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FIFTH 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.

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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.



16 Existing law authorizes a court, in an action for summary eviction, to order the
17 removal of a tenant in default for rental payments. Existing law requires a sheriff or
18 constable to remove such a tenant within 24 hours after the court issues such an order.
19 (NRS 40.253) **Section 1.7** revises the period of time before the removal of the tenant.
20 **Section 1.7** requires a sheriff or constable to post the order for removal in a
21 conspicuous place on the premises not later than 24 hours after the order is received
22 by the sheriff or constable. **Section 1.7** then requires the sheriff or constable to
23 remove the tenant not earlier than 24 hours but not later than 36 hours after the
24 posting of the order by the sheriff or constable.

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

32 Existing law requires a tenant to be served with certain notices to surrender.
33 Existing law authorizes such service: (1) by delivering a copy of the notice to the
34 tenant personally, in the presence of a witness, or by a sheriff, constable or certain
35 other persons; (2) by leaving the notice with a person who meets certain
36 qualifications at the place of residence or business of the tenant; or (3) by posting the
37 notice on the rental property, delivering the notice to the person living there, if
38 possible, and mailing a copy to the tenant. Existing law requires that proof of service
39 of such notices must be filed with the court before the court orders removal or issues
40 a writ of restitution. (NRS 40.280) **Section 4** of this bill provides that a notice to
41 surrender the premises must be served by a sheriff, a constable, certain persons
42 licensed as a process server or the agent of an attorney under certain circumstances.
43 **Section 4** of this bill prescribes certain requirements for proof of service. **Sections**
44 **4.5-7.1 and 7.3** of this bill make conforming changes.

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

51 Existing law sets forth the procedure for a landlord to dispose of personal
52 property abandoned on the premises by a former tenant or left on the premises after
53 eviction of the tenant without incurring civil or criminal liability. (NRS 118A.460)
54 **Section 7.25** of this bill requires a landlord, during the 5-day period following the
55 eviction or lockout of a tenant, to provide the former tenant a reasonable opportunity
56 to retrieve essential personal effects from the premises. **Section 1.7** establishes an
57 expedited procedure for a former tenant to retrieve essential personal effects if a
58 landlord acts unreasonably in providing access to the former tenant to retrieve
59 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
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**



1 *premises with periodic rent reserved by the month or any shorter*
2 *period is in default in payment of the rent, the landlord or the*
3 *landlord's agent, unless otherwise agreed in writing, may serve or*
4 *have served a notice in writing, requiring in the alternative the*
5 *payment of the rent or the surrender of the premises:*

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

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

12 *↳ As used in this subsection, "day of service" means the day the*
13 *landlord or the landlord's agent personally delivers the notice to the*
14 *tenant. If personal service was not so delivered, the "day of service"*
15 *means the day the notice is delivered, after posting and mailing*
16 *pursuant to subsection 2, to the sheriff or constable for service if*
17 *the request for service is made before noon. If the request for service*
18 *by the sheriff or constable is made after noon, the "day of service"*
19 *shall be deemed to be the day next following the day that the request*
20 *is made for service by the sheriff or constable.*

21 2. *A landlord or the landlord's agent who serves a notice to a*
22 *tenant pursuant to paragraph (b) of subsection 1 shall attempt to*
23 *deliver a copy of the notice to the tenant personally, in the presence*
24 *of a witness. If service is accomplished by the sheriff, constable or*
25 *a person who is licensed as a process server pursuant to chapter 648*
26 *of NRS, the presence of a witness is not required. If the notice*
27 *cannot be delivered in person, the landlord or the landlord's agent:*

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

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

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

42 (a) *Identify the court that has jurisdiction over the matter; and*
43 (b) *Advise the tenant:*

44 (1) *Of the tenant's right to contest the matter by filing, within*
45 *the time specified in subsection 1 for the payment of the rent or*



1 *surrender of the premises, an affidavit with the court that has*
2 *jurisdiction over the matter stating that the tenant has tendered*
3 *payment or is not in default in the payment of the rent; and*

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

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

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

16 (a) *The landlord or the landlord's agent may apply by affidavit*
17 *of complaint for eviction to the justice court of the township in*
18 *which the commercial premises is located or to the district court of*
19 *the county in which the commercial premises is located, whichever*
20 *has jurisdiction over the matter. The court may thereupon issue an*
21 *order directing the sheriff or constable of the county to remove the*
22 *tenant within 24 hours after receipt of the order. The affidavit must*
23 *state or contain:*

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

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

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

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

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

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

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

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

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

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

43 6. *Upon the filing by the tenant of an affidavit pursuant to*
44 *paragraph (b) of subsection 3, regardless of the information*
45 *contained in the affidavit and the filing by the landlord of an*



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

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

28 (a) The tenant has vacated or been removed from the premises;
29 and

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

32 ↪ whichever is later.

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

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

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

44 9. A landlord shall not refuse to accept rent from a tenant that
45 is submitted after the landlord or the landlord's agent has served or



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

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

6 40.215 As used in NRS 40.215 to 40.425, inclusive, *and section*
7 *1 of this act*, unless the context requires otherwise:

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

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

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

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

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

33 6. "Premises" includes a mobile home.

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

38 8. "Recreational vehicle lot" means a portion of land within a
39 recreational vehicle park, or a portion of land so designated within a
40 mobile home park, which is rented or held out for rent to
41 accommodate a recreational vehicle overnight or for less than 3
42 months.

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



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

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

5 40.253 1. Except as otherwise provided in subsection ~~[10.]~~ **12**,
6 in addition to the remedy provided in NRS 40.2512 and 40.290 to
7 40.420, inclusive, when the tenant of any dwelling, apartment, mobile
8 home ~~[.]~~ **or** recreational vehicle ~~[or commercial premises]~~ with
9 periodic rent reserved by the month or any shorter period is in default
10 in payment of the rent, the landlord or the landlord's agent ~~[, unless~~
11 ~~otherwise agreed in writing,]~~ may ~~[serve or have]~~ **cause to be** served
12 a notice in writing, requiring in the alternative the payment of the rent
13 or the surrender of the premises:

14 (a) ~~[At or before noon of]~~ **Before the close of business on** the
15 ~~[fifth full]~~ **seventh judicial** day following the day of service; or

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

20 ↪ As used in this subsection, "day of service" means the day the
21 landlord or the landlord's agent personally delivers the notice to the
22 tenant. If personal service was not so delivered, the "day of service"
23 means the day the notice is delivered, after posting and mailing
24 pursuant to subsection 2, to the sheriff or constable for service if the
25 request for service is made before noon. If the request for service by
26 the sheriff or constable is made after noon, the "day of service" shall
27 be deemed to be the day next following the day that the request is
28 made for service by the sheriff or constable.

29 2. A landlord or the landlord's agent who serves a notice to a
30 tenant pursuant to paragraph (b) of subsection 1 shall attempt to
31 deliver the notice in person in the manner set forth in ~~[paragraph (a)~~
32 ~~of]~~ subsection ~~[.]~~ **2** of ~~[NRS 40.280.]~~ **section 1 of this act.** If the
33 notice cannot be delivered in person, the landlord or the landlord's
34 agent:

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

37 (b) After the notice has been posted and mailed, may deliver the
38 notice to the sheriff or constable for service in the manner set forth in
39 subsection 1 of NRS 40.280. The sheriff or constable shall not accept
40 the notice for service unless it is accompanied by written evidence,
41 signed by the tenant when the tenant took possession of the premises,
42 that the landlord or the landlord's agent informed the tenant of the
43 provisions of this section which set forth the lawful procedures for
44 eviction from a short-term tenancy. Upon acceptance, the sheriff or



1 constable shall serve the notice within 48 hours after the request for
2 service was made by the landlord or the landlord's agent.

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

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

5 (b) Advise the tenant:

6 (1) Of the tenant's right to contest the matter by filing, within
7 the time specified in subsection 1 for the payment of the rent or
8 surrender of the premises, an affidavit with the court that has
9 jurisdiction over the matter stating that the tenant has tendered
10 payment or is not in default in the payment of the rent;

11 (2) That if the court determines that the tenant is guilty of an
12 unlawful detainer, the court may issue a summary order for removal
13 of the tenant or an order providing for the nonadmittance of the
14 tenant, directing the sheriff or constable of the county to *post the*
15 *order in a conspicuous place on the premises not later than 24*
16 *hours after the order is received by the sheriff or constable. The*
17 *sheriff or constable shall* remove *the* tenant ~~[within 24]~~ *not earlier*
18 *than 24 hours but not later than 36 hours* after ~~[receipt]~~ *the posting*
19 of the order; and

20 (3) That, pursuant to NRS 118A.390, a tenant may seek relief
21 if a landlord unlawfully removes the tenant from the premises or
22 excludes the tenant by blocking or attempting to block the tenant's
23 entry upon the premises or willfully interrupts or causes or permits
24 the interruption of an essential service required by the rental
25 agreement or chapter 118A of NRS.

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

31 5. Upon noncompliance with the notice:

32 (a) The landlord or the landlord's agent may apply by affidavit of
33 complaint for eviction to the justice court of the township in which
34 the dwelling, apartment, mobile home ~~[] or~~ recreational vehicle ~~for~~
35 ~~commercial premises~~ are located or to the district court of the county
36 in which the dwelling, apartment, mobile home ~~[] or~~ recreational
37 vehicle ~~for-commercial-premises~~ are located, whichever has
38 jurisdiction over the matter. The court may thereupon issue an order
39 directing the sheriff or constable of the county to *post the order in a*
40 *conspicuous place on the premises not later than 24 hours after the*
41 *order is received by the sheriff or constable. The sheriff or constable*
42 *shall* remove the tenant ~~[within 24]~~ *not earlier than 24 hours but not*
43 *later than 36 hours* after ~~[receipt]~~ *the posting* of the order. The
44 affidavit must state or contain:

45 (1) The date the tenancy commenced.



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

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

18 6. Upon the filing by the tenant of the affidavit permitted in
19 subsection 3, regardless of the information contained in the affidavit,
20 and the filing by the landlord of the affidavit permitted by subsection
21 5, the justice court or the district court shall hold a hearing, after
22 service of notice of the hearing upon the parties, to determine the
23 truthfulness and sufficiency of any affidavit or notice provided for in
24 this section. If the court determines that there is no legal defense as to
25 the alleged unlawful detainer and the tenant is guilty of an unlawful
26 detainer, the court may issue a summary order for removal of the
27 tenant or an order providing for the nonadmittance of the tenant. If
28 the court determines that there is a legal defense as to the alleged
29 unlawful detainer, the court shall refuse to grant either party any
30 relief, and, except as otherwise provided in this subsection, shall
31 require that any further proceedings be conducted pursuant to NRS
32 40.290 to 40.420, inclusive. The issuance of a summary order for
33 removal of the tenant does not preclude an action by the tenant for
34 any damages or other relief to which the tenant may be entitled. If the
35 alleged unlawful detainer was based upon subsection 5 of NRS
36 40.2514, the refusal by the court to grant relief does not preclude the
37 landlord thereafter from pursuing an action for unlawful detainer in
38 accordance with NRS 40.251.

39 7. The tenant may, upon payment of the appropriate fees relating
40 to the filing and service of a motion, file a motion with the court, on
41 a form provided by the clerk of the court, to dispute the amount of the
42 costs, if any, claimed by the landlord pursuant to NRS 118A.460 ~~for~~
43 ~~118C.230~~ for the inventory, moving and storage of personal property
44 left on the premises. The motion must be filed within 20 days after



1 the summary order for removal of the tenant or the abandonment of
2 the premises by the tenant, or within 20 days after:

3 (a) The tenant has vacated or been removed from the premises;
4 and

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

7 ↪ whichever is later.

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

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

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

20 9. *The tenant may, upon payment of the appropriate fees*
21 *relating to the filing and service of a motion, file a motion with the*
22 *court on a form provided by the clerk of court to dispute the*
23 *reasonableness of the actions of a landlord pursuant to subsection*
24 *3 of NRS 118A.460. The motion must be filed within 5 days after*
25 *the tenant has vacated or been removed from the premises. Upon*
26 *the filing of a motion pursuant to this subsection, the court shall*
27 *schedule a hearing on the motion. The hearing must be held within*
28 *5 days after the filing of the motion. The court shall affix the date*
29 *of the hearing to the motion and order a copy served upon the*
30 *landlord by the sheriff, constable or other process server. At the*
31 *hearing, the court may:*

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

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

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

39 (a) *Whether the landlord acted in good faith;*

40 (b) *The course of conduct between the landlord and the tenant;*
41 *and*

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

44 11. A landlord shall not refuse to accept rent from a tenant that
45 is submitted after the landlord or the landlord's agent has served or



1 had served a notice pursuant to subsection 1 if the refusal is based on
2 the fact that the tenant has not paid collection fees, attorney's fees or
3 other costs other than rent, a reasonable charge for late payments of
4 rent or dishonored checks, or a security. As used in this subsection,
5 "security" has the meaning ascribed to it in NRS 118A.240.

6 ~~10.~~ **12.** This section does not apply to the tenant of a mobile
7 home lot in a mobile home park or to the tenant of a recreational
8 vehicle lot in an area of a mobile home park in this State other than
9 an area designated as a recreational vehicle lot pursuant to the
10 provisions of subsection 8 of NRS 40.215 .

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

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

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

15 40.2545 1. In any action for summary eviction pursuant to
16 NRS 40.253 or 40.254 ~~1.~~ *or section 1 of this act*, the eviction case
17 court file is sealed automatically and not open to inspection:

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

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

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

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

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

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

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

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

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

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



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

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

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

13 40.255 1. Except as otherwise provided in subsections 2 , 4
14 and ~~7, 9~~, in any of the following cases, a person who holds over and
15 continues in possession of real property or a mobile home after a 3-
16 day written notice to surrender has been served upon the person may
17 be removed as prescribed in NRS 40.290 to 40.420, inclusive:

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

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

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

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

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

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

42 (b) *The tenant or subtenant continues to have the rights,*
43 *obligations and liabilities that the tenant or subtenant had pursuant*
44 *to chapter 118A of NRS under the lease or rental agreement which*



1 *the tenant or subtenant entered into with the previous owner or*
2 *landlord regarding the property; and*

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

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

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

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

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

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

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

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

40 ~~3.1~~ **5.** During the notice period described in subsection ~~2.1~~ **4:**

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



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

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

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

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

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

19 ~~{5}~~ 7. If the property has been sold as a residential foreclosure
20 in any of the cases described in paragraph (b) or (c) of subsection 1,
21 no person may enter a record of eviction for a tenant or subtenant who
22 vacates a property during the notice period described in subsection
23 ~~{2}~~ 4.

24 ~~{6}~~ 8. If the property has been sold as a residential foreclosure
25 in any of the cases described in paragraphs (b) or (c) of subsection 1,
26 nothing in this section shall be deemed to prohibit:

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

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

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

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

38 ~~{7}~~ 9. This section does not apply to the tenant of a mobile
39 home lot in a mobile home park.

40 ~~{8}~~ 10. As used in this section, "residential foreclosure" means
41 the sale of a single family residence pursuant to NRS 40.430 or under
42 a power of sale granted by NRS 107.080. As used in this subsection,
43 "single family residence" means a structure that is comprised of not
44 more than four units.



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

2 40.280 1. Except as otherwise provided in NRS 40.253 ~~]~~ **and**
3 **section 1 of this act**, the notices required by NRS 40.251 to 40.260,
4 inclusive, must be served ~~]~~

5 ~~—(a) By delivering a copy to the tenant personally, in the presence~~
6 ~~of a witness. If service is accomplished]~~ by the sheriff, **a** constable ,
7 ~~for]~~ a person who is licensed as a process server pursuant to chapter
8 648 of NRS ~~], the presence of a witness is not required.]~~ **or the agent**
9 **of an attorney licensed to practice in this State:**

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

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

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

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

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

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

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

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

43 4. Proof of service of any notice required by NRS 40.230 to
44 40.260, inclusive, must be filed with the court before:



1 (a) An order for removal of a tenant is issued pursuant to NRS
2 40.253 or 40.254;

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

5 (c) A writ of restitution is issued pursuant to NRS 40.290 to
6 40.420, inclusive ~~for~~; *or*

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

9 5. Proof of service of *notice pursuant to NRS 40.230 to 40.260,*
10 *inclusive, that must be filed before the court may issue* an order or
11 writ filed pursuant to *paragraph (a), (b) or (c) of* subsection 4 must
12 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 ~~for~~, *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 40.230 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 notice pursuant to NRS 40.230 to 40.260,**
14 **inclusive, that must be filed before the court may issue an order filed**
15 **pursuant to paragraph (d) of subsection 4 must consist of:**

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

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

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

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

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

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

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

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

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



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

2 ***7. For the purpose of this section, an agent of an attorney***
3 ***licensed in this State shall only serve notice pursuant to subsection***
4 ***1 if:***

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

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

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

10 40.385 Upon an appeal from an order entered pursuant to NRS
11 40.253 ~~§~~ ***or section 1 of this act:***

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

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

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

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

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

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

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



1 the county, at least twice, the first publication being not less than 10
2 days before the date of the sale.

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

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

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

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

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

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

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

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

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

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



1 NOTICE TO TENANTS OF THE PROPERTY

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

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

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

15
16 After 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 successful
18 bidder, in accordance with chapter 118A of the Nevada
19 Revised Statutes.

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

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

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

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

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

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

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

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

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

16
17 NOTICE TO TENANTS OF THE PROPERTY

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

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

27
28 Between now and the date of the sale, you may be evicted if
29 you fail to pay rent or live up to your other obligations to the
30 landlord.

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

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

40
41 If the property is sold and you pay rent by the week or another
42 period of time that is shorter than 1 month, you should
43 generally receive notice after not less than the number of days
44 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 If the property is sold and a landlord, successful bidder or
24 subsequent purchaser files an eviction action against you in
25 court, you will be served with a summons and complaint and
26 have the opportunity to respond. Eviction actions may result in
27 temporary evictions, permanent evictions, the awarding of
28 damages pursuant to Nevada Revised Statutes 40.360 or some
29 combination of those results.

30 Under the Justice Court Rules of Civil Procedure:

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

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

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

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

41
42
43 4. The posting of a notice required by this section must be
44 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. 7.1.** NRS 118.205 is hereby amended to read as follows:

6 118.205 A notice provided by a landlord to a tenant pursuant to
7 NRS 118.195:

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

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

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

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

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

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

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

20 *"Periodic rent" means:*

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

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

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

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

29 118A.020 As used in this chapter, unless the context otherwise
30 requires, the terms defined in NRS 118A.030 to 118A.170, inclusive,
31 *and section 7.13 of this act* have the meanings ascribed to them in
32 those sections.

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

34 118A.210 1. Rent is payable without demand or notice at the
35 time and place agreed upon by the parties.

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

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

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

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

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



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

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

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

7 118A.460 1. The landlord may dispose of personal property
8 abandoned on the premises by a former tenant or left on the premises
9 after eviction of the tenant without incurring civil or criminal liability
10 in the following manner:

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

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

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

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

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

39 **Sec. 7.3.** NRS 118C.230 is hereby amended to read as follows:
40 118C.230 1. Except as otherwise provided in subsection 3, a

41 landlord who leases or subleases any commercial premises under a
42 rental agreement that has been terminated for any reason may, in
43 accordance with the following provisions, dispose of any abandoned
44 personal property, regardless of its character, left on the commercial
45 premises without incurring any civil or criminal liability:



1 (a) The landlord may dispose of the abandoned personal property
2 and recover his or her reasonable costs out of the abandoned personal
3 property or the value thereof if the landlord has notified the tenant in
4 writing of the landlord's intention to dispose of the abandoned
5 personal property and 14 days have elapsed since the notice was
6 mailed to the tenant. The notice must be mailed, by certified mail,
7 return receipt requested, to the tenant at the tenant's present address,
8 and if that address is unknown, then at the tenant's last known
9 address.

10 (b) The landlord may charge and collect the reasonable and actual
11 costs of inventory, moving and safe storage, if necessary, before
12 releasing the abandoned personal property to the tenant or his or her
13 authorized representative rightfully claiming the abandoned personal
14 property within the appropriate period set forth in paragraph (a).

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

17 2. A tenant of commercial premises is presumed to have
18 abandoned the premises if:

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

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

25 3. If a written agreement between a landlord and a person who
26 has an ownership interest in any abandoned personal property of the
27 tenant contains provisions which relate to the removal and disposal
28 of abandoned personal property, the provisions of the agreement
29 determine the rights and obligations of the landlord and the person
30 with respect to the removal and disposal of the abandoned personal
31 property.

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

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

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

