

ASSEMBLY BILL NO. 386—ASSEMBLYMEN FLORES, SEAMAN,
DOOLING, CARRILLO, KIRKPATRICK; DICKMAN, JOINER,
O'NEILL, SPIEGEL, THOMPSON, TITUS, WHEELER AND
WOODBURY

MARCH 17, 2015

JOINT SPONSORS: SENATORS DENIS AND KIHUEN

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to real property
(BDR 3-921)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
Effect on the State: Yes.

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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 real property; establishing procedures for the
retaking of a dwelling subject to forcible entry or forcible
detainer; revising provisions relating to unlawful detainer;
revising the procedures for removing a tenant who is
guilty of an unlawful detainer; establishing the criminal
offenses of housebreaking, unlawful entry and unlawful
reentry; providing penalties; and providing other matters
properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth procedures for the removal of a tenant who is guilty of unlawful detainer. (NRS 40.280-40.420) **Section 23** of this bill revises provisions governing the service of a notice to surrender by: (1) providing for different posting and mailing requirements based on the type of tenancy; (2) eliminating the requirement that a witness be present for service if notice is served by a sheriff, constable or licensed process server; and (3) revising the contents of proof of service that must be filed with a court.

Existing law authorizes and sets forth a summary procedure for eviction of a tenant who is guilty of unlawful detainer for default in the payment of rent. (NRS 40.253) Existing law also sets forth a summary procedure for the eviction of a tenant who is guilty of unlawful detainer for certain other reasons including:



* A B 3 8 6 *

(1) continuing in possession of real property after the expiration of a specific term; (2) continuing in possession after expiration of a notice to surrender; (3) waste, nuisance, violation of certain lease terms and committing certain unlawful activities; and (4) failure to perform lease or agreement conditions or covenants. (NRS 40.254) **Sections 19 and 20** of this bill revise these summary procedures as they relate to the contents of certain notices served upon a tenant and the commencement and conduct of court proceedings in contested cases.

Existing law identifies the various acts which constitute unlawful detainer and warrant the commencement of proceedings to remove the tenant. (NRS 40.250-40.2516) **Sections 5-8 and 13-17** of this bill reorganize these provisions by act, tenancy and type of property and specify the regular and summary procedures, if applicable, by which a landlord may remove a tenant from the property.

Existing law describes conduct which constitutes forcible entry and forcible detainer. (NRS 40.230, 40.240) **Sections 11 and 12** of this bill revise the definitions of "forcible entry" and "forcible detainer," establish requirements relating to a notice to surrender that must be served upon a person who commits forcible entry or forcible detainer and authorize the entry of judgment for three times the amount of actual damages for such offenses under certain circumstances. **Section 2** of this bill establishes a procedure by which an owner of a dwelling that is the object of a forcible entry or forcible detainer may retake possession of and change the locks on the dwelling. **Section 4** of this bill establishes a procedure by which an occupant who has been locked out of a dwelling may seek to recover possession of the dwelling.

Sections 45-48 of this bill set forth the acts which constitute the criminal offenses of housebreaking, unlawful entry and unlawful reentry and the penalties that attach upon conviction. **Section 3** of this bill establishes a procedure by which the owner of a dwelling that was subject to housebreaking or unlawful entry may retake possession of and change the locks on the dwelling.

Section 56 of this bill repeals a provision that authorizes treble damages in a recovery for a forcible or unlawful entry to certain types of real property.

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 the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. 1. *In addition to the remedy provided in NRS 40.290 to 40.420, inclusive, this section and sections 3 and 4 of this act, when any known unauthorized or unlawful adult occupant of a dwelling has been arrested for housebreaking or unlawful occupancy and any minor occupant is taken into the custody of the State, the owner of the dwelling may retake possession and change the locks on the dwelling.*

2. *At the time an owner of a dwelling retakes possession or changes the locks of a dwelling pursuant to subsection 1, the owner or an authorized representative of the owner shall post a written notice on the dwelling. The notice must:*

(a) *Identify the address of the dwelling;*



(b) Identify the court that has jurisdiction over any matter relating to the dwelling;

(c) Identify the date on which the owner took possession of the dwelling pursuant to subsection 1 or changed the locks; and

(d) Advise the unauthorized or unlawful occupant that:

(1) One or more locks on the dwelling have been changed as the result of an arrest for housebreaking or unlawful occupancy.

(2) The unauthorized or unlawful occupant has the right to contest the matter by filing a verified complaint for reentry with the court within 14 calendar days after the date indicated in paragraph (c). The complaint must be served upon the owner of the dwelling at the address provided to the court with the filing of the written notice pursuant to subsection 3.

(3) Reentry of the property without a court order is a criminal offense, punishable by up to 4 years in prison.

(4) Except as otherwise provided in this subparagraph, the owner of the dwelling shall provide safe storage of any personal property which remains on the property. The owner may dispose of any personal property which remains on the property after 14 calendar days from the date indicated in paragraph (c) unless within that time the owner receives an affidavit or notice of hearing pursuant to section 3 of this act. The unlawful or unauthorized occupant may recover his or her personal property by filing an affidavit with the court pursuant to section 3 of this act within 14 calendar days after the date indicated in paragraph (c). The owner is entitled to payment of the reasonable and actual costs of inventory, moving and storage before releasing the personal property to the occupant.

3. The notice posted pursuant to subsection 2 must remain posted on the dwelling for not less than 14 calendar days. A copy of the notice must be filed with the court on the same day that any locks are changed on the dwelling and must be accompanied by a statement which includes an address for service of any documents on the owner of the dwelling.

4. As used in this section:

(a) "Housebreaking" has the meaning ascribed to it in section 46 of this act.

(b) "Unlawful entry" has the meaning ascribed to it in section 47 of this act.

Sec. 3. 1. In addition to the remedy provided in NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act, 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



1 *property to the owner of the real property or the occupant who is*
2 *authorized by the owner to be in possession of the real property,*
3 *the owner or occupant who is authorized by the owner may seek to*
4 *recover possession of the real property pursuant to this section.*

5 2. *The owner of the real property or the occupant who is*
6 *authorized by the owner to be in possession of the real property*
7 *shall serve the notice to surrender on the unlawful or*
8 *unauthorized occupant in accordance with the provisions of*
9 *NRS 40.280.*

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

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

14 (b) *Advise the unlawful or unauthorized occupant:*

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

21 (2) *That if the court determines that the unlawful or*
22 *unauthorized occupant is guilty of a forcible entry or forcible*
23 *detainer, the court may issue a summary order for removal of the*
24 *unlawful or unauthorized occupant or an order providing for the*
25 *nonadmittance of the unlawful or unauthorized occupant,*
26 *directing the sheriff or constable of the county to remove the*
27 *unlawful or unauthorized occupant within 24 hours after the*
28 *sheriff's or constable's receipt of the order from the court.*

29 (3) *That, except as otherwise provided in this*
30 *subparagraph, the owner of the real property or the occupant who*
31 *is authorized by the owner of the real property to be in possession*
32 *of the real property shall provide safe storage of any personal*
33 *property of the unlawful or unauthorized occupant which remains*
34 *on the property. The owner or occupant may dispose of any*
35 *personal property of the unlawful or unauthorized occupant*
36 *remaining on the real property after 14 calendar days from the*
37 *execution of an order for removal of the unlawful or unauthorized*
38 *occupant or the compliance of the unlawful or unauthorized*
39 *occupant with the notice to surrender, whichever comes first. The*
40 *unlawful or unauthorized occupant must pay the owner or*
41 *occupant for the reasonable and actual costs of inventory, moving*
42 *and storage of the personal property before the personal property*
43 *will be released to the unlawful or unauthorized occupant.*

44 4. *Upon service of the written notice to surrender pursuant to*
45 *subsection 3, the unlawful or unauthorized occupant shall:*



(a) Before the expiration of the notice, 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, in which case an affidavit of complaint may not be filed pursuant to subsection 5 and a summary order for removal or nonadmittance may not be issued pursuant to subsection 6; or

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

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

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

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

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

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

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

(a) The unlawful or unauthorized occupant has failed to timely file an affidavit contesting the matter pursuant to paragraph (b) of subsection 4 and the court determines that sufficient evidence has been set forth in the affidavit of complaint to demonstrate that a forcible entry or forcible detainer has been committed by the unlawful or unauthorized occupant, the court must issue an order directing the sheriff or constable of the county to remove the unlawful or unauthorized occupant within 24 hours



1 *after the sheriff's or constable's receipt of the order from the*
2 *court.*

3 *(b) The unlawful or unauthorized occupant has timely filed an*
4 *affidavit contesting the matter pursuant to paragraph (b) of*
5 *subsection 4 and the court determines that the affidavit fails to*
6 *raise a justiciable issue regarding the alleged forcible entry or*
7 *forcible detainer, the court may rule on the matter without a*
8 *hearing. If the court determines that sufficient evidence has been*
9 *set forth in the affidavit of complaint to demonstrate that a*
10 *forcible entry or forcible detainer has been committed by the*
11 *unlawful or unauthorized occupant, the court must issue an order*
12 *directing the sheriff or constable of the county to remove the*
13 *unlawful or unauthorized occupant within 24 hours after the*
14 *sheriff's or constable's receipt of the order from the court.*

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

23 *(d) Upon review of the affidavits of any party or upon hearing,*
24 *the court determines that:*

25 *(1) There is a legal defense as to the alleged forcible entry*
26 *or forcible detainer, the court must refuse to grant either party any*
27 *relief and, except as otherwise provided in this subsection, must*
28 *require that any further proceedings be conducted pursuant to*
29 *NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this*
30 *act.*

31 *(2) The unlawful or unauthorized occupant gained entry or*
32 *possession of the real property peaceably and as a result of a*
33 *fraudulent act or misrepresentation by a person without the*
34 *authority of the owner of the real property, the court may issue a*
35 *summary order for the removal of the unlawful or unauthorized*
36 *occupant but also may, within the discretion of the court, stay*
37 *such order for a period sufficient to allow the unlawful or*
38 *unauthorized occupant to vacate and remove his or her personal*
39 *property.*

40 *7. The owner of the real property or the occupant who is*
41 *authorized by the owner to be in possession of the real property*
42 *may, without incurring any civil or criminal liability, dispose of*
43 *personal property abandoned on the real property by an unlawful*
44 *or unauthorized occupant who is ordered removed by this section*
45 *in the following manner:*



(a) The owner of the real property or the occupant who is authorized by the owner to be in possession of the real property shall reasonably provide for the safe storage of the abandoned personal property for 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, and may charge and collect the reasonable and actual costs of inventory, moving and storage before releasing the abandoned personal property to the unlawful or unauthorized occupant or his or her authorized representative rightfully claiming the property within that period. The owner or the occupant is liable to the unlawful or unauthorized occupant only for negligent or wrongful acts in storing the abandoned personal property.

(b) After the expiration of the 14-day period, the owner of the real property 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 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 or the occupant at the address on file with the court.

Sec. 4. 1. If the owner of a dwelling locks an occupant out of the dwelling pursuant to section 2 of this act, the occupant may recover possession of the dwelling as provided in this section.

2. The occupant must file with the justice court of the township in which the dwelling is located a verified complaint for reentry, specifying the facts of the lockout by the owner of the dwelling or the authorized representative of the owner. The



1 occupant must also state orally under oath to the court the facts of
2 the lockout.

3 3. If the occupant has complied with subsection 2 and the
4 court reasonably believes that an unjustified lockout may have
5 occurred, the court:

6 (a) Must issue an order requiring the occupant to post a bond
7 in an amount equal to 1 month of rent; and

8 (b) Upon the posting of the bond, may issue, ex parte, a
9 temporary writ of restitution that entitles the occupant to
10 immediate and temporary possession of the dwelling, pending a
11 final hearing on the occupant's verified complaint for reentry.

12 4. A temporary writ of restitution must be served on the
13 owner of the dwelling or the authorized representative of the
14 owner in the same manner as a writ of restitution in a forcible
15 detainer action. A sheriff or constable may use reasonable force in
16 executing a temporary writ of restitution under this subsection.

17 5. The court shall hold a hearing on the occupant's verified
18 complaint for reentry. A temporary writ of restitution must notify
19 the owner of the dwelling of the pendency of the matter and the
20 date of the hearing. The hearing must be held not earlier than the
21 first judicial day and not later than the seventh judicial day after
22 the date on which the occupant files the verified complaint for
23 reentry.

24 6. A party may appeal from the court's judgment at the
25 hearing on the verified complaint for reentry in the same manner
26 as a party may appeal a judgment in an action for forcible
27 detainer.

28 7. If a writ of restitution is issued, the writ supersedes a
29 temporary writ of restitution.

30 8. If the owner of the dwelling or the person on whom a writ
31 of restitution is served fails to immediately comply with the writ or
32 later disobeys the writ, the failure is grounds for contempt of court
33 against the owner or the person on whom the writ was served,
34 under chapter 22 of NRS.

35 9. This section does not affect a tenant's right to pursue a
36 separate cause of action under chapter 118A of NRS.

37 10. If an occupant in bad faith files a sworn complaint for
38 reentry resulting in a writ of restitution being served on the owner
39 of a dwelling or the authorized representative of the owner, the
40 owner may in a separate cause of action recover from the
41 occupant an amount equal to actual damages, 1 month's rent or
42 \$500, whichever is greater, reasonable attorney's fees, and costs of
43 court, less any sums for which the owner is liable to the occupant.



11. This section does not affect the rights of an owner or occupant in a forcible detainer, unlawful detainer or forcible entry and detainer action.

Sec. 5. 1. A tenant, having leased in a tenancy at will a dwelling unit, a recreational vehicle, a mobile home or real property other than a mobile home lot or a recreational vehicle lot, is guilty of an unlawful detainer when the tenant continues in possession, in person or by subtenant, of the dwelling unit, recreational vehicle, mobile home or real property, or any part thereof, after the expiration of a written notice to surrender notifying the tenant that the tenancy at will is terminated and affording the tenant at least 5 days to surrender the premises.

2. If a tenant is guilty of an unlawful detainer pursuant to this section, the landlord may seek to recover possession of the dwelling unit, recreational vehicle, mobile home or real property pursuant to the provisions of NRS 40.254 or 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act.

3. As used in this section, "tenancy at will" means an agreement for tenancy that:

(a) Is terminable at the will of either the landlord or the tenant, whereby the tenant occupies property with the consent of the landlord; and

(b) Does not specify a definite rental period or periodic payment of rent.

Sec. 6. 1. A tenant having leased a mobile home lot subject to the provisions of chapter 118B of NRS, or a recreational vehicle lot in an area of a mobile home park other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215, is guilty of an unlawful detainer when the tenant continues in possession, in person or by subtenant, without the landlord's consent:

(a) After notice has been given pursuant to NRS 118B.115, 118B.170 or 118B.190 and the period of the notice has expired; or

(b) If the person is not a natural person and has received three notices for nonpayment of rent within a 12-month period, immediately upon failure to pay timely rent.

2. If a tenant is guilty of an unlawful detainer pursuant to this section, the landlord may seek to recover possession of the lot described in subsection 1 pursuant to the provisions of NRS 40.254 or 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act.

Sec. 7. 1. A tenant having leased a recreational vehicle lot is guilty of an unlawful detainer when the tenant continues in possession, in person or by subtenant, of the recreational vehicle lot:



(a) For a recreational vehicle lot that is leased for an unspecified term or a period with payment of periodic rent, after the expiration of a notice to surrender notifying the tenant that the tenancy is terminated for no cause and affording the tenant 5 days to surrender the recreational vehicle lot; or

(b) For a recreational vehicle lot that is leased for a specified term, after the expiration of the term. In all cases where the recreational vehicle lot is leased for a specified term or period by written contract, the tenancy terminates without notice at the expiration of the specified term or period.

2. If a tenant is guilty of an unlawful detainer pursuant to this section, the landlord may seek to recover possession of the recreational vehicle lot pursuant to the provisions of NRS 40.254 or 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act.

Sec. 8. NRS 40.140 is hereby amended to read as follows:

40.140 1. Except as otherwise provided in this section:

(a) ~~Anything~~ Any conduct or an ongoing condition which is injurious to health, or indecent and offensive to the senses, or an unreasonable obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property ~~and~~ and which causes injury or damage to any other tenant or occupant of that property or of an adjacent building or structure;

(b) A building or place used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor or controlled substance analog;

(c) A building or place which was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(1) Which has not been deemed safe for habitation by the board of health; or

(2) From which all materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed or remediated by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog; or

(d) A building or place regularly and continuously used by the members of a criminal gang to engage in, or facilitate the commission of, crimes by the criminal gang,

↪ is a nuisance, and may be the subject of an action. ~~The~~

2. An action pursuant to subsection 1 may be brought ~~by~~ :

(a) By any person whose property is injuriously affected, or whose personal enjoyment is lessened by the nuisance, and by the



judgment the nuisance may be enjoined or abated, as well as damages recovered ~~†~~.

~~2.†~~ ; or

(b) For unlawful detainer pursuant to NRS 40.254 or 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act by a landlord against a tenant where:

(1) The tenant is the cause of the nuisance; and

(2) A notice given to the tenant by the landlord pursuant to NRS 40.2514 has expired.

3. It is presumed:

(a) That an agricultural activity conducted on farmland, consistent with good agricultural practice and established before surrounding nonagricultural activities is reasonable. Such activity does not constitute a nuisance unless the activity has a substantial adverse effect on the public health or safety.

(b) That an agricultural activity which does not violate a federal, state or local law, ordinance or regulation constitutes good agricultural practice.

~~†3.†~~ **4.** A shooting range does not constitute a nuisance with respect to any noise attributable to the shooting range if the shooting range is in compliance with the provisions of all applicable statutes, ordinances and regulations concerning noise:

(a) As those provisions existed on October 1, 1997, for a shooting range in operation on or before October 1, 1997; or

(b) As those provisions exist on the date that the shooting range begins operation, for a shooting range that begins operation after October 1, 1997.

➔ A shooting range is not subject to any state or local law related to the control of noise that is adopted or amended after the date set forth in paragraph (a) or (b), as applicable, and does not constitute a nuisance for failure to comply with any such law.

~~†4.†~~ **5.** As used in this section:

(a) "Board of health" has the meaning ascribed to it in NRS 439.4797.

(b) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043.

(c) "Criminal gang" has the meaning ascribed to it in NRS 193.168.

(d) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

(e) "Shooting range" means an area designed and used for archery or sport shooting, including, but not limited to, sport shooting that involves the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or other similar items.



1 **Sec. 9.** NRS 40.215 is hereby amended to read as follows:
2 40.215 As used in NRS 40.215 to 40.425, inclusive, *and*
3 *sections 2 to 7, inclusive, of this act*, unless the context requires
4 otherwise:

5 1. *“Dwelling” or “dwelling unit” means a structure or part*
6 *thereof that is occupied, or designed or intended for occupancy, as*
7 *a residence or sleeping place by one person who maintains a*
8 *household or by two or more persons who maintain a common*
9 *household.*

10 2. *“Landlord’s agent” means a person who is hired or*
11 *authorized by the landlord or owner of real property to manage*
12 *the property or dwelling unit, to enter into a rental agreement on*
13 *behalf of the landlord or owner of the property or who serves as a*
14 *person within this State who is authorized to act for and on behalf*
15 *of the landlord or owner for the purposes of service of process or*
16 *receiving notices and demands. A landlord’s agent may also*
17 *include a successor landlord or a property manager as defined in*
18 *NRS 645.0195.*

19 3. *“Mobile home” means every vehicle, including equipment,*
20 *which is constructed, reconstructed or added to in such a way as to*
21 *have an enclosed room or addition occupied by one or more persons*
22 *as a ~~[dwelling]~~ residence or sleeping place and which has no*
23 *foundation other than wheels, jacks, skirting or other temporary*
24 *support.*

25 ~~[2.]~~ 4. *“Mobile home lot” means a portion of land within a*
26 *mobile home park which is rented or held out for rent to*
27 *accommodate a mobile home.*

28 ~~[3.]~~ 5. *“Mobile home park” or “park” means an area or tract of*
29 *land where two or more mobile homes or mobile home lots are*
30 *rented or held out for rent. “Mobile home park” or “park” does not*
31 *include those areas or tracts of land, whether within or outside of a*
32 *park, where the lots are held out for rent on a nightly basis.*

33 ~~[4.]~~ 6. *“Premises” includes a mobile home.*

34 ~~[5.]~~ 7. *“Recreational vehicle” means a vehicular structure*
35 *primarily designed as temporary living quarters for travel,*
36 *recreational or camping use, which may be self-propelled or*
37 *mounted upon or drawn by a motor vehicle.*

38 ~~[6.]~~ 8. *“Recreational vehicle lot” means a portion of land*
39 *within a recreational vehicle park, or a portion of land so designated*
40 *within a mobile home park, which is rented or held out for rent to*
41 *accommodate a recreational vehicle overnight or for less than 3*
42 *months.*

43 ~~[7.]~~ 9. *“Recreational vehicle park” means an area or tract of*
44 *land where lots are rented or held out for rent to accommodate a*
45 *recreational vehicle overnight or for less than 3 months.*



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

4 **Sec. 10.** NRS 40.220 is hereby amended to read as follows:

5 40.220 No entry shall be made **upon or** into any ~~[hands;~~
6 ~~tenements]~~ **real property** or other possessions but in cases where
7 entry is given by law; and in such cases, only in a peaceable manner,
8 not with strong hand nor with multitude of people.

9 **Sec. 11.** NRS 40.230 is hereby amended to read as follows:

10 40.230 **1.** Every person is guilty of a forcible entry who
11 ~~[either:~~

12 ~~—1.— By breaking open doors, windows or other parts of a house,~~
13 ~~or by fraud, intimidation or stealth, or by]~~ **unlawfully enters any**
14 **real property:**

15 **(a) By means of physical force resulting in damage to a**
16 **structure on the real property;**

17 **(b) By** any kind of violence or circumstance of terror ~~[, enters~~
18 ~~upon or into any];~~

19 **(c) Peaceably or otherwise and:**

20 **(1) Thereafter prevents the owner of the** real property ~~[;~~
21 **from access or occupancy of the property by changing a lock; or**
22 ~~[2.—Who, after entering peaceably upon real property, turns]~~

23 **(2) Turns** out by force, threats **of violence** or menacing
24 conduct, the ~~[party in natural]~~ **owner of the real property or an**
25 **occupant who is authorized by the owner to be in** possession ~~[]~~ **of**
26 **the real property.**

27 **2. The owner of the real property or the occupant who is**
28 **authorized by the owner to be in possession of the real property**
29 **may seek to recover possession of the property pursuant to NRS**
30 **40.254 or 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of**
31 **this act, after the expiration of the notice to surrender served by**
32 **the owner or authorized occupant upon the person who committed**
33 **the forcible entry. The notice must:**

34 **(a) Inform the person who committed the forcible entry that he**
35 **or she is guilty of forcible entry; and**

36 **(b) Afford the person who committed the forcible entry 3**
37 **judicial days to surrender the property.**

38 **3. If a person recovers damages for a forcible entry, judgment**
39 **may be entered for three times the amount at which the actual**
40 **damages are assessed. As used in this section, “actual damages”**
41 **means damages to real property and personal property.**

42 **Sec. 12.** NRS 40.240 is hereby amended to read as follows:

43 40.240 **1.** Every person is guilty of a forcible detainer who
44 either:

45 ~~[1.—By]~~



(a) *Unlawfully holds and keeps the possession of any real property by force ~~[- or by menaces]~~ or threats of violence ~~[- unlawfully holds and keeps the possession of any real property.]~~, or whether the ~~[same]~~ possession was acquired peaceably or otherwise; or*

~~[2. Who, in the nighttime, or during the absence of the occupant of]~~

(b) *Enters any real property ~~[- unlawfully enters thereon.]~~ without the authority of the owner of the property or an occupant who is authorized by the owner to be in possession of the real property and who, after ~~[demand made for the]~~ receiving written notice to surrender ~~[thereof, refuses for a period of 3 days]~~ pursuant to subsection 2, fails to surrender the ~~[same to such former occupant. The occupant of real property within the meaning of this subsection is one who, within 5 days preceding such unlawful entry, was in the peaceable and undisturbed possession of such lands.]~~ property.*

2. *The owner of the real property or the occupant who is authorized by the owner to be in possession of the real property may seek to recover possession of the property pursuant to NRS 40.254 or 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act, after the expiration of the notice to surrender served by the owner or authorized occupant upon the person who committed the forcible detainer. The notice must:*

(a) *Inform the person who committed the forcible detainer that he or she is guilty of a forcible detainer; and*

(b) *Afford the person who committed the forcible detainer 3 judicial days to surrender the property.*

3. *If a person recovers damages for a forcible detainer, judgment may be entered for three times the amount at which the actual damages are assessed. As used in this section, "actual damages" means damages to real property and personal property.*

Sec. 13. NRS 40.250 is hereby amended to read as follows:

40.250 1. A tenant of ~~[real property or]~~ a *dwelling unit, a recreational vehicle, a mobile home or real property other than a mobile home lot or a recreational vehicle lot* for a *specified* term less than life is guilty of an unlawful detainer when the tenant continues in possession, in person or by subtenant, of the ~~[property or]~~ *dwelling unit, recreational vehicle, mobile home or real property*, or any part thereof, after the expiration of the term for which it is let to the tenant ~~[-]~~ *or the termination of a rental agreement pursuant to NRS 118A.430.* In all cases where a *dwelling unit, a recreational vehicle, a mobile home or real property other than a mobile home lot or recreational vehicle lot* is leased for a specified term or period, or by express or implied



contract, whether written or parol, the tenancy terminates without notice at the expiration of the specified term or period.

2. *If a tenant is guilty of an unlawful detainer pursuant to this section, the landlord or the landlord's agent may seek to recover possession of the dwelling unit, recreational vehicle, mobile home or real property pursuant to the provisions of NRS 40.254 or 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act.*

Sec. 14. NRS 40.251 is hereby amended to read as follows:

40.251 1. A tenant of ~~[real property,]~~ *a dwelling unit*, a recreational vehicle, ~~[or]~~ *a mobile home or real property other than a mobile home lot or a recreational vehicle lot* for a *periodic tenancy of an unspecified* term ~~[less than life]~~ is guilty of an unlawful detainer when ~~[having leased:~~

~~—(a) Real property, except as otherwise provided in this section, or a mobile home for an indefinite time, with monthly or other periodic rent reserved,]~~ the tenant continues in possession thereof, in person or by subtenant, without the landlord's consent after the expiration of a notice ~~[of:~~

~~—(1)] to surrender notifying the tenant that the tenancy is terminated for no cause and affording the tenant at least 30 calendar days after the date of service of the notice to surrender to vacate the premises, unless the tenancy is from week to week.~~ For tenancies from week to week, *the notice to surrender must afford the tenant* at least 7 days ~~];~~

~~—(2) Except as otherwise provided in subsection 2, for all other periodic tenancies, at least 30 days; or~~

~~—(3) For tenancies at will, at least 5 days.~~

~~—(b) A dwelling unit subject to the provisions of chapter 118A of NRS, the tenant continues in possession, in person or by subtenant, without the landlord's consent after expiration of:~~

~~—(1) The term of the rental agreement or its termination and, except as otherwise provided in subparagraph (2), the expiration of a notice of:~~

~~—(I) At least 7 days for tenancies from week to week; and~~

~~—(II) Except as otherwise provided in subsection 2, at least 30 days for all other periodic tenancies; or~~

~~—(2) A notice of at least 5 days where the tenant has failed to perform the tenant's basic or contractual obligations under chapter 118A of NRS.~~

~~—(c) A mobile home lot subject to the provisions of chapter 118B of NRS, or a lot for a recreational vehicle in an area of a mobile home park other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 6 of NRS 40.215, the tenant~~



~~continues in possession, in person or by subtenant, without the landlord's consent:~~

~~— (1) After notice has been given pursuant to NRS 118B.115, 118B.170 or 118B.190 and the period of the notice has expired; or~~

~~— (2) If the person is not a natural person and has received three notices for nonpayment of rent within a 12 month period, immediately upon failure to pay timely rent.~~

~~— (d) A recreational vehicle lot, the tenant continues in possession, in person or by subtenant, without the landlord's consent, after the expiration of a notice of at least 5 days.]~~ *after the date of service of the notice to vacate the premises.*

2. Except as otherwise provided in this section, if a *residential* tenant with a periodic tenancy, ~~[pursuant to paragraph (a) or (b) of subsection 1.]~~ other than a tenancy from week to week, is 60 years of age or older or has a physical or mental disability, the tenant may request to be allowed to continue in possession for an additional 30 days beyond the time specified in subsection 1. ~~[by submitting a written]~~ *The tenant must submit such a* request ~~[for an extended period and providing]~~, *in writing, to the landlord within 15 days after the date of service of the notice to surrender described in subsection 1. The request must be accompanied by* proof of the tenant's age or disability. ~~[A landlord may not be required to allow a tenant to continue in possession if a shorter notice is provided pursuant to subparagraph (2) of paragraph (b) of subsection 1.]~~ *Within 2 judicial days after the landlord receives the written request, the landlord shall respond in writing and inform the tenant:*

(a) That the tenant's request is accepted, specifying the new date by which the tenant must vacate the premises, calculated by adding 30 days to the date of the expiration of the notice to surrender served pursuant to subsection 1; or

(b) That the tenant's request is denied, specifying the basis for the denial.

3. ~~[Any notice provided pursuant to paragraph (a) or (b) of subsection 1 must include a statement advising the tenant of the provisions of subsection 2.~~

~~—4.]~~ If a landlord rejects a request to allow a tenant to continue in possession for an additional 30 days pursuant to subsection 2, the tenant may petition the court for an order to continue in possession for the additional 30 days. *The tenant must file the petition within 2 judicial days after the tenant receives the landlord's written rejection of the tenant's request or, if the landlord fails to respond to the request, within 5 judicial days after the tenant submits the request.* If the tenant submits proof to the court that the tenant is entitled to request such an extension, the court may grant the



petition and enter an order allowing the tenant to continue in possession for the additional 30 days. If the court denies the petition, the tenant must be allowed to continue in possession ~~for~~ *until 30 calendar days after the date of service of the notice to surrender or 5 calendar days following the date of entry of the order denying the petition* ~~if~~, *whichever is later.*

4. Any notice to surrender provided pursuant to subsection 1 must include a statement advising the tenant of the provisions of subsections 2 and 3.

5. If a tenant is guilty of an unlawful detainer pursuant to this section, the landlord may seek to recover possession of the dwelling unit, recreational vehicle, mobile home or real property pursuant to the provisions of NRS 40.254 or 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act.

Sec. 15. NRS 40.2512 is hereby amended to read as follows:

40.2512 *1. A tenant of real property , ~~for~~ a dwelling unit, a recreational vehicle or a mobile home other than a mobile home lot or a recreational vehicle lot* for a term less than life is guilty of an unlawful detainer when the tenant continues in possession, in person or by subtenant, after default in the payment of any rent and after a notice in writing, requiring in the alternative the payment of the rent or the surrender of the detained premises, remains uncomplished with for a period of 5 days, or in the case of a mobile home lot, 10 days after service thereof. The notice may be served at any time after the rent becomes due.

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:

(a) The provisions of NRS 40.254 or 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act; or

(b) By serving the tenant with notice to pay or surrender pursuant to subsection 2 of NRS 40.253 and utilizing the procedures for eviction provided in that section.

Sec. 16. NRS 40.2514 is hereby amended to read as follows:

40.2514 *1. A tenant of real property , a dwelling unit, a recreational vehicle or a mobile home other than a mobile home lot or a recreational vehicle lot* for a term less than life is guilty of an unlawful detainer when the tenant:

~~1-1~~ *(a) Assigns or sublets the leased premises contrary to the covenants of the lease;*

~~2-1~~ *(b) Commits or permits waste thereon;*

~~3-1~~ *on the leased premises;*

(c) Sets up or carries on therein or thereon any unlawful business ~~;~~



1 ~~—4.] in or on the leased premises;~~

2 (d) Suffers, permits or maintains on or about the *leased* premises
3 any nuisance ~~[that consists of conduct or an ongoing condition~~
4 ~~which constitutes an unreasonable obstruction to the free use of~~
5 ~~property and causes injury and damage to other tenants or occupants~~
6 ~~of that property or adjacent buildings or structures;]~~ , as defined in
7 *NRS 40.140*; or

8 ~~[5.] (e) Violates any of the provisions of NRS 453.011 to~~
9 ~~453.552, inclusive, except NRS 453.336, therein or thereon,~~
10 ~~↪ and [remains] continues in possession , in person or by~~
11 ~~subtenant, after service upon the tenant of [3 days'] a notice to~~
12 ~~[quit.] surrender.~~

13 2. A notice to surrender served pursuant to subsection 1
14 must:

15 (a) Inform the tenant of the specific conduct that constitutes
16 an unlawful detainer as described in subsection 1; and

17 (b) Afford the tenant 3 days to surrender the premises.

18 3. If a tenant is guilty of an unlawful detainer pursuant to
19 this section, the landlord may seek to recover possession of the
20 real property, dwelling unit, recreational vehicle or mobile home
21 pursuant to the provisions of NRS 40.254 or 40.290 to 40.420,
22 inclusive, and sections 2, 3 and 4 of this act.

23 Sec. 17. 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*
26 *lot or a recreational vehicle lot* for a term less than life is guilty of
27 an unlawful detainer when the tenant continues in possession, in
28 person or by subtenant, after a neglect or failure to perform any
29 condition or covenant of the lease or agreement under which the
30 real property , dwelling unit, recreational vehicle or mobile home
31 is held, other than those mentioned in NRS 40.250 to ~~[40.252,]~~
32 *40.254*, inclusive, and ~~[NRS 40.254,]~~ sections 5, 6 and 7 of this act,
33 and after notice in writing, requiring in the alternative the
34 performance of the condition or covenant or the surrender of the
35 real property, dwelling unit, recreational vehicle or mobile home,
36 served upon the tenant, and, if there is a subtenant in actual
37 occupation of the premises ~~[.] or property,~~ also upon the subtenant,
38 remains uncomplied with for 5 days after the service thereof. Within
39 ~~[3] 5~~ days after the service, the tenant, or any subtenant in actual
40 occupation of the premises ~~[.] or property,~~ or any mortgagee of the
41 term, or other person, interested in its continuance, may perform the
42 condition or covenant and thereby save the lease from forfeiture; but
43 if the covenants and conditions of the lease, violated by the lessee,
44 cannot afterwards be performed, 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, and sections 2, 3 and 4 of this act.*

Sec. 18. NRS 40.252 is hereby amended to read as follows:

40.252 For the purposes of NRS 40.250 to ~~[40.252,]~~ 40.254, inclusive, and ~~[NRS 40.254,]~~ *sections 5, 6 and 7 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 ~~[quit or]~~ surrender the premises which was given by one colessor of ~~[real property or]~~ *a dwelling unit, a recreational vehicle, a mobile home or real property* is valid unless it is affirmatively shown that one or more of the other colessors did not authorize the giving of the notice.

Sec. 19. NRS 40.253 is hereby amended to read as follows:

40.253 1. Except as otherwise provided in subsection ~~[10,]~~ *12*, in addition to the remedy provided in NRS ~~[40.2512 and]~~ 40.290 to 40.420, inclusive, *and sections 2, 3 and 4 of this act* when the tenant of any dwelling ~~[, apartment,]~~ *unit*, mobile home, recreational vehicle, *real property* or 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 *utilize the summary procedures for eviction provided in this section.*

2. *The landlord or the landlord's agent shall* serve or have served *on the tenant in accordance with the provisions of NRS 40.280* a notice in writing, requiring in the alternative ~~[the payment of]~~ *that the tenant pay the rent and thereby save the lease from forfeiture, contest the notice* or ~~[the]~~ surrender ~~[of]~~ the premises:

(a) ~~[At]~~ *Except as otherwise provided in paragraph (b), at* or before noon of the fifth full *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]~~ *For a short-term* 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,]~~ *NRS 40.280*, to the sheriff or constable for service if the service 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 paragraph (a) of subsection 1 of NRS 40.280. 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]~~ 2 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 *the reasons why the tenant* 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 remove the tenant within 24 hours after *the sheriff’s or constable’s* receipt of the order ~~[; and]~~ *from the court;*

(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.] ; and~~

(4) Of the exact amount of unpaid charges that must be paid before the expiration of the time specified in subsection 2.



This amount may include any unpaid rent, unpaid utility charges required pursuant to a written rental agreement, reasonable charges for late payment of rent or dishonored checks if authorized by a rental agreement and any unpaid security. As used in this subparagraph, “security” has the meaning ascribed to it in NRS 118A.240.

4. Upon service of the written notice to surrender required by subsection 2, the tenant shall, within the time specified in the notice:

(a) Surrender the premises to the landlord or the landlord’s agent, in which case an affidavit of complaint may not be filed pursuant to subsection 6 and a summary order for removal or nonadmittance may not be issued pursuant to subsection 7;

(b) Pay to the landlord or the landlord’s agent the entire amount of unpaid charges due to be paid as stated in the notice to surrender pursuant to subparagraph (4) of paragraph (b) of subsection 3; or

(c) Contest the matter by filing an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or the reasons that the tenant is not in default in the payment of the rent. A file-stamped copy of the affidavit must be served by mail upon the issuer of the notice to surrender.

5. 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.] 6. Upon [noncompliance with] the expiration of the written notice [:*~~

~~*—(a) The] to surrender:*~~

(a) If the tenant has not paid to the landlord or the landlord’s agent the entire amount of unpaid charges due to be paid as stated in the notice to surrender and has not filed an affidavit pursuant to paragraph (c) of subsection 4, the landlord must make reasonable efforts to determine whether the tenant has surrendered or vacated the premises. If the landlord reasonably determines that the tenant has surrendered or vacated the premises and has not filed an affidavit pursuant to paragraph (c) of subsection 4, the landlord may provide for the nonadmittance of the tenant by locking or otherwise, except when prohibited by the provisions of NRS 118A.480, and must not file an affidavit of complaint pursuant to paragraph (b).

(b) If the landlord determines that the tenant has not surrendered or vacated the premises and has not paid the entire amount of unpaid charges due to be paid as stated in the notice to



surrender pursuant to subparagraph (4) of paragraph (b) of subsection 3, 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,] unit~~, mobile home, recreational vehicle , *real property* or commercial premises are located or to the district court of the county in which the dwelling ~~[, apartment,] unit~~, mobile home, recreational vehicle , *real property* or commercial premises are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to remove the tenant within 24 hours after *the sheriff's or constable's* receipt of the order ~~[,] from the court~~. 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)] at the time of the filing of the affidavit of complaint.~~

(7) A copy of the written notice served on the tenant ~~[,]~~
~~— (9)] pursuant to subsection 2 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.~~

(8) *Proof of service of all written notices as required by NRS 40.280.*

(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.] If the written 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.~~

7. Upon the *timely* filing by the tenant of the affidavit permitted in subsection ~~[3,] 4~~, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection ~~[5,] 6~~, 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]~~ :

(a) *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]~~
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.

(b) *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.]~~ , and sections 2, 3 and 4 of this act.

8. 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 or 118C.230 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 *calendar* days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 *calendar* 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.]~~ 9. Upon the filing of a motion pursuant to subsection ~~[7.]~~ 8, 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 order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:



(a) Determine the *reasonable and actual* costs, if any, claimed by the landlord pursuant to NRS 118A.460 or 118C.230 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.]~~ *10.* 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]~~ *payment of the entire amount of unpaid charges due to be paid as stated in the notice to surrender pursuant to subparagraph (4) of paragraph (b) of subsection 3 or* if the refusal is based on the fact that the tenant has not paid *or is unable to pay other charges due pursuant to a contract, including, without limitation,* 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. As used in this subsection, "security" has the meaning ascribed to it in NRS 118A.240.~~

~~—10.]~~ *charges that have become due since the notice was served.*

11. The procedures for eviction provided in this section determine possessory rights only and do not preclude an action by a landlord for any damages or other relief to which the landlord may be entitled.

12. This section does not apply to 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 ~~[6]~~ *8* of NRS 40.215.

Sec. 20. NRS 40.254 is hereby amended to read as follows:

40.254 *1.* Except as otherwise provided by specific statute, in addition to the remedy provided in ~~[NRS 40.251 and in]~~ NRS 40.290 to 40.420, inclusive, *and sections 2, 3 and 4 of this act* when the tenant of a dwelling unit, ~~[which is subject to the provisions of chapter 118A of NRS.]~~ 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 or section 5, 6 or 7 of this act,* the landlord ~~[is entitled to]~~ *or the landlord's agent may utilize* the summary procedures *for eviction as* provided in ~~[NRS 40.253 except that:~~

~~—1. Written]~~ *this section.*

2. Upon the expiration of any written notice ~~[to surrender the premises must:~~

~~—(a) Be given to]~~ *required pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516 or section 5, 6 or 7 of this act, or upon the*



holdover of any tenant after expiration of the lease term or termination of the rental agreement as set forth in NRS 40.250, the landlord or the landlord's agent must serve the tenant with a written notice in accordance with the provisions of NRS 40.280 ~~;~~

~~—(b) Advise~~, requiring the surrender of the premises on or before the fifth judicial day of service of the notice.

↪ 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 NRS 40.280, 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.

3. A notice served pursuant to subsection 2 must advise the tenant ~~[of]~~ :

(a) Of the court that has jurisdiction over the matter; ~~[and~~

~~—(c) Advise the tenant of]~~

(b) That the tenant is guilty of an unlawful detainer and, except as otherwise provided in paragraph (c), is afforded 5 judicial days to surrender the premises;

(c) Of the tenant's right to contest the notice by filing ~~[within 5 days]~~ 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 ~~[that]~~ stating the reasons why the tenant is not guilty of an unlawful detainer ~~;~~

~~—2.]~~ ;

(d) 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 remove the tenant within 24 hours after the sheriff's or constable's receipt of the order from the court; and

(e) 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. Upon service of the written notice to surrender required by subsection 2, the tenant shall, within the time specified in the notice:



(a) Surrender the premises to the landlord or the landlord's agent, in which case an affidavit of complaint may not be filed pursuant to subsection 5 and a summary order for removal or nonadmittance may not be issued pursuant to subsection 6; or

(b) Contest the matter by filing an affidavit with the court that has jurisdiction over the matter stating the reasons why the tenant is not guilty of an unlawful detainer. A file-stamped copy of the affidavit must be served by mail upon the issuer of the notice to surrender.

5. Upon the expiration of the written notice to surrender:

(a) If the tenant has not filed an affidavit pursuant to paragraph (b) of subsection 4, the landlord must make reasonable efforts to determine whether the tenant has surrendered or vacated the premises. If the landlord reasonably determines that the tenant has surrendered or vacated the premises and has not filed an affidavit pursuant to paragraph (b) of subsection 4, the landlord may provide for the nonadmittance of the tenant by locking or otherwise, except when prohibited by the provisions of NRS 118A.480, and must not file an affidavit of complaint pursuant to paragraph (b).

(b) If the landlord determines that the tenant has not surrendered or vacated the premises, 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 unit, part of a low-rent housing program operated by a public housing authority, mobile home or recreational vehicle is located or the district court of the county in which the dwelling unit, part of a low-rent housing program operated by a public housing authority, mobile home or recreational vehicle is located, whichever has jurisdiction over the matter. The affidavit ~~[of the landlord or the landlord's agent submitted to the justice court or the district court]~~ must state or contain:

~~[(a)]~~ (1) The date when the tenancy commenced ~~[-]~~ and the term of the tenancy. ~~[-, and, if any, a]~~

(2) A copy of the rental agreement ~~[-~~
~~—(b) The]~~, if any. 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.

(3) If the tenancy or rental agreement was terminated pursuant to NRS 118A.430, the date when the tenancy or rental agreement allegedly terminated ~~[-~~

~~—(e)]~~ and the basis for the termination.

(4) The date when written notice to surrender was given to the tenant ~~[became subject]~~ pursuant to the provisions of



NRS 40.250, 40.251 ~~[to]~~, 40.2514, 40.2516 ~~[, inclusive,]~~ or section 5, 6 or 7 of this act, together with any ~~[supporting]~~ facts ~~[-~~

~~—(d) The date when the]~~ supporting the notice.

(5) A copy of all written ~~[notice was given, a copy of the notice and a statement that notice was served in accordance with]~~ notices served on the tenant 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.

(6) Proof of service of all written notices as required by NRS 40.280.

~~[(e) A statement that the claim for relief was authorized by law. —3.]~~ 6. Upon the timely filing by the tenant of the affidavit permitted in paragraph (b) of subsection 4, 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:

(a) 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, directing the sheriff or constable of the county to remove the tenant within 24 hours after the sheriff's or constable's receipt of the order from the court. 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.

(b) There is a legal defense as to the alleged unlawful detainer, the court must refuse to grant either party any relief and, except as otherwise provided in this subsection, must require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act.

7. If the alleged unlawful detainer is based upon paragraph (e) of subsection 1 of NRS 40.2514:

(a) 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.

(b) 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



1 to subsection 6 ~~[of NRS 40.253]~~ wherein the tenant contested the
2 eviction.

3 **Sec. 21.** NRS 40.255 is hereby amended to read as follows:

4 40.255 1. Except as otherwise provided in subsections 2 and
5 7, in any of the following cases, a person who holds over and
6 continues in possession of real property or a mobile home after a
7 3-day written notice to ~~[quit]~~ *surrender* has been served upon the
8 person may be removed as prescribed in NRS 40.290 to 40.420,
9 inclusive ~~[]~~, *and sections 2, 3 and 4 of this act*:

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

13 (b) Where the property or mobile home has been sold upon the
14 foreclosure of a mortgage, or under an express power of sale
15 contained therein, executed by the person, or by another person
16 under whom the person claims, and the title under the sale has been
17 perfected;

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

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

25 2. If the property has been sold as a residential foreclosure, a
26 tenant or subtenant in actual occupation of the premises, other than a
27 person whose name appears on the mortgage or deed, who holds
28 over and continues in possession of real property or a mobile home
29 in any of the cases described in paragraph (b) or (c) of subsection 1
30 may be removed as prescribed in NRS 40.290 to 40.420, inclusive,
31 *and sections 2, 3 and 4 of this act* after receiving a notice of the
32 change of ownership of the real property or mobile home and after
33 the expiration of a notice period beginning on the date the notice
34 was received by the tenant or subtenant and expiring:

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

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

39 3. During the notice period described in subsection 2:

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



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

4. The notice described in subsection 2 must contain a statement:

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

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

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

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

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

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

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

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

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

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

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



Sec. 22. NRS 40.260 is hereby amended to read as follows:

40.260 In all cases of tenancy upon agricultural land where the tenant has held over and retained possession for more than 60 days after the expiration of the tenant's term, without any demand of possession or notice to ~~{quit}~~ *surrender* by the landlord, or the successor in estate of the landlord, if any there be, the tenant shall be deemed to be holding by permission of the landlord, or the successor in the estate of the landlord, if any there be, and shall be entitled to hold under the terms of the lease for another full year, and shall not be guilty of an unlawful detainer during the year, and such holding over for the period aforesaid shall be taken and construed as a consent on the part of the tenant to hold for another year.

Sec. 23. NRS 40.280 is hereby amended to read as follows:

40.280 1. ~~{Except as otherwise provided in NRS 40.253, the}~~
The notices required by NRS ~~{40.251}~~ *40.230* to 40.260, inclusive, ~~{may}~~ *must* be served ~~{}~~ *upon a tenant of commercial property:*

(a) ~~{By}~~ *Except as otherwise provided in this paragraph and paragraph (b), by* delivering a copy 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.*

(b) If the tenant is absent from ~~{the tenant's place of residence or from}~~ the tenant's usual place of business, by leaving a copy with a person of suitable age and discretion at ~~{either place}~~ *the business* and mailing a copy to the tenant at the tenant's ~~{place of residence or}~~ *usual* place of business ~~{; or}~~ *and to the place where the leased property is situated, if different.*

(c) If the place of ~~{residence or}~~ business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the leased property ~~{; delivering a copy to a person there residing, if the person can be found,}~~ and mailing a copy to the tenant at the *tenant's usual place of business and to the* place where the leased property is situated ~~{}~~ *, if different.*

2. *Except as otherwise provided in subsection 3, the notices required by NRS 40.230 to 40.260, inclusive, must be served upon a tenant of property other than commercial property:*

(a) *Except as otherwise provided in this paragraph and paragraph (b), by delivering a copy 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.*



(b) If the tenant is absent from the tenant's place of residence, by leaving a copy with a person of suitable age and discretion at the residence and mailing a copy to the tenant at the tenant's place of residence.

(c) If the place of residence cannot be ascertained or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the leased property and mailing a copy to the tenant at the place where the leased property is situated.

3. The notice required by paragraph (b) of subsection 2 of NRS 40.253 must be served upon a tenant who is leasing property under a short-term tenancy:

(a) By delivering a copy to the tenant personally, in the presence of a witness.

(b) If the tenant is absent from the tenant's place of residence or the notice cannot otherwise be delivered in person, by posting a copy in a conspicuous place on the leased property, mailing the notice to the tenant by overnight mail and delivering the notice to the sheriff or constable for service in the manner set forth in subsection 2.

4. The sheriff or constable shall not accept a notice for service pursuant to subsection 3 unless the notice 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 and NRS 40.253, 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.

5. Service upon a subtenant may be made in the same manner as provided in ~~subsection~~ subsections 1 ~~to~~ ~~3.~~ Before, 2 and 3.

6. To the extent that the provisions of this subsection do not conflict with NRS 31.840 to 31.950, inclusive, before a writ of possession or an order to remove a tenant is issued, ~~pursuant to subsection 5 of NRS 40.253, a landlord shall file with the court a~~ proof of service of any notice required by ~~that section. Before a person may be removed as prescribed in NRS 40.290 to 40.420, inclusive, a landlord~~ NRS 40.230 to 40.260, inclusive, shall ~~file~~ be filed with the court ~~proof of service of any notice required pursuant to NRS 40.255. Except as otherwise provided in subsection 4, this proof~~ and must consist of:

(a) ~~A statement,~~ Except as otherwise provided in paragraphs (b) and (c):



(1) *If the notice was delivered to the tenant in person, an affidavit or declaration signed by the tenant and a witness, signed under penalty of perjury by the server, acknowledging that the tenant received the notice on a specified date .* ~~;~~

~~—(b)—A]~~

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

~~[(c)—The endorsement of]~~

(b) *If the notice was served by a sheriff, a constable or ~~other~~ a person who is licensed as a process server pursuant to chapter 648 of NRS, a written statement, endorsed by the person who served the notice, stating the ~~time~~ date and manner of service.*

~~[4.—If]~~ *The statement must also include the number of the badge or license of the person who served the notice.*

(c) *For a short-term tenancy, if service of the notice was not delivered in person ~~to a tenant whose rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, proof of service must include:~~*

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

~~—(b) The endorsement of a] :~~

(1) *A written statement of the sheriff or constable stating the:*

~~[(1)]~~ (I) Time and date the request for service was made by the landlord or the landlord's agent;

~~[(2)]~~ (II) Time, date and manner of the service; and

~~[(3)—Fees paid for the service.]~~

(III) *The number of the badge of the sheriff or constable.*

(2) *Confirmation or a number, code or other information for tracking of actual delivery by a recognized overnight delivery service.*

Sec. 24. NRS 40.330 is hereby amended to read as follows:

40.330 When, upon the trial of any proceeding under NRS 40.220 to 40.420, inclusive, *and sections 2 to 7, inclusive, of this act*, it appears from the evidence that the defendant has been guilty of either a forcible entry or forcible or unlawful detainer, and other than the offense charged in the complaint, the judge must order that such complaint be forthwith amended to conform to such proofs.



1 Such amendment must be without any imposition of terms. No
2 continuance must be permitted upon account of such amendment,
3 unless the defendant, by affidavit filed, shows to the satisfaction of
4 the court good cause therefor.

5 **Sec. 25.** NRS 40.340 is hereby amended to read as follows:

6 40.340 The court or justice of the peace may for good cause
7 shown adjourn the trial of any cause under NRS 40.220 to 40.420,
8 inclusive, *and sections 2 to 7, inclusive, of this act* not exceeding 5
9 days; and when the defendant, or the defendant's agent or attorney,
10 shall make oath that the defendant cannot safely proceed to trial for
11 want of some material witness, naming that witness, stating the
12 evidence that the defendant expects to obtain, showing that the
13 defendant has used due diligence to obtain such witness and
14 believes that if an adjournment be allowed the defendant will be
15 able to procure the attendance of such witness, or the witness's
16 deposition, in time to produce the same upon the trial, in which case,
17 if such person or persons will give bond, with one or more sufficient
18 sureties, conditioned to pay the ~~[complainant]~~ *plaintiff* for all rent
19 that may accrue during the pending of such suit, and all costs and
20 damages consequent upon such adjournment, the court or justice of
21 the peace shall adjourn the cause for such reasonable time as may
22 appear necessary, not exceeding 30 days.

23 **Sec. 26.** NRS 40.350 is hereby amended to read as follows:

24 40.350 If the ~~[complainant]~~ *plaintiff* admit that the evidence
25 stated in the affidavit mentioned in NRS 40.340 would be given by
26 such witness, and agree that it be considered as actually given on the
27 trial, or offered and overruled as improper, the trial shall not be
28 adjourned.

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

30 40.385 ~~[Upon an]~~

31 *1. Either party may* appeal ~~[from]~~ an order entered pursuant to
32 NRS 40.253 ~~[-]~~
33 *—1.] or 40.254 or section 3 of this act.*

34 *2.* Except as otherwise provided in this ~~[subsection,]~~ *section,* a
35 stay of execution may be obtained by filing with the trial court a
36 bond in the amount of \$250 to cover the expected costs on appeal. A
37 surety upon the bond submits to the jurisdiction of the appellate
38 court and irrevocably appoints the clerk of that court as the surety's
39 agent upon whom papers affecting the surety's liability upon the
40 bond may be served. Liability of a surety may be enforced, or the
41 bond may be released, on motion in the appellate court without
42 independent action.

43 *3.* A tenant of commercial property may obtain a stay of
44 execution only upon the issuance of a stay pursuant to Rule 8 of the
45 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.]~~ 4. 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 40.254 or section 3 of this act.

Sec. 28. NRS 40.390 is hereby amended to read as follows:

40.390 In all cases of appeal under NRS 40.220 to 40.420, inclusive, *and sections 2 to 7, inclusive, of this act*, the appellate court shall not dismiss or quash the proceedings for want of form, provided the proceedings have been conducted substantially according to the provisions of NRS 40.220 to 40.420, inclusive; *and sections 2 to 7, inclusive, of this act*, and amendments to the complaint, answer or summons, in matters of form only, may be allowed by the court at any time before final judgment upon such terms as may be just; and all matters of excuse, justification or avoidance of the allegations in the complaint may be given in evidence under the answer.

Sec. 29. NRS 40.400 is hereby amended to read as follows:

40.400 The provisions of NRS, Nevada Rules of Civil Procedure, *Justice Court Rules of Civil Procedure* and Nevada Rules of Appellate Procedure relative to civil actions, appeals and new trials, so far as they are not inconsistent with the provisions of NRS 40.220 to 40.420, inclusive, *and sections 2 to 7, inclusive, of this act*, apply to the proceedings mentioned in those sections.

Sec. 30. NRS 4.060 is hereby amended to read as follows:

4.060 1. Except as otherwise provided in this section and NRS 33.017 to 33.100, inclusive, each justice of the peace shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the justice court, other than in actions commenced pursuant to chapter 73 of NRS, to be paid by the party commencing the action:

If the sum claimed does not exceed \$2,500.....	\$50.00
If the sum claimed exceeds \$2,500 but does not exceed \$5,000.....	100.00
If the sum claimed exceeds \$5,000 but does not exceed \$10,000.....	175.00



In a civil action for unlawful detainer pursuant to
NRS 40.290 to 40.420, inclusive, *and sections*
2, 3 and 4 of this act in which a notice to
~~[quit]~~ *surrender* has been served pursuant to
NRS 40.255 \$225.00
In all other civil actions 50.00

(b) For the preparation and filing of an affidavit and order in an
action commenced pursuant to chapter 73 of NRS:

If the sum claimed does not exceed \$1,000 \$45.00
If the sum claimed exceeds \$1,000 but does not
exceed \$2,500 65.00
If the sum claimed exceeds \$2,500 but does not
exceed \$5,000 85.00
If the sum claimed exceeds \$5,000 but does not
exceed \$7,500 125.00

(c) On the appearance of any defendant, or any number of
defendants answering jointly, to be paid by the defendant or
defendants on filing the first paper in the action, or at the time of
appearance:

In all civil actions \$50.00
For every additional defendant, appearing
separately 25.00

(d) No fee may be charged where a defendant or defendants
appear in response to an affidavit and order issued pursuant to the
provisions of chapter 73 of NRS.

(e) For the filing of any paper in intervention \$25.00

(f) For the issuance of any writ of attachment, writ of
garnishment, writ of execution or any other writ designed
to enforce any judgment of the court, other than a writ of
restitution \$25.00

(g) For the issuance of any writ of restitution \$75.00

(h) For filing a notice of appeal, and appeal bonds \$25.00

One charge only may be made if both papers are filed at the
same time.

(i) For issuing supersedeas to a writ designed to
enforce a judgment or order of the court \$25.00

(j) For preparation and transmittal of transcript and
papers on appeal \$25.00

(k) For celebrating a marriage and returning the
certificate to the county recorder or county clerk \$75.00



- (l) For entering judgment by confession.....\$50.00
(m) For preparing any copy of any record, proceeding
or paper, for each page.....\$.50
(n) For each certificate of the clerk, under the seal of
the court\$3.00
(o) For searching records or files in his or her office,
for each year.....\$1.00
(p) For filing and acting upon each bail or property
bond\$50.00

2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by the justice of the peace to the county in which his or her township is located.

3. A justice of the peace shall not charge or collect the fee pursuant to paragraph (k) of subsection 1 if the justice of the peace performs a marriage ceremony in a commissioner township.

4. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected pursuant to subsection 1 during the preceding month, except for the fees the justice of the peace may retain as compensation and the fees the justice of the peace is required to pay to the State Controller pursuant to subsection 5.

5. The justice of the peace shall, on or before the fifth day of each month, pay to the State Controller:

(a) An amount equal to \$5 of each fee collected pursuant to paragraph (k) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Account for Aid for Victims of Domestic Violence in the State General Fund.

(b) One-half of the fees collected pursuant to paragraph (p) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Fund for the Compensation of Victims of Crime.

6. Except as otherwise provided in subsection 7, the county treasurer shall deposit 25 percent of the fees received pursuant to subsection 4 into a special account administered by the county and maintained for the benefit of each justice court within the county. The money in that account must be used only to:

(a) Acquire land on which to construct additional facilities or a portion of a facility for a justice court or a multi-use facility that includes a justice court;

(b) Construct or acquire additional facilities or a portion of a facility for a justice court or a multi-use facility that includes a justice court;



(c) Renovate, remodel or expand existing facilities or a portion of an existing facility for a justice court or a multi-use facility that includes a justice court;

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or a portion of a facility or the renovation, remodeling or expansion of an existing facility or a portion of an existing facility for a justice court or a multi-use facility that includes a justice court;

(e) Acquire advanced technology for the use of a justice court;

(f) Acquire equipment or additional staff to enhance the security of the facilities used by a justice court, justices of the peace, staff of a justice court and residents of this State who access the justice courts;

(g) Pay for the training of staff or the hiring of additional staff to support the operation of a justice court;

(h) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or for the construction, renovation, remodeling or expansion of facilities for a justice court or a multi-use facility that includes a justice court; and

(i) Pay for one-time projects for the improvement of a justice court.

➤ Any money remaining in the account at the end of a fiscal year must be carried forward to the next fiscal year.

7. The county treasurer shall, if necessary, reduce on an annual basis the amount deposited into the special account pursuant to subsection 6 to ensure that the total amount of fees collected by a justice court pursuant to this section and paid by the justice of the peace to the county treasurer pursuant to subsection 4 is, for any fiscal year, not less than the total amount of fees collected by that justice court and paid by the justice of the peace to the county treasurer for the fiscal year beginning July 1, 2012, and ending June 30, 2013.

8. Each justice court that collects fees pursuant to this section shall submit to the board of county commissioners of the county in which the justice court is located an annual report that contains:

(a) An estimate of the amount of money that the county treasurer will deposit into the special account pursuant to subsection 6 from fees collected by the justice court for the following fiscal year; and

(b) A proposal for any expenditures by the justice court from the special account for the following fiscal year.

Sec. 31. 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 NRS 21.140, the notice 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.

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

(a) The physical address of the property; and

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



3. If the sale of property is a residential foreclosure, 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 judgment debtor, in actual occupation of the premises not later than 3 business days after the notice of the sale is given pursuant to subsection 1. 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 ~~quit~~ *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 ~~[-, delivering a copy to a person residing there, if a person can be found,]~~ 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. 32. 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 ~~quit.~~ *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 ~~[, delivering a copy to a person residing there, if a person can be found,]~~ 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 posting of a notice required by this section must be completed by a process server licensed pursuant to chapter 648 of NRS or any constable or sheriff of the county in which the property is located.

5. As used in this section, "residential foreclosure" has the meaning ascribed to it in NRS 107.080.

Sec. 33. NRS 116.4112 is hereby amended to read as follows:

116.4112 1. A declarant of a common-interest community containing converted buildings, and any dealer who intends to offer units in such a common-interest community, shall give each of the residential tenants and any residential subtenant in possession of a portion of a converted building notice of the conversion and provide those persons with the public offering statement no later than 120 days before the tenants and any subtenant in possession are required to vacate. The notice must set forth generally the rights of tenants and subtenants under this section and must be hand-delivered to the unit or mailed by prepaid United States mail to the tenant and subtenant at the address of the unit or any other mailing address provided by a tenant. No tenant or subtenant may be required to vacate upon less than 120 days' notice, except by reason of nonpayment of rent, waste or conduct that disturbs other tenants' peaceful enjoyment of the premises, and the terms of the tenancy may not be altered during that period. Failure to give notice as required by this section is a defense to an action for possession. If, during the 6-month period before the recording of a declaration, a majority of the tenants or any subtenants in possession of any portion of the property described in such declaration has been required to vacate for reasons other than nonpayment of rent, waste or conduct that disturbs other tenants' peaceful enjoyment of the premises, a rebuttable presumption is created that the owner of such property intended to offer the vacated premises as units in a common-interest community at all times during that 6-month period.



2. For 60 days after delivery or mailing of the notice described in subsection 1, the person required to give the notice shall offer to convey each unit or proposed unit occupied for residential use to the tenant who leases that unit. If a tenant fails to purchase the unit during that 60-day period, the offeror may not offer to dispose of an interest in that unit during the following 180 days at a price or on terms more favorable to the offeree than the price or terms offered to the tenant. This subsection does not apply to any unit in a converted building if that unit will be restricted exclusively to nonresidential use or the boundaries of the converted unit do not substantially conform to the dimensions of the residential unit before conversion.

3. If a seller, in violation of subsection 2, conveys a unit to a purchaser for value who has no knowledge of the violation, the recordation of the deed conveying the unit or, in a cooperative, the conveyance of the unit, extinguishes any right a tenant may have under subsection 2 to purchase that unit if the deed states that the seller has complied with subsection 2, but the conveyance does not affect the right of a tenant to recover damages from the seller for a violation of subsection 2.

4. If a notice of conversion specifies a date by which a unit or proposed unit must be vacated and otherwise complies with the provisions of NRS 40.251 and 40.280, the notice also constitutes a notice to ~~vacate~~ *surrender* specified by those sections.

5. This section does not permit termination of a lease by a declarant in violation of its terms.

Sec. 34. NRS 118.205 is hereby amended to read as follows:

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

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

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

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

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

2. Must be served pursuant to subsection ~~1~~ **2 or 3** of NRS 40.280.

3. May be included in the notice required by subsection ~~1~~ **2** of NRS 40.253.

Sec. 35. NRS 118A.180 is hereby amended to read as follows:

118A.180 1. Except as otherwise provided in subsection 2, this chapter applies to, regulates and determines rights, obligations and remedies under a rental agreement, wherever made, for a dwelling unit or premises located within this State.



2. This chapter does not apply to:

(a) A rental agreement subject to the provisions of chapter 118B of NRS;

(b) Low-rent housing programs operated by public housing authorities and established pursuant to the United States Housing Act of 1937, 42 U.S.C. §§ 1437 et seq.;

(c) Residence in an institution, public or private, incident to detention or the provision of medical, geriatric, educational, counseling, religious or similar service;

(d) Occupancy under a contract of sale of a dwelling unit or the property of which it is a part, if the occupant is the purchaser or his or her successor in interest;

(e) Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization;

(f) Occupancy in a hotel or motel for less than 30 consecutive days unless the occupant clearly manifests an intent to remain for a longer continuous period;

(g) Occupancy by an employee of a landlord whose right to occupancy is solely conditional upon employment in or about the premises;

(h) Occupancy by an owner of a condominium unit or by a holder of a proprietary lease in a cooperative apartment; ~~for~~

(i) Occupancy under a rental agreement covering premises used by the occupant primarily for agricultural purposes ~~for~~; or

(j) Occupancy by a person who is guilty of a forcible entry, as defined in NRS 40.230, or a forcible detainer, as defined in NRS 40.240.

Sec. 36. NRS 118A.460 is hereby amended to read as follows:

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

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

(b) After the expiration of the 30-day period, the landlord may dispose of the property and recover his or her reasonable costs out of the property or the value thereof if the landlord has made reasonable efforts to locate the tenant, has notified the tenant in



1 writing of his or her intention to dispose of the property and 14 days
2 have elapsed since the notice was given to the tenant. The notice
3 must be mailed to the tenant at the tenant's present address, and if
4 that address is unknown, then at the tenant's last known address.

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

7 2. Any dispute relating to the amount of the costs claimed by
8 the landlord pursuant to paragraph (a) of subsection 1 may be
9 resolved using the procedure provided in subsection ~~7~~ 8 of
10 NRS 40.253.

11 **Sec. 37.** NRS 118B.086 is hereby amended to read as follows:

12 118B.086 1. Each manager and assistant manager of a
13 manufactured home park which has 2 or more lots shall complete
14 annually 6 hours of continuing education relating to the
15 management of a manufactured home park.

16 2. The Administrator shall adopt regulations specifying the
17 areas of instruction for the continuing education required by
18 subsection 1.

19 3. The instruction must include, but is not limited to,
20 information relating to:

21 (a) The provisions of chapter 118B of NRS;

22 (b) Leases and rental agreements;

23 (c) Unlawful detainer and eviction as set forth in NRS 40.215 to
24 40.425, inclusive ~~1~~, *and sections 2 to 7, inclusive, of this act;*

25 (d) The resolution of complaints and disputes concerning
26 landlords and tenants of manufactured home parks; and

27 (e) The adoption and enforcement of the rules and regulations of
28 a manufactured home park.

29 4. Each course of instruction and the instructor of the course
30 must be approved by the Administrator. The Administrator shall
31 adopt regulations setting forth the procedure for applying for
32 approval of an instructor and course of instruction. The
33 Administrator may require submission of such reasonable
34 information by an applicant as the Administrator deems necessary to
35 determine the suitability of the instructor and the course. The
36 Administrator shall not approve a course if the fee charged for the
37 course is not reasonable. Upon approval, the Administrator shall
38 designate the number of hours of credit allowable for the course.

39 **Sec. 38.** NRS 118B.115 is hereby amended to read as follows:

40 118B.115 1. The landlord of a manufactured home park may
41 require that a person submit a written application to and receive
42 written consent from the landlord before the person moves or causes
43 to be moved a manufactured home or recreational vehicle into the
44 manufactured home park. The landlord shall not unreasonably
45 withhold his or her consent.



2. If the landlord of a manufactured home park requires written consent pursuant to subsection 1, the landlord shall post and maintain a sign that is clearly readable at the entrance to the manufactured home park which advises the reader of the consent that is required before a person may move or cause to be moved a manufactured home or recreational vehicle into the manufactured home park.

3. If a person moves or causes to be moved a manufactured home or recreational vehicle into the manufactured home park without the written consent of the landlord, if the landlord requires such consent pursuant to subsection 1, the landlord of that manufactured home park may:

(a) After providing at least 5 days' written notice to the person, bring an action for an unlawful detainer in the manner prescribed in chapter 40 of NRS; or

(b) Require the person to sign a rental agreement. If the person refuses to sign the rental agreement within 5 days after such a request, the landlord may, after providing at least 5 days' written notice to the person, bring an action for an unlawful detainer in the manner provided in chapter 40 of NRS.

4. For the purposes of ~~NRS 40.251,~~ *section 6 of this act*, a person who moves or causes to be moved a manufactured home or recreational vehicle into a manufactured home park without the written consent of the landlord, if the landlord requires such consent pursuant to subsection 1, shall be deemed a tenant at will and a lessee of the manufactured home park.

5. The provisions of this section do not apply to a corporate cooperative park.

Sec. 39. NRS 118B.170 is hereby amended to read as follows:

118B.170 1. The landlord may require approval of a prospective buyer and tenant before the sale of a tenant's manufactured home or recreational vehicle, if the manufactured home or vehicle will remain in the park. The landlord shall consider the record, if any, of the prospective buyer and tenant concerning the payment of rent. The landlord shall not unreasonably withhold his or her consent.

2. If a tenant sells his or her manufactured home or recreational vehicle, the landlord may require that the manufactured home or recreational vehicle be removed from the park if it is deemed by the park's written rules or regulations in the possession of the tenants to be in a run-down condition or in disrepair or does not meet the safety standards set forth in NRS 461A.120. If the manufactured home must be inspected to determine compliance with the standards, the person requesting the inspection shall pay for it.



3. If the landlord requires the approval of a prospective buyer and tenant, the landlord shall:

(a) Post and maintain a sign which is clearly readable at the entrance to the park which advises the reader that before a manufactured home in the park is sold, the prospective buyer must be approved by the landlord.

(b) Approve or deny a completed application from a prospective buyer and tenant within 10 business days after the date of the submission of the application.

(c) Inform the prospective buyer and tenant upon the submission of the completed application of the duty of the landlord to approve or deny the completed application within 10 business days after the date of submission of the completed application.

4. If the landlord requires the approval of a prospective buyer and tenant of a manufactured home or recreational vehicle and the manufactured home or recreational vehicle is sold without the approval of the landlord, the landlord may:

(a) After providing at least 5 days' written notice to the buyer and tenant, bring an action for an unlawful detainer in the manner prescribed in chapter 40 of NRS; or

(b) Require the buyer and tenant to sign a rental agreement. If the buyer and tenant refuse to sign the rental agreement within 5 days after such a request, the landlord may, after providing at least 5 days' written notice to the buyer and tenant, bring an action for an unlawful detainer in the manner provided in chapter 40 of NRS.

5. For the purposes of ~~NRS 40.251,~~ *section 6 of this act*, a person who:

(a) Purchases a manufactured home or recreational vehicle from a tenant of a manufactured home park which will remain in the park;

(b) Was required to be approved by the landlord of the manufactured home park before the sale of the manufactured home or recreational vehicle; and

(c) Was not approved by the landlord before the person purchased that manufactured home or recreational vehicle, shall be deemed a tenant at will and a lessee of the manufactured home park.

6. The provisions of this section do not apply to a corporate cooperative park.

Sec. 40. NRS 118B.190 is hereby amended to read as follows:

118B.190 1. A written agreement between a landlord and tenant for the rental or lease of a manufactured home lot in a manufactured home park in this State, or for the rental or lease of a lot for a recreational vehicle in an area of a manufactured home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection ~~6~~ 8 of NRS 40.215,



1 must not be terminated by the landlord except upon notice in writing
2 to the tenant served in the manner provided in NRS 40.280:

3 (a) Except as otherwise provided in paragraph (b), 5 days in
4 advance if the termination is because the conduct of the tenant
5 constitutes a nuisance as defined in NRS 40.140 or violates a state
6 law or local ordinance.

7 (b) Three days in advance upon the issuance of temporary writ
8 of restitution pursuant to NRS 40.300 on the grounds that a nuisance
9 as defined in NRS 40.140 has occurred in the park by the act of a
10 tenant or any guest, visitor or other member of a tenant's household
11 consisting of any of the following specific activities:

12 (1) Discharge of a weapon.

13 (2) Prostitution.

14 (3) Illegal drug manufacture or use.

15 (4) Child molestation or abuse.

16 (5) Property damage as a result of vandalism.

17 (6) Operating a vehicle while under the influence of alcohol
18 or any other controlled substance.

19 (7) Elder molestation or abuse.

20 (c) Except as otherwise provided in subsection 6, 10 days in
21 advance if the termination is because of failure of the tenant to pay
22 rent, utility charges or reasonable service fees.

23 (d) One hundred eighty days in advance if the termination is
24 because of a change in the use of the land by the landlord pursuant
25 to NRS 118B.180.

26 (e) Forty-five days in advance if the termination is for any other
27 reason.

28 2. The landlord shall specify in the notice the reason for the
29 termination of the agreement. The reason relied upon for the
30 termination must be set forth with specific facts so that the date,
31 place and circumstances concerning the reason for the termination
32 can be determined. The termination must be in accordance with the
33 provisions of NRS 118B.200 and reference alone to a provision of
34 that section does not constitute sufficient specificity pursuant to this
35 subsection.

36 3. The service of such a notice does not enhance the landlord's
37 right, if any, to enter the tenant's manufactured home. Except in an
38 emergency, the landlord shall not enter the manufactured home of
39 the tenant served with such a notice without the tenant's permission
40 or a court order allowing the entry.

41 4. If a tenant remains in possession of the manufactured home
42 lot after expiration of the term of the rental agreement, the tenancy
43 is from week to week in the case of a tenant who pays weekly rent,
44 and in all other cases the tenancy is from month to month. The
45 tenant's continued occupancy is on the same terms and conditions as



were contained in the rental agreement unless specifically agreed otherwise in writing.

5. The landlord and tenant may agree to a specific date for termination of the agreement. If any provision of this chapter specifies a period of notice which is longer than the period of a particular tenancy, the required length of the period of notice is controlling.

6. Notwithstanding any provision of NRS 40.215 to 40.425, inclusive, *and sections 2 to 7, inclusive, of this act*, if a tenant who is not a natural person has received three notices for nonpayment of rent in accordance with subsection 1, the landlord is not required to give the tenant a further 10-day notice in advance of termination if the termination is because of failure to pay rent, utility charges or reasonable service fees.

Sec. 41. NRS 118B.200 is hereby amended to read as follows:

118B.200 1. Notwithstanding the expiration of a period of a tenancy or service of a notice pursuant to subsection 1 of NRS 118B.190, the rental agreement described in NRS 118B.190 may not be terminated except on one or more of the following grounds:

(a) Failure of the tenant to pay rent, utility charges or reasonable service fees within 10 days after written notice of delinquency served upon the tenant in the manner provided in NRS 40.280;

(b) Failure of the tenant to correct any noncompliance with a law, ordinance or governmental regulation pertaining to manufactured homes or recreational vehicles or a valid rule or regulation established pursuant to NRS 118B.100 or to cure any violation of the rental agreement within a reasonable time after receiving written notification of noncompliance or violation;

(c) Conduct of the tenant in the manufactured home park which constitutes an annoyance to other tenants;

(d) Violation of valid rules of conduct, occupancy or use of park facilities after written notice of the violation is served upon the tenant in the manner provided in NRS 40.280;

(e) A change in the use of the land by the landlord pursuant to NRS 118B.180;

(f) Conduct of the tenant which constitutes a nuisance as defined in NRS 40.140 or which violates a state law or local ordinance, specifically including, without limitation:

(1) Discharge of a weapon;

(2) Prostitution;

(3) Illegal drug manufacture or use;

(4) Child molestation or abuse;

(5) Elder molestation or abuse;

(6) Property damage as a result of vandalism; and



(7) Operating a motor vehicle while under the influence of alcohol or any other controlled substance; or

(g) In a manufactured home park that is owned by a nonprofit organization or housing authority, failure of the tenant to meet qualifications relating to age or income which:

(1) Are set forth in the lease signed by the tenant; and

(2) Comply with federal, state and local law.

2. A tenant who is not a natural person and who has received three or more 10-day notices to ~~quit~~ *surrender* for failure to pay rent in the preceding 12-month period may have his or her tenancy terminated by the landlord for habitual failure to pay timely rent.

Sec. 42. NRS 118C.230 is hereby amended to read as follows:

118C.230 1. Except as otherwise provided in subsection 3, a landlord who leases or subleases any commercial premises under a rental agreement that has been terminated for any reason may, in accordance with the following provisions, dispose of any abandoned personal property, regardless of its character, left on the commercial premises without incurring any civil or criminal liability:

(a) The landlord may dispose of the abandoned personal property and recover his or her reasonable costs out of the abandoned personal property or the value thereof if the landlord has notified the tenant in writing of the landlord's intention to dispose of the abandoned personal property and 14 days have elapsed since the notice was mailed to the tenant. The notice must be mailed, by certified mail, return receipt requested, to the tenant at the tenant's present address, and if that address is unknown, then at the tenant's last known address.

(b) The landlord may charge and collect the reasonable and actual costs of inventory, moving and safe storage, if necessary, before releasing the abandoned personal property to the tenant or his or her authorized representative rightfully claiming the abandoned personal property within the appropriate period set forth in paragraph (a).

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

2. A tenant of commercial premises is presumed to have abandoned the premises if:

(a) Goods, equipment or other property, in an amount substantial enough to indicate a probable intent to abandon the commercial premises, is being or has been removed from the commercial premises; and

(b) The removal is not within the normal course of business of the tenant.

3. If a written agreement between a landlord and a person who has an ownership interest in any abandoned personal property of the



tenant contains provisions which relate to the removal and disposal of abandoned personal property, the provisions of the agreement determine the rights and obligations of the landlord and the person with respect to the removal and disposal of the abandoned personal property.

4. Any dispute relating to the amount of the costs claimed by the landlord pursuant to paragraph (b) of subsection 1 may be resolved using the procedure provided in subsection ~~7~~ 8 of NRS 40.253.

Sec. 43. NRS 203.110 is hereby amended to read as follows:

203.110 Except as otherwise provided in sections 46 and 47 of this act:

1. Every person who shall unlawfully use, or encourage or assist another in unlawfully using, any force or violence in entering upon or detaining any lands or other possessions of another; and ~~every~~

2. *Every* person who, having removed or been removed ~~therefrom~~ *from any lands or possessions of another* pursuant to the order or direction of any court, tribunal or officer, shall afterward unlawfully return to settle or reside upon, or take possession of, such lands or possessions,

➔ shall be guilty of a misdemeanor.

Sec. 44. Chapter 205 of NRS is hereby amended by adding thereto the provisions set forth as sections 45 to 48, inclusive, of this act.

Sec. 45. *As used in sections 45 to 48, inclusive, of this act, “dwelling” means a structure or part thereof that is designed or intended for occupancy as a residence or sleeping place.*

Sec. 46. 1. *A person who, by day or night, forcibly enters an uninhabited or vacant dwelling without permission of the owner of the dwelling or an authorized representative of the owner with the intent to take up residence or provide a residency to another therein is guilty of housebreaking.*

2. *A person convicted of housebreaking is guilty of a category D felony and shall be punished as provided in NRS 193.130. A person convicted of housebreaking and who has previously been convicted three or more times of housebreaking must not be released on probation or granted a suspension of sentence.*

3. *As used in this section, “forcibly enters” means an entry involving:*

(a) *Any act of physical force resulting in damage to the structure; or*

(b) *The changing or manipulation of a lock to gain access.*

Sec. 47. 1. *A person who, by day or night, takes up residence in an uninhabited or vacant dwelling and knows or has*



1 *reason to believe that such residency is without permission of the*
2 *owner of the dwelling or an authorized representative of the owner*
3 *is guilty of unlawful occupancy.*

4 2. A person convicted of unlawful occupancy is guilty of a
5 gross misdemeanor. A person convicted of unlawful occupancy
6 and who has been convicted three or more times of unlawful
7 occupancy is guilty of a category D felony and shall be punished
8 as provided in NRS 193.130.

9 3. A person who has previously taken up residency in a
10 dwelling, without the permission of the owner or an authorized
11 representative of the owner, under color of valid lease and
12 thereafter takes up residency of another dwelling, without the
13 permission of the owner or an authorized representative of the
14 owner, under color of valid lease, is presumed to have obtained
15 such residency of the dwelling with the knowledge that:

16 (a) The lease is invalid; and

17 (b) Neither the owner nor an authorized representative of the
18 owner permitted the residency.

19 **Sec. 48. 1.** A person is guilty of unlawful reentry if:

20 (a) An owner of real property has recovered possession of the
21 property from the person pursuant to section sections 2 or 3 of this
22 act, of this act; and

23 (d) Without the authority of the court or permission of the
24 owner, the person reenters the property.

25 2. A person convicted of unlawful reentry is guilty of a gross
26 misdemeanor.

27 **Sec. 49.** NRS 205.067 is hereby amended to read as follows:

28 205.067 1. A person who, by day or night, forcibly enters an
29 inhabited dwelling without permission of the owner, resident or
30 lawful occupant, whether or not a person is present at the time of the
31 entry, is guilty of invasion of the home.

32 2. A person convicted of invasion of the home is guilty of a
33 category B felony and shall be punished by imprisonment in the
34 state prison for a minimum term of not less than 1 year and a
35 maximum term of not more than 10 years, and may be further
36 punished by a fine of not more than \$10,000. A person who is
37 convicted of invasion of the home and who has previously been
38 convicted of burglary or invasion of the home must not be released
39 on probation or granted a suspension of sentence.

40 3. Whenever an invasion of the home is committed on a vessel,
41 vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider,
42 boat or railroad car, in motion or in rest, in this State, and it cannot
43 with reasonable certainty be ascertained in what county the crime
44 was committed, the offender may be arrested and tried in any county
45 through which the conveyance, vessel, boat, vehicle, house trailer,



1 travel trailer, motor home or railroad car traveled during the time the
2 invasion was committed.

3 4. A person convicted of invasion of the home who has in his
4 or her possession or gains possession of any firearm or deadly
5 weapon at any time during the commission of the crime, at any time
6 before leaving the structure or upon leaving the structure, is guilty
7 of a category B felony and shall be punished by imprisonment in the
8 state prison for a minimum term of not less than 2 years and a
9 maximum term of not more than 15 years, and may be further
10 punished by a fine of not more than \$10,000.

11 5. As used in this section:

12 (a) “Forcibly enters” means the entry of an inhabited dwelling
13 involving ~~any~~:

14 (1) *Any* act of physical force resulting in damage to the
15 structure ~~or~~; or

16 (2) *The changing or manipulation of a lock to access the*
17 *dwelling.*

18 (b) “Inhabited dwelling” means any structure, building, house,
19 room, apartment, tenement, tent, conveyance, vessel, boat, vehicle,
20 house trailer, travel trailer, motor home or railroad car in which the
21 owner or other lawful occupant resides.

22 **Sec. 50.** NRS 244.363 is hereby amended to read as follows:

23 244.363 Except as otherwise provided in subsection ~~3~~ 4 of
24 NRS 40.140 and subsection 6 of NRS 202.450, the boards of county
25 commissioners in their respective counties may, by ordinance
26 regularly enacted, regulate, control and prohibit, as a public
27 nuisance, excessive noise which is injurious to health or which
28 interferes unreasonably with the comfortable enjoyment of life or
29 property within the boundaries of the county.

30 **Sec. 51.** NRS 266.335 is hereby amended to read as follows:

31 266.335 The city council may:

32 1. Except as otherwise provided in subsection ~~3~~ 4 of NRS
33 40.140 and subsection 6 of NRS 202.450, determine by ordinance
34 what shall be deemed nuisances.

35 2. Provide for the abatement, prevention and removal of the
36 nuisances at the expense of the person creating, causing or
37 committing the nuisances.

38 3. Provide that the expense of removal is a lien upon the
39 property upon which the nuisance is located. The lien must:

40 (a) Be perfected by recording with the county recorder a
41 statement by the city clerk of the amount of expenses due and
42 unpaid and describing the property subject to the lien.

43 (b) Be coequal with the latest lien thereon to secure the payment
44 of general taxes.



(c) Not be subject to extinguishment by the sale of any property because of the nonpayment of general taxes.

(d) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

4. Provide any other penalty or punishment of persons responsible for the nuisances.

Sec. 52. NRS 268.412 is hereby amended to read as follows:

268.412 Except as otherwise provided in subsection ~~3~~ 4 of NRS 40.140 and subsection 6 of NRS 202.450, the city council or other governing body of a city may, by ordinance regularly enacted, regulate, control and prohibit, as a public nuisance, excessive noise which is injurious to health or which interferes unreasonably with the comfortable enjoyment of life or property within the boundaries of the city.

Sec. 53. NRS 315.041 is hereby amended to read as follows:

315.041 1. Except as otherwise required by federal law or regulation, or as a condition to the receipt of federal money, a housing authority or a landlord shall, immediately upon learning of facts indicating that a tenant is required pursuant to NRS 315.031 to vacate public housing, serve upon the tenant a written notice which:

(a) States that the tenancy is terminated at noon of the fifth full day following the day of service, and that the tenant must surrender the premises at or before that time;

(b) Sets forth the facts upon which the tenant is required to vacate the premises pursuant to NRS 315.031;

(c) Advises the tenant of the tenant's right to contest the matter by filing, within 5 days, an affidavit with the justice of the peace denying the occurrence of the conditions set forth in NRS 315.031; and

(d) Contains any other matter required by federal law or regulation regarding the eviction of the tenant from those premises, or as a condition to the receipt of federal money.

➡ If the tenant timely files the affidavit and provides the housing authority or the landlord with a copy of the affidavit, stamped as filed with the justice of the peace, the housing authority or the landlord shall not refuse the tenant, or any person who resides with the tenant, access to the premises.

2. Upon noncompliance with the notice:

(a) The housing authority or the landlord shall apply by affidavit to the justice of the peace of the township where the premises are located. If it appears to the justice of the peace that the conditions set forth in NRS 315.031 have occurred and that the tenant is required by that section to vacate the premises, the justice of the peace shall issue an order directing the sheriff or constable of the county to remove the tenant and any other person on the premises



1 within 24 hours after receipt of the order. The affidavit required by
2 this paragraph must contain:

3 (1) The date when, and the facts upon which, the tenant
4 became required to vacate the premises.

5 (2) The date when the written notice was given, a copy of the
6 notice and a statement that the notice was served as provided in
7 NRS 315.051.

8 (b) Except when the tenant has timely filed the affidavit
9 described in subsection 1 and provides the housing authority or the
10 landlord with a copy of the affidavit, stamped as filed with the
11 justice of the peace, the housing authority or the landlord may, in a
12 peaceable manner, refuse the tenant, and any person who resides
13 with the tenant, access to the premises.

14 3. Upon the filing by the tenant of the affidavit authorized by
15 subsection 1 and the filing by the housing authority or the landlord
16 of the affidavit required by subsection 2, the justice of the peace
17 shall hold a hearing, after service of notice of the hearing upon the
18 parties, to determine the truthfulness and sufficiency of any affidavit
19 or notice provided for in this section. If the justice of the peace
20 determines that the conditions set forth in NRS 315.031 have
21 occurred and that the tenant is required by that section to vacate the
22 premises, the justice of the peace shall issue a summary order for
23 removal of the tenant and any other person on the premises, or an
24 order refusing the tenant, and any person who resides with the
25 tenant, admittance to the premises. If the justice of the peace
26 determines that the conditions set forth in NRS 315.031 have not
27 occurred and that the tenant is not required by that section to vacate
28 the premises, the justice of the peace shall refuse to grant any relief.

29 4. The provisions of NRS 40.215 to 40.425, inclusive, *and*
30 *sections 2 to 7, inclusive, of this act* do not apply to any proceeding
31 brought pursuant to the provisions of NRS 315.011 to 315.071,
32 inclusive.

33 **Sec. 54.** NRS 326.070 is hereby amended to read as follows:

34 326.070 1. All lands in this state shall be deemed and
35 regarded as public lands until the legal title is known to have passed
36 from the government to private persons.

37 2. Every person who shall have complied with the provisions
38 of NRS 326.010 to 326.070, inclusive, shall be deemed and held to
39 have the right or title of possession of all the lands embraced within
40 the survey, not to exceed 160 acres; and any person who shall
41 thereafter, without the consent of the person so complying, enter
42 into or upon such lands adversely, shall be deemed and held guilty
43 of an unlawful and fraudulent entry thereon, and may be removed
44 therefrom by proceedings had before any justice of the peace of the
45 township in which the lands are situated. Such proceedings may be



commenced and prosecuted under the provisions of NRS 40.220 to 40.420, inclusive, *and sections 2 to 7, inclusive, of this act* and all the provisions contained in those sections are made applicable to proceedings under NRS 326.010 to 326.070, inclusive.

Sec. 55. NRS 645H.520 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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



1 the last known address of the homeowner or the tenant of the
2 homeowner.

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

5 3. Any dispute relating to the amount of the costs claimed by
6 the asset management company pursuant to paragraph (a) of
7 subsection 2 may be resolved using the procedure provided in
8 subsection ~~7~~ 8 of NRS 40.253.

9 **Sec. 56.** NRS 40.170 is hereby repealed.

TEXT OF REPEALED SECTION

40.170 Damages in actions for forcible or unlawful entry may be trebled.

1. If a person recovers damages for a forcible or unlawful entry in or upon, or detention of, any building or any uncultivated or cultivated real property, judgment may be entered for three times the amount at which the actual damages are assessed.

2. As used in this section, “actual damages” means damages to real property and personal property.

