

DISCLAIMER

Electronic versions of the exhibits in these minutes may not be complete.

This information is supplied as an informational service only and should not be relied upon as an official record.

Original exhibits are on file at the Legislative Counsel Bureau Research Library in Carson City.

Contact the Library at (775) 684-6827 or library@lcb.state.nv.us.

EXPLANATION OF S.B. 128

(Prepared by the Legal Division)

This bill allows a tenant who has been unlawfully removed or excluded from the premises or whose essential services have been willfully interrupted by the landlord to recover immediate possession of the premises from the landlord by filing a verified complaint for expedited relief

Section 1 of this bill amends NRS 118A.390 to allow a tenant who has been unlawfully removed or excluded from the premises or whose essential services have been willfully interrupted by the landlord to recover immediate possession of the premises from the landlord by filing a verified complaint for expedited relief.¹ A verified complaint for expedited relief must be filed within 2 weeks after the date of the unlawful act by the landlord, or the complaint must be dismissed by the court. However, the tenant retains the right to pursue all other available remedies against the landlord. Moreover, a verified complaint for expedited relief may not be filed if an action for summary eviction or unlawful detainer is pending between the landlord and tenant, but the tenant may still seek similar relief before the judge presiding over the pending action. The court is required to conduct a hearing on the verified complaint for expedited relief within 3 judicial days of the filing. Before or at the hearing, the tenant is required to provide proof that the landlord has been properly served with a copy of the verified complaint for expedited relief. Additionally, the payment of all costs and official fees must be deferred for any tenant who files a verified complaint for expedited relief until after the hearing or final disposition of the complaint, at which time the court must assess the costs and fees against the adverse party unless circumstances require otherwise.²

¹ Under existing law, when a tenant is unlawfully removed or excluded from the premises by the landlord or has his essential services willfully interrupted by the landlord, there are no statutory provisions making an expedited remedy available, so the tenant must file a standard civil complaint. In contrast, when a tenant is in default of paying rent, the landlord has the expedited remedy of summary eviction pursuant to NRS 40.253 and 40.254.

² This language is similar to that of NRS 33.050 regarding the deferment of payment of fees and costs for any applicant for a temporary or extended order for protection against domestic violence.