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FIRST REPRINT

A.B. 266

ASSEMBLY BILL NO. 266—ASSEMBLYWOMAN BILBRAY-AXELROD

MARCH 14, 2019

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the sealing of records relating to evictions. (BDR 3-809)

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

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

AN ACT relating to unlawful detainer; revising provisions governing the sealing of records relating to evictions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that eviction case court files relating to actions for summary eviction are sealed automatically and not open to inspection: (1) upon the entry of a court order denying or dismissing the action for summary eviction; or (2) thirty-one days after a tenant files an affidavit to contest the matter, if a landlord fails to file an affidavit of complaint within 30 days after the tenant files the affidavit. Existing law also authorizes the court to seal an eviction case court file: (1) upon a written stipulation between the landlord and the tenant; or (2) upon motion by the tenant, if the court finds that the eviction should be set aside pursuant to the Justice Court Rules of Civil Procedure or that sealing the eviction case court file is in the interests of justice. (NRS 40.2545)

This bill provides that eviction case court files are automatically sealed: (1) upon the entry of a court order dismissing the action for summary eviction; (2) ten judicial days after the entry of a court order which denies the action for summary eviction; or (3) thirty-one days after a tenant files an affidavit to contest the matter, if a landlord fails to file an affidavit of complaint within 30 days after the tenant files the affidavit. This bill also provides that a notice to surrender must not be made available for public inspection.



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

1 **Section 1.** NRS 40.2545 is hereby amended to read as follows:

2 40.2545 1. In any action for summary eviction pursuant to
3 NRS 40.253 or 40.254, the eviction case court file is sealed
4 automatically and not open to inspection:

5 (a) Upon the entry of a court order which ~~denies or~~ dismisses
6 the action for summary eviction; ~~or~~

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

9 (c) Thirty-one days after the tenant has filed an affidavit
10 described in subsection 3 of NRS 40.253, if the landlord has failed
11 to file an affidavit of complaint pursuant to subsection 5 of NRS
12 40.253 within 30 days after the tenant filed the affidavit.

13 2. In addition to the provisions for the automatic sealing of an
14 eviction case court file pursuant to subsection 1, the court may order
15 the sealing of an eviction case court file:

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

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

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

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

27 (I) Circumstances beyond the control of the tenant that
28 led to the eviction;

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

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

34 3. If the court orders the eviction case court file sealed pursuant
35 to this section, all proceedings recounted in the eviction case court
36 file shall be deemed never to have occurred.

37 4. *Except as otherwise provided in this subsection, a notice to*
38 *surrender must not be made available for public inspection by any*
39 *person or governmental entity, including, without limitation, by a*
40 *sheriff or constable. This subsection does not:*



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

4 (b) *Prohibit the service of a notice of surrender pursuant to*
5 *NRS 40.280, and such service of a notice of surrender shall be*
6 *deemed not to constitute making the notice of surrender available*
7 *for public inspection as described in this subsection.*

8 5. As used in this section, "eviction case court file" means all
9 records relating to an action for summary eviction which are
10 maintained by the court, including, without limitation, the affidavit
11 of complaint and any other pleadings, proof of service, findings of
12 the court, any order made on motion as provided in Nevada Rules of
13 Civil Procedure, Justice Court Rules of Civil Procedure and local
14 rules of practice and all other papers, records, proceedings and
15 evidence, including exhibits and transcript of the testimony.

16 **Sec. 2.** This act becomes effective on July 1, 2019.

