

Amendment No. 522

Assembly Amendment to Assembly Bill No. 340 First Reprint (BDR 3-77)

Proposed by: Assemblywoman Summers-Armstrong

Amends: 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:

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

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

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

30 The new procedures for summary eviction set forth in **sections 2 and 6.5** are similar to
 31 the procedures repealed by **section 22** except with regard to: (1) the required contents of a
 32 written notice; (2) certain requirements relating to filings made with the court; and (3) the
 33 period of time before the removal of a tenant. Instead of requiring a tenant who contests a
 34 summary eviction to file an affidavit in court before the landlord files a complaint, **sections 2**
 35 **and 6.5** require the landlord, upon the expiration of certain notice provided to the tenant, to:
 36 (1) apply by affidavit of complaint for the summary eviction of the tenant; and (2) serve the
 37 tenant with a file-stamped copy of the affidavit of complaint, a copy of the summons and
 38 certain notice. **Sections 2 and 6.5 additionally require the landlord to file with the court**
 39 **proof of service of the affidavit, summons and notice within a prescribed period.**
 40 **Sections 2 and 6.5** require the tenant to file an answer to the affidavit of complaint within
 41 ~~10~~ **7** calendar days after the date of service. If a tenant files an answer within the prescribed
 42 period, a hearing is held. If no such answer is filed, **sections 2 and 6.5** authorize the court,
 43 without holding a hearing, to order the removal of the tenant within a prescribed period **under**
 44 **certain circumstances.** **Sections 9-20** of this bill make conforming changes relating to the
 45 repeal, revision and reorganization of the procedures for summary eviction.

46 Existing law requires a court that grants an action for summary eviction for a default in
 47 the payment of rent during the COVID-19 emergency to automatically seal the eviction case
 48 court file. (NRS 40.2545) **Section 11** of this bill removes requirements relating to the COVID-
 49 19 emergency, thereby requiring a court that grants an action for summary eviction brought
 50 pursuant to **section 2** to automatically seal the eviction case court file. **Section 11** also
 51 requires a court to automatically seal the eviction case court file for an action for summary
 52 eviction brought pursuant to **section 6.5** if the landlord fails to file an affidavit of complaint
 53 for summary eviction within the time prescribed by **section 6.5**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

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

3 **Sec. 2. 1. Except as otherwise provided in subsection ~~13.7~~ 14, in addition**
 4 **to the remedies provided in NRS 40.290 to 40.420, inclusive, a landlord may**
 5 **pursue the summary eviction of a tenant for a default in the payment of rent**
 6 **using the procedure for summary eviction provided in this section.**

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

11 **(a) Except as otherwise provided in subsection ~~11.1~~ 12, requires the tenant to**
 12 **pay the past due rent or surrender the premises before the close of business on**
 13 **the ~~tenth~~ seventh calendar day following the date of service; and**

14 **(b) Informs the tenant that if the tenant fails to comply with the requirements**
 15 **of paragraph (a), the landlord may apply by affidavit of complaint for the**
 16 **summary eviction of the tenant.**

17 **3. Upon noncompliance of a tenant with the notice provided pursuant to**
 18 **subsection 2, the landlord or the landlord's agent may apply by affidavit of**
 19 **complaint for summary eviction to the justice court of the township in which the**
 20 **dwelling, apartment, mobile home or recreational vehicle is located. After the**
 21 **filing of an affidavit of complaint for summary eviction, a summons must be**
 22 **issued.**

23 **4. An affidavit of complaint for summary eviction filed pursuant to**
 24 **subsection 3 must:**

1 (a) Except as otherwise provided in subsection ~~11.1~~ 12, be filed with the
2 court not later than 30 calendar days after the expiration of the notice period
3 described in subsection 2; and

4 (b) State or contain:

5 (1) The date the tenancy commenced;

6 (2) The amount of periodic rent reserved;

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

9 (4) The date the rental payments became delinquent;

10 (5) The length of time the tenant has remained in possession without
11 paying rent;

12 (6) The amount of rent claimed due and delinquent;

13 (7) A statement that ~~is~~

14 ~~(I) The~~ the written notice was served on the tenant in accordance
15 with NRS 40.280; ~~and~~

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

17 (8) A copy of the written notice served on the tenant pursuant to
18 subsection 2; and

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

20 5. A landlord or landlord's agent who applies for summary eviction
21 pursuant to subsection 3 shall, within ~~15~~ :

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

26 ~~(a)~~ (1) Except as otherwise provided in subsection ~~11.1~~ 12, the tenant must
27 file a written answer to the affidavit of complaint for summary eviction with the
28 court that has jurisdiction over the matter not later than ~~10~~ 7 calendar days
29 after service of the affidavit of complaint for summary eviction;

30 ~~(b)~~ (2) If the tenant does not file an answer within the period described in
31 ~~paragraph (a)~~ subparagraph (1), the court may issue a summary order for
32 removal of the tenant or an order providing for the nonadmittance of the tenant;

33 ~~(c)~~ (3) Pursuant to NRS 118A.390, the tenant may seek relief if a landlord
34 unlawfully removes the tenant from the premises or excludes the tenant by
35 blocking or attempting to block the tenant's entry upon the premises or willfully
36 interrupts or causes or permits the interruption of an essential item or service
37 required by the rental agreement or chapter 118A of NRS; and

38 ~~(d)~~ (4) The tenant may request that the court stay the execution of the
39 order of removal of the tenant or order providing for nonadmittance of the tenant
40 for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010,
41 stating the reasons why such a stay is warranted.

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

45 6. Except as otherwise provided in subsection ~~11.1~~ 12, upon being served
46 pursuant to subsection 5, the tenant shall, within ~~10~~ 7 calendar days after the
47 day of service, file a written answer with the court that has jurisdiction over the
48 matter. If no written answer is filed within the time period prescribed by this
49 subsection ~~1~~ and the landlord otherwise complies with the requirements
50 prescribed by this section, the court may, without holding a hearing but after
51 determining that a landlord has complied with the requirements prescribed by
52 this section, issue:

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

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

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

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

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

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

16 9. The court shall dismiss an action for summary eviction if the landlord
17 does not comply with the requirements prescribed by paragraph (b) of subsection
18 5.

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

21 ~~10.~~ 11. Proof of service of any notice required by this section must be
22 filed with the court before a summary order for removal of the tenant or an order
23 providing for the nonadmittance of the tenant is issued pursuant to subsection 6
24 or 8, as applicable.

25 ~~11.~~ 12. For the purposes of this section, if the date on which:

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

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

33 ~~12.~~ 13. A landlord shall not refuse to accept rent from a tenant that is
34 submitted after the landlord or the landlord's agent has served a notice pursuant
35 to subsection 2 if the refusal is based on the fact that the tenant has not paid
36 collection fees, attorney's fees or other costs other than rent, a reasonable charge
37 for late payments of rent or dishonored checks, or a security deposit.

38 ~~13.~~ 14. Except as otherwise provided in NRS 118A.315, this section does
39 not apply to:

40 (a) A tenant of a commercial premises;

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

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

48 ~~14.~~ 15. As used in this section, "security deposit" has the meaning
49 ascribed to it in NRS 118A.240.

50 Sec. 3. (Deleted by amendment.)

51 Sec. 4. Upon receipt of a summary order for the removal of the tenant or
52 an order providing for the nonadmittance of the tenant issued pursuant to
53 subsection 6 of section 2 of this act, the sheriff or constable shall:

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

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

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

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

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

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

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

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

22 (a) *Determine the costs, if any, claimed by the landlord pursuant to NRS*
23 *118A.460 and any accumulating daily costs; and*

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

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

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

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

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

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

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

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

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

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

48 **Sec. 6.5.** *1. Except as otherwise provided in subsection ~~14~~, 14, in*
49 *addition to the remedies provided in NRS 40.290 to 40.420, inclusive, a landlord*
50 *may pursue the summary eviction of a tenant for an unlawful detainer pursuant*
51 *to NRS 40.250, 40.251, 40.2514 or 40.2516 using the procedure for summary*
52 *eviction provided in this section.*

1 2. Before a landlord or landlord’s agent may file an affidavit of complaint
 2 for the summary eviction of a tenant for an unlawful detainer pursuant to NRS
 3 40.250, 40.251, 40.2514 or 40.2516, the landlord or the landlord’s agent must
 4 serve upon the tenant:

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

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

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

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

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

21 (b) State or contain:

22 (1) The date the tenancy commenced;

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

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

26 (4) Any facts supporting the written notice;

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

28 (6) A statement that ~~[-]~~

29 ~~(I) The~~ the written notice was served on the tenant in accordance
 30 with NRS 40.280; ~~and~~

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

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

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

36 5. A landlord or landlord’s agent who applies for summary eviction
 37 pursuant to subsection 3 shall, within ~~[[5]]~~ :

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

42 ~~[(a)]~~ (1) Except as otherwise provided in subsection ~~[[11]]~~ 12, the tenant must
 43 file a written answer to the affidavit of complaint for summary eviction with the
 44 court that has jurisdiction over the matter not later than ~~[[10]]~~ 7 calendar days
 45 after service of the affidavit of complaint for summary eviction;

46 ~~[(b)]~~ (2) If the tenant does not file an answer within the period described in
 47 ~~[paragraph (a)]~~ subparagraph (1), the court may issue a summary order for
 48 removal of the tenant or an order providing for the nonadmittance of the tenant;

49 ~~[(c)]~~ (3) Pursuant to NRS 118A.390, the tenant may seek relief if a landlord
 50 unlawfully removes the tenant from the premises or excludes the tenant by
 51 blocking or attempting to block the tenant’s entry upon the premises or willfully
 52 interrupts or causes or permits the interruption of an essential item or service
 53 required by the rental agreement or chapter 118A of NRS; and

1 ~~4~~ (4) The tenant may request that the court stay the execution of the
2 order of removal of the tenant or order providing for nonadmittance of the tenant
3 for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010,
4 stating the reasons why such a stay is warranted.

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

8 6. Except as otherwise provided in subsection ~~11~~ 12, upon being served
9 pursuant to subsection 5, the tenant shall, within ~~7~~ 7 calendar days after the
10 day of service, file a written answer with the court that has jurisdiction over the
11 matter. If no written answer is filed within the time period prescribed by this
12 subsection ~~4~~ and the landlord otherwise complies with the requirements
13 prescribed by this section, the court may, without holding a hearing but after
14 determining that a landlord has complied with the requirements prescribed by
15 this section, issue:

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

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

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

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

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

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

31 9. The court shall dismiss an action for summary eviction if the landlord
32 does not comply with the requirements prescribed by paragraph (b) of subsection
33 5.

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

36 ~~10~~ 11. Proof of service of any notice required by this section must be
37 filed with the court before a summary order for removal of the tenant or an order
38 providing for the nonadmittance of the tenant is issued pursuant to subsection 6
39 or 8, as applicable.

40 ~~11~~ 12. For the purposes of this section, if the date on which an affidavit
41 of complaint for summary eviction or a written answer to such an affidavit must
42 be filed falls on a nonjudicial day, the filing is timely if performed on the next
43 judicial day.

44 ~~12~~ 13. A landlord shall not refuse to accept rent from a tenant that is
45 submitted after the landlord or the landlord's agent has served a notice pursuant
46 to subsection 2 if the refusal is based on the fact that the tenant has not paid
47 collection fees, attorney's fees or other costs other than rent, a reasonable charge
48 for late payments of rent or dishonored checks, or a security deposit.

49 ~~13~~ 14. If the tenant is found guilty of unlawful detainer as a result of the
50 tenant's violation of any of the provisions of NRS 453.011 to 453.552, inclusive,
51 except NRS 453.336, the landlord is entitled to be awarded any reasonable
52 attorney's fees incurred by the landlord or the landlord's agent as a result of a

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

3 ~~14.4~~ 15. *Except as otherwise provided in NRS 118A.315, this section does*
4 *not apply to:*

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

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

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

13 ~~15.4~~ 16. *As used in this section, "security deposit" has the meaning*
14 *ascribed to it in NRS 118A.240.*

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

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

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

18 40.2516 1. A tenant of real property, a dwelling unit, a recreational vehicle
19 or a mobile home other than a mobile home lot or a recreational vehicle lot for a
20 term less than life is guilty of an unlawful detainer when the tenant continues in
21 possession, in person or by subtenant, after a neglect or failure to perform any
22 condition or covenant of the lease or agreement under which the real property,
23 dwelling unit, recreational vehicle or mobile home is held, other than those
24 mentioned in NRS 40.250 to ~~40.254,~~ 40.252, inclusive, *and sections 2 to 6.5,*
25 *inclusive, of this act,* and after notice in writing, requiring in the alternative the
26 performance of the condition or covenant or the surrender of the real property,
27 dwelling unit, recreational vehicle or mobile home, served upon the tenant, and, if
28 there is a subtenant in actual occupation of the premises or property, also upon the
29 subtenant, remains uncomplied with for 5 days after the service thereof. Within 5
30 days after the service, the tenant, or any subtenant in actual occupation of the
31 premises or property, or any mortgagee of the term, or other person, interested in its
32 continuance, may perform the condition or covenant and thereby save the lease
33 from forfeiture; but if the covenants and conditions of the lease, violated by the
34 lessee, cannot afterwards be performed, then no notice need be given.

35 2. If a tenant is guilty of an unlawful detainer pursuant to this section, the
36 landlord may seek to recover possession of the real property, dwelling unit,
37 recreational vehicle or mobile home pursuant to the provisions of NRS ~~40.254 or~~
38 40.290 to 40.420, inclusive ~~4.1~~, *or section 6.5 of this act.*

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

40 40.252 For the purposes of NRS 40.250 to 40.252, inclusive, and ~~NRS~~
41 ~~40.254;~~ *sections 2 to 6.5, inclusive, of this act:*

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

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

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

48 40.2545 1. If a court grants an action for summary eviction pursuant to
49 ~~NRS 40.253 during the COVID-19 emergency;~~ *section 2 of this act,* the court
50 shall automatically seal the eviction case court file.

51 2. In addition to the provisions for the automatic sealing of an eviction case
52 court file pursuant to subsection 1, in any action for summary eviction pursuant to

1 NRS ~~[40.253, 40.254 or]~~ 40.2542 ~~[.]~~ *or section 6.5 of this act*, the eviction case
2 court file is sealed automatically and not open to inspection:

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

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

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

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

14 3. In addition to the provisions for the automatic sealing of an eviction case
15 court file pursuant to subsections 1 and 2, the court may order the sealing of an
16 eviction case court file for an action for summary eviction pursuant to NRS
17 ~~[40.253, 40.254 or]~~ 40.2542 ~~[.]~~ *or section 2 or 6.5 of this act:*

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

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

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

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

27 (I) Circumstances beyond the control of the tenant that led to the
28 eviction;

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

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

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

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

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

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

44 6. As used in this section ~~[.]~~

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

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

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

50 ~~(b) "Eviction", "eviction case court file" means all records relating to an action~~
51 ~~for summary eviction which are maintained by the court, including, without~~
52 ~~limitation, the affidavit of complaint and any other pleadings, proof of service,~~
53 ~~findings of the court, any order made on motion as provided in Nevada Rules of~~

1 Civil Procedure, Justice Court Rules of Civil Procedure and local rules of practice
2 and all other papers, records, proceedings and evidence, including exhibits and
3 transcript of the testimony.

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

5 40.255 1. Except as otherwise provided in subsections 2, 4 and 9, in any of
6 the following cases, a person who holds over and continues in possession of real
7 property or a mobile home after a 3-day written notice to surrender has been served
8 upon the person may be removed as prescribed in NRS 40.290 to 40.420, inclusive:

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

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

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

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

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

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

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

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

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

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

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

48 (c) Notifying the tenant or subtenant that failure to pay rent to the new owner
49 or comply with any other term of the agreement or applicable law constitutes a
50 breach of the lease or rental agreement and may result in eviction proceedings,
51 including, without limitation, proceedings conducted pursuant to ~~NRS 40.253 and~~
52 ~~40.254.] sections 2 and 6.5 of this act.~~

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

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

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

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

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

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

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

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

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

28 (c) Notifying the tenant or subtenant that failure to pay rent to the new owner
29 or comply with any other term of the agreement or applicable law constitutes a
30 breach of the lease or rental agreement and may result in eviction proceedings,
31 including, without limitation, proceedings conducted pursuant to ~~NRS 40.253 and~~
32 ~~40.254.] sections 2 and 6.5 of this act.~~

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

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

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

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

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

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

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

52 10. As used in this section, "residential foreclosure" means the sale of a single
53 family residence pursuant to NRS 40.430 or under a power of sale granted by NRS

1 107.080. As used in this subsection, “single family residence” means a structure
2 that is comprised of not more than four units.

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

4 40.280 1. Except as otherwise provided in NRS ~~40.253 and~~ 40.2542, the
5 notices required by NRS 40.251 to 40.260, inclusive, **and sections 2 to 6.5,**
6 **inclusive, of this act** must be served by the sheriff, a constable, a person who is
7 licensed as a process server pursuant to chapter 648 of NRS or the agent of an
8 attorney licensed to practice in this State:

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

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

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

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

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

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

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

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

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

39 (a) An order for removal of a tenant is issued pursuant to ~~NRS 40.253 or~~
40 ~~40.254;~~ **section 2 or 6.5 of this act;**

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

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

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

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

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

51 ~~(1)~~ If the notice was served pursuant to subsection 1, a written statement,
52 endorsed by the person who served the notice, stating the date and manner of
53 service. The statement must also include the number of the badge or license of the

1 person who served the notice. If the notice was served by the agent of an attorney
2 licensed in this State, the statement must be accompanied by a declaration, signed
3 by the attorney and bearing the license number of the attorney, stating that the
4 attorney:

5 ~~[(1)]~~ (1) Was retained by the landlord in an action pursuant to NRS
6 40.230 to 40.420, inclusive ~~[(1)]~~, **and sections 2 to 6.5, inclusive, of this act;**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (III) Fees paid for the service.

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

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

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

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

12 40.385 1. Either party may appeal an order entered pursuant to NRS
13 ~~[40.253, 40.254 or]~~ 40.2542 or section 2 or 6.5 of this act by filing a notice of
14 appeal within 10 judicial days after the date of entry of the order.

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

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

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

32 118.205 A notice provided by a landlord to a tenant pursuant to NRS
33 118.195:

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

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

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

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

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

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

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

44 118A.460 1. The landlord may dispose of personal property abandoned on
45 the premises by a former tenant or left on the premises after eviction of the tenant
46 without incurring civil or criminal liability in the following manner:

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

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

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

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

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

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

20 118C.230 1. Except as otherwise provided in subsection 3, a landlord who
21 leases or subleases any commercial premises under a rental agreement that has been
22 terminated for any reason may, in accordance with the following provisions,
23 dispose of any abandoned personal property, regardless of its character, left on the
24 commercial premises without incurring any civil or criminal liability:

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

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

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

39 2. A tenant of commercial premises is presumed to have abandoned the
40 premises if:

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

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

45 3. If a written agreement between a landlord and a person who has an
46 ownership interest in any abandoned personal property of the tenant contains
47 provisions which relate to the removal and disposal of abandoned personal
48 property, the provisions of the agreement determine the rights and obligations of
49 the landlord and the person with respect to the removal and disposal of the
50 abandoned personal property.

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

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

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

4 (a) Any proceeds attributable to the commission or attempted commission of
5 any felony.

6 (b) Any property or proceeds otherwise subject to forfeiture pursuant to NRS
7 179.121, 200.760, 202.257, 370.419, 453.301 or 501.3857.

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

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

12 (a) Has given the tenant notice to surrender the premises pursuant to ~~NRS~~
13 ~~40.254~~ *section 6.5 of this act* within 90 days after the owner receives notice of a
14 conviction pursuant to subsection 2 of NRS 453.305; or

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

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

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

26 453.305 1. Whenever a person is arrested for violating any of the provisions
27 of NRS 453.011 to 453.552, inclusive, except NRS 453.336, and real property or a
28 mobile home occupied by the person as a tenant has been used to facilitate the
29 violation, the prosecuting attorney responsible for the case shall cause to be
30 delivered to the owner of the property or mobile home a written notice of the arrest.

31 2. Whenever a person is convicted of violating any of the provisions of NRS
32 453.011 to 453.552, inclusive, except NRS 453.336, and real property or a mobile
33 home occupied by the person as a tenant has been used to facilitate the violation,
34 the prosecuting attorney responsible for the case shall cause to be delivered to the
35 owner of the property or mobile home a written notice of the conviction.

36 3. The notices required by this section must:

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

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

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

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

44 (e) Advise the owner that:

45 (1) The property or mobile home is subject to forfeiture pursuant to NRS
46 179.1156 to 179.1205, inclusive, and 453.301 unless the tenant, if convicted, is
47 evicted;

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

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

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

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

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

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

14 645H.520 1. Subject to the provisions of NRS 645H.770, the services an
15 asset management company may provide include, without limitation:

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

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

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

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

22 (e) Removing trash and debris from real property in foreclosure and the
23 surrounding property.

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

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

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

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

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

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

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

TEXT OF REPEALED SECTIONS

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.