

ASSEMBLY BILL NO. 278—ASSEMBLYMAN HOGAN

MARCH 21, 2005

Referred to Committee on Commerce and Labor

SUMMARY—Revises certain provisions governing termination of residential leases. (BDR 10-1147)

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 residential leases; authorizing certain persons to terminate such a lease under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes spouses, either of whom is 60 years of age or older, to terminate the lease of a dwelling upon the death of either spouse if the combined income of the spouses is less than \$10,000 for the calendar year preceding the death of the spouse. A spouse has 6 months in which to terminate a lease in this manner. (NRS 118A.340)

This bill deletes and replaces those provisions. The new provisions extend the authority to terminate a lease to certain other persons and circumstances. This bill authorizes, under certain circumstances, a tenant to terminate a lease if he or his cotenant is at least 60 years of age or disabled and develops a mental or physical condition requiring him to relocate because of a need for care or treatment that cannot be provided in the dwelling. A tenant has 60 days after the relocation in which to terminate a lease in this manner. This bill defines cotenant as a tenant who, pursuant to a lease, is entitled to occupy a dwelling that another tenant who is 60 years of age or older or who has a physical or mental disability is also entitled to occupy pursuant to the same lease.

This bill also authorizes, under certain circumstances, a tenant who is at least 60 years of age or who is disabled to terminate a lease upon the death of his spouse or cotenant. A tenant has 3 months after the death of his spouse or cotenant in which to terminate a lease in this manner. If the need to terminate the lease is caused by a mental or physical condition, the tenant terminating the lease is required to include with his written notice of intent to terminate the lease reasonable verification of the physical or mental condition and reasonable verification that the physical or mental condition requires the relocation of the tenant from his dwelling because of a need for care or treatment that cannot be provided in the dwelling.



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

Section 1. NRS 118A.340 is hereby amended to read as follows:

~~118A.340 1. [Every lease of a dwelling executed after July 1, 1977, by spouses either of whom is 60 years of age or older at the time of execution, shall, upon the death of either, terminate 30 days after written notice to the landlord of the surviving spouse's intention to terminate, notwithstanding any contrary provisions in the lease, but a notice of intention to terminate pursuant to this section may not be submitted later than 6 months after the date of such death.~~

~~—2.— The provisions of this section apply only to spouses whose combined income does not exceed \$10,000 for the calendar year preceding the death.~~

~~—3.— As used in this section, "income" means all income, from whatever source derived, including but not limited to salaries, wages, bonuses, commissions, income from self employment, alimony, cash, public assistance and relief, the gross amount of any pensions or annuities including railroad retirement benefits, benefits received under the Federal Social Security Act, unemployment compensation benefits received under the law, realized capital gains, rentals, the gross amount of loss of time insurance benefits, life insurance benefits and proceeds, and gifts of cash or property. The word "income" does not include surplus food or other relief in kind supplied by any governmental agency or property tax assistance received by any claimant under the law or gifts of cash or property from one spouse to another.~~

~~—4.] Notwithstanding any provision in a lease of a dwelling to the contrary, if a physical or mental condition of a tenant requires the relocation of the tenant from his dwelling because of a need for care or treatment that cannot be provided in the dwelling and the tenant is 60 years of age or older or has a physical or mental disability:~~

~~(a) That tenant may terminate the lease by giving the landlord 30 days' written notice within 60 days after the tenant relocates; and~~

~~(b) A cotenant of that tenant may terminate the lease by giving the landlord 30 days' written notice within 60 days after the tenant relocates if:~~

~~(1) The cotenant became a tenant of the dwelling before the date on which the lease was signed by the tenant who is relocating~~



1 and the cotenant is 60 years of age or older or has a physical or
2 mental disability; or

3 (2) The cotenant became a tenant of the dwelling on or
4 after the date on which the lease was signed by the tenant who is
5 relocating.

6 2. Notwithstanding any provision in a lease of a dwelling to
7 the contrary, upon the death of the spouse or cotenant of:

8 (a) A tenant who is 60 years of age or older; or

9 (b) A tenant who has a physical or mental disability,

10 ↳ the tenant may terminate the lease by giving the landlord 60
11 days' written notice within 3 months after the death.

12 3. The written notice provided to a landlord pursuant to
13 subsection 1 or 2 must set forth the facts which demonstrate that
14 the tenant or cotenant is entitled to terminate the lease. If the
15 tenant or cotenant is terminating the lease pursuant to subsection
16 1, the tenant or cotenant shall include reasonable verification:

17 (a) Of the existence of the physical or mental condition of the
18 tenant; and

19 (b) That the physical or mental condition requires the
20 relocation of the tenant from his dwelling because of a need for
21 care or treatment that cannot be provided in the dwelling.

22 4. This section does not give a landlord the right to terminate a
23 lease solely because of the death of one of the tenants.

24 5. As used in this section, "cotenant" means a tenant who,
25 pursuant to a lease, is entitled to occupy a dwelling that another
26 tenant who is 60 years of age or older or who has a physical or
27 mental disability is also entitled to occupy pursuant to the same
28 lease.

29 Sec. 2. The provisions of this act apply to any lease of a
30 dwelling entered into, extended or renewed on or after October 1,
31 2005.



