

(Reprinted with amendments adopted on April 22, 2019)

FIRST REPRINT

S.B. 151

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.

~

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 to not earlier than 24 hours and not more than 36 hours after the court order.

Existing law authorizes a landlord to utilize procedures for summary eviction when a tenant of a dwelling unit, part of a low-rent housing program operated by a



* S B 1 5 1 R 1 *

21 public housing authority, a mobile home or a recreational vehicle is guilty of certain
22 unlawful detainers. (NRS 40.254) **Section 2** of this bill eliminates the ability of a
23 landlord of a low-rent housing program operated by a public housing authority to
24 utilize such procedures for summary eviction. **Section 2** also provides that the term
25 “dwelling unit” does not include a low-income unit and defines “low-income unit”
26 for the purpose of **section 2**.

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

34 Existing law requires a tenant to be served with certain notices to surrender.
35 Existing law authorizes such service: (1) by delivering a copy of the notice to the
36 tenant personally, in the presence of a witness, or by a sheriff, constable or certain
37 other persons; (2) by leaving the notice with a person who meets certain
38 qualifications at the place of residence or business of the tenant; or (3) by posting the
39 notice on the rental property, delivering the notice to the person living there, if
40 possible, and mailing a copy to the tenant. (NRS 40.280) **Section 4** of this bill
41 provides that a notice to surrender the premises must be served by a sheriff, a
42 constable, certain persons licensed as a process server or the agent of an attorney
43 under certain circumstances. **Sections 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.*

16 *↳ As used in this subsection, “day of service” means the day the*
17 *landlord or the landlord’s agent personally delivers the notice to the*
18 *tenant. If personal service was not so delivered, the “day of service”*
19 *means the day the notice is delivered, after posting and mailing*
20 *pursuant to subsection 2, to the sheriff or constable for service if*
21 *the request for service is made before noon. If the request for service*



1 *by the sheriff or constable is made after noon, the “day of service”*
2 *shall be deemed to be the day next following the day that the request*
3 *is made for service by the sheriff or constable.*

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

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

13 (b) *After the notice has been posted and mailed, may deliver the*
14 *notice to the sheriff or constable for service in the manner set forth*
15 *in subsection 1 of NRS 40.280. The sheriff or constable shall not*
16 *accept the notice for service unless it is accompanied by written*
17 *evidence, signed by the tenant when the tenant took possession of*
18 *the premises, that the landlord or the landlord’s agent informed the*
19 *tenant of the provisions of this section which set forth the lawful*
20 *procedures for eviction from a short-term tenancy. Upon*
21 *acceptance, the sheriff or constable shall serve the notice within 48*
22 *hours after the request for service was made by the landlord or the*
23 *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*
28 *the time specified in subsection 1 for the payment of the rent or*
29 *surrender of the premises, an affidavit with the court that has*
30 *jurisdiction over the matter stating that the tenant has tendered*
31 *payment or is not in default in the payment of the rent; and*

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

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

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

44 (a) *The landlord or the landlord’s agent may apply by affidavit*
45 *of complaint for eviction to the justice court of the township in*



1 *which the commercial premises is located or to the district court of*
2 *the county in which the commercial premises is located, whichever*
3 *has jurisdiction over the matter. The court may thereupon issue an*
4 *order directing the sheriff or constable of the county to remove the*
5 *tenant within 24 hours after receipt of the order. The affidavit must*
6 *state or contain:*

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

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

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

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

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

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

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

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

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

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

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



1 *the landlord thereafter from pursuing an action for unlawful*
2 *detainer in accordance with NRS 40.251.*

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

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

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

15 *↳ whichever is later.*

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

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

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

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

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

34 40.215 As used in NRS 40.215 to 40.425, inclusive, *and section*
35 *1 of this act*, unless the context requires otherwise:

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

40 2. "Landlord's agent" means a person who is hired or authorized
41 by the landlord or owner of real property to manage the property or
42 dwelling unit, to enter into a rental agreement on behalf of the
43 landlord or owner of the property or who serves as a person within
44 this State who is authorized to act for and on behalf of the landlord or
45 owner for the purposes of service of process or receiving notices and



1 demands. A landlord's agent may also include a successor landlord
2 or a property manager as defined in NRS 645.0195.

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

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

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

16 6. "Premises" includes a mobile home.

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

21 8. "Recreational vehicle lot" means a portion of land within a
22 recreational vehicle park, or a portion of land so designated within a
23 mobile home park, which is rented or held out for rent to
24 accommodate a recreational vehicle overnight or for less than 3
25 months.

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

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

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

33 40.253 1. Except as otherwise provided in subsection 10, in
34 addition to the remedy provided in NRS 40.2512 and 40.290 to
35 40.420, inclusive, when the tenant of any dwelling, apartment, mobile
36 home ~~[]~~ or recreational vehicle ~~[for commercial premises]~~ with
37 periodic rent reserved by the month or any shorter period is in default
38 in payment of the rent, the landlord or the landlord's agent, unless
39 otherwise agreed in writing, may serve or have served a notice in
40 writing, requiring in the alternative the payment of the rent or the
41 surrender of the premises:

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

44 (b) If the landlord chooses not to proceed in the manner set forth
45 in paragraph (a) and the rent is reserved by a period of 1 week or less



1 and the tenancy has not continued for more than 45 days, at or before
2 noon of the fourth full day following the day of service.

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

12 2. A landlord or the landlord’s agent who serves a notice to a
13 tenant pursuant to paragraph (b) of subsection 1 shall attempt to
14 deliver the notice in person in the manner set forth in ~~paragraph (a)~~
15 ~~of~~ subsection ~~H~~ 2 of ~~NRS 40.280~~ *section 1 of this act*. If the
16 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
19 premises and mail the notice by overnight mail; and

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

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 removal
40 of the tenant or an order providing for the nonadmittance of the
41 tenant, directing the sheriff or constable of the county to remove
42 tenant ~~within 24~~ *not earlier than 24* hours *but not more than 36*
43 *hours* after receipt of the order; and

44 (3) That, pursuant to NRS 118A.390, a tenant may seek relief
45 if a landlord unlawfully removes the tenant from the premises or



1 excludes the tenant by blocking or attempting to block the tenant's
2 entry upon the premises or willfully interrupts or causes or permits
3 the interruption of an essential service required by the rental
4 agreement or chapter 118A of NRS.

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

10 5. Upon noncompliance with the notice:

11 (a) The landlord or the landlord's agent may apply by affidavit of
12 complaint for eviction to the justice court of the township in which
13 the dwelling, apartment, mobile home ~~[] or recreational vehicle ~~for~~~~
14 ~~commercial premises~~ are located or to the district court of the county
15 in which the dwelling, apartment, mobile home ~~[] or recreational~~
16 ~~vehicle ~~for commercial premises~~~~ are located, whichever has
17 jurisdiction over the matter. The court may thereupon issue an order
18 directing the sheriff or constable of the county to remove the tenant
19 ~~[within 24]~~ *not earlier than 24 hours but not more than 36 hours*
20 after receipt of the order. The affidavit must state or contain:

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

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

39 6. Upon the filing by the tenant of the affidavit permitted in
40 subsection 3, regardless of the information contained in the affidavit,
41 and the filing by the landlord of the affidavit permitted by subsection
42 5, the justice court or the district court shall hold a hearing, after
43 service of notice of the hearing upon the parties, to determine the
44 truthfulness and sufficiency of any affidavit or notice provided for in
45 this section. If the court determines that there is no legal defense as to



1 the alleged unlawful detainer and the tenant is guilty of an unlawful
2 detainer, the court may issue a summary order for removal of the
3 tenant or an order providing for the nonadmittance of the tenant. If
4 the court determines that there is a legal defense as to the alleged
5 unlawful detainer, the court shall refuse to grant either party any
6 relief, and, except as otherwise provided in this subsection, shall
7 require that any further proceedings be conducted pursuant to NRS
8 40.290 to 40.420, inclusive. The issuance of a summary order for
9 removal of the tenant does not preclude an action by the tenant for
10 any damages or other relief to which the tenant may be entitled. If the
11 alleged unlawful detainer was based upon subsection 5 of NRS
12 40.2514, the refusal by the court to grant relief does not preclude the
13 landlord thereafter from pursuing an action for unlawful detainer in
14 accordance with NRS 40.251.

15 7. The tenant may, upon payment of the appropriate fees relating
16 to the filing and service of a motion, file a motion with the court, on
17 a form provided by the clerk of the court, to dispute the amount of the
18 costs, if any, claimed by the landlord pursuant to NRS 118A.460 ~~for~~
19 ~~118C.230~~ for the inventory, moving and storage of personal property
20 left on the premises. The motion must be filed within 20 days after
21 the summary order for removal of the tenant or the abandonment of
22 the premises by the tenant, or within 20 days after:

23 (a) The tenant has vacated or been removed from the premises;
24 and

25 (b) A copy of those charges has been requested by or provided to
26 the tenant,

27 ↪ whichever is later.

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

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

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

40 9. A landlord shall not refuse to accept rent from a tenant that is
41 submitted after the landlord or the landlord's agent has served or had
42 served a notice pursuant to subsection 1 if the refusal is based on the
43 fact that the tenant has not paid collection fees, attorney's fees or
44 other costs other than rent, a reasonable charge for late payments of



1 rent or dishonored checks, or a security. As used in this subsection,
2 “security” has the meaning ascribed to it in NRS 118A.240.

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

4 (a) A mobile home lot in a mobile home park or to the tenant of a
5 recreational vehicle lot in an area of a mobile home park in this State
6 other than an area designated as a recreational vehicle lot pursuant to
7 the provisions of subsection 8 of NRS 40.215 ~~fj~~; or

8 (b) A low-income housing project.

9 *11. As used in this section, “low-income housing project” has*
10 *the meaning ascribed to it in 26 U.S.C. § 42(g).*

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

12 40.254 1. Except as otherwise provided by specific statute, in
13 addition to the remedy provided in NRS 40.290 to 40.420, inclusive,
14 when the tenant of a dwelling unit, ~~[part of a low-rent housing~~
15 ~~program operated by a public housing authority.]~~ a mobile home or a
16 recreational vehicle is guilty of an unlawful detainer pursuant to NRS
17 40.250, 40.251, 40.2514 or 40.2516, the landlord or the landlord’s
18 agent may utilize the summary procedures for eviction as provided in
19 NRS 40.253 except that written notice to surrender the premises must:

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

22 (b) Advise the tenant of the court that has jurisdiction over the
23 matter; and

24 (c) Advise the tenant of the tenant’s right to:

25 (1) Contest the notice by filing before the court’s close of
26 business on the fifth judicial day after the day of service of the notice
27 an affidavit with the court that has jurisdiction over the matter stating
28 the reasons why the tenant is not guilty of an unlawful detainer; or

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

33 2. The affidavit of the landlord or the landlord’s agent submitted
34 to the justice court or the district court must state or contain:

35 (a) The date when the tenancy commenced, the term of the
36 tenancy and, if any, a copy of the rental agreement. If the rental
37 agreement has been lost or destroyed, the landlord or the landlord’s
38 agent may attach an affidavit or declaration, signed under penalty of
39 perjury, stating such loss or destruction.

40 (b) The date when the tenancy or rental agreement allegedly
41 terminated.

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



1 (d) The date when the written notice was given, a copy of the
2 notice and a statement that notice was served in accordance with NRS
3 40.280 and, if applicable, a copy of the notice of change of ownership
4 served on the tenant pursuant to NRS 40.255 if the property has been
5 purchased as a residential foreclosure.

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

7 3. If the tenant is found guilty of unlawful detainer as a result of
8 the tenant's violation of any of the provisions of NRS 453.011 to
9 453.552, inclusive, except NRS 453.336, the landlord is entitled to be
10 awarded any reasonable attorney's fees incurred by the landlord or
11 the landlord's agent as a result of a hearing, if any, held pursuant to
12 subsection 6 of NRS 40.253 wherein the tenant contested the eviction.

13 **4. For the purpose of this section, the term "dwelling unit"**
14 **does not include a low-income unit. As used in this subsection,**
15 **"low-income unit" has the meaning ascribed to it in 26 U.S.C. § 42.**

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

17 40.2545 1. In any action for summary eviction pursuant to
18 NRS 40.253 or 40.254 **or section 1 of this act**, the eviction case
19 court file is sealed automatically and not open to inspection:

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

22 (b) Thirty-one days after the tenant has filed an affidavit
23 described in subsection 3 of NRS 40.253 **or subsection 3 of section**
24 **1 of this act**, if the landlord has failed to file an affidavit of complaint
25 pursuant to subsection 5 of NRS 40.253 **or subsection 5 of section 1**
26 **of this act** within 30 days after the tenant filed the affidavit.

27 2. In addition to the provisions for the automatic sealing of an
28 eviction case court file pursuant to subsection 1, the court may order
29 the sealing of an eviction case court file:

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

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

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

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

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

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



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

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

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

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

16 40.255 1. Except as otherwise provided in subsections ~~4~~ 4
17 and ~~9~~ 9, in any of the following cases, a person who holds over and
18 continues in possession of real property or a mobile home after a 3-
19 day written notice to surrender has been served upon the person may
20 be removed as prescribed in NRS 40.290 to 40.420, inclusive:

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

43 ~~3.5.~~ 5. *During the notice period described in subsection ~~2.4:~~ 4:*

44 (a) *The new owner has the rights, obligations and liabilities of the*
45 *previous owner or landlord pursuant to chapter 118A of NRS under*



1 the lease or rental agreement which the previous owner or landlord
2 entered into with the tenant or subtenant regarding the property; and

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

8 ~~{4}~~ 6. The notice described in subsection ~~{2}~~ 4 must contain a
9 statement:

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

12 (b) Notifying the tenant or subtenant that the lease or rental
13 agreement the tenant or subtenant entered into with the previous
14 owner or landlord of the property continues in effect through the
15 notice period described in subsection ~~{2}~~ 4; and

16 (c) Notifying the tenant or subtenant that failure to pay rent to the
17 new owner or comply with any other term of the agreement or
18 applicable law constitutes a breach of the lease or rental agreement
19 and may result in eviction proceedings, including, without limitation,
20 proceedings conducted pursuant to NRS 40.253 and 40.254 ~~{~~

21 ~~—5}~~ or section 1 of this act.

22 7. If the property has been sold as a residential foreclosure in
23 any of the cases described in paragraph (b) or (c) of subsection 1, no
24 person may enter a record of eviction for a tenant or subtenant who
25 vacates a property during the notice period described in
26 subsection 2 ~~{1}~~ 4.

27 ~~{6}~~ 8. If the property has been sold as a residential foreclosure
28 in any of the cases described in paragraphs (b) or (c) of subsection 1,
29 nothing in this section shall be deemed to prohibit:

30 (a) The tenant from vacating the property at any time before the
31 expiration of the notice period described in subsection ~~{2}~~ 4 without
32 any obligation to the new owner of a property purchased pursuant to
33 a foreclosure sale or trustee's sale; or

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

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

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

41 ~~{7}~~ 9. This section does not apply to the tenant of a mobile
42 home lot in a mobile home park.

43 ~~{8}~~ 10. As used in this section, "residential foreclosure" means
44 the sale of a single family residence pursuant to NRS 40.430 or under
45 a power of sale granted by NRS 107.080. As used in this subsection,



1 “single family residence” means a structure that is comprised of not
2 more than four units.

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

4 40.280 1. Except as otherwise provided in NRS 40.253 ~~[(a)]~~ *and*
5 *section 1 of this act*, the notices required by NRS 40.251 to 40.260,
6 inclusive, must be served ~~[(a)]~~

7 ~~— (a) By delivering a copy to the tenant personally, in the presence~~
8 ~~of a witness. If service is accomplished]~~ by the sheriff, *a* constable,
9 ~~[or]~~ a person who is licensed as a process server pursuant to chapter
10 648 of NRS ~~[(a)]~~ *or the agent*
11 *of an attorney licensed to practice in this State:*

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

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

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

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

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

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

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

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



1 4. Proof of service of any notice required by NRS 40.230 to
2 40.260, inclusive, must be filed with the court before:

3 (a) An order for removal of a tenant is issued pursuant to NRS
4 40.253 or 40.254;

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

7 (c) A writ of restitution is issued pursuant to NRS 40.290 to
8 40.420, inclusive ~~;~~; *or*

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

11 5. Proof of service of an order or writ filed pursuant to
12 *paragraph (a), (b) or (c) of* subsection 4 must consist of:

13 (a) Except as otherwise provided in ~~paragraphs~~ *paragraph* (b) :
14 ~~and (c);~~

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

23 *(I) Was retained by the landlord in an action pursuant to*
24 *NRS 40.290 to 40.420, inclusive;*

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

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

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

34 ~~(2)~~ (3) If the notice was served pursuant to ~~paragraph (b)~~
35 ~~or (c) of subsection 1 or~~ paragraph (b) or (c) of subsection 2, an
36 affidavit or declaration signed under penalty of perjury by the person
37 who served the notice, stating the date and manner of service and
38 accompanied by a confirmation of delivery or certificate of mailing
39 issued by the United States Postal Service or confirmation of actual
40 delivery by a private postal service.

41 ~~(b) If the notice was served by a sheriff, a constable or a person~~
42 ~~who is licensed as a process server pursuant to chapter 648 of NRS,~~
43 ~~a written statement, endorsed by the person who served the notice,~~
44 ~~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 ~~—(e)]~~ 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 landlord's
7 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 **6. Proof of service of an order filed pursuant to paragraph (d)**
14 **of subsection 4 must consist of:**

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

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

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

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

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

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

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

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

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

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



1 7. *For the purpose of this section, an agent of an attorney*
2 *licensed in this State shall only serve notice pursuant to subsection*
3 *1 if:*

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

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

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

9 40.385 Upon an appeal from an order entered pursuant to NRS
10 40.253 ~~§~~ *or section 1 of this act:*

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

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

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

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

32 21.130 1. Before the sale of property on execution, notice of
33 the sale, in addition to the notice required pursuant to NRS 21.075
34 and 21.076, must be given as follows:

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

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



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

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

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

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

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

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

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

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

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

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

41 NOTICE TO TENANTS OF THE PROPERTY
42



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

4
5 You may either: (1) terminate your lease or rental agreement
6 and move out; or (2) remain and possibly be subject to eviction
7 proceedings under chapter 40 of the Nevada Revised Statutes.
8 Any subtenants may also be subject to eviction proceedings.

9
10 Between now and the date of the sale, you may be evicted if
11 you fail to pay rent or live up to your other obligations to the
12 landlord.

13
14 After the date of the sale, you may be evicted if you fail to pay
15 rent or live up to your other obligations to the successful
16 bidder, in accordance with chapter 118A of the Nevada
17 Revised Statutes.

18
19 Under the Nevada Revised Statutes, eviction proceedings may
20 begin against you after you have been given a notice to
21 surrender.

22
23 If the property is sold and you pay rent by the week or another
24 period of time that is shorter than 1 month, you should
25 generally receive notice after not less than the number of days
26 in that period of time.

27
28 If the property is sold and you pay rent by the month or any
29 other period of time that is 1 month or longer, you should
30 generally receive notice at least 60 days in advance.

31
32 Under Nevada Revised Statutes 40.280, notice must generally
33 be served on you pursuant to chapter 40 of the Nevada Revised
34 Statutes . ~~and may be served by:~~

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

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

44 ~~—(3) If your place of residence or business cannot be~~
45 ~~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



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

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

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

15 NOTICE TO TENANTS OF THE PROPERTY

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

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

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

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

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



1 If the property is sold and you pay rent by the month or any
2 other period of time that is 1 month or longer, you should
3 generally receive notice at least 60 days in advance.
4

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

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

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

17 ~~—(3) If your place of residence or business cannot be~~
18 ~~ascertained, or a person of suitable age or discretion cannot be~~
19 ~~found there, posting a copy in a conspicuous place on the~~
20 ~~leased property and mailing a copy to you at the place where~~
21 ~~the leased property is situated.]~~
22

23
24 If the property is sold and a landlord, successful bidder or
25 subsequent purchaser files an eviction action against you in
26 court, you will be served with a summons and complaint and
27 have the opportunity to respond. Eviction actions may result in
28 temporary evictions, permanent evictions, the awarding of
29 damages pursuant to Nevada Revised Statutes 40.360 or some
30 combination of those results.
31

32 Under the Justice Court Rules of Civil Procedure:

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

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

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

40 (4) A hearing regarding a permanent eviction may be
41 called as soon as 20 days after you are served with the
42 summons and complaint.
43

44 4. The posting of a notice required by this section must be
45 completed by a process server licensed pursuant to chapter 648 of



1 NRS or any constable or sheriff of the county in which the property
2 is located.

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

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

6 645H.520 1. Subject to the provisions of NRS 645H.770, the
7 services an asset management company may provide include, without
8 limitation:

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

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

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

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

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

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

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

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



1 the last known address of the homeowner or the tenant of the
2 homeowner.

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

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

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

