proceedings.

15
16 Between now and the date of the sale, you may be evicted if you fail to pay
17 rent or live up to your other obligations to the landlord.

18
19 After the date of the sale, you may be evicted if you fail to pay rent or live
20 up to your other obligations to the successful bidder, in accordance with
21 chapter 118A of the Nevada Revised Statutes.

22
23 Under the Nevada Revised Statutes eviction proceedings may begin against
24 you after you have been given a notice to surrender.

25
26 If the property is sold and you pay rent by the week or another period of
27 time that is shorter than 1 month, you should generally receive notice after
28 not less than the number of days in that period of time.

29
30 If the property is sold and you pay rent by the month or any other period of
31 time that is 1 month or longer, you should generally receive notice at least
32 60 days in advance.

33
34 Under Nevada Revised Statutes 40.280, notice must generally be served on
35 you pursuant to chapter 40 of the Nevada Revised Statutes . ~~and may be~~
36 ~~served by:~~

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

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

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

49
50 If the property is sold and a landlord, successful bidder or subsequent
51 purchaser files an eviction action against you in court, you will be served
52 with a summons and complaint and have the opportunity to respond.

1 Eviction actions may result in temporary evictions, permanent evictions, the
2 awarding of damages pursuant to Nevada Revised Statutes 40.360 or some
3 combination of those results.
4

5 Under the Justice Court Rules of Civil Procedure:

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

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

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

12 (4) A hearing regarding a permanent eviction may be called as soon as
13 20 days after you are served with the summons and complaint.
14

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

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

20 **Sec. 7.1.** NRS 118.205 is hereby amended to read as follows:

21 118.205 A notice provided by a landlord to a tenant pursuant to NRS
22 118.195:

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

24 (a) The address or other location of the property;

25 (b) The date upon which the property will be deemed abandoned and the rental
26 agreement terminated; and

27 (c) An address for payment of the rent due and delivery of notice to the
28 landlord.

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

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

32 **Sec. 7.13. Chapter 118A of NRS is hereby amended by adding thereto a**
33 **new section to read as follows:**

34 **"Periodic rent" means:**

35 **1. For a tenancy for a fixed term or a tenancy on a month to month basis,**
36 **the amount of money payable each month;**

37 **2. For a tenancy on a week to week basis, the amount payable each week;**
38 **and**

39 **3. For a tenancy on an annual basis, the amount payable annually divided**
40 **by 12.**

41 **Sec. 7.15. NRS 118A.020 is hereby amended to read as follows:**

42 118A.020 As used in this chapter, unless the context otherwise requires, the
43 terms defined in NRS 118A.030 to 118A.170, inclusive, **and section 7.13 of this**
44 **act** have the meanings ascribed to them in those sections.

45 **Sec. 7.2. NRS 118A.210 is hereby amended to read as follows:**

46 118A.210 1. Rent is payable without demand or notice at the time and place
47 agreed upon by the parties.

48 2. Unless the rental agreement establishes a definite term, the tenancy is from
49 week to week in the case of a tenant who pays weekly rent and in all other cases the
50 tenancy is from month to month.

51 3. In the absence of an agreement, either written or oral:

52 (a) Rent is payable at the beginning of the tenancy; and

1 (b) Rent for the use and occupancy of a dwelling is the fair rental value for the
2 use and occupancy.

3 4. A landlord may charge a reasonable late fee for the late payment of rent
4 as set forth in the rental agreement, but:

5 (a) Such a late fee must not exceed 5 percent of the amount of the periodic
6 rent; and

7 (b) The maximum amount of the late fee must not be increased based upon a
8 late fee that was previously imposed.

9 **Sec. 7.25. NRS 118A.460 is hereby amended to read as follows:**

10 118A.460 1. The landlord may dispose of personal property abandoned on
11 the premises by a former tenant or left on the premises after eviction of the tenant
12 without incurring civil or criminal liability in the following manner:

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

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

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

29 2. Any dispute relating to the amount of the costs claimed by the landlord
30 pursuant to paragraph (a) of subsection 1 may be resolved using the procedure
31 provided in subsection 7 of NRS 40.253.

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

38 **Sec. 7.3. NRS 118C.230 is hereby amended to read as follows:**

39 118C.230 1. Except as otherwise provided in subsection 3, a landlord who
40 leases or subleases any commercial premises under a rental agreement that has been
41 terminated for any reason may, in accordance with the following provisions,
42 dispose of any abandoned personal property, regardless of its character, left on the
43 commercial premises without incurring any civil or criminal liability:

44 (a) The landlord may dispose of the abandoned personal property and recover
45 his or her reasonable costs out of the abandoned personal property or the value
46 thereof if the landlord has notified the tenant in writing of the landlord's intention
47 to dispose of the abandoned personal property and 14 days have elapsed since the
48 notice was mailed to the tenant. The notice must be mailed, by certified mail, return
49 receipt requested, to the tenant at the tenant's present address, and if that address is
50 unknown, then at the tenant's last known address.

51 (b) The landlord may charge and collect the reasonable and actual costs of
52 inventory, moving and safe storage, if necessary, before releasing the abandoned

1 personal property to the tenant or his or her authorized representative rightfully
2 claiming the abandoned personal property within the appropriate period set forth in
3 paragraph (a).

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

6 2. A tenant of commercial premises is presumed to have abandoned the
7 premises if:

8 (a) Goods, equipment or other property, in an amount substantial enough to
9 indicate a probable intent to abandon the commercial premises, is being or has been
10 removed from the commercial premises; and

11 (b) The removal is not within the normal course of business of the tenant.

12 3. If a written agreement between a landlord and a person who has an
13 ownership interest in any abandoned personal property of the tenant contains
14 provisions which relate to the removal and disposal of abandoned personal
15 property, the provisions of the agreement determine the rights and obligations of
16 the landlord and the person with respect to the removal and disposal of the
17 abandoned personal property.

18 4. Any dispute relating to the amount of the costs claimed by the landlord
19 pursuant to paragraph (b) of subsection 1 may be resolved using the procedure
20 provided in subsection 7 of ~~NRS 40.253.~~ *section 1 of this act.*

21 **Sec. 7.5.** (Deleted by amendment.)

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