

PROPOSED AMENDMENT TO AB 107

Purpose of Amendment: To allow for sealing of certain evictions in a manner less administratively burdensome than in the bill as introduced.

AMEND Assembly Bill No. 107 as follows:

Section 1. Chapter 40 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In any action for ~~unlawful detainer or~~ summary eviction pursuant to NRS 40.253 or 40.254, the eviction case court file, the affidavit of complaint and any other pleadings, proof of service, findings of the court, any order made on motion as provided in Nevada Rules of Civil Procedure, and all other papers, records, proceedings and evidence, including exhibits and transcript of the testimony, must be sealed automatically and not open to inspection except upon

- ~~— (a) To parties to the action and their attorneys.~~
 - ~~— (b) To a person who provides the clerk with the names of at least one plaintiff and one defendant and the address of the premises, including the identifying number of the apartment or unit, if any.~~
 - ~~— (c) To a resident of the premises who provides the clerk with the name of one of the parties or the case number of the action and shows proof of residence.~~
 - ~~— (d) To a person by order of the court, which may be granted ex parte, upon a showing of good cause.~~
 - ~~— (e) To any person by order of the court if, more than 60 days after the filing of the affidavit of complaint, judgment is entered for the plaintiff after a trial. The court shall issue the order upon issuing judgment for the plaintiff.~~
 - ~~— (f) To any other person, except as otherwise provided in paragraph (g), if:~~
 - ~~— (1) Sixty days have elapsed after the filing of the affidavit of complaint; and~~
 - ~~— (2) The plaintiff prevails in the action not later than 60 days after the filing of the affidavit of complaint.~~
 - ~~— (g) In the case of a complaint involving real property or a mobile home based on NRS 40.255, to any other person if:~~
 - ~~— (1) Sixty days have elapsed after the filing of the complaint; and~~
 - ~~— (2) Judgment against all defendants has been entered for the plaintiff after a trial.~~
- ~~2. If a default or default judgment is set aside more than 60 days after the affidavit of complaint has been filed, this section applies as if the affidavit of complaint had been filed on the date the default or default judgment is set aside.~~

- a. The entry of a denial or dismissal of a summary eviction or
 - b. If the landlord has failed to file the affidavit of complaint as required by NRS 40.253 (6) within 30 days following the filing by the tenant of the affidavit permitted in NRS 40.253 (3).
2. The court may order the sealing of an eviction case court file in the same manner as subsection (1) upon motion of tenant and decision by the court, if the court finds (a) that the eviction should be set aside under JCRCP 60, or (b) that sealing is in the

interests of justice due to factors including, but not limited to, the length of time since the eviction order, the extenuating circumstances under which the eviction was granted, and/or circumstances beyond the tenant's control which led to the eviction order, and those interests are not outweighed by the public's interest in knowing about the record.

3. The court may order an eviction case court file sealed upon the filing of a written stipulation between the landlord and tenant to set aside the order of eviction and seal the eviction case court file.
4. If the court orders a record sealed under this section, all proceedings recounted in the record are deemed never to have occurred
5. "Eviction case court file" is defined as records maintained by the court consisting of the affidavit of complaint and any other pleadings, proof of service, findings of the court, any order made on motion as provided in Nevada Rules of Civil Procedure, Justice Court Rules of Civil Procedure and any Local Rules and all other papers, records, proceedings and evidence, including exhibits and transcript of the testimony.

Sec. 2. NRS 40.215 is hereby amended to read as follows:

40.215 As used in NRS 40.215 to 40.425, inclusive, *and section 1 of this act*, unless the context requires otherwise:

1. "Dwelling" or "dwelling unit" means a structure or part thereof that is occupied, or designed or intended for occupancy, as a residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

2. "Landlord's agent" means a person who is hired or authorized by the landlord or owner of real property to manage the property or dwelling unit, to enter into a rental agreement on behalf of the landlord or owner of the property or who serves as a person within this State who is authorized to act for and on behalf of the landlord or owner for the purposes of service of process or receiving notices and demands. A landlord's agent may also include a successor landlord or a property manager as defined in NRS 645.0195.

3. "Mobile home" means every vehicle, including equipment, which is constructed, reconstructed or added to in such a way as to have an enclosed room or addition occupied by one or more persons as a residence or sleeping place and which has no foundation other than wheels, jacks, skirting or other temporary support.

4. "Mobile home lot" means a portion of land within a mobile home park which is rented or held out for rent to accommodate a mobile home.

5. "Mobile home park" or "park" means an area or tract of land where two or more mobile homes or mobile home lots are rented or held out for rent. "Mobile home park" or "park" does not include those areas or tracts of land, whether within or outside of a park, where the lots are held out for rent on a nightly basis.

6. "Premises" includes a mobile home.

7. "Recreational vehicle" means a vehicular structure primarily designed as temporary living quarters for travel, recreational or camping use, which may be self-propelled or mounted upon or drawn by a motor vehicle.

8. "Recreational vehicle lot" means a portion of land within a recreational vehicle park, or a portion of land so designated within a mobile home park, which is rented or held out for rent to accommodate a recreational vehicle overnight or for less than 3 months.

9. "Recreational vehicle park" means an area or tract of land where lots are rented or held out for rent to accommodate a recreational vehicle overnight or for less than 3 months.

10. "Short-term tenancy" means a tenancy in which rent is reserved by a period of 1 week and the tenancy has not continued for more than 45 days.

Sec. 3. The amendatory provisions of this act apply to all actions pending or filed on or after October 1, 2017.

Submitted on behalf of the Legal Aid Society of Southern Nevada by

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