

Amendment No. 77

Senate Amendment to Senate Bill No. 151	(BDR 3-516)
<b>Proposed by:</b> Senate Committee on Judiciary	
<b>Amends:</b> Summary: No Title: Yes 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.





SENATE BILL NO. 151—SENATORS RATTI, CANCELA, SPEARMAN, PARKS; BROOKS, HARRIS, OHRENSCHALL AND WOODHOUSE

FEBRUARY 12, 2019

Referred to Committee on Judiciary

SUMMARY—Revises provisions related to certain proceedings concerning property. (BDR 3-516)

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; **removing and** revising certain provisions relating to actions for summary eviction; **reorganizing procedures for summary eviction of a tenant of a commercial premise**; revising provisions governing notices to surrender possession of real property or a mobile home; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law provides for a summary eviction procedure when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises with periodic rent due by the month or a shorter period defaults in the payment of the rent. (NRS 40.253) Section 1.7 of this bill removes the provisions governing the summary eviction procedure for a tenant of a commercial premise, thereby making section 1.7 solely applicable to summary eviction for the tenant of any dwelling, apartment, mobile home or recreational vehicle. Section 1 of this bill reorganizes the summary eviction procedure for a tenant of a commercial premise.

Existing law requires the landlord or the landlord’s agent to serve a notice in writing informing the tenant that he or she must pay the rent or surrender the premises at or before the fifth full day following the day of service. (NRS 40.253) ~~Section 1.7~~ **Section 1.7** of this bill increases the period of time that a tenant has to act after receiving such notice from 5 full days to ~~10~~ **7** judicial days.

Existing law authorizes a court, in an action for summary eviction, to order the removal of a tenant in default for rental payments. Existing law requires a sheriff or constable to remove such a tenant within 24 hours after the court issues such an order. (NRS 40.253) ~~Section 1.1 increases 1.7~~ **Section 1.7** ~~revises~~ **revises** the period of time before the removal of the tenant ~~from within to not earlier than 24 hours and not more than 36 hours~~ **to not earlier than 24 hours and not more than 36 hours** after the court order. ~~Section 5 of this bill makes conforming changes for the summary eviction of an unlawful or unauthorized occupant of certain rental properties.~~

Existing law authorizes a landlord to utilize procedures for summary eviction when a 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 certain unlawful detainers. (NRS 40.254) **Section 2** of this bill eliminates the ability of a landlord of a low-rent housing program operated by a public housing authority to utilize such procedures for summary

eviction. **Section 2 also provides that the term “dwelling unit” does not include a low-income unit and defines “low-income unit” for the purpose of section 2.**

Existing law provides that a person who holds over and continues in possession of real property or a mobile home which has been foreclosed or sold under certain circumstances may be removed pursuant to certain proceedings after a 3-day notice to surrender has been served. (NRS 40.255) **Section 3 of this bill ~~increases the period of time provided by such a notice to surrender to 30 days.~~ additionally provides that an existing lease of residential property will remain in effect if the property is transferred or sold to a new owner under certain circumstances. Section 3 provides for the duties and obligations of the tenant and the new owner.**

Existing law requires a tenant to be served with certain notices to surrender. Existing law authorizes such service: (1) by delivering a copy of the notice to the tenant personally, in the presence of a witness, or by a sheriff, constable or certain other persons; (2) by leaving the notice with a person who meets certain qualifications at the place of residence or business of the tenant; or (3) by posting the notice on the rental property, delivering the notice to the person living there, if possible, and mailing a copy to the tenant. (NRS 40.280) **Section 4 of this bill ~~removes the existing statutory scheme for service of notices to surrender and instead requires such notices to be served pursuant to the Nevada Rules of Civil Procedure or the Justice Court Rules of Civil Procedure.~~ provides that a notice to surrender the premises must be served by a sheriff, a constable, certain persons licensed as a process server or the agent of an attorney under certain circumstances. Sections ~~6 and 7~~ 4.5-7.5 of this bill make conforming changes.**

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

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

**1. In addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any commercial premises with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord’s agent, unless otherwise agreed in writing, may serve or have served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:**

**(a) At or before noon of the fifth full day following the day of service; or**

**(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.**

**↪ As used in this subsection, “day of service” means the day the landlord or the landlord’s agent personally delivers the notice to the tenant. If personal service was not so delivered, the “day of service” means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the “day of service” shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.**

**2. A landlord or the landlord’s agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver a copy of the notice to the tenant personally, in the presence of a witness. If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required. If the notice cannot be delivered in person, the landlord or the landlord’s agent:**

1 (a) Shall post a copy of the notice in a conspicuous place on the premises  
2 and mail the notice by overnight mail; and

3 (b) After the notice has been posted and mailed, may deliver the notice to the  
4 sheriff or constable for service in the manner set forth in subsection 1 of NRS  
5 40.280. The sheriff or constable shall not accept the notice for service unless it is  
6 accompanied by written evidence, signed by the tenant when the tenant took  
7 possession of the premises, that the landlord or the landlord's agent informed the  
8 tenant of the provisions of this section which set forth the lawful procedures for  
9 eviction from a short-term tenancy. Upon acceptance, the sheriff or constable  
10 shall serve the notice within 48 hours after the request for service was made by  
11 the landlord or the landlord's agent.

12 3. A notice served pursuant to subsection 1 or 2 must:

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

14 (b) Advise the tenant:

15 (1) Of the tenant's right to contest the matter by filing, within the time  
16 specified in subsection 1 for the payment of the rent or surrender of the premises,  
17 an affidavit with the court that has jurisdiction over the matter stating that the  
18 tenant has tendered payment or is not in default in the payment of the rent; and

19 (2) That if the court determines that the tenant is guilty of an unlawful  
20 detainer, the court may issue a summary order for removal of the tenant or an  
21 order providing for the nonadmittance of the tenant, directing the sheriff or  
22 constable of the county to remove the tenant within 24 hours after receipt of the  
23 order.

24 4. If the tenant files an affidavit pursuant to paragraph (b) of subsection 3  
25 at or before the time stated in the notice, the landlord or the landlord's agent,  
26 after receipt of a file-stamped copy of the affidavit, shall not provide for the  
27 nonadmittance of the tenant to the premises by locking or otherwise.

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

30 (a) The landlord or the landlord's agent may apply by affidavit of complaint  
31 for eviction to the justice court of the township in which the commercial premises  
32 is located or to the district court of the county in which the commercial premises  
33 is located, whichever has jurisdiction over the matter. The court may thereupon  
34 issue an order directing the sheriff or constable of the county to remove the  
35 tenant within 24 hours after receipt of the order. The affidavit must state or  
36 contain:

37 (1) The date the tenancy commenced.

38 (2) The amount of periodic rent reserved.

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

41 (4) The date the rental payments became delinquent.

42 (5) The length of time the tenant has remained in possession without  
43 paying rent.

44 (6) The amount of rent claimed due and delinquent.

45 (7) A statement that the written notice was served on the tenant pursuant  
46 to subsection 1 or 2 or in accordance with NRS 40.280.

47 (8) A copy of the written notice served on the tenant.

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

49 (b) Except when the tenant has timely filed an affidavit described in  
50 paragraph (b) of subsection 3 and a file-stamped copy of the affidavit has been  
51 received by the landlord or the landlord's agent, the landlord or the landlord's  
52 agent may, in a peaceable manner, provide for the nonadmittance of the tenant to  
53 the premises by locking or otherwise.

1 6. Upon the filing by the tenant of an affidavit pursuant to paragraph (b) of  
2 subsection 3, regardless of the information contained in the affidavit or the filing  
3 by the landlord of an affidavit pursuant to paragraph (b) of subsection 5, the  
4 justice court or the district court shall hold a hearing, after service of notice of  
5 the hearing upon the parties, to determine the truthfulness and sufficiency of any  
6 affidavit or notice provided for in this section. If the court determines that there is  
7 no legal defense as to the alleged unlawful detainer and the tenant is guilty of an  
8 unlawful detainer, the court may issue a summary order for removal of the tenant  
9 or an order providing for the nonadmittance of the tenant. If the court determines  
10 that there is a legal defense as to the alleged unlawful detainer, the court shall  
11 refuse to grant either party any relief and, except as otherwise provided in this  
12 subsection, shall require that any further proceedings be conducted pursuant to  
13 NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of  
14 the tenant does not preclude an action by the tenant for any damages or other  
15 relief to which the tenant may be entitled. If the alleged unlawful detainer was  
16 based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief  
17 does not preclude the landlord thereafter from pursuing an action for unlawful  
18 detainer in accordance with NRS 40.251.

19 7. A tenant may, upon payment of the appropriate fees relating to the filing  
20 and service of a motion, file a motion with the court, on a form provided by the  
21 clerk of the court, to dispute the amount of the costs, if any, claimed by the  
22 landlord pursuant to NRS 118C.230 for the inventory, moving and storage of  
23 personal property left on the premises. The motion must be filed within 20 days  
24 after the summary order for removal of the tenant or the abandonment of the  
25 premises by the tenant, or within 20 days after:

26 (a) The tenant has vacated or been removed from the premises; and

27 (b) A copy of those charges has been requested by or provided to the tenant,

28 ↳ whichever is later.

29 8. Upon the filing of a motion pursuant to subsection 7, the court shall  
30 schedule a hearing on the motion. The hearing must be held within 10 days after  
31 the filing of the motion. The court shall affix the date of the hearing to the  
32 motion and order a copy served upon the landlord by the sheriff, constable or  
33 other process server. At the hearing, the court may:

34 (a) Determine the costs due, if any, claimed by the landlord pursuant to  
35 118C.230 and any accumulating daily costs; and

36 (b) Order the release of the tenant's property upon the payment of the costs  
37 determined to be due or if no charges are determined to be due.

38 9. A landlord shall not refuse to accept rent from a tenant that is submitted  
39 after the landlord or the landlord's agent has served or had served a notice  
40 pursuant to subsection 1 if the refusal is based on the fact that the tenant has not  
41 paid collection fees, attorney's fees or other costs other than rent, a reasonable  
42 charge for late payments of rent or dishonored checks.

43 Sec. 1.3. NRS 40.215 is hereby amended to read as follows:

44 40.215 As used in NRS 40.215 to 40.425, inclusive, and section 1 of this act,  
45 unless the context requires otherwise:

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

50 2. "Landlord's agent" means a person who is hired or authorized by the  
51 landlord or owner of real property to manage the property or dwelling unit, to enter  
52 into a rental agreement on behalf of the landlord or owner of the property or who  
53 serves as a person within this State who is authorized to act for and on behalf of the

1 landlord or owner for the purposes of service of process or receiving notices and  
2 demands. A landlord's agent may also include a successor landlord or a property  
3 manager as defined in NRS 645.0195.

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

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

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

15 6. "Premises" includes a mobile home.

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

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

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

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

28 ~~[Section 1]~~ **Sec. 1.7.** NRS 40.253 is hereby amended to read as follows:

29 40.253 1. Except as otherwise provided in subsection 10, in addition to the  
30 remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant  
31 of any dwelling, apartment, mobile home ~~[ ]~~ **or** recreational vehicle ~~[or commercial~~  
32 ~~premises]~~ with periodic rent reserved by the month or any shorter period is in  
33 default in payment of the rent, the landlord or the landlord's agent, unless otherwise  
34 agreed in writing, may serve or have served a notice in writing, requiring in the  
35 alternative the payment of the rent or the surrender of the premises:

36 (a) ~~[At]~~ **On** or before ~~[noon of]~~ **5 p.m. on** the ~~[fifth full 10th]~~ **seventh judicial**  
37 day following the day of service; or

38 (b) If the landlord chooses not to proceed in the manner set forth in paragraph  
39 (a) and the rent is reserved by a period of 1 week or less and the tenancy has not  
40 continued for more than 45 days, at or before noon of the fourth full day following  
41 the day of service.

42 **↳** As used in this subsection, "day of service" means the day the landlord or the  
43 landlord's agent personally delivers the notice to the tenant. If personal service was  
44 not so delivered, the "day of service" means the day the notice is delivered, after  
45 posting and mailing pursuant to subsection 2, to the sheriff or constable for service  
46 if the request for service is made before noon. If the request for service by the  
47 sheriff or constable is made after noon, the "day of service" shall be deemed to be  
48 the day next following the day that the request is made for service by the sheriff or  
49 constable.

50 2. A landlord or the landlord's agent who serves a notice to a tenant pursuant  
51 to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the  
52 manner set forth in ~~[paragraph (a) of]~~ subsection ~~[ ]~~ **2** of ~~[NRS 40.280.]~~ **section 1**

1 of this act. If the notice cannot be delivered in person, the landlord or the landlord's  
2 agent:

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

5 (b) After the notice has been posted and mailed, may deliver the notice to the  
6 sheriff or constable for service in the manner set forth in subsection 1 of NRS  
7 40.280. The sheriff or constable shall not accept the notice for service unless it is  
8 accompanied by written evidence, signed by the tenant when the tenant took  
9 possession of the premises, that the landlord or the landlord's agent informed the  
10 tenant of the provisions of this section which set forth the lawful procedures for  
11 eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall  
12 serve the notice within 48 hours after the request for service was made by the  
13 landlord or the landlord's agent.

14 3. A notice served pursuant to subsection 1 or 2 must:

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

16 (b) Advise the tenant:

17 (1) Of the tenant's right to contest the matter by filing, within the time  
18 specified in subsection 1 for the payment of the rent or surrender of the premises,  
19 an affidavit with the court that has jurisdiction over the matter stating that the tenant  
20 has tendered payment or is not in default in the payment of the rent;

21 (2) That if the court determines that the tenant is guilty of an unlawful  
22 detainer, the court may issue a summary order for removal of the tenant or an order  
23 providing for the nonadmittance of the tenant, directing the sheriff or constable of  
24 the county to remove tenant ~~[within 24]~~ not earlier than ~~[48]~~ 24 hours but not  
25 more than 36 hours after receipt of the order; and

26 (3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord  
27 unlawfully removes the tenant from the premises or excludes the tenant by blocking  
28 or attempting to block the tenant's entry upon the premises or willfully interrupts or  
29 causes or permits the interruption of an essential service required by the rental  
30 agreement or chapter 118A of NRS.

31 4. If the tenant files such an affidavit at or before the time stated in the notice,  
32 the landlord or the landlord's agent, after receipt of a file-stamped copy of the  
33 affidavit which was filed, shall not provide for the nonadmittance of the tenant to  
34 the premises by locking or otherwise.

35 5. Upon noncompliance with the notice:

36 (a) The landlord or the landlord's agent may apply by affidavit of complaint  
37 for eviction to the justice court of the township in which the dwelling, apartment,  
38 mobile home ~~[ ]~~ or recreational vehicle ~~[or commercial premises]~~ are located or to  
39 the district court of the county in which the dwelling, apartment, mobile home ~~[ ]~~ or  
40 recreational vehicle ~~[or commercial premises]~~ are located, whichever has  
41 jurisdiction over the matter. The court may thereupon issue an order directing the  
42 sheriff or constable of the county to remove the tenant ~~[within 24]~~ not earlier than  
43 ~~[48]~~ 24 hours but not more than 36 hours after receipt of the order. The affidavit  
44 must state or contain:

45 (1) The date the tenancy commenced.

46 (2) The amount of periodic rent reserved.

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

49 (4) The date the rental payments became delinquent.

50 (5) The length of time the tenant has remained in possession without  
51 paying rent.

52 (6) The amount of rent claimed due and delinquent.



1 (7) A statement that the written notice was served on the tenant in  
2 accordance with NRS 40.280.

3 (8) A copy of the written notice served on the tenant.

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

5 (b) Except when the tenant has timely filed the affidavit described in  
6 subsection 3 and a file-stamped copy of it has been received by the landlord or the  
7 landlord's agent, and except when the landlord is prohibited pursuant to NRS  
8 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide  
9 for the nonadmittance of the tenant to the premises by locking or otherwise.

10 6. Upon the filing by the tenant of the affidavit permitted in subsection 3,  
11 regardless of the information contained in the affidavit, and the filing by the  
12 landlord of the affidavit permitted by subsection 5, the justice court or the district  
13 court shall hold a hearing, after service of notice of the hearing upon the parties, to  
14 determine the truthfulness and sufficiency of any affidavit or notice provided for in  
15 this section. If the court determines that there is no legal defense as to the alleged  
16 unlawful detainer and the tenant is guilty of an unlawful detainer, the court may  
17 issue a summary order for removal of the tenant or an order providing for the  
18 nonadmittance of the tenant. If the court determines that there is a legal defense as  
19 to the alleged unlawful detainer, the court shall refuse to grant either party any  
20 relief, and, except as otherwise provided in this subsection, shall require that any  
21 further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The  
22 issuance of a summary order for removal of the tenant does not preclude an action  
23 by the tenant for any damages or other relief to which the tenant may be entitled. If  
24 the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the  
25 refusal by the court to grant relief does not preclude the landlord thereafter from  
26 pursuing an action for unlawful detainer in accordance with NRS 40.251.

27 7. The tenant may, upon payment of the appropriate fees relating to the filing  
28 and service of a motion, file a motion with the court, on a form provided by the  
29 clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord  
30 pursuant to NRS 118A.460 ~~for 118C.230~~ for the inventory, moving and storage of  
31 personal property left on the premises. The motion must be filed within 20 days  
32 after the summary order for removal of the tenant or the abandonment of the  
33 premises by the tenant, or within 20 days after:

34 (a) The tenant has vacated or been removed from the premises; and

35 (b) A copy of those charges has been requested by or provided to the tenant,  
36 ↪ whichever is later.

37 8. Upon the filing of a motion pursuant to subsection 7, the court shall  
38 schedule a hearing on the motion. The hearing must be held within 10 days after the  
39 filing of the motion. The court shall affix the date of the hearing to the motion and  
40 order a copy served upon the landlord by the sheriff, constable or other process  
41 server. At the hearing, the court may:

42 (a) Determine the costs, if any, claimed by the landlord pursuant to NRS  
43 118A.460 ~~for 118C.230~~ and any accumulating daily costs; and

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

46 9. A landlord shall not refuse to accept rent from a tenant that is submitted  
47 after the landlord or the landlord's agent has served or had served a notice pursuant  
48 to subsection 1 if the refusal is based on the fact that the tenant has not paid  
49 collection fees, attorney's fees or other costs other than rent, a reasonable charge  
50 for late payments of rent or dishonored checks, or a security. As used in this  
51 subsection, "security" has the meaning ascribed to it in NRS 118A.240.

52 10. This section does not apply to the tenant of ~~fe~~ :

1 (a) A mobile home lot in a mobile home park or to the tenant of a recreational  
2 vehicle lot in an area of a mobile home park in this State other than an area  
3 designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of  
4 NRS 40.215 ~~H~~; or

5 (b) A low-income housing project.

6 11. As used in this section, "low-income housing project" has the meaning  
7 ascribed to it in 26 U.S.C. § 42(g).

8 **Sec. 2.** NRS 40.254 is hereby amended to read as follows:

9 40.254 1. Except as otherwise provided by specific statute, in addition to the  
10 remedy provided in NRS 40.290 to 40.420, inclusive, when the tenant of a dwelling  
11 unit, ~~[part of a low-rent housing program operated by a public housing authority,]~~ a  
12 mobile home or a recreational vehicle is guilty of an unlawful detainer pursuant to  
13 NRS 40.250, 40.251, 40.2514 or 40.2516, the landlord or the landlord's agent may  
14 utilize the summary procedures for eviction as provided in NRS 40.253 except that  
15 written notice to surrender the premises must:

16 (a) Be given to the tenant in accordance with the provisions of NRS 40.280;

17 (b) Advise the tenant of the court that has jurisdiction over the matter; and

18 (c) Advise the tenant of the tenant's right to:

19 (1) Contest the notice by filing before the court's close of business on the  
20 fifth judicial day after the day of service of the notice an affidavit with the court  
21 that has jurisdiction over the matter stating the reasons why the tenant is not guilty  
22 of an unlawful detainer; or

23 (2) Request that the court stay the execution of the order for removal of the  
24 tenant or order providing for nonadmittance of the tenant for a period not exceeding  
25 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a  
26 stay is warranted.

27 2. The affidavit of the landlord or the landlord's agent submitted to the justice  
28 court or the district court must state or contain:

29 (a) The date when the tenancy commenced, the term of the tenancy and, if any,  
30 a copy of the rental agreement. If the rental agreement has been lost or destroyed,  
31 the landlord or the landlord's agent may attach an affidavit or declaration, signed  
32 under penalty of perjury, stating such loss or destruction.

33 (b) The date when the tenancy or rental agreement allegedly terminated.

34 (c) The date when written notice to surrender was given to the tenant pursuant  
35 to the provisions of NRS 40.251, 40.2514 or 40.2516, together with any facts  
36 supporting the notice.

37 (d) The date when the written notice was given, a copy of the notice and a  
38 statement that notice was served in accordance with NRS 40.280 and, if applicable,  
39 a copy of the notice of change of ownership served on the tenant pursuant to NRS  
40 40.255 if the property has been purchased as a residential foreclosure.

41 (e) A statement that the claim for relief was authorized by law.

42 3. If the tenant is found guilty of unlawful detainer as a result of the tenant's  
43 violation of any of the provisions of NRS 453.011 to 453.552, inclusive, except  
44 NRS 453.336, the landlord is entitled to be awarded any reasonable attorney's fees  
45 incurred by the landlord or the landlord's agent as a result of a hearing, if any, held  
46 pursuant to subsection 6 of NRS 40.253 wherein the tenant contested the eviction.

47 4. For the purpose of this section, the term "dwelling unit" does not include  
48 a low-income unit. As used in this subsection, "low-income unit" has the  
49 meaning ascribed to it in 26 U.S.C. § 42.

50 **Sec. 2.5.** NRS 40.2545 is hereby amended to read as follows:

51 40.2545 1. In any action for summary eviction pursuant to NRS 40.253 or  
52 40.254 ~~H~~ or section 1 of this act, the eviction case court file is sealed automatically  
53 and not open to inspection:

1 (a) Upon the entry of a court order which denies or dismisses the action for  
2 summary eviction; or

3 (b) Thirty-one days after the tenant has filed an affidavit described in  
4 subsection 3 of NRS 40.253 ~~or~~ or subsection 3 of section 1 of this act, if the  
5 landlord has failed to file an affidavit of complaint pursuant to subsection 5 of NRS  
6 40.253 or subsection 5 of section 1 of this act within 30 days after the tenant filed  
7 the affidavit.

8 2. In addition to the provisions for the automatic sealing of an eviction case  
9 court file pursuant to subsection 1, the court may order the sealing of an eviction  
10 case court file:

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

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

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

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

20 (I) Circumstances beyond the control of the tenant that led to the  
21 eviction;

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

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

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

29 4. As used in this section, "eviction case court file" means all records relating  
30 to an action for summary eviction which are maintained by the court, including,  
31 without limitation, the affidavit of complaint and any other pleadings, proof of  
32 service, findings of the court, any order made on motion as provided in Nevada  
33 Rules of Civil Procedure, Justice Court Rules of Civil Procedure and local rules of  
34 practice and all other papers, records, proceedings and evidence, including exhibits  
35 and transcript of the testimony.

36 **Sec. 3.** NRS 40.255 is hereby amended to read as follows:

37 40.255 1. Except as otherwise provided in subsections ~~[2]~~ 4 and ~~[7]~~ 9, in  
38 any of the following cases, a person who holds over and continues in possession of  
39 real property or a mobile home after a 3-day ~~[30-day]~~ written notice to surrender  
40 has been served upon the person may be removed as prescribed in NRS 40.290 to  
41 40.420, inclusive:

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

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

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

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

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

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

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

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

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

23 (a) Providing the contact information of the new owner to whom rent should  
24 be 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  
27 property continues in effect through the period of the lease term and states the  
28 amount held by the new owner for the security deposit; and

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

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

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

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

46 ~~3-1~~ 5. During the notice period described in subsection ~~2-1~~ 4:

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

51 (b) The tenant or subtenant continues to have the rights, obligations and  
52 liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under

1 the lease or rental agreement which the tenant or subtenant entered into with the  
2 previous owner or landlord regarding the property.

3 ~~4~~ **6.** The notice described in subsection ~~2~~ **4** must contain a statement:

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

6 (b) Notifying the tenant or subtenant that the lease or rental agreement the  
7 tenant or subtenant entered into with the previous owner or landlord of the property  
8 continues in effect through the notice period described in subsection ~~2~~ **4**; and

9 (c) Notifying the tenant or subtenant that failure to pay rent to the new owner  
10 or comply with any other term of the agreement or applicable law constitutes a  
11 breach of the lease or rental agreement and may result in eviction proceedings,  
12 including, without limitation, proceedings conducted pursuant to NRS 40.253 and  
13 40.254 ~~;~~

14 ~~5~~ **or section 1 of this act.**

15 **7.** If the property has been sold as a residential foreclosure in any of the cases  
16 described in paragraph (b) or (c) of subsection 1, no person may enter a record of  
17 eviction for a tenant or subtenant who vacates a property during the notice period  
18 described in subsection 2 ~~;~~ **4.**

19 ~~6~~ **8.** If the property has been sold as a residential foreclosure in any of the  
20 cases described in paragraphs (b) or (c) of subsection 1, nothing in this section shall  
21 be deemed to prohibit:

22 (a) The tenant from vacating the property at any time before the expiration of  
23 the notice period described in subsection ~~2~~ **4** without any obligation to the new  
24 owner of a property purchased pursuant to a foreclosure sale or trustee's sale; or

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

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

29 (2) Offering a payment to the tenant or subtenant in exchange for vacating  
30 the premises on a date earlier than the expiration of the notice period described in  
31 subsection ~~2~~ **4.**

32 ~~7~~ **9.** This section does not apply to the tenant of a mobile home lot in a  
33 mobile home park.

34 ~~8~~ **10.** As used in this section, "residential foreclosure" means the sale of a  
35 single family residence pursuant to NRS 40.430 or under a power of sale granted by  
36 NRS 107.080. As used in this subsection, "single family residence" means a  
37 structure that is comprised of not more than four units.

38 **Sec. 4.** NRS 40.280 is hereby amended to read as follows:

39 40.280 1. Except as otherwise provided in NRS 40.253 ~~;~~ **and section 1 of**  
40 **this act,** the notices required by NRS 40.251 to 40.260, inclusive, must be served ~~;~~

41 ~~(a) By delivering a copy to the tenant personally, in the presence of a witness.~~  
42 ~~If service is accomplished by the sheriff, a constable, or a person who is licensed~~  
43 ~~as a process server pursuant to chapter 648 of NRS [, the presence of a witness is~~  
44 ~~not required.] or the agent of an attorney licensed to practice in this State:~~

45 **(a) By delivering a copy to the tenant personally.**

46 **(b) If the tenant is absent from the tenant's place of residence or from the**  
47 **tenant's usual place of business, by leaving a copy with a person of suitable age and**  
48 **discretion at either place and mailing a copy to the tenant at the tenant's place of**  
49 **residence or place of business.**

50 **(c) If the place of residence or business cannot be ascertained, or a person of**  
51 **suitable age or discretion cannot be found there, by posting a copy in a conspicuous**  
52 **place on the leased property, delivering a copy to a person there residing, if the**  
53 **person can be found, and mailing a copy to the tenant at the place where the leased**

1 property is situated, [pursuant to the Nevada Rules of Civil Procedure or the  
 2 Justice Court Rules of Civil Procedure, as applicable.]

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

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

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

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

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

21 4. Proof of service of any notice required by NRS 40.230 to 40.260, inclusive,  
 22 must be filed with the court before:

23 (a) An order for removal of a tenant is issued pursuant to NRS 40.253 or  
 24 40.254;

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

27 (c) A writ of restitution is issued pursuant to NRS 40.290 to 40.420, inclusive  
 28 ~~or~~; or

29 (d) An order for removal of a commercial tenant pursuant to section 1 of this  
 30 act.

31 5. Proof of service of an order or writ filed pursuant to paragraph (a), (b) or  
 32 (c) of subsection 4 must consist of:

33 (a) Except as otherwise provided in ~~[paragraphs]~~ paragraph (b); [and (c);]

34 (1) If the notice was served pursuant to ~~[paragraph (a) of]~~ subsection 1 ~~[or,~~  
 35 proof of service in accordance with the Nevada Rules of Civil Procedure or the  
 36 Justice Court Rules of Civil Procedure, as applicable.] , a written statement,  
 37 endorsed by the person who served the notice, stating the date and manner of  
 38 service. The statement must also include the number of the badge or license of  
 39 the person who served the notice. If the notice was served by the agent of an  
 40 attorney licensed in this State, the statement must be accompanied by a  
 41 declaration, signed by the attorney and bearing the license number of the  
 42 attorney, stating that the attorney:

43 (I) Was retained by the landlord in an action pursuant to NRS 40.290  
 44 to 40.420, inclusive;

45 (II) Reviewed the date and manner of service by the agent; and

46 (III) Believes to the best of his or her knowledge that such service  
 47 complies with the requirements of this section.

48 (2) If the notice was served pursuant to paragraph (a) of subsection 2, an  
 49 affidavit or declaration signed by the tenant or the unlawful or unauthorized  
 50 occupant, as applicable, and a witness, signed under penalty of perjury by the  
 51 server, acknowledging that the tenant or occupant received the notice on a specified  
 52 date.

1 ~~[(2)]~~ (3) If the notice was served pursuant to ~~[paragraph (b) or (c) of~~  
2 ~~subsection 1 or]~~ paragraph (b) or (c) of subsection 2, an affidavit or declaration  
3 signed under penalty of perjury by the person who served the notice, stating the  
4 date and manner of service and accompanied by a confirmation of delivery or  
5 certificate of mailing issued by the United States Postal Service or confirmation of  
6 actual delivery by a private postal service.

7 ~~(b) [If the notice was served by a sheriff, a constable or a person who is~~  
8 ~~licensed as a process server pursuant to chapter 648 of NRS, a written statement,~~  
9 ~~endorsed by the person who served the notice, stating the date and manner of~~  
10 ~~service. The statement must also include the number of the badge or license of the~~  
11 ~~person who served the notice.~~

12 ~~—(c)]~~ For a short-term tenancy, if service of the notice was not delivered in  
13 person:

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

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

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

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

20 (III) Fees paid for the service.

21 6. Proof of service of an order filed pursuant to paragraph (d) of subsection  
22 4 must consist of:

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

24 (1) If the notice was served pursuant to subsection 2 of section 1 of this  
25 act, an affidavit or declaration signed by the tenant or the unlawful or  
26 unauthorized occupant, and a witness, as applicable, signed under penalty of  
27 perjury by the server, acknowledging that the tenant or occupant received the  
28 notice on a specified date.

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

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

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

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

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

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

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

48 (III) Fees paid for the service.

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

51 (a) The landlord has retained the attorney an action pursuant to NRS 40.290  
52 to 40.420, inclusive; and

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

**Sec. 4.5. NRS 40.385 is hereby amended to read as follows:**

40.385 Upon an appeal from an order entered pursuant to NRS 40.253, ~~or~~ or section 1 of this act:

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

2. A tenant who retains possession of the premises that are the subject of the appeal during the pendency of the appeal shall pay to the landlord rent in the amount provided in the underlying contract between the tenant and the landlord as it becomes due. If the tenant fails to pay such rent, the landlord may initiate new proceedings for a summary eviction by serving the tenant with a new notice pursuant to NRS 40.253, ~~or~~ or section 1 of this act.

**Sec. 5. ~~NRS 40.414 is hereby amended to read as follows:~~**

~~40.414 1. In addition to the remedy provided in NRS 40.290 to 40.420, inclusive, when a person who is guilty of forcible entry or forcible detainer fails, after the expiration of a written notice to surrender which was served pursuant to NRS 40.230 or 40.240, to surrender the real property to the owner of the real property or the occupant who is authorized by the owner to be in possession of the real property, the owner or occupant who is authorized by the owner may seek to recover possession of the real property pursuant to this section.~~

~~2. The owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property shall serve the notice to surrender on the unlawful or unauthorized occupant in accordance with the provisions of NRS 40.280.~~

~~3. In addition to the requirements set forth in subsection 2 of NRS 40.230 and subsection 2 of NRS 40.240, a written notice to surrender must:~~

~~(a) Identify the court that has jurisdiction over the matter.~~

~~(b) Advise the unlawful or unauthorized occupant:~~

~~(1) Of his or her right to contest the matter by filing, before the court's close of business on the fourth judicial day following service of the notice of surrender, an affidavit with the court that has jurisdiction over the matter stating the reasons why the unlawful or unauthorized occupant is not guilty of a forcible entry or forcible detainer.~~

~~(2) That if the court determines that the unlawful or unauthorized occupant is guilty of a forcible entry or forcible detainer, the court may issue a summary order for removal of the unlawful or unauthorized occupant or an order providing for the nonadmittance of the unlawful or unauthorized occupant, directing the sheriff or constable of the county to remove the unlawful or unauthorized occupant [within 24] **not earlier than 48** hours after the sheriff's or constable's receipt of the order from the court.~~

~~(3) That, except as otherwise provided in this subparagraph, the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner of the real property to be in possession of the real property shall provide safe storage of any personal property of the unlawful or unauthorized~~



1 occupant which remains on the property. The owner, an authorized representative  
2 of the owner or the occupant may dispose of any personal property of the unlawful  
3 or unauthorized occupant remaining on the real property after 14 calendar days  
4 from the execution of an order for removal of the unlawful or unauthorized  
5 occupant or the compliance of the unlawful or unauthorized occupant with the  
6 notice to surrender, whichever comes first. The unlawful or unauthorized occupant  
7 must pay the owner, authorized representative of the owner or occupant for the  
8 reasonable and actual costs of inventory, moving and storage of the personal  
9 property before the personal property will be released to the unlawful or  
10 unauthorized occupant.

11 ~~4. Upon service of the written notice to surrender pursuant to subsection 3,~~  
12 ~~the unlawful or unauthorized occupant shall:~~

13 ~~(a) Before the expiration of the notice, surrender the real property to the owner~~  
14 ~~of the real property, an authorized representative of the owner or the occupant who~~  
15 ~~is authorized by the owner to be in possession of the real property, in which case an~~  
16 ~~affidavit of complaint may not be filed pursuant to subsection 5 and a summary~~  
17 ~~order for removal may not be issued pursuant to subsection 6;~~

18 ~~(b) Request that the court stay the execution of a summary order for removal,~~  
19 ~~stating the reasons why such a stay is warranted; or~~

20 ~~(c) Contest the matter by filing, before the court's close of business on the~~  
21 ~~fourth judicial day following service of the notice to surrender, an affidavit with the~~  
22 ~~court that has jurisdiction over the matter stating the reasons that the unlawful or~~  
23 ~~unauthorized occupant is not guilty of a forcible entry or forcible detainer. A file-~~  
24 ~~stamped copy of the affidavit must be served by mail upon the issuer of the notice~~  
25 ~~to surrender.~~

26 ~~5. Upon expiration of the written notice to surrender, the owner of the real~~  
27 ~~property, an authorized representative of the owner or the occupant who is~~  
28 ~~authorized by the owner to be in possession of the real property may apply by~~  
29 ~~affidavit of complaint for eviction to the justice court of the township in which the~~  
30 ~~real property is located or the district court of the county in which the real property~~  
31 ~~is located, whichever has jurisdiction over the matter. The affidavit of complaint for~~  
32 ~~eviction must state or contain:~~

33 ~~(a) The date on which the unlawful or unauthorized occupant forcibly entered or~~  
34 ~~detained the real property or the date on which the applicant first became aware~~  
35 ~~of the forcible entry or forcible detainer.~~

36 ~~(b) A summary of the specific facts detailing how the alleged forcible entry or~~  
37 ~~forcible detainer was or is being committed.~~

38 ~~(c) A copy of the written notice to surrender that was served on the unlawful or~~  
39 ~~unauthorized occupant.~~

40 ~~(d) Proof of service of the written notice to surrender in compliance with NRS~~  
41 ~~40.280.~~

42 ~~6. Upon the filing of the affidavit of complaint by the owner of the real~~  
43 ~~property, an authorized representative of the owner or the occupant who is~~  
44 ~~authorized by the owner to be in possession of the real property pursuant to~~  
45 ~~subsection 5, the justice court or the district court, as applicable, shall determine the~~  
46 ~~truthfulness and sufficiency of any affidavit or notice provided for in this section.~~  
47 ~~If:~~

48 ~~(a) The unlawful or unauthorized occupant has failed to timely file an affidavit~~  
49 ~~contesting the matter pursuant to paragraph (c) of subsection 4 and the court~~  
50 ~~determines that sufficient evidence has been set forth in the affidavit of complaint~~  
51 ~~to demonstrate that a forcible entry or forcible detainer has been committed by the~~  
52 ~~unlawful or unauthorized occupant, the court must issue an order directing the~~  
53 ~~sheriff or constable of the county to remove the unlawful or unauthorized occupant~~

1 ~~[within 24] not earlier than 48~~ hours after the sheriff's or constable's receipt of the  
2 order from the court.

3 ~~— (b) The unlawful or unauthorized occupant has timely filed an affidavit~~  
4 ~~contesting the matter pursuant to paragraph (c) of subsection 4 and the court~~  
5 ~~determines that the affidavit fails to raise an element of a legal defense regarding~~  
6 ~~the alleged forcible entry or forcible detainer, the court may rule on the matter~~  
7 ~~without a hearing. If the court determines that sufficient evidence has been set forth~~  
8 ~~in the affidavit of complaint to demonstrate that a forcible entry or forcible detainer~~  
9 ~~has been committed by the unlawful or unauthorized occupant, the court must issue~~  
10 ~~an order directing the sheriff or constable of the county to remove the unlawful or~~  
11 ~~unauthorized occupant [within 24] not earlier than 48~~ hours after the sheriff's or  
12 ~~constable's receipt of the order from the court, unless the court has stayed the~~  
13 ~~execution of the order pursuant to a request pursuant to paragraph (b) of subsection~~  
14 ~~4.~~

15 ~~— (c) The unlawful or unauthorized occupant has timely filed an affidavit~~  
16 ~~contesting the matter pursuant to paragraph (c) of subsection 4 and the court~~  
17 ~~determines that the affidavit raises an element of a legal defense regarding the~~  
18 ~~alleged forcible entry or forcible detainer, the court must require the parties to~~  
19 ~~appear at a hearing to determine the truthfulness and sufficiency of the evidence set~~  
20 ~~forth in any affidavit. Such a hearing must be held within 7 judicial days after the~~  
21 ~~filing of the affidavit of complaint.~~

22 ~~— (d) Upon review of the affidavits of any party or upon hearing, the court~~  
23 ~~determines that:~~

24 ~~— (1) There is a legal defense as to the alleged forcible entry or forcible~~  
25 ~~detainer, the court must refuse to grant either party any relief and, except as~~  
26 ~~otherwise provided in this subsection, must require that any further proceedings be~~  
27 ~~conducted pursuant to NRS 40.290 to 40.420, inclusive.~~

28 ~~— (2) The unlawful or unauthorized occupant gained entry or possession of~~  
29 ~~the real property peaceably and as a result of an invalid lease, fraudulent act or~~  
30 ~~misrepresentation by a person without the authority of the owner of the real~~  
31 ~~property, the court may issue a summary order for the removal of the unlawful or~~  
32 ~~unauthorized occupant but also may, within the discretion of the court, stay such~~  
33 ~~order for a period sufficient to allow the unlawful or unauthorized occupant to~~  
34 ~~vacate and remove his or her personal property. This period may not exceed 20~~  
35 ~~days.~~

36 ~~— 7. The owner of the real property, an authorized representative of the owner~~  
37 ~~or the occupant who is authorized by the owner to be in possession of the real~~  
38 ~~property may, without incurring any civil or criminal liability, dispose of personal~~  
39 ~~property abandoned on the real property by an unlawful or unauthorized occupant~~  
40 ~~who is ordered removed by this section in the following manner:~~

41 ~~— (a) The owner of the real property, an authorized representative of the owner or~~  
42 ~~the occupant who is authorized by the owner to be in possession of the real property~~  
43 ~~shall reasonably provide for the safe storage of the abandoned personal property for~~  
44 ~~21 calendar days after the removal of the unlawful or unauthorized occupant or the~~  
45 ~~surrender of the real property in compliance with a written notice to surrender,~~  
46 ~~whichever comes first, and may charge and collect the reasonable and actual costs~~  
47 ~~of inventory, moving and storage before releasing the abandoned personal property~~  
48 ~~to the unlawful or unauthorized occupant or his or her authorized representative~~  
49 ~~rightfully claiming the property within that period. The owner or the occupant is~~  
50 ~~liable to the unlawful or unauthorized occupant only for negligent or wrongful acts~~  
51 ~~in storing the abandoned personal property.~~

52 ~~— (b) After the expiration of the 21 day period, the owner of the real property, an~~  
53 ~~authorized representative of the owner or the occupant who is authorized by the~~

~~owner to be in possession of the real property may dispose of the abandoned personal property and recover his or her reasonable costs out of the personal property or the value thereof.~~

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

~~(d) Any dispute relating to the amount of the costs claimed by the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property pursuant to paragraph (a) may be resolved by the court pursuant to a motion filed by the unlawful or unauthorized occupant and the payment of the appropriate fees relating to the filing and service of the motion. The motion must be filed within 14 calendar days after the removal of the unlawful or unauthorized occupant or the surrender of the real property in compliance with a written notice to surrender, whichever comes first. Upon the filing of a motion by the unlawful or unauthorized occupant pursuant to this paragraph, the court shall schedule a hearing on the motion. The hearing must be held within 10 judicial days after the filing of the motion. The court shall affix the date of the hearing to the motion and mail a copy to the owner, an authorized representative of the owner or the occupant at the address on file with the court. (Deleted by amendment.)~~

**Sec. 6.** NRS 21.130 is hereby amended to read as follows:

21.130 1. Before the sale of property on execution, notice of the sale, in addition to the notice required pursuant to NRS 21.075 and 21.076, must be given as follows:

(a) In cases of perishable property, by posting written notice of the time and place of sale in three public places at the township or city where the sale is to take place, for such a time as may be reasonable, considering the character and condition of the property.

(b) In case of other personal property, by posting a similar notice in three public places of the township or city where the sale is to take place, not less than 5 or more than 10 days before the sale, and, in case of sale on execution issuing out of a district court, by the publication of a copy of the notice in a newspaper, if there is one in the county, at least twice, the first publication being not less than 10 days before the date of the sale.

(c) In case of real property, by:

(1) Personal service upon each judgment debtor or by registered mail to the last known address of each judgment debtor and, if the property of the judgment debtor is operated as a facility licensed under chapter 449 of NRS, upon the State Board of Health;

(2) Posting a similar notice particularly describing the property, for 20 days successively, in three public places of the township or city where the property is situated and where the property is to be sold;

(3) Publishing a copy of the notice three times, once each week, for 3 successive weeks, in a newspaper, if there is one in the county. The cost of publication must not exceed the rate for legal advertising as provided in NRS 238.070. If the newspaper authorized by this section to publish the notice of sale neglects or refuses from any cause to make the publication, then the posting of notices as provided in this section shall be deemed sufficient notice. Notice of the sale of property on execution upon a judgment for any sum less than \$500, exclusive of costs, must be given only by posting in three public places in the county, one of which must be the courthouse;

(4) Recording a copy of the notice in the office of the county recorder; and

(5) If the sale of property is a residential foreclosure, posting a copy of the notice in a conspicuous place on the property. In addition to the requirements of

1 NRS 21.140, the notice must not be defaced or removed until the transfer of title is  
2 recorded or the property becomes occupied after completion of the sale, whichever  
3 is earlier.

4 2. If the sale of property is a residential foreclosure, the notice must include,  
5 without limitation:

6 (a) The physical address of the property; and

7 (b) The contact information of the party who is authorized to provide  
8 information relating to the foreclosure status of the property.

9 3. If the sale of property is a residential foreclosure, a separate notice must be  
10 posted in a conspicuous place on the property and mailed, with a certificate of  
11 mailing issued by the United States Postal Service or another mail delivery service,  
12 to any tenant or subtenant, if any, other than the judgment debtor, in actual  
13 occupation of the premises not later than 3 business days after the notice of the sale  
14 is given pursuant to subsection 1. The separate notice must be in substantially the  
15 following form:

#### 16 NOTICE TO TENANTS OF THE PROPERTY

17 Foreclosure proceedings against this property have started, and a notice of  
18 sale of the property to the highest bidder has been issued.

19 You may either: (1) terminate your lease or rental agreement and move out;  
20 or (2) remain and possibly be subject to eviction proceedings under chapter  
21 40 of the Nevada Revised Statutes. Any subtenants may also be subject to  
22 eviction proceedings.

23 Between now and the date of the sale, you may be evicted if you fail to pay  
24 rent or live up to your other obligations to the landlord.

25 After the date of the sale, you may be evicted if you fail to pay rent or live  
26 up to your other obligations to the successful bidder, in accordance with  
27 chapter 118A of the Nevada Revised Statutes.

28 Under the Nevada Revised Statutes, eviction proceedings may begin  
29 against you after you have been given a notice to surrender.

30 If the property is sold and you pay rent by the week or another period of  
31 time that is shorter than 1 month, you should generally receive notice after  
32 not less than the number of days in that period of time.

33 If the property is sold and you pay rent by the month or any other period of  
34 time that is 1 month or longer, you should generally receive notice at least  
35 60 days in advance.

36 Under Nevada Revised Statutes 40.280, notice must generally be served on  
37 you pursuant to chapter 40 of the Nevada Revised Statutes . ~~and may be~~  
38 ~~served by:~~

39 ~~— (1) Delivering a copy to you personally in the presence of a witness,~~  
40 ~~unless service is accomplished by a sheriff, constable or licensed process~~  
41 ~~server, in which case the presence of a witness is not required;~~

42 ~~— (2) If you are absent from your place of residence or usual place of~~  
43 ~~business, leaving a copy with a person of suitable age and discretion at~~  
44 ~~either place and mailing a copy to you at your place of residence or~~  
45

~~business and to the place where the leased property is situated, if different; or  
— (3) If your place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, posting a copy in a conspicuous place on the leased property and mailing a copy to you at the place where the leased property is situated.]~~

If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to Nevada Revised Statutes 40.360 or some combination of those results.

Under the Justice Court Rules of Civil Procedure:

(1) You will be given at least 10 days to answer a summons and complaint;

(2) If you do not file an answer, an order evicting you by default may be obtained against you;

(3) A hearing regarding a temporary eviction may be called as soon as 11 days after you are served with the summons and complaint; and

(4) A hearing regarding a permanent eviction may be called as soon as 20 days after you are served with the summons and complaint.

4. The sheriff shall not conduct a sale of the property on execution or deliver the judgment debtor's property to the judgment creditor if the judgment debtor or any other person entitled to notice has not been properly notified as required in this section and NRS 21.075 and 21.076.

5. As used in this section, "residential foreclosure" means the sale of a single family residence pursuant to NRS 40.430. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.

**Sec. 7.** NRS 107.087 is hereby amended to read as follows:

107.087 1. In addition to the requirements of NRS 107.080, if the sale of property is a residential foreclosure, a copy of the notice of default and election to sell and the notice of sale must:

(a) Be posted in a conspicuous place on the property not later than:

(1) For a notice of default and election to sell, 100 days before the date of sale; or

(2) For a notice of sale, 15 days before the date of sale; and

(b) Include, without limitation:

(1) The physical address of the property; and

(2) The contact information of the trustee or the person conducting the foreclosure who is authorized to provide information relating to the foreclosure status of the property.

2. In addition to the requirements of NRS 107.084, the notices must not be defaced or removed until the transfer of title is recorded or the property becomes occupied after completion of the sale, whichever is earlier.

3. A separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service or another mail delivery service, to any tenant or subtenant, if any, other than the grantor or the grantor's successor in interest, in actual occupation of the premises not later than 15 days before the date of sale. The separate notice must be in substantially the following form:

## NOTICE TO TENANTS OF THE PROPERTY

Foreclosure proceedings against this property have started, and a notice of sale of the property to the highest bidder has been issued.

You may either: (1) terminate your lease or rental agreement and move out; or (2) remain and possibly be subject to eviction proceedings under chapter 40 of the Nevada Revised Statutes. Any subtenants may also be subject to eviction proceedings.

Between now and the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the landlord.

After the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the successful bidder, in accordance with chapter 118A of the Nevada Revised Statutes.

Under the Nevada Revised Statutes eviction proceedings may begin against you after you have been given a notice to surrender.

If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.

If the property is sold and you pay rent by the month or any other period of time that is 1 month or longer, you should generally receive notice at least 60 days in advance.

Under Nevada Revised Statutes 40.280, notice must generally be served on you pursuant to chapter 40 of the Nevada Revised Statutes . ~~and may be served by:~~

~~—(1) Delivering a copy to you personally in the presence of a witness, unless service is accomplished by a sheriff, constable or licensed process server, in which case the presence of a witness is not required;~~

~~—(2) If you are absent from your place of residence or usual place of business, leaving a copy with a person of suitable age and discretion at either place and mailing a copy to you at your place of residence or business and to the place where the leased property is situated, if different; or~~

~~—(3) If your place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, posting a copy in a conspicuous place on the leased property and mailing a copy to you at the place where the leased property is situated.]~~

If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to Nevada Revised Statutes 40.360 or some combination of those results.

Under the Justice Court Rules of Civil Procedure:

1 (1) You will be given at least 10 days to answer a summons and  
2 complaint;

3 (2) If you do not file an answer, an order evicting you by default may  
4 be obtained against you;

5 (3) A hearing regarding a temporary eviction may be called as soon as  
6 11 days after you are served with the summons and complaint; and

7 (4) A hearing regarding a permanent eviction may be called as soon as  
8 20 days after you are served with the summons and complaint.  
9

10 4. The posting of a notice required by this section must be completed by a  
11 process server licensed pursuant to chapter 648 of NRS or any constable or sheriff  
12 of the county in which the property is located.

13 5. As used in this section, "residential foreclosure" has the meaning ascribed  
14 to it in NRS 107.0805.

15 **Sec. 7.5. NRS 645H.520 is hereby amended to read as follows:**

16 645H.520 1. Subject to the provisions of NRS 645H.770, the services an  
17 asset management company may provide include, without limitation:

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

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

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

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

24 (e) Removing trash and debris from real property in foreclosure and the  
25 surrounding property.

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

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

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

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

50 3. Any dispute relating to the amount of the costs claimed by the asset  
51 management company pursuant to paragraph (a) of subsection 2 may be resolved  
52 using the procedure provided in subsection 7 of NRS 40.253 ~~+~~ **or section 1 of this**  
53 **act, as applicable.**

1        **Sec. 8.** This act becomes effective on July 1, 2019.