

ASSEMBLY BILL NO. 340—ASSEMBLYMEN SUMMERS-ARMSTRONG;  
BROWN-MAY, DURAN, GORELOW, NEWBY, ORENTLICHER,  
PETERS, THOMAS, TORRES AND WATTS

MARCH 20, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing certain actions and proceedings relating to real property. (BDR 3-77)

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; revising provisions relating to summary evictions; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 In general, existing law authorizes a landlord who seeks to recover possession  
2 of a premises from a tenant to do so by filing an unlawful detainer action or an  
3 action for summary eviction. (NRS 40.253, 40.254, 40.2542, 40.290-40.420)  
4 Existing law prescribes separate summary eviction procedures for the summary  
5 eviction of: (1) certain tenants who are not tenants of a commercial premises and  
6 who default in the payment of rent; (2) certain tenants who are guilty of unlawful  
7 detainer for reasons other than a default in the payment of rent; and (3) certain  
8 tenants of a commercial premises who default in the payment of rent. (NRS 40.253,  
9 40.254, 40.2542)

10 In general, the summary eviction procedures prescribed by existing law require  
11 a landlord to provide certain written notice to a tenant: (1) informing the tenant that  
12 he or she must take certain action or surrender the premises on or before a date  
13 specified in the notice; and (2) advising the tenant of his or her right to contest the  
14 matter by filing an affidavit with the court that has jurisdiction over the matter. In  
15 so doing, the summary eviction procedures prescribed by existing law require a  
16 tenant who contests a summary eviction to file an affidavit in court concerning an  
17 action for summary eviction before a landlord is required to make any filing  
18 concerning the matter. If such an affidavit is filed, a hearing is held. If no such  
19 affidavit is filed, upon noncompliance of a tenant with the written notice, existing  
20 law authorizes: (1) the landlord to apply by affidavit of complaint for the summary  
21 eviction of the tenant; and (2) the court, without holding a hearing, to order the  
22 removal of the tenant within a prescribed period. (NRS 40.253, 40.254, 40.2542)

23 **Section 22** of this bill repeals the summary eviction procedures prescribed by  
24 existing law for the summary eviction of: (1) certain tenants who are not tenants of



\* A B 3 4 0 R 2 \*

25 a commercial premises and who default in the payment of rent; and (2) certain  
 26 tenants who are guilty of unlawful detainer for reasons other than a default in the  
 27 payment of rent. **Sections 2-6.5** of this bill reenact, reorganize and revise these  
 28 procedures. **Section 2** of this bill establishes a new procedure for the summary  
 29 eviction of certain tenants who are not tenants of a commercial premises and who  
 30 default in the payment of rent. **Section 6.5** of this bill establishes a new procedure  
 31 for the summary eviction of certain tenants who are guilty of unlawful detainer for  
 32 reasons other than a default in the payment of rent.

33 The new procedures for summary eviction set forth in **sections 2 and 6.5** are  
 34 similar to the procedures repealed by **section 22** except with regard to: (1) the  
 35 required contents of a written notice; (2) certain requirements relating to filings  
 36 made with the court; and (3) the period of time before the removal of a tenant.  
 37 Instead of requiring a tenant who contests a summary eviction to file an affidavit in  
 38 court before the landlord files a complaint, **sections 2 and 6.5** require the landlord,  
 39 upon the expiration of certain notice provided to the tenant, to: (1) apply by  
 40 affidavit of complaint for the summary eviction of the tenant; and (2) serve the  
 41 tenant with a file-stamped copy of the affidavit of complaint, a copy of the  
 42 summons and certain notice. **Sections 2 and 6.5** additionally require the landlord to  
 43 file with the court proof of service of the affidavit, summons and notice within a  
 44 prescribed period. **Sections 2 and 6.5** require the tenant to file an answer to the  
 45 affidavit of complaint within 7 calendar days after the date of service. If a tenant  
 46 files an answer within the prescribed period, a hearing is held. If no such answer is  
 47 filed, **sections 2 and 6.5** authorize the court, without holding a hearing, to order the  
 48 removal of the tenant within a prescribed period under certain circumstances.  
 49 **Sections 9-20** of this bill make conforming changes relating to the repeal, revision  
 50 and reorganization of the procedures for summary eviction.

51 Existing law requires a court that grants an action for summary eviction for a  
 52 default in the payment of rent during the COVID-19 emergency to automatically  
 53 seal the eviction case court file. (NRS 40.2545) **Section 11** of this bill removes  
 54 requirements relating to the COVID-19 emergency, thereby requiring a court that  
 55 grants an action for summary eviction brought pursuant to **section 2** to  
 56 automatically seal the eviction case court file. **Section 11** also requires a court to  
 57 automatically seal the eviction case court file for an action for summary eviction  
 58 brought pursuant to **section 6.5** if the landlord fails to file an affidavit of complaint  
 59 for summary eviction within the time prescribed by **section 6.5**.

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 the provisions set forth as sections 2 to 8, inclusive, of this  
 3 act.

4 **Sec. 2. 1. *Except as otherwise provided in subsection 14, in***  
 5 ***addition to the remedies provided in NRS 40.290 to 40.420,***  
 6 ***inclusive, a landlord may pursue the summary eviction of a tenant***  
 7 ***for a default in the payment of rent using the procedure for***  
 8 ***summary eviction provided in this section.***

9 **2. *Before a landlord or landlord's agent may file an affidavit***  
 10 ***of complaint for the summary eviction of a tenant for a default in***  
 11 ***the payment of rent, the landlord or the landlord's agent must***  
 12 ***serve upon the tenant a written notice which:***



1 (a) Except as otherwise provided in subsection 12, requires the  
2 tenant to pay the past due rent or surrender the premises before  
3 the close of business on the seventh calendar day following the  
4 date of service; and

5 (b) Informs the tenant that if the tenant fails to comply with  
6 the requirements of paragraph (a), the landlord may apply by  
7 affidavit of complaint for the summary eviction of the tenant.

8 3. Upon noncompliance of a tenant with the notice provided  
9 pursuant to subsection 2, the landlord or the landlord's agent may  
10 apply by affidavit of complaint for summary eviction to the justice  
11 court of the township in which the dwelling, apartment, mobile  
12 home or recreational vehicle is located. After the filing of an  
13 affidavit of complaint for summary eviction, a summons must be  
14 issued.

15 4. An affidavit of complaint for summary eviction filed  
16 pursuant to subsection 3 must:

17 (a) Except as otherwise provided in subsection 12, be filed with  
18 the court not later than 30 calendar days after the expiration of  
19 the notice period described in subsection 2; and

20 (b) 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  
24 paid 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  
27 possession 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 pursuant to subsection 2; and

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

34 5. A landlord or landlord's agent who applies for summary  
35 eviction pursuant to subsection 3 shall, within:

36 (a) Fifteen calendar days after the date on which the affidavit  
37 of complaint for summary eviction is filed, serve upon the tenant a  
38 file-stamped copy of the affidavit of complaint, a copy of the  
39 summons and a notice which must advise the tenant that:

40 (1) Except as otherwise provided in subsection 12, the  
41 tenant must file a written answer to the affidavit of complaint for  
42 summary eviction with the court that has jurisdiction over the  
43 matter not later than 7 calendar days after service of the affidavit  
44 of complaint for summary eviction;



1           (2) *If the tenant does not file an answer within the period*  
2 *described in subparagraph (1), the court may issue a summary*  
3 *order for removal of the tenant or an order providing for the*  
4 *nonadmittance of the tenant;*

5           (3) *Pursuant to NRS 118A.390, the tenant may seek relief if*  
6 *a landlord unlawfully removes the tenant from the premises or*  
7 *excludes the tenant by blocking or attempting to block the tenant's*  
8 *entry upon the premises or willfully interrupts or causes or permits*  
9 *the interruption of an essential item or service required by the*  
10 *rental agreement or chapter 118A of NRS; and*

11           (4) *The tenant may request that the court stay the execution*  
12 *of the order of removal of the tenant or order providing for*  
13 *nonadmittance of the tenant for a period not exceeding 10 days*  
14 *pursuant to subsection 2 of NRS 70.010, stating the reasons why*  
15 *such a stay is warranted.*

16           (b) *Thirty calendar days after the date on which the affidavit*  
17 *of complaint for summary eviction is filed, file with the court proof*  
18 *of service of the affidavit, summons and notice required by*  
19 *paragraph (a).*

20           6. *Except as otherwise provided in subsection 12, upon being*  
21 *served pursuant to subsection 5, the tenant shall, within 7*  
22 *calendar days after the day of service, file a written answer with*  
23 *the court that has jurisdiction over the matter. If no written*  
24 *answer is filed within the time period prescribed by this subsection*  
25 *and the landlord otherwise complies with the requirements*  
26 *prescribed by this section, the court may, without holding a*  
27 *hearing but after determining that a landlord has complied with*  
28 *the requirements prescribed by this section, issue:*

29           (a) *A summary order for the removal of the tenant or an order*  
30 *providing for the nonadmittance of the tenant; and*

31           (b) *An order directing the sheriff or constable of the county to*  
32 *perform the actions required by section 4 of this act.*

33           7. *If a tenant files a written answer pursuant to subsection 6,*  
34 *the court shall hold a hearing to determine the truthfulness and*  
35 *sufficiency of the affidavit of complaint for summary eviction.*

36           8. *If, after a hearing held pursuant to subsection 7, the court*  
37 *determines that:*

38           (a) *There is no legal defense as to the alleged unlawful*  
39 *detainer and the tenant is guilty of an unlawful detainer, the court*  
40 *may issue a summary order for removal of the tenant or an order*  
41 *providing for the nonadmittance of the tenant.*

42           (b) *There is a legal defense as to the alleged unlawful detainer,*  
43 *require that any further proceedings be conducted pursuant to*  
44 *NRS 40.290 to 40.420, inclusive.*



1       9. *The court shall dismiss an action for summary eviction if*  
2 *the landlord does not comply with the requirements prescribed by*  
3 *paragraph (b) of subsection 5.*

4       10. *Written notices to the tenant prescribed by this section*  
5 *must be served in the manner provided by NRS 40.280.*

6       11. *Proof of service of any notice required by this section*  
7 *must be filed with the court before a summary order for removal*  
8 *of the tenant or an order providing for the nonadmittance of the*  
9 *tenant is issued pursuant to subsection 6 or 8, as applicable.*

10       12. *For the purposes of this section, if the date on which:*

11       (a) *An affidavit of complaint for summary eviction or a written*  
12 *answer to such an affidavit must be filed falls on a nonjudicial*  
13 *day, the filing is timely if performed on the next judicial day.*

14       (b) *A tenant must pay any past due rent or surrender the*  
15 *premises falls on a Saturday, Sunday or legal holiday, the tenant*  
16 *must pay the past due rent or surrender the premises before the*  
17 *close of business on the next day the business office of the*  
18 *landlord is open.*

19       13. *A landlord shall not refuse to accept rent from a tenant*  
20 *that is submitted after the landlord or the landlord's agent has*  
21 *served a notice pursuant to subsection 2 if the refusal is based on*  
22 *the fact that the tenant has not paid collection fees, attorney's fees*  
23 *or other costs other than rent, a reasonable charge for late*  
24 *payments of rent or dishonored checks, or a security deposit.*

25       14. *Except as otherwise provided in NRS 118A.315, this*  
26 *section does not apply to:*

27       (a) *A tenant of a commercial premises;*

28       (b) *A tenant of a mobile home lot in a mobile home park or a*  
29 *tenant of a recreational vehicle lot in an area of a mobile home*  
30 *park in this State, other than an area designated as a recreational*  
31 *vehicle lot pursuant to the provisions of subsection 8 of NRS*  
32 *40.215; or*

33       (c) *A tenant who provides proof to the landlord that he or she*  
34 *is a federal worker, tribal worker, state worker or household*  
35 *member of such a worker during a shutdown.*

36       15. *As used in this section, "security deposit" has the*  
37 *meaning ascribed to it in NRS 118A.240.*

38       **Sec. 3.** (Deleted by amendment.)

39       **Sec. 4.** *Upon receipt of a summary order for the removal of*  
40 *the tenant or an order providing for the nonadmittance of the*  
41 *tenant issued pursuant to subsection 6 of section 2 of this act, the*  
42 *sheriff or constable shall:*

43       1. *Post the order in a conspicuous place on the premises not*  
44 *later than 24 hours after the order is received by the sheriff or*  
45 *constable.*



1       2. As soon as reasonably practicable, but not earlier than 24  
2 hours after the posting of the order, remove the tenant.

3       **Sec. 5. 1.** A tenant against whom a court issues a summary  
4 order for removal pursuant to section 2 of this act may, upon  
5 payment of the appropriate fees relating to the filing and service of  
6 a motion, file a motion to dispute the amount of the costs, if any,  
7 claimed by the landlord pursuant to NRS 118A.460.

8       2. A motion filed pursuant to subsection 1 must be made on a  
9 form prescribed by the clerk of the court and filed within 20 days  
10 after the later of:

11       (a) The date on which the summary order for removal or the  
12 order providing for nonadmittance was issued.

13       (b) The date on which the tenant vacated or was removed from  
14 the premises.

15       (c) The date on which a copy of the costs claimed by the  
16 landlord was requested by or provided to the tenant.

17       3. Upon the filing of a motion pursuant to subsection 1, the  
18 court shall schedule a hearing on the motion. The hearing must be  
19 held within 10 days after the filing of the motion. The court shall  
20 affix the date of the hearing to the motion and order a copy served  
21 upon the landlord by the sheriff, constable or other process server  
22 licensed pursuant to chapter 648 of NRS. At the hearing, the court  
23 may:

24       (a) Determine the costs, if any, claimed by the landlord  
25 pursuant to NRS 118A.460 and any accumulating daily costs; and

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

29       **Sec. 6. 1.** A tenant against whom a court issues a summary  
30 order for removal pursuant to section 2 of this act may, upon  
31 payment of the appropriate fees relating to the filing and service of  
32 a motion, file a motion to dispute the reasonableness of any action  
33 taken by the landlord pursuant to subsection 3 of NRS 118A.460.

34       2. A motion filed pursuant to subsection 1 must be made on a  
35 form prescribed by the clerk of the court and filed within 5 days  
36 after the date on which the tenant vacated or was removed from  
37 the premises.

38       3. Upon the filing of a motion pursuant to subsection 1, the  
39 court shall schedule a hearing on the motion. The hearing must be  
40 held within 5 days after the filing of the motion. The court shall  
41 affix the date of the hearing to the motion and order a copy served  
42 upon the landlord by the sheriff, constable or other process server.  
43 At the hearing, the court may:



1 (a) Order the landlord to allow the tenant to retrieve his or her  
2 essential personal effects at the date and time and for a period  
3 necessary for the retrieval, as determined by the court; and

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

5 4. In determining the amount of damages, if any, to be  
6 awarded under paragraph (b) of subsection 3, the court shall  
7 consider:

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

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

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

13 **Sec. 6.5. 1.** Except as otherwise provided in subsection 14,  
14 in addition to the remedies provided in NRS 40.290 to 40.420,  
15 inclusive, a landlord may pursue the summary eviction of a tenant  
16 for an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514  
17 or 40.2516 using the procedure for summary eviction provided in  
18 this section.

19 2. Before a landlord or landlord's agent may file an affidavit  
20 of complaint for the summary eviction of a tenant for an unlawful  
21 detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516, the  
22 landlord or the landlord's agent must serve upon the tenant:

23 (a) The written notice to surrender required by NRS 40.250,  
24 40.251, 40.2514 or 40.2516, as applicable; and

25 (b) A written notice which informs the tenant that if the tenant  
26 fails to comply with the requirements of written notice to  
27 surrender, the landlord may apply by affidavit of complaint for the  
28 summary eviction of the tenant.

29 3. Upon noncompliance of a tenant with the written notice  
30 required by paragraph (a) of subsection 2, the landlord or the  
31 landlord's agent may apply by affidavit of complaint for summary  
32 eviction to the justice court of the township in which the dwelling,  
33 apartment, mobile home or recreational vehicle is located. After  
34 the filing of an affidavit of complaint for summary eviction, a  
35 summons must be issued.

36 4. An affidavit of complaint for summary eviction filed  
37 pursuant to subsection 3 must:

38 (a) Except as otherwise provided in subsection 12, be filed with  
39 the court not later than 30 calendar days after the expiration of  
40 the period described in the written notice to surrender required by  
41 paragraph (a) of subsection 2; and

42 (b) State or contain:

43 (1) The date the tenancy commenced;

44 (2) The date when the tenancy or rental agreement  
45 allegedly terminated;



1           (3) A copy of the written notice served on the tenant  
2 pursuant to subsection 2;

3           (4) Any facts supporting the written notice;

4           (5) A copy of the signed written rental agreement, if any;

5           (6) A statement that the written notice was served on the  
6 tenant in accordance with NRS 40.280;

7           (7) A copy of the notice of change of ownership served on  
8 the tenant pursuant to NRS 40.255, if the property has been  
9 purchased in a residential foreclosure; and

10          (8) A statement that the claim for relief was authorized by  
11 law.

12          5. A landlord or landlord's agent who applies for summary  
13 eviction pursuant to subsection 3 shall, within:

14          (a) Fifteen calendar days after the date on which the affidavit  
15 of complaint for summary eviction is filed, serve upon the tenant a  
16 file-stamped copy of the affidavit of complaint, a copy of the  
17 summons and a notice which must advise the tenant that:

18           (1) Except as otherwise provided in subsection 12, the  
19 tenant must file a written answer to the affidavit of complaint for  
20 summary eviction with the court that has jurisdiction over the  
21 matter not later than 7 calendar days after service of the affidavit  
22 of complaint for summary eviction;

23           (2) If the tenant does not file an answer within the period  
24 described in subparagraph (1), the court may issue a summary  
25 order for removal of the tenant or an order providing for the  
26 nonadmittance of the tenant;

27           (3) Pursuant to NRS 118A.390, the tenant may seek relief if  
28 a landlord unlawfully removes the tenant from the premises or  
29 excludes the tenant by blocking or attempting to block the tenant's  
30 entry upon the premises or willfully interrupts or causes or permits  
31 the interruption of an essential item or service required by the  
32 rental agreement or chapter 118A of NRS; and

33           (4) The tenant may request that the court stay the execution  
34 of the order of removal of the tenant or order providing for  
35 nonadmittance of the tenant for a period not exceeding 10 days  
36 pursuant to subsection 2 of NRS 70.010, stating the reasons why  
37 such a stay is warranted.

38          (b) Thirty calendar days after the date on which the affidavit  
39 of complaint for summary eviction is filed, file with the court proof  
40 of service of the affidavit, summons and notice required by  
41 paragraph (a).

42          6. Except as otherwise provided in subsection 12, upon being  
43 served pursuant to subsection 5, the tenant shall, within 7  
44 calendar days after the day of service, file a written answer with  
45 the court that has jurisdiction over the matter. If no written





1 *answer is filed within the time period prescribed by this subsection*  
2 *and the landlord otherwise complies with the requirements*  
3 *prescribed by this section, the court may, without holding a*  
4 *hearing but after determining that a landlord has complied with*  
5 *the requirements prescribed by this section, issue:*

6 (a) *A summary order for the removal of the tenant or an order*  
7 *providing for the nonadmittance of the tenant; and*

8 (b) *An order directing the sheriff or constable of the county to*  
9 *perform the actions required by section 4 of this act.*

10 7. *If a tenant files a written answer pursuant to subsection 6,*  
11 *the court shall hold a hearing to determine the truthfulness and*  
12 *sufficiency of the affidavit of complaint for summary eviction.*

13 8. *If, after a hearing held pursuant to subsection 7, the court*  
14 *determines that:*

15 (a) *There is no legal defense as to the alleged unlawful*  
16 *detainer and the tenant is guilty of an unlawful detainer, the court*  
17 *may issue a summary order for removal of the tenant or an order*  
18 *providing for the nonadmittance of the tenant.*

19 (b) *There is a legal defense as to the alleged unlawful detainer,*  
20 *require that any further proceedings be conducted pursuant to*  
21 *NRS 40.290 to 40.420, inclusive.*

22 9. *The court shall dismiss an action for summary eviction if*  
23 *the landlord does not comply with the requirements prescribed by*  
24 *paragraph (b) of subsection 5.*

25 10. *Written notices to the tenant prescribed by this section*  
26 *must be served in the manner provided by NRS 40.280.*

27 11. *Proof of service of any notice required by this section*  
28 *must be filed with the court before a summary order for removal*  
29 *of the tenant or an order providing for the nonadmittance of the*  
30 *tenant is issued pursuant to subsection 6 or 8, as applicable.*

31 12. *For the purposes of this section, if the date on which an*  
32 *affidavit of complaint for summary eviction or a written answer to*  
33 *such an affidavit must be filed falls on a nonjudicial day, the filing*  
34 *is timely if performed on the next judicial day.*

35 13. *A landlord shall not refuse to accept rent from a tenant*  
36 *that is submitted after the landlord or the landlord's agent has*  
37 *served a notice pursuant to subsection 2 if the refusal is based on*  
38 *the fact that the tenant has not paid collection fees, attorney's fees*  
39 *or other costs other than rent, a reasonable charge for late*  
40 *payments of rent or dishonored checks, or a security deposit.*

41 14. *If the tenant is found guilty of unlawful detainer as a*  
42 *result of the tenant's violation of any of the provisions of NRS*  
43 *453.011 to 453.552, inclusive, except NRS 453.336, the landlord is*  
44 *entitled to be awarded any reasonable attorney's fees incurred by*  
45 *the landlord or the landlord's agent as a result of a hearing, if*



1 *any, held pursuant to subsection 7 wherein the tenant contested*  
2 *the eviction.*

3 *15. Except as otherwise provided in NRS 118A.315, this*  
4 *section does not apply to:*

5 *(a) A tenant of a commercial premises;*

6 *(b) A tenant of a mobile home lot in a mobile home park or a*  
7 *tenant of a recreational vehicle lot in an area of a mobile home*  
8 *park in this State, other than an area designated as a recreational*  
9 *vehicle lot pursuant to the provisions of subsection 8 of NRS*  
10 *40.215; or*

11 *(c) A tenant who provides proof to the landlord that he or she*  
12 *is a federal worker, tribal worker, state worker or household*  
13 *member of such a worker during a shutdown.*

14 *16. As used in this section, "security deposit" has the*  
15 *meaning ascribed to it in NRS 118A.240.*

16 **Sec. 7.** (Deleted by amendment.)

17 **Sec. 8.** (Deleted by amendment.)

18 **Sec. 9.** NRS 40.2516 is hereby amended to read as follows:

19 40.2516 1. A tenant of real property, a dwelling unit, a  
20 recreational vehicle or a mobile home other than a mobile home lot  
21 or a recreational vehicle lot for a term less than life is guilty of an  
22 unlawful detainer when the tenant continues in possession, in person  
23 or by subtenant, after a neglect or failure to perform any condition  
24 or covenant of the lease or agreement under which the real property,  
25 dwelling unit, recreational vehicle or mobile home is held, other  
26 than those mentioned in NRS 40.250 to ~~40.254,~~ **40.252**, inclusive,  
27 **and sections 2 to 6.5, inclusive, of this act**, and after notice in  
28 writing, requiring in the alternative the performance of the condition  
29 or covenant or the surrender of the real property, dwelling unit,  
30 recreational vehicle or mobile home, served upon the tenant, and, if  
31 there is a subtenant in actual occupation of the premises or property,  
32 also upon the subtenant, remains uncomplied with for 5 days after  
33 the service thereof. Within 5 days after the service, the tenant, or  
34 any subtenant in actual occupation of the premises or property, or  
35 any mortgagee of the term, or other person, interested in its  
36 continuance, may perform the condition or covenant and thereby  
37 save the lease from forfeiture; but if the covenants and conditions of  
38 the lease, violated by the lessee, cannot afterwards be performed,  
39 then no notice need be given.

40 2. If a tenant is guilty of an unlawful detainer pursuant to this  
41 section, the landlord may seek to recover possession of the real  
42 property, dwelling unit, recreational vehicle or mobile home  
43 pursuant to the provisions of NRS ~~40.254-or~~ 40.290 to 40.420,  
44 inclusive ~~[-]~~, **or section 6.5 of this act.**



1       **Sec. 10.** NRS 40.252 is hereby amended to read as follows:  
2       40.252 For the purposes of NRS 40.250 to 40.252, inclusive,  
3 and ~~NRS 40.254;~~ *sections 2 to 6.5, inclusive, of this act:*

4       1. It is unlawful for a landlord to attempt by contract or other  
5 agreement to shorten the specified periods of notice and any such  
6 contract or agreement is void.

7       2. Notice to surrender the premises which was given by one  
8 colessor of real property or a mobile home is valid unless it is  
9 affirmatively shown that one or more of the other colessors did not  
10 authorize the giving of the notice.

11       **Sec. 11.** NRS 40.2545 is hereby amended to read as follows:

12       40.2545 1. If a court grants an action for summary eviction  
13 pursuant to ~~NRS 40.253 during the COVID-19 emergency;~~ *section*  
14 *2 of this act,* the court shall automatically seal the eviction case  
15 court file.

16       2. In addition to the provisions for the automatic sealing of an  
17 eviction case court file pursuant to subsection 1, in any action for  
18 summary eviction pursuant to NRS ~~[40.253, 40.254 or]~~ 40.2542 ~~;~~  
19 *or section 6.5 of this act,* the eviction case court file is sealed  
20 automatically and not open to inspection:

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

23       (b) Ten judicial days after the entry of a court order which  
24 denies the action for summary eviction; ~~or;~~

25       (c) Thirty-one days after the tenant has filed an affidavit  
26 described in ~~subsection 3 of NRS 40.253 or]~~ subsection 3 of NRS  
27 40.2542 ~~;~~ *or*

28       (d) *If* the landlord has failed to file an affidavit of complaint  
29 ~~[pursuant to subsection 5 of NRS 40.253 or subsection 5 of NRS~~  
30 ~~40.2542 within 30 days after the tenant filed the affidavit.] for~~  
31 *summary eviction on or before 30 days after the date on which the*  
32 *notice required by subsection 2 of section 2 or subsection 2 of*  
33 *section 6.5 of this act expires.*

34       3. In addition to the provisions for the automatic sealing of an  
35 eviction case court file pursuant to subsections 1 and 2, the court  
36 may order the sealing of an eviction case court file for an action for  
37 summary eviction pursuant to NRS ~~[40.253, 40.254 or]~~ 40.2542 ~~;~~  
38 *or section 2 or 6.5 of this act:*

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

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

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



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

5 (I) Circumstances beyond the control of the tenant that  
6 led to the eviction;

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

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

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

15 5. Except as otherwise provided in this subsection, a notice to  
16 surrender must not be made available for public inspection by any  
17 person or governmental entity, including, without limitation, by a  
18 sheriff or constable. This subsection does not:

19 (a) Apply to a notice to surrender which has been filed with a  
20 court and which is part of an eviction case court file that has not  
21 been sealed pursuant to this section.

22 (b) Prohibit the service of a notice to surrender pursuant to NRS  
23 40.280, and such service of a notice to surrender shall be deemed  
24 not to constitute making the notice to surrender available for public  
25 inspection as described in this subsection.

26 6. As used in this section ~~f~~:

27 ~~—(a) “COVID-19 emergency” means the period of time:~~

28 ~~—(1) Beginning on March 12, 2020, the date on which the~~  
29 ~~Governor issued the Declaration of Emergency for COVID-19; and~~

30 ~~—(2) Ending on the date on which the Governor terminates the~~  
31 ~~emergency described in the Declaration May 20, 2022.~~

32 ~~—(b) “Eviction” , “eviction~~ case court file” means all records  
33 relating to an action for summary eviction which are maintained by  
34 the court, including, without limitation, the affidavit of complaint  
35 and any other pleadings, proof of service, findings of the court, any  
36 order made on motion as provided in Nevada Rules of Civil  
37 Procedure, Justice Court Rules of Civil Procedure and local rules of  
38 practice and all other papers, records, proceedings and evidence,  
39 including exhibits and transcript of the testimony.

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

41 40.255 1. Except as otherwise provided in subsections 2, 4  
42 and 9, in any of the following cases, a person who holds over and  
43 continues in possession of real property or a mobile home after a 3-  
44 day written notice to surrender has been served upon the person may  
45 be removed as prescribed in NRS 40.290 to 40.420, inclusive:



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

4 (b) Where the property or mobile home has been sold upon the  
5 foreclosure of a mortgage, or under an express power of sale  
6 contained therein, executed by the person, or by another person  
7 under whom the person claims, and the title under the sale has been  
8 perfected;

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

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

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

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

25 (b) The tenant or subtenant continues to have the rights,  
26 obligations and liabilities that the tenant or subtenant had pursuant  
27 to chapter 118A of NRS under the lease or rental agreement which  
28 the tenant or subtenant entered into with the previous owner or  
29 landlord regarding the property; and

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

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

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

42 (b) Notifying the tenant or subtenant that the lease or rental  
43 agreement the tenant or subtenant entered into with the previous  
44 owner or landlord of the property continues in effect through the



1 period of the lease term and states the amount held by the new  
2 owner for the security deposit; and

3 (c) Notifying the tenant or subtenant that failure to pay rent to  
4 the new owner or comply with any other term of the agreement or  
5 applicable law constitutes a breach of the lease or rental agreement  
6 and may result in eviction proceedings, including, without  
7 limitation, proceedings conducted pursuant to ~~NRS 40.253 and~~  
8 ~~40.254.] sections 2 and 6.5 of this act.~~

9 4. If the property has been sold as a residential foreclosure, a  
10 tenant or subtenant in actual occupation of the premises, other than a  
11 person whose name appears on the mortgage or deed, who holds  
12 over and continues in possession of real property or a mobile home  
13 in any of the cases described in paragraph (b) or (c) of subsection 1  
14 may be removed as prescribed in NRS 40.290 to 40.420, inclusive,  
15 after receiving a notice of the change of ownership of the real  
16 property or mobile home and after the expiration of a notice period  
17 beginning on the date the notice was received by the tenant or  
18 subtenant and expiring:

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

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

23 5. During the notice period described in subsection 4:

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

29 (b) The tenant or subtenant continues to have the rights,  
30 obligations and liabilities that the tenant or subtenant had pursuant  
31 to chapter 118A of NRS under the lease or rental agreement which  
32 the tenant or subtenant entered into with the previous owner or  
33 landlord regarding the property.

34 6. The notice described in subsection 4 must contain a  
35 statement:

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

38 (b) Notifying the tenant or subtenant that the lease or rental  
39 agreement the tenant or subtenant entered into with the previous  
40 owner or landlord of the property continues in effect through the  
41 notice period described in subsection 4; and

42 (c) Notifying the tenant or subtenant that failure to pay rent to  
43 the new owner or comply with any other term of the agreement or  
44 applicable law constitutes a breach of the lease or rental agreement  
45 and may result in eviction proceedings, including, without



1 limitation, proceedings conducted pursuant to ~~NRS 40.253 and~~  
2 ~~40.254.~~ *sections 2 and 6.5 of this act.*

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

8 8. If the property has been sold as a residential foreclosure in  
9 any of the cases described in paragraphs (b) or (c) of subsection 1,  
10 nothing in this section shall be deemed to prohibit:

11 (a) The tenant from vacating the property at any time before the  
12 expiration of the notice period described in subsection 4 without any  
13 obligation to the new owner of a property purchased pursuant to a  
14 foreclosure sale or trustee's sale; or

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

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

19 (2) Offering a payment to the tenant or subtenant in  
20 exchange for vacating the premises on a date earlier than the  
21 expiration of the notice period described in subsection 4.

22 9. This section does not apply to the tenant of a mobile home  
23 lot in a mobile home park.

24 10. As used in this section, "residential foreclosure" means the  
25 sale of a single family residence pursuant to NRS 40.430 or under a  
26 power of sale granted by NRS 107.080. As used in this subsection,  
27 "single family residence" means a structure that is comprised of not  
28 more than four units.

29 **Sec. 13.** NRS 40.280 is hereby amended to read as follows:

30 40.280 1. Except as otherwise provided in NRS ~~40.253 and~~  
31 40.2542, the notices required by NRS 40.251 to 40.260, inclusive,  
32 *and sections 2 to 6.5, inclusive, of this act* must be served by the  
33 sheriff, a constable, a person who is licensed as a process server  
34 pursuant to chapter 648 of NRS or the agent of an attorney licensed  
35 to practice in this State:

36 (a) By delivering a copy to the tenant personally.

37 (b) If the tenant is absent from the tenant's place of residence or  
38 from the tenant's usual place of business, by leaving a copy with a  
39 person of suitable age and discretion at either place and mailing a  
40 copy to the tenant at the tenant's place of residence or place of  
41 business.

42 (c) If the place of residence or business cannot be ascertained, or  
43 a person of suitable age or discretion cannot be found there, by  
44 posting a copy in a conspicuous place on the leased property,  
45 delivering a copy to a person there residing, if the person can be



1 found, and mailing a copy to the tenant at the place where the leased  
2 property is situated.

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

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

11 (b) If the unlawful or unauthorized occupant is absent from the  
12 real property, by leaving a copy with a person of suitable age and  
13 discretion at the property and mailing a copy to the unlawful or  
14 unauthorized occupant at the place where the property is situated. If  
15 the occupant is unknown, the notice must be addressed to "Current  
16 Occupant."

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

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

24 4. Proof of service of any notice required by NRS 40.230 to  
25 40.260, inclusive, *and sections 2 to 6.5, inclusive, of this act* must  
26 be filed with the court before:

27 (a) An order for removal of a tenant is issued pursuant to ~~NRS~~  
28 ~~40.253 or 40.254;~~ *section 2 or 6.5 of this act;*

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

31 (c) A writ of restitution is issued pursuant to NRS 40.290 to  
32 40.420, inclusive; or

33 (d) An order for removal of a commercial tenant pursuant to  
34 NRS 40.2542.

35 5. Proof of service of notice pursuant to NRS 40.230 to 40.260,  
36 inclusive, *and sections 2 to 6.5, inclusive, of this act* that must be  
37 filed before the court may issue an order or writ filed pursuant to  
38 paragraph (a), (b) or (c) of subsection 4 must consist of:

39 (a) ~~Except as otherwise provided in paragraph (b):~~  
40 ~~(1)~~ If the notice was served pursuant to subsection 1, a  
41 written statement, endorsed by the person who served the notice,  
42 stating the date and manner of service. The statement must also  
43 include the number of the badge or license of the person who served  
44 the notice. If the notice was served by the agent of an attorney  
45 licensed in this State, the statement must be accompanied by a





1 declaration, signed by the attorney and bearing the license number  
2 of the attorney, stating that the attorney:

3 ~~[(1)]~~ (1) Was retained by the landlord in an action  
4 pursuant to NRS 40.230 to 40.420, inclusive ~~[(1)]~~, and sections 2 to  
5 6.5, inclusive, of this act;

6 ~~[(2)]~~ (2) Reviewed the date and manner of service by the  
7 agent; and

8 ~~[(3)]~~ (3) Believes to the best of his or her knowledge that  
9 such service complies with the requirements of this section.

10 ~~[(2)]~~ (b) If the notice was served pursuant to paragraph (a) of  
11 subsection 2, an affidavit or declaration signed by the tenant or the  
12 unlawful or unauthorized occupant, as applicable, and a witness,  
13 signed under penalty of perjury by the server, acknowledging that  
14 the tenant or occupant received the notice on a specified date.

15 ~~[(3)]~~ (c) If the notice was served pursuant to paragraph (b) or  
16 (c) of subsection 2, an affidavit or declaration signed under penalty  
17 of perjury by the person who served the notice, stating the date and  
18 manner of service and accompanied by a confirmation of delivery or  
19 certificate of mailing issued by the United States Postal Service or  
20 confirmation of actual delivery by a private postal service.

21 ~~[(b) For a short term tenancy, if service of the notice was not  
22 delivered in person:~~

23 ~~———— (1) A certificate of mailing issued by the United States Postal  
24 Service or by a private postal service to the landlord or the  
25 landlord's agent; or~~

26 ~~———— (2) The endorsement of a sheriff or constable stating the:~~

27 ~~———— (I) Time and date the request for service was made by the  
28 landlord or the landlord's agent;~~

29 ~~———— (II) Time, date and manner of the service; and~~

30 ~~———— (III) Fees paid for the service.]~~

31 6. Proof of service of notice pursuant to NRS 40.230 to 40.260,  
32 inclusive, and sections 2 to 6.5, inclusive, of this act that must be  
33 filed before the court may issue an order filed pursuant to paragraph  
34 (d) of subsection 4 must consist of:

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

36 (1) If the notice was served pursuant to subsection 2 of NRS  
37 40.2542, an affidavit or declaration signed by the tenant or the  
38 unlawful or unauthorized occupant, and a witness, as applicable,  
39 signed under penalty of perjury by the server, acknowledging that  
40 the tenant or occupant received the notice on a specified date.

41 (2) If the notice was served pursuant to paragraph (b) or (c)  
42 of subsection 1, an affidavit or declaration signed under penalty of  
43 perjury by the person who served the notice, stating the date and  
44 manner of service and accompanied by a confirmation of delivery or



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

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

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

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

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

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

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

18 (III) Fees paid for the service.

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

22 (a) The landlord has retained the attorney in an action pursuant  
23 to NRS 40.230 to 40.420, inclusive ~~[ ]~~, *and sections 2 to 6.5,*  
24 *inclusive, of this act;* and

25 (b) The agent is acting at the direction and under the direct  
26 supervision of the attorney.

27 **Sec. 14.** NRS 40.385 is hereby amended to read as follows:

28 40.385 1. Either party may appeal an order entered pursuant  
29 to NRS ~~[40.253, 40.254 or]~~ 40.2542 *or section 2 or 6.5 of this act*  
30 by filing a notice of appeal within 10 judicial days after the date of  
31 entry of the order.

32 2. Except as otherwise provided in this section, a stay of  
33 execution may be obtained by filing with the trial court a bond in the  
34 amount of \$250 to cover the expected costs on appeal. A surety  
35 upon the bond submits to the jurisdiction of the appellate court and  
36 irrevocably appoints the clerk of that court as the surety's agent  
37 upon whom papers affecting the surety's liability upon the bond  
38 may be served. Liability of a surety may be enforced, or the bond  
39 may be released, on motion in the appellate court without  
40 independent action. A tenant of commercial property may obtain a  
41 stay of execution only upon the issuance of a stay pursuant to Rule 8  
42 of the Nevada Rules of Appellate Procedure and the posting of a  
43 supersedeas bond in the amount of 100 percent of any unpaid rent  
44 claim of the landlord.



3. A tenant who retains possession of the premises that are the subject of the appeal during the pendency of the appeal shall pay to the landlord rent in the amount provided in the underlying contract between the tenant and the landlord as it becomes due. If the tenant fails to pay such rent, the landlord may initiate new proceedings for a summary eviction by serving the tenant with a new notice pursuant to NRS ~~40.253, 40.254 or~~ 40.2542 ~~1~~ *or section 2 or 6.5 of this act.*

**Sec. 15.** NRS 118.205 is hereby amended to read as follows:

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

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

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

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

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

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

3. May be included in the notice required by subsection ~~1~~ 2 of ~~NRS 40.253~~ *section 2 of this act* or subsection 1 of NRS 40.2542, as applicable.

**Sec. 16.** NRS 118A.460 is hereby amended to read as follows:

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

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

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

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



1 2. Any dispute relating to the amount of the costs claimed by  
2 the landlord pursuant to paragraph (a) of subsection 1 may be  
3 resolved using the procedure provided in ~~subsection 7 of NRS~~  
4 ~~40.253.]~~ *section 5 of this act.*

5 3. During the 5-day period following the eviction or lockout of  
6 a tenant, the landlord shall provide the former tenant a reasonable  
7 opportunity to retrieve essential personal effects, including, without  
8 limitation, medication, baby formula, basic clothing and personal  
9 care items. Any dispute relating to the reasonableness of the  
10 landlord's actions pursuant to this section may be resolved using the  
11 procedure provided in ~~subsection 9 of NRS 40.253.]~~ *section 6 of*  
12 *this act.*

13 **Sec. 17.** NRS 118C.230 is hereby amended to read as follows:

14 118C.230 1. Except as otherwise provided in subsection 3, a  
15 landlord who leases or subleases any commercial premises under a  
16 rental agreement that has been terminated for any reason may, in  
17 accordance with the following provisions, dispose of any abandoned  
18 personal property, regardless of its character, left on the commercial  
19 premises without incurring any civil or criminal liability:

20 (a) The landlord may dispose of the abandoned personal  
21 property and recover his or her reasonable costs out of the  
22 abandoned personal property or the value thereof if the landlord has  
23 notified the tenant in writing of the landlord's intention to dispose of  
24 the abandoned personal property and 14 days have elapsed since the  
25 notice was mailed to the tenant. The notice must be mailed, by  
26 certified mail, return receipt requested, to the tenant at the tenant's  
27 present address, and if that address is unknown, then at the tenant's  
28 last known address.

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

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

37 2. A tenant of commercial premises is presumed to have  
38 abandoned the premises if:

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

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



1 3. If a written agreement between a landlord and a person who  
2 has an ownership interest in any abandoned personal property of the  
3 tenant contains provisions which relate to the removal and disposal  
4 of abandoned personal property, the provisions of the agreement  
5 determine the rights and obligations of the landlord and the person  
6 with respect to the removal and disposal of the abandoned personal  
7 property.

8 4. Any dispute relating to the amount of the costs claimed by  
9 the landlord pursuant to paragraph (b) of subsection 1 may be  
10 resolved using the procedure provided in subsection 7 of  
11 NRS 40.2542.

12 **Sec. 18.** NRS 179.1164 is hereby amended to read as follows:

13 179.1164 1. Except as otherwise provided in subsection 2,  
14 the following property is subject to seizure and forfeiture in a  
15 proceeding for forfeiture:

16 (a) Any proceeds attributable to the commission or attempted  
17 commission of any felony.

18 (b) Any property or proceeds otherwise subject to forfeiture  
19 pursuant to NRS 179.121, 200.760, 202.257, 370.419, 453.301 or  
20 501.3857.

21 2. Property may not, to the extent of the interest of any  
22 claimant, be declared forfeited by reason of an act or omission  
23 shown to have been committed or omitted without the knowledge,  
24 consent or willful blindness of the claimant.

25 3. Unless the owner of real property or a mobile home:

26 (a) Has given the tenant notice to surrender the premises  
27 pursuant to ~~NRS 40.254~~ *section 6.5 of this act* within 90 days after  
28 the owner receives notice of a conviction pursuant to subsection 2 of  
29 NRS 453.305; or

30 (b) Shows the court that the owner had good cause not to evict  
31 the tenant summarily pursuant to ~~NRS 40.254,~~ *section 6.5 of this*  
32 *act,*

33 ↪ the owner of real property or a mobile home used or intended for  
34 use by a tenant to facilitate any violation of the provisions of NRS  
35 453.011 to 453.552, inclusive, except NRS 453.336, is disputably  
36 presumed to have known of and consented to that use if the notices  
37 required by NRS 453.305 have been given in connection with  
38 another such violation relating to the property or mobile home. The  
39 holder of a lien or encumbrance on the property or mobile home is  
40 disputably presumed to have acquired an interest in the property for  
41 fair value and without knowledge or consent to such use, regardless  
42 of when the act giving rise to the forfeiture occurred.

43 **Sec. 19.** NRS 453.305 is hereby amended to read as follows:

44 453.305 1. Whenever a person is arrested for violating any of  
45 the provisions of NRS 453.011 to 453.552, inclusive, except



1 NRS 453.336, and real property or a mobile home occupied by the  
2 person as a tenant has been used to facilitate the violation, the  
3 prosecuting attorney responsible for the case shall cause to be  
4 delivered to the owner of the property or mobile home a written  
5 notice of the arrest.

6 2. Whenever a person is convicted of violating any of the  
7 provisions of NRS 453.011 to 453.552, inclusive, except NRS  
8 453.336, and real property or a mobile home occupied by the person  
9 as a tenant has been used to facilitate the violation, the prosecuting  
10 attorney responsible for the case shall cause to be delivered to the  
11 owner of the property or mobile home a written notice of the  
12 conviction.

13 3. The notices required by this section must:

14 (a) Be written in language which is easily understood;

15 (b) Be sent by certified or registered mail, return receipt  
16 requested, to the owner at the owner's last known address;

17 (c) Be sent within 15 days after the arrest occurs or judgment of  
18 conviction is entered against the tenant, as the case may be;

19 (d) Identify the tenant involved and the offense for which the  
20 tenant has been arrested or convicted; and

21 (e) Advise the owner that:

22 (1) The property or mobile home is subject to forfeiture  
23 pursuant to NRS 179.1156 to 179.1205, inclusive, and 453.301  
24 unless the tenant, if convicted, is evicted;

25 (2) Any similar violation by the same tenant in the future  
26 may also result in the forfeiture of the property unless the tenant has  
27 been evicted;

28 (3) In any proceeding for forfeiture based upon such a  
29 violation the owner will, by reason of the notice, be deemed to have  
30 known of and consented to the unlawful use of the property or  
31 mobile home; and

32 (4) The provisions of NRS 40.2514 and ~~40.254~~ *section 6.5*  
33 *of this act* authorize the supplemental remedy of summary eviction  
34 to facilitate the owner's recovery of the property or mobile home  
35 upon such a violation and provide for the recovery of any reasonable  
36 attorney's fees the owner incurs in doing so.

37 4. Nothing in this section shall be deemed to preclude the  
38 commencement of a proceeding for forfeiture or the forfeiture of the  
39 property or mobile home, whether or not the notices required by this  
40 section are given as required, if the proceeding and forfeiture are  
41 otherwise authorized pursuant to NRS 179.1156 to 179.1205,  
42 inclusive, and 453.301.

43 5. As used in this section, "tenant" means any person entitled  
44 under a written or oral rental agreement to occupy real property or a  
45 mobile home to the exclusion of others.



1       **Sec. 20.** NRS 645H.520 is hereby amended to read as follows:  
2       645H.520 1. Subject to the provisions of NRS 645H.770, the  
3 services an asset management company may provide include,  
4 without limitation:

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

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

10       (c) Cleaning the interior or exterior of real property in  
11 foreclosure;

12       (d) Providing repair or improvements for real property in  
13 foreclosure; and

14       (e) Removing trash and debris from real property in foreclosure  
15 and the surrounding property.

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

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

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

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



1 3. Any dispute relating to the amount of the costs claimed by  
2 the asset management company pursuant to paragraph (a) of  
3 subsection 2 may be resolved using the procedure provided in  
4 ~~[subsection 7 of NRS 40.253.]~~ *section 5 of this act.*

5 **Sec. 21.** The amendatory provisions of sections 2 to 20,  
6 inclusive, of this act apply to an action for summary eviction which  
7 accrues on or after October 1, 2023.

8 **Sec. 22.** NRS 40.253 and 40.254 are hereby repealed.

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### TEXT OF REPEALED SECTIONS

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#### **40.253 Unlawful detainer: Supplemental remedy of summary eviction and exclusion of tenant for default in payment of rent.**

1. Except as otherwise provided in subsection 12, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home or recreational vehicle with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent may cause to be served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) Before the close of business on the seventh judicial day following the day of service; or

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

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

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in subsection 2 of NRS 40.2542. If the notice cannot be delivered in person, the landlord or the landlord's agent:





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

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

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

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

(b) Advise the tenant:

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

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

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

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

5. Upon noncompliance with the notice:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle are located or to the district court of the county in which the



dwelling, apartment, mobile home or recreational vehicle are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order. The affidavit must state or contain:

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

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

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the



refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

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

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

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

↳ whichever is later.

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

(a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 and any accumulating daily costs; and

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

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

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

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



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

- (a) Whether the landlord acted in good faith;
- (b) The course of conduct between the landlord and the tenant; and
- (c) The degree of harm to the tenant caused by the landlord's conduct.

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

12. Except as otherwise provided in NRS 118A.315, this section does not apply to:

(a) The tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215.

(b) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

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

**40.254 Unlawful detainer: Supplemental remedy of summary eviction and exclusion of tenant from certain types of property.**

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

- (a) Be given to the tenant in accordance with the provisions of NRS 40.280;
- (b) Advise the tenant of the court that has jurisdiction over the matter; and
- (c) Advise the tenant of the tenant's right to:



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

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

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

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

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

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

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

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

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

