

ASSEMBLY BILL NO. 340—ASSEMBLYMEN SUMMERS-ARMSTRONG;  
BROWN-MAY, DURAN, GORELOW, NEWBY, ORENTLICHER,  
PETERS, THOMAS, TORRES AND WATTS

MARCH 20, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing certain actions and proceedings relating to real property. (BDR 3-77)

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

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

AN ACT relating to property; revising provisions relating to summary evictions; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 In general, existing law authorizes a landlord who seeks to recover possession  
2 of a premises from a tenant to do so by filing an unlawful detainer action or an  
3 action for summary eviction. (NRS 40.253, 40.254, 40.2542, 40.290-40.420)  
4 Existing law prescribes separate summary eviction procedures for the summary  
5 eviction of: (1) certain tenants who are not tenants of a commercial premises and  
6 who default in the payment of rent; (2) certain tenants who are guilty of unlawful  
7 detainer for reasons other than a default in the payment of rent; and (3) certain  
8 tenants of a commercial premises who default in the payment of rent. (NRS 40.253,  
9 40.254, 40.2542)

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

23 **Section 22** of this bill repeals the summary eviction procedures prescribed by  
24 existing law for the summary eviction of: (1) certain tenants who are not tenants of



25 a commercial premises and who default in the payment of rent; and (2) certain  
26 tenants who are guilty of unlawful detainer for reasons other than a default in the  
27 payment of rent. **Sections 2-6.5** of this bill reenact, reorganize and revise these  
28 procedures. **Section 2** of this bill establishes a new procedure for the summary  
29 eviction of certain tenants who are not tenants of a commercial premises and who  
30 default in the payment of rent. **Section 6.5** of this bill establishes a new procedure  
31 for the summary eviction of certain tenants who are guilty of unlawful detainer for  
32 reasons other than a default in the payment of rent.

33 The new procedures for summary eviction set forth in **sections 2 and 6.5** are  
34 similar to the procedures repealed by **section 22** except with regard to: (1) the  
35 required contents of a written notice; (2) certain requirements relating to filings  
36 made with the court; and (3) the period of time before the removal of a tenant.  
37 Instead of requiring a tenant who contests a summary eviction to file an affidavit in  
38 court before the landlord files a complaint, **sections 2 and 6.5** require the landlord,  
39 upon the expiration of certain notice provided to the tenant, to: (1) apply by  
40 affidavit of complaint for the summary eviction of the tenant; and (2) serve the  
41 tenant with a file-stamped copy of the affidavit of complaint and a copy of the  
42 summons. **Sections 2 and 6.5** additionally require the landlord to file with the court  
43 proof of service of the affidavit, summons and notice within a prescribed period.  
44 **Sections 2 and 6.5** require the tenant to file an answer to the affidavit of complaint  
45 within 7 calendar days after the date of service. If a tenant files an answer within  
46 the prescribed period, a hearing is held. If no such answer is filed, **sections 2 and**  
47 **6.5** authorize the court, without holding a hearing, to order the removal of the  
48 tenant within a prescribed period under certain circumstances. **Sections 9-20** of this  
49 bill make conforming changes relating to the repeal, revision and reorganization of  
50 the procedures for summary eviction.

51 Existing law requires a court that grants an action for summary eviction for a  
52 default in the payment of rent during the COVID-19 emergency to automatically  
53 seal the eviction case court file. (NRS 40.2545) **Section 11** of this bill removes  
54 requirements relating to the COVID-19 emergency. **Section 11** also requires a court  
55 to automatically seal the eviction case court file for an action for summary eviction  
56 brought pursuant to **section 2** or **6.5** under certain circumstances.

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

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

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

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

13 **(a) Except as otherwise provided in subsection 12, requires the**  
14 **tenant to pay the past due rent or surrender the premises before**



1 *the close of business on the seventh calendar day following the*  
2 *date of service; and*

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

6 *3. Upon noncompliance of a tenant with the notice provided*  
7 *pursuant to subsection 2, the landlord or the landlord's agent may*  
8 *apply by affidavit of complaint for summary eviction to the justice*  
9 *court of the township in which the dwelling, apartment, mobile*  
10 *home or recreational vehicle is located. After the filing of an*  
11 *affidavit of complaint for summary eviction, a summons must be*  
12 *issued.*

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

15 *(a) Except as otherwise provided in subsection 12, be filed with*  
16 *the court not later than 30 calendar days after the expiration of*  
17 *the notice period described in subsection 2; and*

18 *(b) State or contain:*

19 *(1) The date the tenancy commenced;*

20 *(2) The amount of periodic rent reserved;*

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

23 *(4) The date the rental payments became delinquent;*

24 *(5) The length of time the tenant has remained in*  
25 *possession without paying rent;*

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

27 *(7) A statement that the written notice was served on the*  
28 *tenant in accordance with NRS 40.280;*

29 *(8) A copy of the written notice served on the tenant*  
30 *pursuant to subsection 2; and*

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

32 *5. A landlord or landlord's agent who applies for summary*  
33 *eviction pursuant to subsection 3 shall, within:*

34 *(a) Fifteen calendar days after the date on which the affidavit*  
35 *of complaint for summary eviction is filed, serve upon the tenant a*  
36 *file-stamped copy of the affidavit of complaint, with or without the*  
37 *documents required to be included in the affidavit of complaint*  
38 *pursuant to subparagraphs (8) and (9) of paragraph (b) of*  
39 *subsection 4, and a copy of the summons which must advise the*  
40 *tenant that:*

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



1           (2) *If the tenant does not file an answer within the period*  
2 *described in subparagraph (1), the court may issue a summary*  
3 *order for the removal of the tenant or providing for the*  
4 *nonadmittance of the tenant;*

5           (3) *Pursuant to NRS 118A.390, the tenant may seek relief if*  
6 *a landlord unlawfully removes the tenant from the premises or*  
7 *excludes the tenant by blocking or attempting to block the tenant's*  
8 *entry upon the premises or willfully interrupts or causes or permits*  
9 *the interruption of an essential item or service required by the*  
10 *rental agreement or chapter 118A of NRS; and*

11           (4) *The tenant may request that the court stay the execution*  
12 *of the summary order for the removal of the tenant or providing*  
13 *for the nonadmittance of the tenant for a period not exceeding 10*  
14 *days pursuant to subsection 2 of NRS 70.010, stating the reasons*  
15 *why such a stay is warranted.*

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

19           6. *Except as otherwise provided in subsection 12, upon being*  
20 *served pursuant to subsection 5, the tenant shall, within 7*  
21 *calendar days after the day of service, file a written answer with*  
22 *the court that has jurisdiction over the matter. If no written*  
23 *answer is filed within the time period prescribed by this subsection*  
24 *and the landlord otherwise complies with the requirements*  
25 *prescribed by this section, the court may, without holding a*  
26 *hearing but after determining that a landlord has complied with*  
27 *the requirements prescribed by this section and the tenant is guilty*  
28 *of an unlawful detainer, issue a summary order which:*

29           (a) *Provides for the removal of the tenant or for the*  
30 *nonadmittance of the tenant; and*

31           (b) *Directs the sheriff or constable of the county to perform the*  
32 *actions required by section 4 of this act.*

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

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

38           (a) *There is no legal defense as to the alleged unlawful*  
39 *detainer and the tenant is guilty of an unlawful detainer, the court*  
40 *may issue a summary order for the removal of the tenant or*  
41 *providing for the nonadmittance of the tenant.*

42           (b) *There is a legal defense as to the alleged unlawful detainer,*  
43 *the court shall take no further action and any further proceedings*  
44 *must be conducted pursuant to NRS 40.290 to 40.420, inclusive.*



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

4       **10. Written notices to the tenant prescribed by this section,**  
5 **including, without limitation, the affidavit of complaint and**  
6 **summons, must be served in the manner provided by NRS 40.280.**

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

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

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

15       **(b) A tenant must pay any past due rent or surrender the**  
16 **premises falls on a Saturday, Sunday or legal holiday, the tenant**  
17 **must pay the past due rent or surrender the premises before the**  
18 **close of business on the next day the business office of the**  
19 **landlord is open.**

20       **13. A landlord shall not refuse to accept rent from a tenant**  
21 **that is submitted after the landlord or the landlord's agent has**  
22 **served a notice pursuant to subsection 2 if the refusal is based on**  
23 **the fact that the tenant has not paid collection fees, attorney's fees**  
24 **or other costs other than rent, a reasonable charge for late**  
25 **payments of rent or dishonored checks, or a security deposit.**

26       **14. Except as otherwise provided in NRS 118A.315, this**  
27 **section does not apply to:**

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

29       **(b) A tenant of a mobile home lot in a mobile home park or a**  
30 **tenant of a recreational vehicle lot in an area of a mobile home**  
31 **park in this State, other than an area designated as a recreational**  
32 **vehicle lot pursuant to the provisions of subsection 8 of NRS**  
33 **40.215; or**

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

37       **15. As used in this section, "security deposit" has the**  
38 **meaning ascribed to it in NRS 118A.240.**

39       **Sec. 3. (Deleted by amendment.)**

40       **Sec. 4. Upon receipt of a summary order for the removal of**  
41 **the tenant or providing for the nonadmittance of the tenant issued**  
42 **pursuant to subsection 6 of section 2 of this act, the sheriff or**  
43 **constable shall:**



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

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

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

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

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

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

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

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

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

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

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

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

41 *3. Upon the filing of a motion pursuant to subsection 1, the*  
42 *court shall schedule a hearing on the motion. The hearing must be*  
43 *held within 5 days after the filing of the motion. The court shall*  
44 *affix the date of the hearing to the motion and order a copy served*



1 upon the landlord by the sheriff, constable or other process server.  
2 At the hearing, the court may:

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

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

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

10 (a) Whether the landlord acted in good faith;

11 (b) The course of conduct between the landlord and the  
12 tenant; and

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

15 **Sec. 6.5.** 1. Except as otherwise provided in subsection 15,  
16 in addition to the remedies provided in NRS 40.290 to 40.420,  
17 inclusive, a landlord may pursue the summary eviction of a tenant  
18 for an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514  
19 or 40.2516 using the procedure for summary eviction provided in  
20 this section.

21 2. Before a landlord or landlord's agent may file an affidavit  
22 of complaint for the summary eviction of a tenant for an unlawful  
23 detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516, the  
24 landlord or the landlord's agent must serve upon the tenant:

25 (a) The written notice to surrender required by NRS 40.251,  
26 40.2514 or 40.2516, as applicable; and

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

31 3. Upon noncompliance of a tenant with the written notice  
32 required by paragraph (a) of subsection 2, the landlord or the  
33 landlord's agent may apply by affidavit of complaint for summary  
34 eviction to the justice court of the township in which the dwelling,  
35 apartment, mobile home or recreational vehicle is located. After  
36 the filing of an affidavit of complaint for summary eviction, a  
37 summons must be issued.

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

40 (a) Except as otherwise provided in subsection 12, be filed with  
41 the court not later than 30 calendar days after the expiration of  
42 the period described in the written notice to surrender required by  
43 paragraph (a) of subsection 2; and

44 (b) State or contain:

45 (1) The date the tenancy commenced;



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

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

5 (4) *Any facts supporting the written notice;*

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

7 (6) *A statement that the written notice was served on the*  
8 *tenant in accordance with NRS 40.280; and*

9 (7) *A copy of the notice of change of ownership served on*  
10 *the tenant pursuant to NRS 40.255, if the property has been*  
11 *purchased in a residential foreclosure.*

12 5. *A landlord or landlord's agent who applies for summary*  
13 *eviction pursuant to subsection 3 shall, within:*

14 (a) *Fifteen calendar days after the date on which the affidavit*  
15 *of complaint for summary eviction is filed, serve upon the tenant a*  
16 *file-stamped copy of the affidavit of complaint, with or without the*  
17 *documents required to be included in the affidavit of complaint*  
18 *pursuant to subparagraphs (3) and (5) of paragraph (b) of*  
19 *subsection 4, and a copy of the summons which must advise the*  
20 *tenant that:*

21 (1) *Except as otherwise provided in subsection 12, the*  
22 *tenant must file a written answer to the affidavit of complaint for*  
23 *summary eviction with the court that has jurisdiction over the*  
24 *matter not later than 7 calendar days after service of the affidavit*  
25 *of complaint for summary eviction;*

26 (2) *If the tenant does not file an answer within the period*  
27 *described in subparagraph (1), the court may issue a summary*  
28 *order for the removal of the tenant or providing for the*  
29 *nonadmittance of the tenant;*

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

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

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

44 6. *Except as otherwise provided in subsection 12, upon being*  
45 *served pursuant to subsection 5, the tenant shall, within 7*





1 *calendar days after the day of service, file a written answer with*  
2 *the court that has jurisdiction over the matter. If no written*  
3 *answer is filed within the time period prescribed by this subsection*  
4 *and the landlord otherwise complies with the requirements*  
5 *prescribed by this section, the court may, without holding a*  
6 *hearing but after determining that a landlord has complied with*  
7 *the requirements prescribed by this section and the tenant is guilty*  
8 *of an unlawful detainer, issue a summary order which:*

9 *(a) Provides for the removal of the tenant or for the*  
10 *nonadmittance of the tenant; and*

11 *(b) Directs the sheriff or constable of the county to perform the*  
12 *actions required by section 4 of this act.*

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

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

18 *(a) There is no legal defense as to the alleged unlawful*  
19 *detainer and the tenant is guilty of an unlawful detainer, the court*  
20 *may issue a summary order for the removal of the tenant or*  
21 *providing for the nonadmittance of the tenant.*

22 *(b) There is a legal defense as to the alleged unlawful detainer,*  
23 *the court shall take no further action and any further proceedings*  
24 *be conducted pursuant to NRS 40.290 to 40.420, inclusive.*

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

28 *10. Written notices to the tenant prescribed by this section,*  
29 *including, without limitation, the affidavit of complaint and*  
30 *summons, must be served in the manner provided by NRS 40.280.*

31 *11. Proof of service of any notice required by this section*  
32 *must be filed with the court before a summary order for the*  
33 *removal of the tenant or providing for the nonadmittance of the*  
34 *tenant is issued pursuant to subsection 6 or 8, as applicable.*

35 *12. For the purposes of this section, if the date on which an*  
36 *affidavit of complaint for summary eviction or a written answer to*  
37 *such an affidavit must be filed falls on a nonjudicial day, the filing*  
38 *is timely if performed on the next judicial day.*

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



1 *14. If the tenant is found guilty of unlawful detainer as a*  
2 *result of the tenant's violation of any of the provisions of NRS*  
3 *453.011 to 453.552, inclusive, except NRS 453.336, the landlord is*  
4 *entitled to be awarded any reasonable attorney's fees incurred by*  
5 *the landlord or the landlord's agent as a result of a hearing, if*  
6 *any, held pursuant to subsection 7 wherein the tenant contested*  
7 *the eviction.*

8 *15. Except as otherwise provided in NRS 118A.315, this*  
9 *section does not apply to:*

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

11 *(b) A tenant of a mobile home lot in a mobile home park or a*  
12 *tenant of a recreational vehicle lot in an area of a mobile home*  
13 *park in this State, other than an area designated as a recreational*  
14 *vehicle lot pursuant to the provisions of subsection 8 of NRS*  
15 *40.215; or*

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

19 *16. As used in this section, "security deposit" has the*  
20 *meaning ascribed to it in NRS 118A.240.*

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

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

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

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



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

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

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

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

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

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

40.2545 1. ~~[If a court grants an action for summary eviction pursuant to NRS 40.253 during the COVID-19 emergency, the court shall automatically seal the eviction case court file.~~

~~—2.— In addition to the provisions for the automatic sealing of an eviction case court file pursuant to subsection 1, in] In any action for summary eviction pursuant to NRS ~~[40.253, 40.254 or]~~ 40.2542 ~~[,]~~ *or section 2 or 6.5 of this act,* the eviction case court file is sealed automatically and not open to inspection:~~

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

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

(c) Thirty-one days after the tenant has filed an affidavit described in ~~[subsection 3 of NRS 40.253 or]~~ subsection 3 of NRS 40.2542. ~~[, if the landlord has failed to file an affidavit of complaint pursuant to subsection 5 of NRS 40.253 or subsection 5 of NRS 40.2542 within 30 days after the tenant filed the affidavit.~~

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

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

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

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



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

5 (I) Circumstances beyond the control of the tenant that  
6 led to the eviction;

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

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

12 ~~[4.]~~ 3. If the court orders the eviction case court file sealed  
13 pursuant to this section, all proceedings recounted in the eviction  
14 case court file shall be deemed never to have occurred.

15 ~~[5.]~~ 4. Except as otherwise provided in this subsection, a  
16 notice to surrender must not be made available for public inspection  
17 by any person or governmental entity, including, without limitation,  
18 by a sheriff or constable. This subsection does not:

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

22 (b) Prohibit the service of a notice to surrender pursuant to NRS  
23 40.280, and such service of a notice to surrender shall be deemed  
24 not to constitute making the notice to surrender available for public  
25 inspection as described in this subsection.

26 ~~[6.]~~ 5. As used in this section ~~f-~~

27 ~~—(a) “COVID-19 emergency” means the period of time:~~

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

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

32 ~~—(b) “Eviction” , “eviction~~ case court file” means all records  
33 relating to an action for summary eviction which are maintained by  
34 the court, including, without limitation, the affidavit of complaint  
35 and any other pleadings, proof of service, findings of the court, any  
36 order made on motion as provided in Nevada Rules of Civil  
37 Procedure, Justice Court Rules of Civil Procedure and local rules of  
38 practice and all other papers, records, proceedings and evidence,  
39 including exhibits and transcript of the testimony.

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

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



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

4 (b) Where the property or mobile home has been sold upon the  
5 foreclosure of a mortgage, or under an express power of sale  
6 contained therein, executed by the person, or by another person  
7 under whom the person claims, and the title under the sale has been  
8 perfected;

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

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

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

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

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

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

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

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

42 (b) Notifying the tenant or subtenant that the lease or rental  
43 agreement the tenant or subtenant entered into with the previous  
44 owner or landlord of the property continues in effect through the



1 period of the lease term and states the amount held by the new  
2 owner for the security deposit; and

3 (c) Notifying the tenant or subtenant that failure to pay rent to  
4 the new owner or comply with any other term of the agreement or  
5 applicable law constitutes a breach of the lease or rental agreement  
6 and may result in eviction proceedings, including, without  
7 limitation, proceedings conducted pursuant to ~~NRS 40.253 and~~  
8 ~~40.254.] sections 2 and 6.5 of this act.~~

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

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

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

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

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

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

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

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

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

42 (c) Notifying the tenant or subtenant that failure to pay rent to  
43 the new owner or comply with any other term of the agreement or  
44 applicable law constitutes a breach of the lease or rental agreement  
45 and may result in eviction proceedings, including, without



1 limitation, proceedings conducted pursuant to ~~NRS 40.253 and~~  
2 ~~40.254.~~ *sections 2 and 6.5 of this act.*

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

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

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

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

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

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

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

24 10. As used in this section, "residential foreclosure" means the  
25 sale of a single family residence pursuant to NRS 40.430 or under a  
26 power of sale granted by NRS 107.080. As used in this subsection,  
27 "single family residence" means a structure that is comprised of not  
28 more than four units.

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

30 40.280 1. Except as otherwise provided in NRS ~~40.253 and~~  
31 40.2542, the notices required by NRS 40.251 to 40.260, inclusive,  
32 *and sections 2 to 6.5, inclusive, of this act* must be served by the  
33 sheriff, a constable, a person who is licensed as a process server  
34 pursuant to chapter 648 of NRS or the agent of an attorney licensed  
35 to practice in this State:

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

37 (b) If the tenant is absent from the tenant's place of residence or  
38 from the tenant's usual place of business, by leaving a copy with a  
39 person of suitable age and discretion at either place and mailing a  
40 copy to the tenant at the tenant's place of residence or place of  
41 business.

42 (c) If the place of residence or business cannot be ascertained, or  
43 a person of suitable age or discretion cannot be found there, by  
44 posting a copy in a conspicuous place on the leased property,  
45 delivering a copy to a person there residing, if the person can be



1 found, and mailing a copy to the tenant at the place where the leased  
2 property is situated.

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

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

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

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

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

24 4. Proof of service of any notice required by NRS 40.230 to  
25 40.260, inclusive, *and sections 2 to 6.5, inclusive, of this act* must  
26 be filed with the court before:

27 (a) An order for removal of a tenant is issued pursuant to ~~NRS~~  
28 ~~40.253 or 40.254;~~ *section 2 or 6.5 of this act;*

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

31 (c) A writ of restitution is issued pursuant to NRS 40.290 to  
32 40.420, inclusive; or

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

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

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

40 ~~—(1)~~ If the notice was served pursuant to subsection 1, a  
41 written statement, endorsed by the person who served the notice,  
42 stating the date and manner of service. The statement must also  
43 include the number of the badge or license of the person who served  
44 the notice. If the notice was served by the agent of an attorney  
45 licensed in this State, the statement must be accompanied by a





1 declaration, signed by the attorney and bearing the license number  
2 of the attorney, stating that the attorney:

3 ~~[(1)]~~ (1) Was retained by the landlord in an action  
4 pursuant to NRS 40.230 to 40.420, inclusive ~~[(1)]~~, and sections 2 to  
5 6.5, inclusive, of this act;

6 ~~[(2)]~~ (2) Reviewed the date and manner of service by the  
7 agent; and

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

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

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

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

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

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

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

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

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

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

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

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

41 (2) If the notice was served pursuant to paragraph (b) or (c)  
42 of subsection 1, an affidavit or declaration signed under penalty of  
43 perjury by the person who served the notice, stating the date and  
44 manner of service and accompanied by a confirmation of delivery or



1 certificate of mailing issued by the United States Postal Service or  
2 confirmation of actual delivery by a private postal service.

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

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

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

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

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

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

18 (III) Fees paid for the service.

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

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

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

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

28 40.385 1. Either party may appeal an order entered pursuant  
29 to NRS ~~[40.253, 40.254 or]~~ 40.2542 *or section 2 or 6.5 of this act*  
30 by filing a notice of appeal within 10 judicial days after the date of  
31 entry of the order.

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



1 3. A tenant who retains possession of the premises that are the  
2 subject of the appeal during the pendency of the appeal shall pay to  
3 the landlord rent in the amount provided in the underlying contract  
4 between the tenant and the landlord as it becomes due. If the tenant  
5 fails to pay such rent, the landlord may initiate new proceedings for  
6 a summary eviction by serving the tenant with a new notice pursuant  
7 to NRS ~~40.253, 40.254 or~~ 40.2542 ~~1~~ *or section 2 or 6.5 of this*  
8 *act.*

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

10 118.205 A notice provided by a landlord to a tenant pursuant to  
11 NRS 118.195:

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

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

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

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

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

20 3. May be included in the notice required by subsection ~~1~~ **2**  
21 of ~~NRS 40.253~~ *section 2 of this act* or subsection 1 of NRS  
22 40.2542, as applicable.

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

24 118A.460 1. The landlord may dispose of personal property  
25 abandoned on the premises by a former tenant or left on the  
26 premises after eviction of the tenant without incurring civil or  
27 criminal liability in the following manner:

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

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

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



1 2. Any dispute relating to the amount of the costs claimed by  
2 the landlord pursuant to paragraph (a) of subsection 1 may be  
3 resolved using the procedure provided in ~~[subsection 7 of NRS~~  
4 ~~40.253.]~~ *section 5 of this act.*

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

13 **Sec. 17.** (Deleted by amendment.)

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

15 179.1164 1. Except as otherwise provided in subsection 2,  
16 the following property is subject to seizure and forfeiture in a  
17 proceeding for forfeiture:

18 (a) Any proceeds attributable to the commission or attempted  
19 commission of any felony.

20 (b) Any property or proceeds otherwise subject to forfeiture  
21 pursuant to NRS 179.121, 200.760, 202.257, 370.419, 453.301 or  
22 501.3857.

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

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

28 (a) Has given the tenant notice to surrender the premises  
29 pursuant to ~~[NRS 40.254]~~ *section 6.5 of this act* within 90 days after  
30 the owner receives notice of a conviction pursuant to subsection 2 of  
31 NRS 453.305; or

32 (b) Shows the court that the owner had good cause not to evict  
33 the tenant summarily pursuant to ~~[NRS 40.254.]~~ *section 6.5 of this*  
34 *act,*

35 ↪ the owner of real property or a mobile home used or intended for  
36 use by a tenant to facilitate any violation of the provisions of NRS  
37 453.011 to 453.552, inclusive, except NRS 453.336, is disputably  
38 presumed to have known of and consented to that use if the notices  
39 required by NRS 453.305 have been given in connection with  
40 another such violation relating to the property or mobile home. The  
41 holder of a lien or encumbrance on the property or mobile home is  
42 disputably presumed to have acquired an interest in the property for  
43 fair value and without knowledge or consent to such use, regardless  
44 of when the act giving rise to the forfeiture occurred.



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

2       453.305 1. Whenever a person is arrested for violating any of  
3 the provisions of NRS 453.011 to 453.552, inclusive, except NRS  
4 453.336, and real property or a mobile home occupied by the person  
5 as a tenant has been used to facilitate the violation, the prosecuting  
6 attorney responsible for the case shall cause to be delivered to the  
7 owner of the property or mobile home a written notice of the arrest.

8       2. Whenever a person is convicted of violating any of the  
9 provisions of NRS 453.011 to 453.552, inclusive, except NRS  
10 453.336, and real property or a mobile home occupied by the person  
11 as a tenant has been used to facilitate the violation, the prosecuting  
12 attorney responsible for the case shall cause to be delivered to the  
13 owner of the property or mobile home a written notice of the  
14 conviction.

15       3. The notices required by this section must:

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

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

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

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

23       (e) Advise the owner that:

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

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

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

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

39       4. Nothing in this section shall be deemed to preclude the  
40 commencement of a proceeding for forfeiture or the forfeiture of the  
41 property or mobile home, whether or not the notices required by this  
42 section are given as required, if the proceeding and forfeiture are  
43 otherwise authorized pursuant to NRS 179.1156 to 179.1205,  
44 inclusive, and 453.301.



1 5. As used in this section, “tenant” means any person entitled  
2 under a written or oral rental agreement to occupy real property or a  
3 mobile home to the exclusion of others.

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

5 645H.520 1. Subject to the provisions of NRS 645H.770, the  
6 services an asset management company may provide include,  
7 without limitation:

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

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

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

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

17 (e) Removing trash and debris from real property in foreclosure  
18 and the surrounding property.

19 2. An asset management company may dispose of personal  
20 property abandoned on the premises of a residence in foreclosure or  
21 left on the premises after the eviction of a homeowner or a tenant of  
22 a homeowner without incurring civil or criminal liability in the  
23 following manner:

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

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



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

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

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

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

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### TEXT OF REPEALED SECTIONS

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#### **40.253 Unlawful detainer: Supplemental remedy of summary eviction and exclusion of tenant for default in payment of rent.**

1. Except as otherwise provided in subsection 12, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home or recreational vehicle with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent may cause to be served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) Before the close of business on the seventh judicial day following the day of service; or

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

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

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in subsection 2 of



NRS 40.2542. If the notice cannot be delivered in person, the landlord or the landlord's agent:

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

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

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

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

(b) Advise the tenant:

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

(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order; and

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

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

5. Upon noncompliance with the notice:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in





which the dwelling, apartment, mobile home or recreational vehicle are located or to the district court of the county in which the dwelling, apartment, mobile home or recreational vehicle are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order. The affidavit must state or contain:

- (1) The date the tenancy commenced.
- (2) The amount of periodic rent reserved.
- (3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.
- (4) The date the rental payments became delinquent.
- (5) The length of time the tenant has remained in possession without paying rent.
- (6) The amount of rent claimed due and delinquent.
- (7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.
- (8) A copy of the written notice served on the tenant.
- (9) A copy of the signed written rental agreement, if any.

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

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or



other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

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

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

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

↳ whichever is later.

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

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

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

9. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court on a form provided by the clerk of court to dispute the reasonableness of the actions of a landlord pursuant to subsection 3 of NRS 118A.460. The motion must be filed within 5 days after the tenant has vacated or been removed from the premises. Upon the filing of a motion pursuant to this subsection, the court shall schedule a hearing on the motion. The hearing must be held within 5 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Order the landlord to allow the retrieval of the tenant's essential personal effects at the date and time and for a period necessary for the retrieval, as determined by the court; and

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



10. In determining the amount of damages, if any, to be awarded under paragraph (b) of subsection 9, the court shall consider:

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

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

12. Except as otherwise provided in NRS 118A.315, this section does not apply to:

(a) The tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215.

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

13. As used in this section, "close of business" means the close of business of the court that has jurisdiction over the matter.

**40.254 Unlawful detainer: Supplemental remedy of summary eviction and exclusion of tenant from certain types of property.**

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

- (a) Be given to the tenant in accordance with the provisions of NRS 40.280;
- (b) Advise the tenant of the court that has jurisdiction over the matter; and
- (c) Advise the tenant of the tenant's right to:



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

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

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

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

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

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

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

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

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

