

Assembly Bill No. 386—Assemblymen Flores, Seaman, Dooling, Carrillo, Kirkpatrick; Dickman, Joiner, O'Neill, Spiegel, Thompson, Titus, Wheeler and Woodbury

Joint Sponsors: Senators Denis and Kihuen

CHAPTER.....

AN ACT relating to real property; establishing supplemental procedures for the retaking of a dwelling subject to housebreaking or unlawful entry; 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 person who is guilty of forcible entry, forcible detainer or unlawful detainer. (NRS 40.230, 40.240, 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; (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 of certain types of properties who is guilty of unlawful detainer for: (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) **Section 20** of this bill revises this summary procedure as it relates to the contents of certain notices served upon a tenant and the commencement and conduct of court proceedings in contested cases.

Existing law provides that a tenant's neglect or failure to perform any condition or covenant of the lease or agreement under which property is held constitutes unlawful detainer and warrants the commencement of proceedings to remove the tenant. (NRS 40.2516) **Section 17** of this bill revises the types of property to which these provisions apply and specifies 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 housebreaking or unlawful occupancy 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 occupancy 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 forcible entry or forcible detainer may seek to recover possession of 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.

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

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. *Except as otherwise provided in subsection 4, 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 all known unlawful or unauthorized adult occupants of a dwelling have been arrested for housebreaking or unlawful occupancy and all minor occupants are 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 unlawful or unauthorized 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 unlawful or unauthorized occupant has the right to contest the matter by filing a verified complaint for reentry with the court within 21 calendar days after the date indicated in paragraph (c). The complaint must be served upon the owner of the dwelling or the authorized representative of the owner 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 21 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 21 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 21 calendar days. A copy of the notice must be filed with the court not later than 1 day after 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 or an authorized representative of the owner.

4. This section does not apply if one or more unlawful or unauthorized occupants is occupying the dwelling.

5. As used in this section:

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

(b) "Unlawful occupancy" 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 property to the owner of the real property or the occupant who is authorized by the owner to be in possession of the real property, the owner or occupant who is authorized by the owner may seek to recover possession of the real property pursuant to this section.

2. The owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property shall serve the



notice to surrender on the unlawful or unauthorized occupant in accordance with the provisions of NRS 40.280.

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

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

(b) Advise the unlawful or unauthorized occupant:

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

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

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

4. Upon service of the written notice to surrender pursuant to 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, an authorized representative of the owner 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 may not be issued pursuant to subsection 6;

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

(c) Contest the matter by filing, before the court's close of business on the fourth 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, an authorized representative of the owner 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, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property pursuant to 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 (c) 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 after the sheriff's or constable's receipt of the order from the court.

(b) The unlawful or unauthorized occupant has timely filed an affidavit contesting the matter pursuant to paragraph (c) of subsection 4 and the court determines that the affidavit fails to raise an element of a legal defense regarding the alleged forcible entry or forcible detainer, the court may rule on the matter without a hearing. If 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 after the sheriff's or constable's receipt of the order from the court, unless the court has stayed the execution of the order pursuant to a request pursuant to paragraph (b) of subsection 4.

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

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

(1) There is a legal defense as to the alleged forcible entry or forcible 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.

(2) The unlawful or unauthorized occupant gained entry or possession of the real property peaceably and as a result of an invalid lease, fraudulent act or misrepresentation by a person without the authority of the owner of the real property, the court may issue a summary order for the removal of the unlawful or unauthorized occupant but also may, within the discretion of the



court, stay such order for a period sufficient to allow the unlawful or unauthorized occupant to vacate and remove his or her personal property. This period may not exceed 20 days.

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

(a) The owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property shall reasonably provide for the safe storage of the abandoned personal property for 21 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 21-day period, the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property may dispose of the abandoned personal property and recover his or her reasonable costs out of the personal property or the value thereof.

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

(d) Any dispute relating to the amount of the costs claimed by the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property pursuant to paragraph (a) may be resolved by the court pursuant to a motion filed by the unlawful or unauthorized occupant and the payment of the appropriate fees relating to the filing and service of the motion. The motion must be filed within 14 calendar days after the removal of the unlawful or unauthorized occupant or the surrender of the real property in compliance with a written notice to surrender, whichever comes first. Upon the filing of a motion by the unlawful or unauthorized



occupant pursuant to this paragraph, the court shall schedule a hearing on the motion. The hearing must be held within 10 judicial days after the filing of the motion. The court shall affix the date of the hearing to the motion and mail a copy to the owner, an authorized representative of the owner or the occupant at the address on file with the court.

Sec. 4. *1. If the owner of a dwelling or an authorized representative of the owner 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:

(a) The facts of the lockout by the owner of the dwelling or the authorized representative of the owner; and

(b) The legal basis upon which reentry into the dwelling is warranted.

3. The court shall, after notice to both parties, hold a trial on the occupant's verified complaint for reentry not later than 10 judicial days after the date on which the occupant files the verified complaint for reentry.

4. If the court finds that an unjustified lockout has occurred, the court must issue a writ of restitution, restoring possession of the dwelling to the occupant.

5. A party may appeal from the court's judgment at the trial on the verified complaint for reentry in the same manner as a party may appeal a judgment in an action for forcible detainer.

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

7. This section does not affect:

(a) The right of any party to pursue a separate cause of action under this chapter or chapter 118A of NRS if the court finds that a landlord and tenant relationship exists between the parties; or

(b) The rights of an owner or occupant in a forcible detainer, unlawful detainer or forcible entry and detainer action.

Secs. 5-8. (Deleted by amendment.)

Sec. 9. NRS 40.215 is hereby amended to read as follows:

40.215 As used in NRS 40.215 to 40.425, inclusive, **and sections 2 to 7, inclusive, of this act**, unless the context requires otherwise:



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

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

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

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

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

~~{4}~~ 6. *“Premises” includes a mobile home.*

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

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

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



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

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

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

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

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

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

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

(b) By any kind of violence or circumstance of terror ~~enter~~ enters upon or into any;

(c) Peaceably or otherwise and:

(1) Thereafter prevents the owner of the real property ~~from access or occupancy of the property by changing a lock; or~~ ~~Who, after entering peaceably upon real property, turns~~

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

2. The owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property may seek to recover possession of the property pursuant to NRS 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, authorized representative of the owner or authorized occupant upon the person who committed the forcible entry. The notice must:

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

(b) Afford the person who committed the forcible entry 4 judicial days to surrender the property.

3. If an owner of real property or an authorized representative of the owner recovers damages for a forcible entry, 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. 12. NRS 40.240 is hereby amended to read as follows:

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

~~{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, an authorized representative of the owner 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, an authorized representative of the owner 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 40.290 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 4 judicial days to surrender the property.

3. If an owner of real property or an authorized representative of the owner 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.

Secs. 13-16. (Deleted by amendment.)



Sec. 17. NRS 40.2516 is hereby amended to read as follows:

40.2516 **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 continues in possession, in person or by subtenant, after a neglect or failure to perform any condition or covenant of the lease or agreement under which the *real property, dwelling unit, recreational vehicle* or mobile home is held, other than those mentioned in NRS 40.250 to ~~{40.252,}~~ **40.254**, inclusive, ~~{and NRS 40.254,}~~ and after notice in writing, requiring in the alternative the performance of the condition or covenant or the surrender of the *real property, dwelling unit, recreational vehicle or mobile home*, served upon the tenant, and, if there is a subtenant in actual occupation of the premises ~~{}~~ **or property**, also upon the subtenant, remains uncomplished with for 5 days after the service thereof. Within ~~{3}~~ **5** days after the service, the tenant, or any subtenant in actual occupation of the premises ~~{}~~ **or property**, or any mortgagee of the term, or other person, interested in its continuance, may perform the condition or covenant and thereby save the lease from forfeiture; but if the covenants and conditions of the lease, violated by the lessee, 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.*

Secs. 18 and 19. (Deleted by amendment.)

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**, 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~~ **written** notice to surrender the premises must:

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



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

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

(1) *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.] ; or~~

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

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

(a) The date when the tenancy commenced, the term of the tenancy ~~[-~~ and, if any, a copy of the rental agreement . ~~[-~~

~~—(b) The~~ *If the rental agreement has been lost or destroyed, the landlord or the landlord's agent may attach an affidavit or declaration, signed under penalty of perjury, stating such loss or destruction.*

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

(c) The date when *written notice to surrender was given* to the tenant ~~became subject~~ *pursuant* to the provisions of NRS 40.251 ~~to~~ , 40.2514 or 40.2516, ~~inclusive,~~ together with any ~~supporting~~ facts ~~[-~~

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

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

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

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



to subsection 6 of NRS 40.253 wherein the tenant contested the eviction.

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

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

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

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

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

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

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

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

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

3. During the notice period described in subsection 2:

(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or



landlord entered into with the tenant or subtenant regarding the 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 ~~H~~ , *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 notices required by NRS 40.251 to 40.260, inclusive, ~~may~~ **must** be served:

(a) 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 and mailing a copy to the tenant at the tenant’s place of residence or place of business. ~~If or~~

(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 place where the leased property is situated.

2. ***The notices required by NRS 40.230 and 40.240 and section 3 of this act must be served upon an unlawful or unauthorized occupant:***

(a) Except as otherwise provided in this paragraph and paragraph (b), by delivering a copy to the unlawful or unauthorized occupant 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 unlawful or unauthorized occupant is absent from the real property, by leaving a copy with a person of suitable age and discretion at the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to “Current Occupant.”

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

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

~~{3.—Before an}~~

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

(a) An order ~~{to remove}~~ for removal of 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 shall file with the court proof of service of any notice required pursuant to NRS 40.255. Except as otherwise provided in subsection 4, this proof}~~ pursuant to NRS 40.253 or 40.254;

(b) An order for removal of an unlawful or unauthorized occupant is issued pursuant to section 3 of this act; or

(c) A writ of restitution is issued pursuant to NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act.

5. Proof of service of an order or writ filed pursuant to subsection 4 must consist of:

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

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

~~—(b)—A}~~



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

(2) The endorsement of a 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) Fees paid for the 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. Such amendment must be without any imposition of terms. No continuance must be permitted upon account of such amendment, unless the defendant, by affidavit filed, shows to the satisfaction of the court good cause therefor.



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

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

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

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

Sec. 27. (Deleted by amendment.)

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, in which a notice to quit <i>surrender</i> 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. (Deleted by amendment.)

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. (Deleted by amendment.)

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

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

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

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

- (a) The provisions of chapter 118B of NRS;
- (b) Leases and rental agreements;
- (c) Unlawful detainer and eviction as set forth in NRS 40.215 to 40.425, inclusive ~~1~~, *and sections 2 to 7, inclusive, of this act;*
- (d) The resolution of complaints and disputes concerning landlords and tenants of manufactured home parks; and

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

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

Secs. 38 and 39. (Deleted by amendment.)

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



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

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

- (1) Discharge of a weapon.
- (2) Prostitution.
- (3) Illegal drug manufacture or use.
- (4) Child molestation or abuse.
- (5) Property damage as a result of vandalism.
- (6) Operating a vehicle while under the influence of alcohol or any other controlled substance.
- (7) Elder molestation or abuse.

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

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

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

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

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

4. If a tenant remains in possession of the manufactured home lot after expiration of the term of the rental agreement, the tenancy is from week to week in the case of a tenant who pays weekly rent, and in all other cases the tenancy is from month to month. The 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. (Deleted by amendment.)

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 forcibly enters an uninhabited or vacant dwelling, knows or has reason to believe that such entry is without permission of the owner of the dwelling or an authorized representative of the owner and has 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) ***For a first offense, a gross misdemeanor; and***

(b) ***For a second and any subsequent offense, a category D felony and shall be punished as provided in NRS 193.130.***



3. 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.

4. 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 takes up residence in an uninhabited or vacant dwelling and knows or has reason to believe that such residency is without permission of the owner of the dwelling or an authorized representative of the owner is guilty of unlawful occupancy.

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

3. A person who is accused of unlawful occupancy pursuant to subsection 1 and has previously been convicted two times of housebreaking, unlawful occupancy or any lesser included or related offense, or any combination thereof, arising from the same set of facts is presumed to have obtained residency of the dwelling with the knowledge that:

(a) Any asserted lease is invalid; and

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

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

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

(b) Without the authority of the court or permission of the owner, the person reenters the property.

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

Secs. 49-52. (Deleted by amendment.)

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

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

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

(b) Except when the tenant has timely filed the affidavit described in subsection 1 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 may, in a peaceable manner, refuse the tenant, and any person who resides with the tenant, access to the premises.

3. Upon the filing by the tenant of the affidavit authorized by subsection 1 and the filing by the housing authority or the landlord of the affidavit required by subsection 2, the justice of the peace 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 justice of the peace determines 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 a summary order for removal of the tenant and any other person on the premises, or an order refusing the tenant, and any person who resides with the tenant, admittance to the premises. If the justice of the peace determines that the conditions set forth in NRS 315.031 have not occurred and that the tenant is not required by that section to vacate the premises, the justice of the peace shall refuse to grant any relief.

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

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

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

2. Every person who shall have complied with the provisions of NRS 326.010 to 326.070, inclusive, shall be deemed and held to have the right or title of possession of all the lands embraced within the survey, not to exceed 160 acres; and any person who shall thereafter, without the consent of the person so complying, enter into or upon such lands adversely, shall be deemed and held guilty of an unlawful and fraudulent entry thereon, and may be removed therefrom by proceedings had before any justice of the peace of the 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. (Deleted by amendment.)

Sec. 56. NRS 40.170 is hereby repealed.

