

ASSEMBLY BILL NO. 274—ASSEMBLYMAN GOLDWATER

MARCH 11, 2003

Referred to Committee on Judiciary

SUMMARY—Increases length of notice before person who is 60 years of age or older or who has disability may be evicted from certain periodic tenancies under certain circumstances. (BDR 3-1128)

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; increasing the length of notice before a person who is 60 years of age or older or who has a disability may be evicted from certain periodic tenancies under certain circumstances; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 40.251 is hereby amended to read as follows:
2 40.251 ***1. A*** tenant of real property, a recreational vehicle or a
3 mobile home for a term less than life is guilty of an unlawful
4 detainer when having leased:
5 ~~[(1)]~~ ***(a)*** Real property, except as otherwise provided in this
6 section, or a mobile home for an indefinite time, with monthly or
7 other periodic rent reserved, he continues in possession thereof, in
8 person or by subtenant, without the landlord's consent after the
9 expiration of a notice of:
10 ~~[(a)]~~ ***(1)*** For tenancies from week to week, at least 7 days;
11 ~~[(b)]~~ ~~For~~
12 ***(2) Except as otherwise provided in subsection 2, for*** all
13 other periodic tenancies, at least 30 days; or



* A B 2 7 4 R 1 *

1 ~~[(e)]~~ (3) For tenancies at will, at least 5 days.
2 ~~[(2)]~~ (b) A dwelling unit subject to the provisions of chapter
3 118A of NRS, he continues in possession, in person or by subtenant,
4 without the landlord's consent after expiration of:

5 ~~[(a)]~~ (I) The term of the rental agreement or its termination and,
6 except as otherwise provided in ~~[(paragraph (b))]~~ *subparagraph (2)*,
7 the expiration of a notice of ~~[(a)]~~ :

8 (I) *At least 7 days for tenancies from week to week ; and*
9 (II) *Except as otherwise provided in subsection 2, at*
10 *least 30 days for all other periodic tenancies; or*

11 ~~[(b)]~~ (2) A notice of at least 5 days where the tenant has failed
12 to perform his basic or contractual obligations under chapter 118A
13 of NRS.

14 ~~[(3)]~~ (c) A mobile home lot subject to the provisions of chapter
15 118B of NRS, or a lot for a recreational vehicle in an area of a
16 mobile home park other than an area designated as a recreational
17 vehicle lot pursuant to the provisions of subsection 6 of NRS
18 40.215, he continues in possession, in person or by subtenant,
19 without the landlord's consent, after notice has been given pursuant
20 to NRS 118B.115, 118B.170 or 118B.190 and the period of the
21 notice has expired.

22 ~~[(4)]~~ (d) A recreational vehicle lot, he continues in possession, in
23 person or by subtenant, without the landlord's consent, after the
24 expiration of a notice of at least 5 days.

25 *2. Except as otherwise provided in this subsection, if a tenant*
26 *with a periodic tenancy pursuant to paragraph (a) or (b) of*
27 *subsection 1, other than a tenancy from week to week, is 60 years*
28 *of age or older or has a physical or mental disability, the tenant*
29 *must be allowed to continue in possession for an additional 30*
30 *days beyond the time specified in subsection 1 if the tenant*
31 *submits a written request for an extended period and provides*
32 *proof of his age or disability. A landlord is not required to allow a*
33 *tenant to continue in possession if a shorter notice is provided*
34 *pursuant to subparagraph (2) of paragraph (b) of subsection 1.*

35 *3. Any notice provided pursuant to paragraph (a) or (b) of*
36 *subsection 1 must include a statement advising the tenant of the*
37 *provisions of subsection 2.*

38 *4. If a landlord fails to allow a tenant to continue in*
39 *possession for an additional 30 days pursuant to subsection 2, the*
40 *tenant may petition the court for an order to continue in*
41 *possession for the additional 30 days. The court shall grant the*
42 *petition if the tenant submits proof that he is entitled to such an*
43 *extension pursuant to subsection 2 and may grant such other*
44 *relief as it deems appropriate.*



1 **Sec. 2.** This act becomes effective on July 1, 2003.

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