

Amendment No. 88

Assembly Amendment to Assembly Bill No. 340	(BDR 3-77)
<b>Proposed by:</b> Assembly Committee on Judiciary	
<b>Amends:</b> Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date		SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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





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:

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

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

Section 22 of this bill repeals the summary eviction procedures prescribed by existing law. § for the summary eviction of: (1) certain tenants who are not tenants of a commercial premises and who default in the payment of rent; and (2) certain tenants who are guilty of unlawful detainer for reasons other than a default in the payment of rent. Sections ~~2-8~~ 2-6.5 of this bill reenact, reorganize and revise these procedures. Section 2 of this bill establishes a new procedure for the summary eviction of certain tenants who are not tenants of a commercial premises and who default in the payment of rent. Section ~~7~~ 6.5 of this bill establishes a new procedure for the summary eviction of certain tenants who are guilty of unlawful detainer for reasons other than a default in the payment of rent. ~~Section 8~~

~~of this bill establishes a new procedure for the summary eviction of certain tenants of a commercial premises who default in the payment of rent.]~~

The new procedures for summary eviction set forth in ~~sections 2 ~~[, 7]~~ and ~~[8] 6.5~~~~ are similar to the procedures repealed by ~~section 22~~ except with regard to: (1) the required contents of a written notice; (2) certain requirements relating to filings made with the court; and (3) the period of time before the removal of a tenant. Instead of requiring a tenant who contests a summary eviction to file an affidavit in court before the landlord files a complaint, ~~sections 2 ~~[, 7]~~ and ~~[8] 6.5~~~~ require the landlord, upon the expiration of certain notice provided to the tenant, to: (1) apply by affidavit of complaint for the summary eviction of the tenant; and (2) serve the tenant with a file-stamped copy of the affidavit of complaint, a copy of the summons and certain notice. ~~Sections 2 ~~[, 7]~~ and ~~[8] 6.5~~~~ require the tenant to file an answer to the affidavit of complaint within 10 calendar days after the date of service. If a tenant files an answer within the prescribed period, a hearing is held. If no such answer is filed, ~~sections 2 ~~[, 7]~~ and ~~[8] 6.5~~~~ authorize the court, without holding a hearing, to order the removal of the tenant within a prescribed period. ~~Sections 9-20~~ of this bill make conforming changes relating to the repeal, revision and reorganization of the procedures for summary eviction.

Existing law requires a court that grants an action for summary eviction for a default in the payment of rent during the COVID-19 emergency to automatically seal the eviction case court file. (NRS 40.2545) Section 11 of this bill removes requirements relating to the COVID-19 emergency, thereby requiring a court that grants an action for summary eviction brought pursuant to section 2 to automatically seal the eviction case court file. Section 11 also requires a court to automatically seal the eviction case court file for an action for summary eviction brought pursuant to section 6.5 if the landlord fails to file an affidavit of complaint 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:

**Section 1.** Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

**Sec. 2. 1.** *Except as otherwise provided in subsection ~~[11]~~ 13, in addition to the remedies provided in NRS 40.290 to 40.420, inclusive, a landlord may pursue the summary eviction of a tenant for a default in the payment of rent using the procedure for summary eviction provided in this section.*

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

(a) ~~[Requires]~~ Except as otherwise provided in subsection 11, requires the tenant to pay the past due rent or surrender the premises before the close of business on ~~the~~

~~(1) The seventh judicial]~~ the tenth calendar day following the ~~[day]~~ date of service; ~~for~~

~~(2) The fourth judicial day following the day of service, if the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days;]~~ and

(b) Informs the tenant that if the tenant fails to comply with the requirements of paragraph (a), the ~~tenant]~~ landlord may ~~[be evicted using the procedure]~~ apply by affidavit of complaint for the summary eviction ~~[set forth in this section.]~~ of the tenant.

**3.** ~~[A landlord or the landlord's agent who serves a notice to a tenant pursuant to subparagraph (2) of paragraph (a) of subsection 2 shall attempt to deliver a copy of the notice personally, in the presence of a witness. If the service~~

1 ~~is accomplished by the sheriff, constable or a person who is licensed as a process~~  
 2 ~~server pursuant to chapter 648 of NRS, the presence of a witness is not required.~~  
 3 ~~If the notice cannot be delivered in person, the landlord or the landlord's agent:~~

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

6 ~~— (b) After the notice has been posted and mailed, may deliver the notice to the~~  
 7 ~~sheriff or constable for service in the manner set forth in subsection 1 of NRS~~  
 8 ~~40.280.~~

9 ~~— 4. Upon noncompliance of a tenant with the notice provided pursuant to~~  
 10 ~~subsection 2, the landlord or the landlord's agent may apply by affidavit of~~  
 11 ~~complaint for summary eviction to the justice court of the township in which the~~  
 12 ~~dwelling, apartment, mobile home or recreational vehicle is located, for the~~  
 13 ~~district court of the county in which the dwelling, apartment, mobile home or~~  
 14 ~~recreational vehicle is located, whichever has jurisdiction over the matter. After~~  
 15 ~~the filing of an affidavit of complaint for summary eviction, a summons must be~~  
 16 ~~issued.~~

17 ~~— 5. 4. An affidavit of complaint for summary eviction filed pursuant to~~  
 18 ~~subsection 4 3 must state:~~

19 ~~(a) Except as otherwise provided in subsection 11, be filed with the court not~~  
 20 ~~later than 30 calendar days after the expiration of the notice period described in~~  
 21 ~~subsection 2; and~~

22 ~~(b) State or contain:~~

23 ~~(a) (1) The date the tenancy commenced;~~

24 ~~(b) (2) The amount of periodic rent reserved;~~

25 ~~(c) (3) The amounts of any cleaning, security or rent deposits paid in~~  
 26 ~~advance, in excess of the first month's rent, by the tenant;~~

27 ~~(d) (4) The date the rental payments became delinquent;~~

28 ~~(e) (5) The length of time the tenant has remained in possession without~~  
 29 ~~paying rent;~~

30 ~~(f) (6) The amount of rent claimed due and delinquent;~~

31 ~~(g) (7) A statement that the:~~

32 ~~(I) The written notice was served on the tenant pursuant to~~  
 33 ~~subsection 2 or 3 or in accordance with NRS 40.280; and~~

34 ~~(II) The tenant failed to comply with such notice;~~

35 ~~(h) (8) A copy of the written notice served on the tenant pursuant to~~  
 36 ~~subsection 2; and~~

37 ~~(i) (9) A copy of the signed written rental agreement, if any.~~

38 ~~— 6. 5. A landlord or landlord's agent who applies for summary eviction~~  
 39 ~~pursuant to subsection 4 3 shall, within 15 calendar days after the date on~~  
 40 ~~which the affidavit of complaint for summary eviction is filed, serve upon the~~  
 41 ~~tenant a file-stamped copy of the affidavit of complaint for summary eviction~~  
 42 ~~filed pursuant to subsection 4, a copy of the summons and a notice which must~~  
 43 ~~be:~~

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

45 ~~(b) Advise the tenant that:~~

46 ~~(1) The (a) Except as otherwise provided in subsection 11, the tenant~~  
 47 ~~must file a written answer to the affidavit of complaint for summary eviction with~~  
 48 ~~the court that has jurisdiction over the matter not later than 10 calendar days~~  
 49 ~~after service of the affidavit of complaint for summary eviction;~~

50 ~~(2) (b) If the tenant does not file an answer within 10 days after service~~  
 51 ~~of the affidavit of complaint for summary eviction, period described in~~  
 52 ~~paragraph (a), the court may issue a summary order for removal of the tenant or~~  
 53 ~~an order providing for the nonadmittance of the tenant; and~~

~~[(2)]~~ (c) Pursuant to NRS 118A.390, the 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 item or service required by the rental agreement or chapter 118A of NRS ~~+~~

~~7. Upon~~; and

(d) The tenant may request that the court stay the execution of the order of 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.

6. Except as otherwise provided in subsection 11, upon being served pursuant to subsection ~~[6]~~ 5, the tenant shall, within 10 calendar days after the day of service, file a written answer with the court that has jurisdiction over the matter. If no written answer is filed within the time period prescribed by this subsection ~~+~~

~~—(a) The~~, the court may, without holding a hearing ~~+~~ but after determining that a landlord has complied with the requirements prescribed by this section, issue:

~~[(1)]~~ (a) A summary order for the removal of the tenant or an order providing for the nonadmittance of the tenant; and

~~[(2)]~~ (b) An order directing the sheriff or constable of the county to perform the actions required by section 4 of this act.

~~[(b) Except as provided by 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.~~

~~8.] 7. If a tenant files a written answer pursuant to subsection ~~[7]~~~~

~~—(a) The landlord or the landlord's agent shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise; and~~

~~—(b) The] 6, the court shall hold a hearing to determine the truthfulness and sufficiency of the affidavit of complaint for summary eviction.~~

~~[(9)] 8. If, after a hearing held pursuant to subsection ~~[8]~~ 7, the court determines that:~~

(a) 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.

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

9. Written notices to the tenant prescribed by this section must be served in the manner provided by NRS 40.280.

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

11. For the purposes of this section, if the date on which:

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

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

1 12. A landlord shall not refuse to accept rent from a tenant that is submitted  
 2 after the landlord or the landlord's agent has served a notice pursuant to  
 3 subsection 2 if the refusal is based on the fact that the tenant has not paid  
 4 collection fees, attorney's fees or other costs other than rent, a reasonable charge  
 5 for late payments of rent or dishonored checks, or a security deposit.

6 ~~11.~~ 13. Except as otherwise provided in NRS 118A.315, this section does  
 7 not apply to:

8 (a) A tenant of a commercial premises;

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

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

16 ~~12.~~ 14. As used in this section ~~is~~

17 ~~(a) "Close of business" means the close of business of the court that has~~  
 18 ~~jurisdiction over the matter.~~

19 ~~(b) "Day of service" means:~~

20 ~~(I) The date on which the landlord or the landlord's agent personally~~  
 21 ~~delivers the notice required by subsection 2 to the tenant; or~~

22 ~~(2) If the landlord or the landlord's agent is unable to deliver the notice~~  
 23 ~~in person:~~

24 ~~(I) The date on which the notice is delivered to the sheriff or~~  
 25 ~~constable for service, if the request for service is made before noon.~~

26 ~~(II) The day after the date on which the notice is delivered to the~~  
 27 ~~sheriff or constable for service, if the request for service is made after noon.~~

28 ~~(c) "Security" , "security deposit" has the meaning ascribed to it in NRS~~  
 29 ~~118A.240.~~

30 **Sec. 3.** ~~[1. A sheriff or constable shall not accept a notice for service~~  
 31 ~~delivered pursuant to subsection 3 of section 2 of this act or subsection 3 of~~  
 32 ~~section 8 of this act unless it is accompanied by written evidence, signed by the~~  
 33 ~~tenant when the tenant took possession of the premises, that the landlord or the~~  
 34 ~~landlord's agent informed the tenant of the provisions of section 2 of this act or~~  
 35 ~~section 8 of this act, as applicable, which set forth the lawful procedures for~~  
 36 ~~summary eviction from a short term tenancy.~~

37 ~~2. Upon acceptance of a notice for service delivered pursuant to subsection~~  
 38 ~~3 of section 2 of this act or subsection 3 of section 8 of this act, the sheriff or~~  
 39 ~~constable shall serve the notice within 48 hours after the request for service was~~  
 40 ~~made by the landlord or the landlord's agent.] (Deleted by amendment.)~~

41 **Sec. 4.** Upon receipt of a summary order for the removal of the tenant or  
 42 an order providing for the nonadmittance of the tenant issued pursuant to  
 43 subsection ~~[7]~~ 6 of section 2 of this act, ~~[or subsection 9 of section 8 of this act,]~~  
 44 the sheriff or constable shall:

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

47 2. ~~[Remove the tenant.]~~ As soon as reasonably practicable, but not earlier  
 48 than 24 hours [but not later than 36 hours] after the posting of the order [.]  
 49 remove the tenant.

50 **Sec. 5.** 1. A tenant against whom a court issues a summary order for  
 51 removal pursuant to section 2 of this act ~~[or an order providing for~~  
 52 ~~nonadmittance pursuant to section 8 of this act]~~ may, upon payment of the  
 53 appropriate fees relating to the filing and service of a motion, file a motion to

1 *dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS*  
2 *118A.460. ~~for 118C.230, as applicable.~~*

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

5 (a) *The date on which the summary order for removal or the order providing*  
6 *for nonadmittance was issued.*

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

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

10 3. *Upon the filing of a motion pursuant to subsection 1, the court shall*  
11 *schedule a hearing on the motion. The hearing must be held within 10 days after*  
12 *the filing of the motion. The court shall affix the date of the hearing to the*  
13 *motion and order a copy served upon the landlord by the sheriff, constable or*  
14 *other process server licensed pursuant to chapter 648 of NRS. At the hearing, the*  
15 *court may:*

16 (a) *Determine the costs, if any, claimed by the landlord pursuant to NRS*  
17 *118A.460 ~~for 118C.230, as applicable,~~ and any accumulating daily costs; and*

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

20 **Sec. 6.** 1. *A tenant against whom a court issues a summary order for*  
21 *removal pursuant to section 2 of this act ~~for an order providing for~~*  
22 *~~nonadmittance pursuant to section 8 of this act~~ may, upon payment of the*  
23 *appropriate fees relating to the filing and service of a motion, file a motion to*  
24 *dispute the reasonableness of any action taken by the landlord pursuant to*  
25 *subsection 3 of NRS 118A.460.*

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

29 3. *Upon the filing of a motion pursuant to subsection 1, the court shall*  
30 *schedule a hearing on the motion. The hearing must be held within 5 days after*  
31 *the filing of the motion. The court shall affix the date of the hearing to the*  
32 *motion and order a copy served upon the landlord by the sheriff, constable or*  
33 *other process server. At the hearing, the court may:*

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

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

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

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

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

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

43 **Sec. 6.5.** 1. *Except as otherwise provided in subsection 13, in addition to*  
44 *the remedies provided in NRS 40.290 to 40.420, inclusive, a landlord may pursue*  
45 *the summary eviction of a tenant for an unlawful detainer pursuant to NRS*  
46 *40.250, 40.251, 40.2514 or 40.2516 using the procedure for summary eviction*  
47 *provided in this section.*

48 2. *Before a landlord or landlord's agent may file an affidavit of complaint*  
49 *for the summary eviction of a tenant for an unlawful detainer pursuant to NRS*  
50 *40.250, 40.251, 40.2514 or 40.2516, the landlord or the landlord's agent must*  
51 *serve upon the tenant:*

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



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

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

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

12 (a) Except as otherwise provided in subsection 11, be filed with the court not  
13 later than 30 calendar days after the expiration of the period described in the  
14 written notice to surrender required by paragraph (a) of subsection 2; and

15 (b) State or contain:

16 (1) The date the tenancy commenced;

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

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

20 (4) Any facts supporting the written notice;

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

22 (6) A statement that:

23 (I) The written notice was served on the tenant in accordance with  
24 NRS 40.280; and

25 (II) The tenant failed to comply with such notice;

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

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

30 5. A landlord or landlord's agent who applies for summary eviction  
31 pursuant to subsection 3 shall, within 15 calendar days after the date on which  
32 the affidavit of complaint for summary eviction is filed, serve upon the tenant a  
33 file-stamped copy of the affidavit of complaint, a copy of the summons and a  
34 notice which must advise the tenant that:

35 (a) Except as otherwise provided in subsection 11, the tenant must file a  
36 written answer to the affidavit of complaint for summary eviction with the court  
37 that has jurisdiction over the matter not later than 10 calendar days after service  
38 of the affidavit of complaint for summary eviction;

39 (b) If the tenant does not file an answer within the period described in  
40 paragraph (a), the court may issue a summary order for removal of the tenant or  
41 an order providing for the nonadmittance of the tenant;

42 (c) Pursuant to NRS 118A.390, the tenant may seek relief if a landlord  
43 unlawfully removes the tenant from the premises or excludes the tenant by  
44 blocking or attempting to block the tenant's entry upon the premises or willfully  
45 interrupts or causes or permits the interruption of an essential item or service  
46 required by the rental agreement or chapter 118A of NRS; and

47 (d) The tenant may request that the court stay the execution of the order of  
48 removal of the tenant or order providing for nonadmittance of the tenant for a  
49 period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the  
50 reasons why such a stay is warranted.

51 6. Except as otherwise provided in subsection 11, upon being served  
52 pursuant to subsection 5, the tenant shall, within 10 calendar days after the day  
53 of service, file a written answer with the court that has jurisdiction over the

1 matter. If no written answer is filed within the time period prescribed by this  
2 subsection, the court may, without holding a hearing but after determining that a  
3 landlord has complied with the requirements prescribed by this section, issue:

4 (a) A summary order for the removal of the tenant or an order providing for  
5 the nonadmittance of the tenant; and

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

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

11 8. If, after a hearing held pursuant to subsection 7, the court determines  
12 that:

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

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

19 9. Written notices to the tenant prescribed by this section must be served in  
20 the manner provided by NRS 40.280.

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

25 11. For the purposes of this section, if the date on which an affidavit of  
26 complaint for summary eviction or a written answer to such an affidavit must be  
27 filed falls on a nonjudicial day, the filing is timely if performed on the next  
28 judicial day.

29 12. A landlord shall not refuse to accept rent from a tenant that is submitted  
30 after the landlord or the landlord's agent has served a notice pursuant to  
31 subsection 2 if the refusal is based on the fact that the tenant has not paid  
32 collection fees, attorney's fees or other costs other than rent, a reasonable charge  
33 for late payments of rent or dishonored checks, or a security deposit.

34 13. If the tenant is found guilty of unlawful detainer as a result of the  
35 tenant's violation of any of the provisions of NRS 453.011 to 453.552, inclusive,  
36 except NRS 453.336, the landlord is entitled to be awarded any reasonable  
37 attorney's fees incurred by the landlord or the landlord's agent as a result of a  
38 hearing, if any, held pursuant to subsection 7 wherein the tenant contested the  
39 eviction.

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

42 (a) A tenant of a commercial premises;

43 (b) A tenant of a mobile home lot in a mobile home park or a tenant of a  
44 recreational vehicle lot in an area of a mobile home park in this State, other than  
45 an area designated as a recreational vehicle lot pursuant to the provisions of  
46 subsection 8 of NRS 40.215; or

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

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

52 Sec. 7. ~~1. Except as otherwise provided by this section or specific statute,~~  
53 ~~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 procedure for summary eviction set forth in section 2 of this act, except that:~~

~~(a) The written notice to surrender the premises must:~~

~~(1) Be given to the tenant in accordance with the provisions of NRS 40.280;~~

~~(2) Identify the court that has jurisdiction over the matter; and~~

~~(3) Advise the tenant that the tenant:~~

~~(I) Must file an answer to the affidavit of complaint for summary eviction with the court that has jurisdiction over the matter not later than 10 days after the service of the affidavit of the complaint for summary eviction; and~~

~~(II) May request that the court stay the execution of the order of 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; and~~

~~(b) The affidavit of complaint for summary eviction must state or contain:~~

~~(1) 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.~~

~~(2) The date when the tenancy or rental agreement allegedly terminated.~~

~~(3) 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.~~

~~(4) 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.~~

~~(5) A statement that the claim for relief was authorized by law.~~

~~2. If the tenant is found guilty of unlawful detainer as a result of the tenant's violation of any provision 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 the hearing, if any, held pursuant to subsection 8 of section 2 of this act.] (Deleted by amendment.)~~

~~Sec. 8. 1. In addition to the remedies provided in NRS 40.290 to 40.420, inclusive, a landlord may pursue the summary eviction of a tenant of any commercial premises for a default in the payment of rent using the procedure for summary eviction provided in this section.~~

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

~~(a) Requires the tenant to pay the past due rent or surrender the premises before the close of business on:~~

~~(1) The fifth judicial day following the day of service; or~~

~~(2) The fourth judicial day following the day of service, if the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days; and~~

1 ~~— (b) Informs the tenant that if the tenant fails to comply with the requirements~~  
2 ~~of paragraph (a), the tenant may be evicted using the procedure for summary~~  
3 ~~eviction set forth in this section.~~

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

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

12 ~~— (b) After the notice has been posted and mailed, may deliver the notice to the~~  
13 ~~sheriff or constable for service in the manner set forth in subsection 1 of NRS~~  
14 ~~40.280.~~

15 ~~— 4. Upon noncompliance of a tenant with the notice provided pursuant to~~  
16 ~~subsection 2, the landlord or the landlord's agent may apply by affidavit of~~  
17 ~~complaint for summary eviction to the justice court of the township in which the~~  
18 ~~commercial premises is located or the district court of the county in which the~~  
19 ~~commercial premises is located, whichever has jurisdiction over the matter.~~

20 ~~— 5. An affidavit of complaint for summary eviction filed pursuant to~~  
21 ~~subsection 4 must state or contain:~~

22 ~~— (a) The date the tenancy commenced;~~

23 ~~— (b) The amount of periodic rent reserved;~~

24 ~~— (c) The amounts of any cleaning, security or rent deposits paid in advance, in~~  
25 ~~excess of the first month's rent, by the tenant;~~

26 ~~— (d) The date the rental payments became delinquent;~~

27 ~~— (e) The length of time the tenant has remained in possession without paying~~  
28 ~~rent;~~

29 ~~— (f) The amount of rent claimed due and delinquent;~~

30 ~~— (g) A statement that the written notice was served on the tenant pursuant to~~  
31 ~~subsection 2 or 3 or in accordance with NRS 40.280; and~~

32 ~~— (h) A copy of the:~~

33 ~~— (1) Written notice served on the tenant pursuant to subsection 2; and~~

34 ~~— (2) Signed written rental agreement, if any.~~

35 ~~— 6. A landlord or landlord's agent who applies for summary eviction~~  
36 ~~pursuant to subsection 4 shall serve upon the tenant a file stamped copy of the~~  
37 ~~affidavit of complaint for summary eviction filed pursuant to subsection 4 and~~  
38 ~~notice which must:~~

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

40 ~~— (b) Advise the tenant that:~~

41 ~~— (1) The tenant must file a written answer to the affidavit of complaint for~~  
42 ~~summary eviction with the court that has jurisdiction over the matter not later~~  
43 ~~than 10 days after service of the affidavit of complaint for summary eviction; and~~

44 ~~— (2) If the tenant does not file an answer within 10 days after service of~~  
45 ~~the affidavit of complaint for summary eviction, the court may issue a summary~~  
46 ~~order for removal of the tenant or an order providing for the nonadmittance of~~  
47 ~~the tenant.~~

48 ~~— 7. Upon being served pursuant to subsection 6, the tenant shall, within 10~~  
49 ~~days after the date of service, file a written answer with the court that has~~  
50 ~~jurisdiction over the matter. If no written answer is filed within the time period~~  
51 ~~prescribed by this subsection:~~

52 ~~— (a) The court may, without a hearing, issue:~~

~~1 (1) A summary order for the removal of the tenant or an order providing  
2 for the nonadmittance of the tenant; and~~

~~3 (2) An order directing the sheriff or constable of the county to perform  
4 the actions required by section 4 of this act.~~

~~5 (b) The landlord or the landlord's agent may, in a peaceable manner,  
6 provide for the nonadmittance of the tenant to the premises by locking or  
7 otherwise.~~

~~8 8. If a tenant files an answer pursuant to subsection 7:~~

~~9 (a) The landlord or the landlord's agent shall not provide for the  
10 nonadmittance of the tenant to the premises by locking or otherwise; and~~

~~11 (b) The court shall hold a hearing to determine the truthfulness and  
12 sufficiency of the affidavit of complaint for summary eviction.~~

~~13 9. If, after a hearing held pursuant to subsection 8, the court determines  
14 that:~~

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

~~18 (b) There is a legal defense as to the alleged unlawful detainer, require that  
19 any further proceedings be conducted pursuant to NRS 40.290 to 40.420,  
20 inclusive.~~

~~21 10. A landlord shall not refuse to accept rent from a tenant that is submitted  
22 after the landlord or the landlord's agent has served a notice pursuant to  
23 subsection 2 if the refusal is based on the fact that the tenant has not paid  
24 collection fees, attorney's fees or other costs other than rent, a reasonable charge  
25 for late payments of rent or dishonored checks, or a security deposit.~~

~~26 11. As used in this section:~~

~~27 (a) "Close of business" means the close of business of the court that has  
28 jurisdiction over the matter.~~

~~29 (b) "Day of service" means:~~

~~30 (1) The date on which the landlord or the landlord's agent personally  
31 delivers the notice required by subsection 2 to the tenant; or~~

~~32 (2) If the landlord or the landlord's agent is unable to deliver the notice  
33 in person:~~

~~34 (I) The date on which the notice is delivered to the sheriff or  
35 constable for service, if the request for service is made before noon.~~

~~36 (II) The day after the date on which the notice is delivered to the  
37 sheriff or constable for service, if the request for service is made after noon.~~

~~38 (Deleted by amendment.)~~

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

40 40.2516 1. A tenant of real property, a dwelling unit, a recreational vehicle  
41 or a mobile home other than a mobile home lot or a recreational vehicle lot for a  
42 term less than life is guilty of an unlawful detainer when the tenant continues in  
43 possession, in person or by subtenant, after a neglect or failure to perform any  
44 condition or covenant of the lease or agreement under which the real property,  
45 dwelling unit, recreational vehicle or mobile home is held, other than those  
46 mentioned in NRS 40.250 to ~~40.254,~~ 40.252, inclusive, **and sections 2 to ~~7,~~ 6.5,**  
47 **inclusive, of this act,** and after notice in writing, requiring in the alternative the  
48 performance of the condition or covenant or the surrender of the real property,  
49 dwelling unit, recreational vehicle or mobile home, served upon the tenant, and, if  
50 there is a subtenant in actual occupation of the premises or property, also upon the  
51 subtenant, remains uncomplied with for 5 days after the service thereof. Within 5  
52 days after the service, the tenant, or any subtenant in actual occupation of the  
53 premises or property, or any mortgagee of the term, or other person, interested in its

1 continuance, may perform the condition or covenant and thereby save the lease  
2 from forfeiture; but if the covenants and conditions of the lease, violated by the  
3 lessee, cannot afterwards be performed, then no notice need be given.

4 2. If a tenant is guilty of an unlawful detainer pursuant to this section, the  
5 landlord may seek to recover possession of the real property, dwelling unit,  
6 recreational vehicle or mobile home pursuant to the provisions of NRS ~~[40.254 or]~~  
7 40.290 to 40.420, inclusive ~~[,]~~, *or section ~~[7]~~ 6.5 of this act.*

8 **Sec. 10.** NRS 40.252 is hereby amended to read as follows:

9 40.252 For the purposes of NRS 40.250 to 40.252, inclusive, and ~~[NRS~~  
10 ~~40.254;]~~  
11 *sections 2 to ~~[7]~~ 6.5, inclusive, of this act:*

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

14 2. Notice to surrender the premises which was given by one lessor of real  
15 property or a mobile home is valid unless it is affirmatively shown that one or more  
16 of the other lessors did not authorize the giving of the notice.

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

18 40.2545 1. If a court grants an action for summary eviction pursuant to  
19 ~~[NRS 40.253] section 2 of this act,~~ ~~[during the COVID-19 emergency,]~~ the court  
20 shall automatically seal the eviction case court file.

21 2. In addition to the provisions for the automatic sealing of an eviction case  
22 court file pursuant to subsection 1, in any action for summary eviction pursuant to  
23 ~~NRS [40.253, 40.254 or] 40.2542 [;]~~ *or section ~~[2, 7 or 8] 6.5 of this act,~~* the  
24 eviction case court file is sealed automatically and not open to inspection:

25 (a) Upon the entry of a court order which dismisses the action for summary  
26 eviction; ~~[or]~~

27 (b) Ten judicial days after the entry of a court order which denies the action for  
28 summary eviction ~~[;]~~ ~~[or]~~

29 ~~(c) Thirty-one days after the tenant has filed an affidavit described in~~  
30 ~~[subsection 3 of NRS 40.253 or] subsection 3 of NRS 40.2542 [; if;]~~ *or*

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

36 3. In addition to the provisions for the automatic sealing of an eviction case  
37 court file pursuant to subsections 1 and 2, the court may order the sealing of an  
38 eviction case court file for an action for summary eviction pursuant to ~~NRS~~  
39 ~~[40.253, 40.254 or] 40.2542 [;]~~ *or section 2 ~~[, 7] or [8] 6.5 of this act:~~*

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

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

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

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

49 (I) Circumstances beyond the control of the tenant that led to the  
50 eviction;

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

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

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

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

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

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

14 6. As used in this section ~~is~~

15 ~~(a) "COVID-19 emergency" means the period of time:~~

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

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

20 ~~(b) "Eviction," "eviction case court file" means all records relating to an action~~  
21 ~~for summary eviction which are maintained by the court, including, without~~  
22 ~~limitation, the affidavit of complaint and any other pleadings, proof of service,~~  
23 ~~findings of the court, any order made on motion as provided in Nevada Rules of~~  
24 ~~Civil Procedure, Justice Court Rules of Civil Procedure and local rules of practice~~  
25 ~~and all other papers, records, proceedings and evidence, including exhibits and~~  
26 ~~transcript of the testimony.~~

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

28 40.255 1. Except as otherwise provided in subsections 2, 4 and 9, in any of  
29 the following cases, a person who holds over and continues in possession of real  
30 property or a mobile home after a 3-day written notice to surrender has been served  
31 upon the person may be removed as prescribed in NRS 40.290 to 40.420, inclusive:

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

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

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

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

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

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

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

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

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

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

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

19 (c) Notifying the tenant or subtenant that failure to pay rent to the new owner  
20 or comply with any other term of the agreement or applicable law constitutes a  
21 breach of the lease or rental agreement and may result in eviction proceedings,  
22 including, without limitation, proceedings conducted pursuant to ~~NRS 40.253 and~~  
23 ~~40.254.~~ *sections 2 and ~~7~~ 6.5 of this act.*

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

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

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

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

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

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

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

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

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

51 (c) Notifying the tenant or subtenant that failure to pay rent to the new owner  
52 or comply with any other term of the agreement or applicable law constitutes a  
53 breach of the lease or rental agreement and may result in eviction proceedings,



1 including, without limitation, proceedings conducted pursuant to ~~NRS 40.253 and~~  
2 ~~40.254.] sections 2 and ~~7.7~~ 6.5 of this act.~~

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

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

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

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

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

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

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

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

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

27 40.280 1. Except as otherwise provided in ~~NRS [40.253 and] 40.254,~~  
28 ~~[sections 2 and 8 of this act,]~~ the notices required by NRS 40.251 to 40.260,  
29 inclusive, **and sections 2 to ~~8.7~~ 6.5, inclusive, of this act** must be served by the  
30 sheriff, a constable, a person who is licensed as a process server pursuant to chapter  
31 648 of NRS or the agent of an attorney licensed to practice in this State:

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

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

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

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

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

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

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

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

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

9 (a) An order for removal of a tenant is issued pursuant to ~~NRS 40.253 or~~  
 10 ~~40.254;~~ *section 2 or ~~6.5~~ 6.5 of this act;*

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

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

15 (d) An order for removal of a commercial tenant pursuant to NRS 40.2542.  
 16 ~~[section 8 of this act.]~~

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

21 (a) ~~Except as otherwise provided in paragraph (b):~~

22 ~~(1)~~ (1) If the notice was served pursuant to subsection 1, a written statement,  
 23 endorsed by the person who served the notice, stating the date and manner of  
 24 service. The statement must also include the number of the badge or license of the  
 25 person who served the notice. If the notice was served by the agent of an attorney  
 26 licensed in this State, the statement must be accompanied by a declaration, signed  
 27 by the attorney and bearing the license number of the attorney, stating that the  
 28 attorney:

29 ~~(1)~~ (1) Was retained by the landlord in an action pursuant to NRS  
 30 40.230 to 40.420, inclusive ~~H~~, *and sections 2 to ~~6.5~~ 6.5, inclusive, of this act;*

31 ~~(2)~~ (2) Reviewed the date and manner of service by the agent; and

32 ~~(3)~~ (3) Believes to the best of his or her knowledge that such service  
 33 complies with the requirements of this section.

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

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

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

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

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

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

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

53 ~~(III) Fees paid for the service.]~~

1           6. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, *and*  
2 *sections 2 to ~~[8,]~~ 6.5, inclusive, of this act* that must be filed before the court may  
3 issue an order filed pursuant to paragraph (d) of subsection 4 must consist of:

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

5           (1) If the notice was served pursuant to subsection ~~2 [3]~~ of NRS 40.2542,  
6 ~~[section 8 of this act,]~~ an affidavit or declaration signed by the tenant or the  
7 unlawful or unauthorized occupant, and a witness, as applicable, signed under  
8 penalty of perjury by the server, acknowledging that the tenant or occupant  
9 received the notice on a specified date.

10           (2) If the notice was served pursuant to paragraph (b) or (c) of subsection  
11 1, an affidavit or declaration signed under penalty of perjury by the person who  
12 served the notice, stating the date and manner of service and accompanied by a  
13 confirmation of delivery or certificate of mailing issued by the United States Postal  
14 Service or confirmation of actual delivery by a private postal service.

15           (b) If the notice was served by a sheriff, a constable or a person who is licensed  
16 as a process server pursuant to chapter 648 of NRS, a written statement, endorsed  
17 by the person who served the notice, stating the date and manner of service. The  
18 statement must also include the number of the badge or license of the person who  
19 served the notice.

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

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

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

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

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

28           (III) Fees paid for the service.

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

31           (a) The landlord has retained the attorney in an action pursuant to NRS 40.230  
32 to 40.420, inclusive ~~[3]~~, *and sections 2 to ~~[8,]~~ 6.5, inclusive, of this act*; and

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

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

36           40.385 1. Either party may appeal an order entered pursuant to NRS  
37 ~~[40.253, 40.254 or] 40.2542 or section 2 [3, 7] or [8] 6.5 of this act~~ by filing a notice  
38 of appeal within 10 judicial days after the date of entry of the order.

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

49           3. A tenant who retains possession of the premises that are the subject of the  
50 appeal during the pendency of the appeal shall pay to the landlord rent in the  
51 amount provided in the underlying contract between the tenant and the landlord as  
52 it becomes due. If the tenant fails to pay such rent, the landlord may initiate new  
53 proceedings for a summary eviction by serving the tenant with a new notice

1 pursuant to ~~NRS 40.253, 40.254 or 40.2542, ~~1~~~~ or section 2 ~~1, 7~~ or ~~8~~ 6.5 of this  
2 act.

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

4 118.205 A notice provided by a landlord to a tenant pursuant to NRS  
5 118.195:

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

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

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

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

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

13 3. May be included in the notice required by subsection ~~1~~ 2 of ~~NRS 40.253~~  
14 section 2 of this act or subsection ~~1~~ 2 of NRS 40.2542, ~~section 8 of this act,~~ as  
15 applicable.

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

17 118A.460 1. The landlord may dispose of personal property abandoned on  
18 the premises by a former tenant or left on the premises after eviction of the tenant  
19 without incurring civil or criminal liability in the following manner:

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

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

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

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

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

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

46 118C.230 1. Except as otherwise provided in subsection 3, a landlord who  
47 leases or subleases any commercial premises under a rental agreement that has been  
48 terminated for any reason may, in accordance with the following provisions,  
49 dispose of any abandoned personal property, regardless of its character, left on the  
50 commercial premises without incurring any civil or criminal liability:

51 (a) The landlord may dispose of the abandoned personal property and recover  
52 his or her reasonable costs out of the abandoned personal property or the value  
53 thereof if the landlord has notified the tenant in writing of the landlord's intention

1 to dispose of the abandoned personal property and 14 days have elapsed since the  
2 notice was mailed to the tenant. The notice must be mailed, by certified mail, return  
3 receipt requested, to the tenant at the tenant's present address, and if that address is  
4 unknown, then at the tenant's last known address.

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

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

12 2. A tenant of commercial premises is presumed to have abandoned the  
13 premises if:

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

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

18 3. If a written agreement between a landlord and a person who has an  
19 ownership interest in any abandoned personal property of the tenant contains  
20 provisions which relate to the removal and disposal of abandoned personal  
21 property, the provisions of the agreement determine the rights and obligations of  
22 the landlord and the person with respect to the removal and disposal of the  
23 abandoned personal property.

24 4. Any dispute relating to the amount of the costs claimed by the landlord  
25 pursuant to paragraph (b) of subsection 1 may be resolved using the procedure  
26 provided in [subsection 7 of NRS 40.254](#). ~~section 5 of this act.~~

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

28 179.1164 1. Except as otherwise provided in subsection 2, the following  
29 property is subject to seizure and forfeiture in a proceeding for forfeiture:

30 (a) Any proceeds attributable to the commission or attempted commission of  
31 any felony.

32 (b) Any property or proceeds otherwise subject to forfeiture pursuant to NRS  
33 179.121, 200.760, 202.257, 370.419, 453.301 or 501.3857.

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

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

38 (a) Has given the tenant notice to surrender the premises pursuant to ~~NRS~~  
39 ~~40.254~~ ~~section 7~~ [6.5 of this act](#) within 90 days after the owner receives notice of  
40 a conviction pursuant to subsection 2 of NRS 453.305; or

41 (b) Shows the court that the owner had good cause not to evict the tenant  
42 summarily pursuant to ~~NRS 40.254~~ ~~section 7~~ [6.5 of this act](#),

43 the owner of real property or a mobile home used or intended for use by a tenant  
44 to facilitate any violation of the provisions of NRS 453.011 to 453.552, inclusive,  
45 except NRS 453.336, is disputably presumed to have known of and consented to  
46 that use if the notices required by NRS 453.305 have been given in connection with  
47 another such violation relating to the property or mobile home. The holder of a lien  
48 or encumbrance on the property or mobile home is disputably presumed to have  
49 acquired an interest in the property for fair value and without knowledge or consent  
50 to such use, regardless of when the act giving rise to the forfeiture occurred.

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

52 453.305 1. Whenever a person is arrested for violating any of the provisions  
53 of NRS 453.011 to 453.552, inclusive, except NRS 453.336, and real property or a

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

4 2. Whenever a person is convicted of violating any of the provisions of NRS  
5 453.011 to 453.552, inclusive, except NRS 453.336, and real property or a mobile  
6 home occupied by the person as a tenant has been used to facilitate the violation,  
7 the prosecuting attorney responsible for the case shall cause to be delivered to the  
8 owner of the property or mobile home a written notice of the conviction.

9 3. The notices required by this section must:

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

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

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

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

17 (e) Advise the owner that:

18 (1) The property or mobile home is subject to forfeiture pursuant to NRS  
19 179.1156 to 179.1205, inclusive, and 453.301 unless the tenant, if convicted, is  
20 evicted;

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

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

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

30 4. Nothing in this section shall be deemed to preclude the commencement of a  
31 proceeding for forfeiture or the forfeiture of the property or mobile home, whether  
32 or not the notices required by this section are given as required, if the proceeding  
33 and forfeiture are otherwise authorized pursuant to NRS 179.1156 to 179.1205,  
34 inclusive, and 453.301.

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

38 **Sec. 20.** NRS 645H.520 is hereby amended to read as follows:

39 645H.520 1. Subject to the provisions of NRS 645H.770, the services an  
40 asset management company may provide include, without limitation:

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

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

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

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

47 (e) Removing trash and debris from real property in foreclosure and the  
48 surrounding property.

49 2. An asset management company may dispose of personal property  
50 abandoned on the premises of a residence in foreclosure or left on the premises  
51 after the eviction of a homeowner or a tenant of a homeowner without incurring  
52 civil or criminal liability in the following manner:

1 (a) The asset management company shall reasonably provide for the safe  
 2 storage of the property for 30 days after the abandonment or eviction and may  
 3 charge and collect the reasonable and actual costs of inventory, moving and storage  
 4 before releasing the property to the homeowner or the tenant of the homeowner or  
 5 his or her authorized representative rightfully claiming the property within that  
 6 period. The asset management company is liable to the homeowner or the tenant of  
 7 the homeowner only for the asset management company's negligent or wrongful  
 8 acts in storing the property.

9 (b) After the expiration of the 30-day period, the asset management company  
 10 may dispose of the property and recover his or her reasonable costs from the  
 11 property or the value thereof if the asset management company has made  
 12 reasonable efforts to locate the homeowner or the tenant of the homeowner, has  
 13 notified the homeowner or the tenant of the homeowner in writing of his or her  
 14 intention to dispose of the property and 14 days have elapsed since the notice was  
 15 given to the homeowner or the tenant of the homeowner. The notice must be mailed  
 16 to the homeowner or the tenant of the homeowner at the present address of the  
 17 homeowner or the tenant of the homeowner and, if that address is unknown, then at  
 18 the last known address of the homeowner or the tenant of the homeowner.

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

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

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

26 **Sec. 22.** NRS 40.253 ~~and~~ **and** 40.254 ~~and 40.2542~~ 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.

~~40.2542 Unlawful detainer: Supplemental remedy of summary eviction and exclusion of tenant of commercial premises.~~

~~1. In addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any commercial premises 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, unless otherwise agreed in writing, may serve or have served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:~~

~~(a) At or before noon of the fifth full 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 a copy of the notice to the tenant personally, in the presence of a witness. If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required. 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; and~~

~~(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 remove the tenant within 24 hours after receipt of the order.~~

~~4. If the tenant files an affidavit pursuant to paragraph (b) of subsection 2 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, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.~~

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

~~(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 commercial premises is located or to the district court of the county in which the commercial premises is located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to remove the tenant within 24 hours after receipt 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 pursuant to subsection 1 or 2 or 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 an affidavit described in paragraph (b) of subsection 3 and a file-stamped copy of the affidavit has been received by the landlord or the landlord's agent, 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 an affidavit pursuant to paragraph (b) of subsection 3, regardless of the information contained in the affidavit and the filing by the landlord of an affidavit pursuant to paragraph (a) of 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. A 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 118C.230 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 due, if any, claimed by the landlord pursuant to 118C.230 and any accumulating daily costs; and~~
- ~~— (b) Order the release of the tenant's property upon the payment of the costs determined to be due or if no charges are determined to be due.~~

~~9. 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.]~~