
SENATE BILL NO. 128—COMMITTEE ON JUDICIARY
(ON BEHALF OF THE NEVADA JUDGES ASSOCIATION)

FEBRUARY 13, 2003

Referred to Committee on Judiciary

SUMMARY—Allows tenant to recover immediate possession of premises from landlord under certain circumstances. (BDR 10-416)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to property; allowing a tenant to recover immediate possession of the premises from a landlord 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 118A.390 is hereby amended to read as
2 follows:
3 118A.390 1. If the landlord unlawfully removes the tenant
4 from the premises or excludes the tenant by blocking or attempting
5 to block his entry upon the premises or willfully interrupts or causes
6 or permits the interruption of any essential service required by the
7 rental agreement or this chapter, the tenant may recover *immediate*
8 possession ~~and~~ *pursuant to subsection 4*, proceed under NRS
9 118A.380 or terminate the rental agreement and, in addition to any
10 other remedy, recover his actual damages, receive an amount not
11 greater than \$1,000 to be fixed by the court, or both.
12 2. In determining the amount, if any, to be awarded under
13 subsection 1, the court shall consider:



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

6 3. If the rental agreement is terminated ~~§~~ *pursuant to*
7 *subsection 1*, the landlord shall return all prepaid rent and security
8 recoverable under this chapter.

9 *4. Except as otherwise provided in subsection 5, the tenant*
10 *may recover immediate possession of the premises from the*
11 *landlord by filing a verified complaint for expedited relief for the*
12 *unlawful removal or exclusion of the tenant from the premises or*
13 *the willful interruption of essential services.*

14 *5. A verified complaint for expedited relief:*

15 (a) *Must be filed with the court within 2 weeks after the date of*
16 *the unlawful act by the landlord, and the verified complaint must*
17 *be dismissed if it is not timely filed. If the verified complaint for*
18 *expedited relief is dismissed pursuant to this paragraph, the tenant*
19 *retains the right to pursue all other available remedies against the*
20 *landlord.*

21 (b) *May not be filed with the court if an action for summary*
22 *eviction or unlawful detainer is already pending between the*
23 *landlord and tenant, but the tenant may seek similar relief before*
24 *the judge presiding over the pending action.*

25 *6. The court shall conduct a hearing on the verified*
26 *complaint for expedited relief within 3 judicial days after the filing*
27 *of the verified complaint for expedited relief. Before or at the*
28 *scheduled hearing, the tenant must provide proof that the landlord*
29 *has been properly served with a copy of the verified complaint for*
30 *expedited relief. Upon the hearing, if it is determined that the*
31 *landlord has violated any of the provisions of subsection 1, the*
32 *court may:*

33 (a) *Order the landlord to restore to the tenant the premises or*
34 *essential services, or both;*

35 (b) *Award damages pursuant to subsection 1;*

36 (c) *Award attorney's fees in an amount not to exceed \$500;*
37 *and*

38 (d) *Enjoin the landlord from violating the provisions of*
39 *subsection 1 and, if the circumstances so warrant, hold the*
40 *landlord in contempt of court.*

41 *7. The payment of all costs and official fees must be deferred*
42 *for any tenant who files a verified complaint for expedited relief.*
43 *After any hearing and not later than final disposition of the filing*
44 *or order, the court shall assess the costs and fees against the*



- 1 *adverse party, except that the court may reduce them or waive*
- 2 *them, as justice may require.*

Ⓢ

