

Amendment No. 308

Assembly Amendment to Assembly Bill No. 393	(BDR 3-1015)
Proposed by: Assembly Committee on Judiciary	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

KRO/EGO



Date: 4/18/2019

A.B. No. 393—Providing protections to certain governmental employees and certain other persons during a government shutdown.
(BDR 3-1015)



ASSEMBLY BILL NO. 393--ASSEMBLYMAN FRIERSON

MARCH 21, 2019

Referred to Committee on Judiciary

SUMMARY—Providing protections to certain governmental **and tribal** employees and certain other persons during a government shutdown. (BDR 3-1015)

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 governmental administration; prohibiting the foreclosure of real property or a lien against a unit in a common-interest community owned by a federal worker, **tribal worker**, state worker or household member of such a worker during a government shutdown in certain circumstances; providing certain protections to a tenant who is a federal worker, **tribal worker**, state worker or household member of such a worker during a government shutdown; prohibiting a person from repossessing the vehicle of a federal worker, **tribal worker**, state worker or household member of such a worker during a government shutdown; authorizing the provision of assistance in paying for natural gas and electricity to a federal worker, **tribal worker**, state worker or household member of such a worker during a government shutdown; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Federal Employees Civil Relief Act, which is pending before Congress, proposes to provide relief to federal employees and employees of contractors during a lapse in appropriations for any federal agency or department by suspending the enforcement of certain civil liabilities of such employees during the lapse. (S. 72, 116th Cong. (2019)) This bill generally enacts similar provisions in state law intended to provide certain protections to federal workers, **tribal workers**, state workers and household members of such workers during a lapse in appropriations at the state or federal level ~~or for the tribal government~~. This bill defines the following terms: (1) "federal worker" to mean an employee of a federal agency or an employee of a contractor who has entered into a contract with a federal agency; (2) **"tribal worker" to mean an employee of a federally recognized Nevada Indian tribe that receives at least a majority of its funding from the Federal Government or an employee of a contractor who has entered into a contract with such a tribe;** (3) "state worker" to mean an employee of a state agency or an employee of a contractor who has entered into a contract with a state agency; and ~~(3) (4)~~ **(4)** "shutdown" to mean any period in which there is a lapse in appropriations for a federal or state agency **or tribal government**

that continues through any unpaid payday for a federal worker, tribal worker or state worker employed by that agency ~~or government.~~

Section 6 of this bill provides that if a mortgagor or grantor of a deed of trust under a residential mortgage loan is a federal worker, tribal worker, state worker or, in certain circumstances, a household member or landlord of such a worker, a person is prohibited from conducting a foreclosure sale during the period commencing on the date that a shutdown begins and ending on the date that is 90 days after the date on which the shutdown ends.

Section 6 also provides that in any civil action for a foreclosure sale that is filed during that period against a federal worker, tribal worker or state worker or, if applicable, a household member or landlord of such a worker, the court is authorized or required, depending on the circumstances, to stay the proceedings in the action for a certain period or issue an order that conserves the interests of the parties unless the court determines that the ability of the federal worker, tribal worker, state worker or household member or landlord of such a worker to comply with the terms of the obligation secured by the residential mortgage loan is not materially affected by the shutdown. **Section 6** further provides that any such protection against foreclosure only applies to a residential mortgage loan that was secured before the shutdown. ~~Finally, section~~ **Section 6** provides that any person who knowingly conducts a foreclosure sale in violation of the provisions of **section 6** is guilty of a misdemeanor and is liable for actual damages, reasonable attorney's fees and costs incurred by the injured party. This protection against foreclosure provided by **section 6** is similar to that provided in existing law to a servicemember on active duty or deployment. (NRS 40.439) ~~{Section 12 of this bill makes a conforming change.}~~ Existing law requires that a servicemember receive notice of such protections before a notice of default and election to sell is recorded for a trustee's sale or before the commencement of a civil action for a foreclosure sale. (NRS 107.500) Section 12 of this bill extends this requirement to provide notice of the similar protections to a federal worker, tribal worker or state worker or household member or landlord of such a worker in relation to a shutdown.

Section 13 of this bill applies the applicable provisions set forth in **section 6** to the foreclosure of a lien of a unit-owners' association against a unit in a common-interest community and provides that if a unit's owner or his or her successor in interest is a federal worker, tribal worker or state worker or, in certain circumstances, a household member or landlord of such a worker, an association is generally prohibited from initiating the foreclosure of a lien by sale during any period between the commencement of a shutdown and 90 days after the end of a shutdown. **Section 13** also requires a unit-owners' association to: (1) inform each unit's owner or his or her successor in interest that if the person is a federal worker, tribal worker, state worker or household member or landlord of such a worker, he or she may be entitled to certain protections pursuant to **section 13**; and (2) give the person the opportunity to provide any information required to enable the association to verify whether the person is entitled to the protections set forth in **section 13**. **Section 13** also requires that before an association takes certain action relating to the foreclosure of a lien by sale, the association must, if such information is provided, verify whether a unit's owner or his or her successor in interest is entitled to the protections set forth in **section 13** or, if such information is not provided, make a good faith effort to verify whether a unit's owner or his or her successor in interest is entitled to such protections. This protection against foreclosure provided by **section 13** is similar to that provided to a servicemember on active duty or deployment. (NRS 116.311625)

Existing law prescribes criteria for unlawful detainer by a tenant of real property, a recreational vehicle or a mobile home. (NRS 40.251, 40.2512) **Section 7** of this bill: (1) authorizes a tenant who is a federal worker, tribal worker, state worker or household member of such a worker to request to be allowed to continue in possession of real property or a dwelling unit during a shutdown and for a period of not more than 30 days after the shutdown; and (2) requires a landlord who receives such a request to allow the tenant to remain in possession of the property or unit during that period. **Section 8** of this bill provides that a tenant who provides to a landlord proof that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown is not guilty of unlawful detainer.

Existing law provides for a summary eviction procedure when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises defaults in the payment of rent. (NRS 40.253) **Section 9** of this bill provides that the summary eviction procedure

does not apply to a tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

Existing law prescribes basic obligations of a tenant, which include requiring a tenant to comply with the terms of a rental agreement. (NRS 118A.310) **Section 20** of this bill makes any term of a rental agreement requiring the payment of rent at a specified time unenforceable against a tenant who is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown. **Section 20** also requires a landlord to accept payment of rent for the period in which a federal or state agency or tribal government was experiencing a shutdown for a period not to exceed 30 days after the end of the shutdown. **Section 21** of this bill prohibits a landlord from taking certain retaliatory action against a tenant who pays rent in the period prescribed in **section 20**.

Section 18.7 of this bill authorizes a landlord to petition the court for relief from the protections for federal workers, tribal workers, state workers and certain household members of such workers prescribed in sections 6 and 20 if: (1) a shutdown continues for a period of 30 days or more; and (2) the requirements prescribed by sections 6 and 20 impose an undue hardship on the landlord. Section 18.7 provides that if the court grants relief from these provisions: (1) the parties may modify the terms of the rental agreement; or (2) the landlord may terminate the rental agreement and commence eviction proceedings. Sections 7-9, 20 and 21 make conforming changes.

Sections 26 and 27 of this bill prohibit a landlord of a manufactured home park from charging any late fee for a late rental payment by a federal worker, tribal worker, state worker or household member of such a worker during a shutdown. **Section 28** of this bill prohibits a landlord of a manufactured home park from terminating a rental agreement for failure of the tenant to pay rent if the tenant provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown. **Section 29** of this bill prohibits a landlord from taking certain retaliatory action against a tenant who provides such proof.

Section 30 of this bill prohibits a person from repossessing the vehicle of a federal worker, tribal worker, state worker or household member of such a worker who provides proof that he or she is such a person during a shutdown or for a period of 30 days immediately after the end of a shutdown. **Section 30** provides that any person who knowingly repossesses a vehicle in violation of the provisions of **section 30** is guilty of a misdemeanor and is liable for actual damages, reasonable attorney's fees and costs incurred by the injured party. Existing law requires that certain notice be provided before a vehicle repossessed pursuant to a security agreement may be sold. (NRS 482.516) Section 30.5 of this bill requires that information about the protections provided by section 30 be included in that notice.

Existing law authorizes the Division of Welfare and Supportive Services of the Department of Health and Human Services to use money in the Fund for Energy Assistance and Conservation to assist eligible households in paying for natural gas and electricity. (NRS 702.260) **Section 31** of this bill makes households that include at least one federal worker, tribal worker or state worker eligible for such assistance during a shutdown.

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 6, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 ~~f, 4 and 5~~ to 5.5, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Federal worker" means an employee of a federal agency or an employee of a contractor who has entered into a contract with a federal agency.*

1 Sec. 3.5. “Qualified Indian tribe” means a federally recognized Nevada
2 Indian tribe that receives at least a majority of its funding from the Federal
3 Government.

4 Sec. 4. “Shutdown” means any period in which there is a lapse in
5 appropriations for a federal or state agency or tribal government that continues
6 through any unpaid payday for a federal worker, ~~for~~ state worker or tribal
7 worker employed by that agency ~~for~~ or tribal government.

8 Sec. 5. “State worker” means an employee of a state agency or an
9 employee of a contractor who has entered into a contract with a state agency.

10 Sec. 5.5. “Tribal worker” means an employee of a qualified Indian tribe or
11 an employee of a contractor who has entered into a contract with a qualified
12 Indian tribe.

13 Sec. 6. 1. Notwithstanding any other provision of law and except as
14 otherwise ordered by a court of competent jurisdiction, if a borrower provides
15 proof that he or she is a federal worker ~~for~~, tribal worker or state worker or, in
16 accordance with subsection 5, a household member or landlord of such a worker,
17 a person shall not initiate or direct or authorize another person to initiate a
18 foreclosure sale during the period commencing on the date on which a shutdown
19 begins and ending on the date that is 90 days after the date on which the
20 shutdown ends.

21 2. Except as otherwise provided in subsection 3, in any civil action for a
22 foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment
23 required by a residential mortgage loan that is filed against a federal worker ~~for~~
24 , tribal worker or state worker or, in accordance with subsection 5, a household
25 member or landlord of such a worker, during a shutdown or during the 90-day
26 period immediately after the end of a shutdown, the court may, on its own motion
27 after a hearing, or shall, on a motion or on behalf of the federal worker, tribal
28 worker, state worker or household member or landlord of such a worker, as
29 applicable, do one or both of the following:

30 (a) Stay the proceedings in the action until at least 90 days after the end of
31 the shutdown; or

32 (b) Adjust the obligation to preserve the interests of the parties.

33 3. The provisions of subsection 2 do not apply if the court determines that
34 the ability of the federal worker, tribal worker, state worker or household member
35 or landlord of such a worker to comply with the terms of the obligation secured
36 by the residential mortgage loan is not materially affected by the shutdown.

37 4. The provisions of this section apply only to a residential mortgage loan
38 that was secured by a federal worker ~~for~~, tribal worker or state worker or, in
39 accordance with subsection 5, a household member or landlord of such a worker,
40 before the shutdown.

41 5. Upon application to the court, a household member or landlord of such a
42 worker is entitled to the protections provided to a federal worker, tribal worker or
43 state worker pursuant to this section if the ability of the household member or
44 landlord of such a worker to make payments required by a residential mortgage
45 loan is materially affected by the shutdown.

46 6. Except as otherwise provided in subsection 7, any person who knowingly
47 initiates or directs or authorizes another person to initiate a foreclosure sale in
48 violation of this section:

49 (a) Is guilty of a misdemeanor; and

50 (b) May be liable for actual damages, reasonable attorney’s fees and costs
51 incurred by the injured party.

52 7. The provisions of subsection 6 do not apply to a trustee who initiates a
53 foreclosure sale pursuant to the direction or authorization of another person.

1 8. *In imposing liability pursuant to paragraph (b) of subsection 6, a court*
2 *shall, when determining whether to reduce such liability, take into consideration*
3 *any due diligence used by the person before he or she initiated or directed or*
4 *authorized another person to initiate the foreclosure sale.*

5 9. *As used in this section:*

6 (a) *“Borrower” has the meaning ascribed to it in NRS 107.410.*

7 (b) *“Initiate a foreclosure sale” means to commence a civil action for a*
8 *foreclosure sale pursuant to NRS 40.430 or, in the case of the exercise of a*
9 *trustee’s power of sale pursuant to NRS 107.080 and 107.0805, to execute and*
10 *cause to be recorded in the office of the county recorder a notice of the breach*
11 *and of the election to sell or cause to be sold the property pursuant to paragraph*
12 *(b) of subsection 2 of NRS 107.080 and paragraph (b) of subsection 1 of NRS*
13 *107.0805.*

14 (c) *“Residential mortgage loan” has the meaning ascribed to it in NRS*
15 *107.450.*

16 (d) *“Trustee” means a person described in NRS 107.028.*

17 **Sec. 7.** NRS 40.251 is hereby amended to read as follows:

18 40.251 1. A tenant of real property, a recreational vehicle or a mobile home
19 for a term less than life is guilty of an unlawful detainer when having leased:

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

24 (1) For tenancies from week to week, at least 7 days;

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

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

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

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

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

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

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

38 (c) A mobile home lot subject to the provisions of chapter 118B of NRS, or a
39 lot for a recreational vehicle in an area of a mobile home park other than an area
40 designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of
41 NRS 40.215, the tenant continues in possession, in person or by subtenant, without
42 the landlord’s consent:

43 (1) After notice has been given pursuant to NRS 118B.115, 118B.170 or
44 118B.190 and the period of the notice has expired; or

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

48 (d) A recreational vehicle lot, the tenant continues in possession, in person or
49 by subtenant, without the landlord’s consent, after the expiration of a notice of at
50 least 5 days.

51 2. Except as otherwise provided in this section, if a tenant with a periodic
52 tenancy pursuant to paragraph (a) or (b) of subsection 1, other than a tenancy from
53 week to week, is 60 years of age or older or has a physical or mental disability, the

tenant may request to be allowed to continue in possession for an additional 30 days beyond the time specified in subsection 1 by submitting a written request for an extended period and providing proof of the tenant's age or disability. A landlord may not be required to allow a tenant to continue in possession if a shorter notice is provided pursuant to subparagraph (2) of paragraph (b) of subsection 1.

3. *Except as otherwise provided in this section, if a tenant with a periodic tenancy pursuant to paragraph (a) or (b) of subsection 1 is a federal worker, tribal worker, state worker or household member of such a worker, the tenant may request to be allowed to continue in possession during the period commencing on the date on which a shutdown begins and ending on the date that is 30 days after the date on which the shutdown ends by submitting a written request for the extended period and providing proof that he or she is a federal worker, tribal worker, state worker or household member of such a worker during the shutdown.*

4. ~~4.1~~ *Except as otherwise provided in section 18.7 of this act, a landlord who receives a request from a tenant pursuant to subsection 3 shall allow a tenant to continue in possession for the period requested.*

5. Any notice provided pursuant to paragraph (a) or (b) of subsection 1 must include a statement advising the tenant of the provisions of ~~subsection~~ *subsections 2, 3 and 4.*

~~4.1~~ 6. If a landlord rejects a request to allow a tenant to continue in possession for an additional 30 days pursuant to subsection 2, the tenant may petition the court for an order to continue in possession for the additional 30 days. If the tenant submits proof to the court that the tenant is entitled to request such an extension, the court may grant the petition and enter an order allowing the tenant to continue in possession for the additional 30 days. If the court denies the petition, the tenant must be allowed to continue in possession for 5 calendar days following the date of entry of the order denying the petition.

Sec. 8. NRS 40.2512 is hereby amended to read as follows:

40.2512 ~~4.1~~

1. *Except as otherwise provided in subsection 2, a* tenant of real property or a mobile home for a term less than life is guilty of an unlawful detainer when the tenant continues in possession, in person or by subtenant, after default in the payment of any rent and after a notice in writing, requiring in the alternative the payment of the rent or the surrender of the detained premises, remains uncomplied with for a period of 5 days, or in the case of a mobile home lot, 10 days after service thereof. The notice may be served at any time after the rent becomes due.

2. ~~The~~ *Except as otherwise provided in section 18.7 of this act, the provisions of subsection 1 do not apply to a person who provides to the landlord proof that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.*

Sec. 9. NRS 40.253 is hereby amended to read as follows:

40.253 1. Except as otherwise provided in subsection 10, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent, unless otherwise agreed in writing, may serve or have served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) At or before noon of the fifth full day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph

(a) and the rent is reserved by a period of 1 week or less and the tenancy has not

1 continued for more than 45 days, at or before noon of the fourth full day following
2 the day of service.

3 ➤ As used in this subsection, “day of service” means the day the landlord or the
4 landlord’s agent personally delivers the notice to the tenant. If personal service was
5 not so delivered, the “day of service” means the day the notice is delivered, after
6 posting and mailing pursuant to subsection 2, to the sheriff or constable for service
7 if the request for service is made before noon. If the request for service by the
8 sheriff or constable is made after noon, the “day of service” shall be deemed to be
9 the day next following the day that the request is made for service by the sheriff or
10 constable.

11 2. A landlord or the landlord’s agent who serves a notice to a tenant pursuant
12 to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the
13 manner set forth in paragraph (a) of subsection 1 of NRS 40.280. If the notice
14 cannot be delivered in person, the landlord or the landlord’s agent:

15 (a) Shall post a copy of the notice in a conspicuous place on the premises and
16 mail the notice by overnight mail; and

17 (b) After the notice has been posted and mailed, may deliver the notice to the
18 sheriff or constable for service in the manner set forth in subsection 1 of NRS
19 40.280. The sheriff or constable shall not accept the notice for service unless it is
20 accompanied by written evidence, signed by the tenant when the tenant took
21 possession of the premises, that the landlord or the landlord’s agent informed the
22 tenant of the provisions of this section which set forth the lawful procedures for
23 eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall
24 serve the notice within 48 hours after the request for service was made by the
25 landlord or the landlord’s agent.

26 3. A notice served pursuant to subsection 1 or 2 must:

27 (a) Identify the court that has jurisdiction over the matter; and

28 (b) Advise the tenant:

29 (1) Of the tenant’s right to contest the matter by filing, within the time
30 specified in subsection 1 for the payment of the rent or surrender of the premises,
31 an affidavit with the court that has jurisdiction over the matter stating that the tenant
32 has tendered payment or is not in default in the payment of the rent;

33 (2) That if the court determines that the tenant is guilty of an unlawful
34 detainer, the court may issue a summary order for removal of the tenant or an order
35 providing for the nonadmittance of the tenant, directing the sheriff or constable of
36 the county to remove the tenant within 24 hours after receipt of the order; and

37 (3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord
38 unlawfully removes the tenant from the premises or excludes the tenant by blocking
39 or attempting to block the tenant’s entry upon the premises or willfully interrupts or
40 causes or permits the interruption of an essential service required by the rental
41 agreement or chapter 118A of NRS.

42 4. If the tenant files such an affidavit at or before the time stated in the notice,
43 the landlord or the landlord’s agent, after receipt of a file-stamped copy of the
44 affidavit which was filed, shall not provide for the nonadmittance of the tenant to
45 the premises by locking or otherwise.

46 5. Upon noncompliance with the notice:

47 (a) The landlord or the landlord’s agent may apply by affidavit of complaint
48 for eviction to the justice court of the township in which the dwelling, apartment,
49 mobile home, recreational vehicle or commercial premises are located or to the
50 district court of the county in which the dwelling, apartment, mobile home,
51 recreational vehicle or commercial premises are located, whichever has jurisdiction
52 over the matter. The court may thereupon issue an order directing the sheriff or

1 constable of the county to remove the tenant within 24 hours after receipt of the
2 order. The affidavit must state or contain:

- 3 (1) The date the tenancy commenced.
- 4 (2) The amount of periodic rent reserved.
- 5 (3) The amounts of any cleaning, security or rent deposits paid in advance,
6 in excess of the first month's rent, by the tenant.
- 7 (4) The date the rental payments became delinquent.
- 8 (5) The length of time the tenant has remained in possession without
9 paying rent.
- 10 (6) The amount of rent claimed due and delinquent.
- 11 (7) A statement that the written notice was served on the tenant in
12 accordance with NRS 40.280.
- 13 (8) A copy of the written notice served on the tenant.
- 14 (9) A copy of the signed written rental agreement, if any.

15 (b) Except when the tenant has timely filed the affidavit described in
16 subsection 3 and a file-stamped copy of it has been received by the landlord or the
17 landlord's agent, and except when the landlord is prohibited pursuant to NRS
18 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide
19 for the nonadmittance of the tenant to the premises by locking or otherwise.

20 6. Upon the filing by the tenant of the affidavit permitted in subsection 3,
21 regardless of the information contained in the affidavit, and the filing by the
22 landlord of the affidavit permitted by subsection 5, the justice court or the district
23 court shall hold a hearing, after service of notice of the hearing upon the parties, to
24 determine the truthfulness and sufficiency of any affidavit or notice provided for in
25 this section. If the court determines that there is no legal defense as to the alleged
26 unlawful detainer and the tenant is guilty of an unlawful detainer, the court may
27 issue a summary order for removal of the tenant or an order providing for the
28 nonadmittance of the tenant. If the court determines that there is a legal defense as
29 to the alleged unlawful detainer, the court shall refuse to grant either party any
30 relief, and, except as otherwise provided in this subsection, shall require that any
31 further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The
32 issuance of a summary order for removal of the tenant does not preclude an action
33 by the tenant for any damages or other relief to which the tenant may be entitled. If
34 the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the
35 refusal by the court to grant relief does not preclude the landlord thereafter from
36 pursuing an action for unlawful detainer in accordance with NRS 40.251.

37 7. The tenant may, upon payment of the appropriate fees relating to the filing
38 and service of a motion, file a motion with the court, on a form provided by the
39 clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord
40 pursuant to NRS 118A.460 or 118C.230 for the inventory, moving and storage of
41 personal property left on the premises. The motion must be filed within 20 days
42 after the summary order for removal of the tenant or the abandonment of the
43 premises by the tenant, or within 20 days after:

- 44 (a) The tenant has vacated or been removed from the premises; and
- 45 (b) A copy of those charges has been requested by or provided to the tenant,
46 ↪ whichever is later.

47 8. Upon the filing of a motion pursuant to subsection 7, the court shall
48 schedule a hearing on the motion. The hearing must be held within 10 days after the
49 filing of the motion. The court shall affix the date of the hearing to the motion and
50 order a copy served upon the landlord by the sheriff, constable or other process
51 server. At the hearing, the court may:

- 52 (a) Determine the costs, if any, claimed by the landlord pursuant to NRS
53 118A.460 or 118C.230 and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

9. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security. As used in this subsection, "security" has the meaning ascribed to it in NRS 118A.240.

10. ~~[[This]]~~ Except as otherwise provided in section 18.7 of this act, this section does not apply to ~~[[the]]~~ :

(a) The tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215.

(b) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

Sec. 10. NRS 40.426 is hereby amended to read as follows:

40.426 As used in NRS 40.426 to 40.495, inclusive, and section 6 of this act unless the context otherwise requires, the words and terms defined in NRS 40.427, 40.428 and 40.429 have the meanings ascribed to them in those sections.

Sec. 11. NRS 107.480 is hereby amended to read as follows:

107.480 1. In addition to the requirements of NRS 40.439, 107.085, ~~[[and]]~~ 107.086 ~~[[and section 6 of this act,]]~~ the exercise of a trustee's power of sale pursuant to NRS 107.080 with respect to a deed of trust securing a residential mortgage loan is subject to the provisions of NRS 107.400 to 107.560, inclusive.

2. In addition to the requirements of NRS 40.430 to 40.4639, inclusive, and section 6 of this act, a civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan is subject to the requirements of NRS 107.400 to 107.560, inclusive.

Sec. 12. NRS 107.500 is hereby amended to read as follows:

107.500 1. At least 30 calendar days before recording a notice of default and election to sell pursuant to subsection 2 of NRS 107.080 or commencing a civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan and at least 30 calendar days after the borrower's default, the mortgage servicer, mortgagee or beneficiary of the deed of trust shall mail, by first-class mail, a notice addressed to the borrower at the borrower's primary address as indicated in the records of the mortgage servicer, mortgagee or beneficiary of the deed of trust, which contains:

(a) A statement that if the borrower is ~~[[a]]~~ :

(1) A servicemember or a dependent of a servicemember, he or she may be entitled to certain protections under the federal Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 et seq., and NRS 40.439 regarding the servicemember's interest rate and the risk of foreclosure, and counseling for covered servicemembers that is available from Military OneSource and the United States Armed Forces Legal Assistance or any other similar agency.

(2) A federal worker, tribal worker, state worker or a household member or landlord of such a worker, he or she may be entitled to certain protections under section 6 of this act.

(b) A summary of the borrower's account which sets forth:

(1) The total amount of payment necessary to cure the default and reinstate the residential mortgage loan or to bring the residential mortgage loan into current status;

1 (2) The amount of the principal obligation under the residential mortgage
2 loan;

3 (3) The date through which the borrower's obligation under the residential
4 mortgage loan is paid;

5 (4) The date of the last payment by the borrower;

6 (5) The current interest rate in effect for the residential mortgage loan, if
7 the rate is effective for at least 30 calendar days;

8 (6) The date on which the interest rate for the residential mortgage loan
9 may next reset or adjust, unless the rate changes more frequently than once every
10 30 calendar days;

11 (7) The amount of the prepayment fee charged under the residential
12 mortgage loan, if any;

13 (8) A description of any late payment fee charged under the residential
14 mortgage loan;

15 (9) A telephone number or electronic mail address that the borrower may
16 use to obtain information concerning the residential mortgage loan; and

17 (10) The names, addresses, telephone numbers and Internet website
18 addresses of one or more counseling agencies or programs approved by the United
19 States Department of Housing and Urban Development.

20 (c) A statement of the facts establishing the right of the mortgage servicer,
21 mortgagee or beneficiary of the deed of trust to cause the trustee to exercise the
22 trustee's power of sale pursuant to NRS 107.080 or to commence a civil action for
23 the recovery of any debt, or for the enforcement of any right, under a residential
24 mortgage loan that is not barred by NRS 40.430.

25 (d) A statement of the foreclosure prevention alternatives offered by, or
26 through, the mortgage servicer, mortgagee or beneficiary of the deed of trust.

27 (e) A statement that the borrower may request:

28 (1) A copy of the borrower's promissory note or other evidence of
29 indebtedness;

30 (2) A copy of the borrower's mortgage or deed of trust;

31 (3) A copy of any assignment, if applicable, of the borrower's mortgage or
32 deed of trust required to demonstrate the right of the mortgage servicer, mortgagee
33 or beneficiary of the deed of trust to cause the trustee to exercise the trustee's
34 power of sale pursuant to NRS 107.080 or to commence a civil action for the
35 recovery of any debt, or for the enforcement of any right, under a residential
36 mortgage loan that is not barred by NRS 40.430; and

37 (4) A copy of the borrower's payment history since the borrower was last
38 less than 60 calendar days past due.

39 2. Unless a borrower has exhausted the process described in NRS 107.520
40 and 107.530 for applying for a foreclosure prevention alternative offered by, or
41 through, the mortgage servicer, mortgagee or beneficiary of the deed of the trust,
42 not later than 5 business days after a notice of default and election to sell is
43 recorded pursuant to subsection 2 of NRS 107.080 or a civil action for the recovery
44 of any debt, or for the enforcement of any right, under a residential mortgage loan
45 that is not barred by NRS 40.430 is commenced, the mortgage servicer, mortgagee
46 or beneficiary of the deed of trust that offers one or more foreclosure prevention
47 alternatives must send to the borrower a written statement:

48 (a) That the borrower may be evaluated for a foreclosure prevention alternative
49 or, if applicable, foreclosure prevention alternatives;

50 (b) Whether a complete application is required to be submitted by the borrower
51 if the borrower wants to be considered for a foreclosure prevention alternative; and

52 (c) Of the means and process by which a borrower may obtain an application
53 for a foreclosure prevention alternative.

3. As used in this section:

(a) "Federal worker" has the meaning ascribed to it in section 3 of this act.

(b) "State worker" has the meaning ascribed to it in section 5 of this act.

(c) "Tribal worker" has the meaning ascribed to it in section 5.5 of this act.

Sec. 13. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law and except as otherwise provided in subsection 2 or ordered by a court of competent jurisdiction, if a unit's owner or his or her successor in interest is a federal worker, tribal worker or state worker or, in accordance with subsection 3, a household member or landlord of a federal worker, tribal worker or state worker, an association shall not initiate the foreclosure of a lien by sale during the period commencing on the date on which a shutdown begins and ending on the date that is 90 days after the date on which the shutdown ends.

2. The provisions of subsection 1 do not apply if a court determines that the ability of the federal worker, tribal worker, state worker, ~~for~~ household member or landlord to comply with the terms of the obligation secured by the residential mortgage loan is not materially affected by the shutdown.

3. Upon application to the court, a household member or landlord of a federal worker, tribal worker or state worker is entitled to the protections provided to a federal worker, tribal worker or state worker pursuant to this section if the ability of the household member or landlord to make payments required by a lien of a unit-owners' association is materially affected by the shutdown.

4. An association shall:

(a) Inform each unit's owner or his or her successor in interest that if the person is a federal worker, tribal worker, state worker, ~~for~~ household member or landlord of such a worker, he or she may be entitled to certain protections pursuant to this section; and

(b) Give the person the opportunity to provide any information required to enable the association to verify whether he or she is entitled to the protections set forth in this section.

5. Before an association takes any action pursuant to paragraph (a) of subsection 4 of NRS 116.31162, if information required to verify whether a unit's owner or his or her successor in interest is entitled to the protections set forth in this section:

(a) Has been provided to the association pursuant to subsection 4, the association must verify whether the person is entitled to the protections set forth in this section.

(b) Has not been provided to the association pursuant to subsection 4, the association must make a good faith effort to verify whether the person is entitled to the protections set forth in this section.

6. Any person who knowingly initiates the foreclosure of a lien by sale in violation of this section:

(a) Is guilty of a misdemeanor; and

(b) May be liable for actual damages, reasonable attorney's fees and costs incurred by the injured party.

7. In imposing liability pursuant to paragraph (b) of subsection 6, a court shall, when determining whether to reduce such liability, take into consideration any due diligence used by the person before he or she initiated the foreclosure of the lien by sale.

8. As used in this section:

(a) "Federal worker" has the meaning ascribed to it in section 3 of this act.

(b) “Good faith effort” means that an association acts honestly and fairly when trying to verify whether a unit’s owner or his or her successor in interest is entitled to the protections set forth in this section, as evidenced by the following actions:

(1) The association informs the unit’s owner or his or her successor in interest of the information required pursuant to paragraph (a) of subsection 4;

(2) The association makes reasonable efforts to give the unit’s owner or his or her successor in interest the opportunity to provide any information required to enable the association to verify whether the person is entitled to the protections set forth in this section pursuant to paragraph (b) of subsection 4; and

(3) The association makes reasonable efforts to utilize all resources available to the association to verify whether the unit’s owner or his or her successor in interest is a federal worker, tribal worker, state worker or household member or landlord of such a worker.

(c) “Initiate the foreclosure of a lien by sale” means to take any action in furtherance of foreclosure of a lien by sale after taking the actions set forth in paragraph (a) of subsection 4 of NRS 116.31162.

(d) “Shutdown” has the meaning ascribed to it in section 4 of this act.

(e) “State worker” has the meaning ascribed to it in section 5 of this act.

(f) “Tribal worker” has the meaning ascribed to it in section 5.5 of this act.

Sec. 14. NRS 116.31162 is hereby amended to read as follows:

116.31162 1. Except as otherwise provided in subsection 5, 6 or 7, in a condominium, in a planned community, in a cooperative where the owner’s interest in a unit is real estate under NRS 116.1105, or in a cooperative where the owner’s interest in a unit is personal property under NRS 116.1105 and the declaration provides that a lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive, and section 13 of this act, the association may foreclose its lien by sale after all of the following occur:

(a) The association has mailed by certified or registered mail, return receipt requested, to the unit’s owner or his or her successor in interest, at his or her address, if known, and at the address of the unit or, if authorized by the parties, delivered by electronic transmission, a notice of delinquent assessment which states the amount of the assessments and other sums which are due in accordance with subsection 1 of NRS 116.3116, a description of the unit against which the lien is imposed and the name of the record owner of the unit.

(b) Not less than 30 days after mailing or delivering by electronic transmission the notice of delinquent assessment pursuant to paragraph (a), the association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, a notice of default and election to sell the unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:

(1) Describe the deficiency in payment.

(2) State the total amount of the deficiency in payment, with a separate statement of:

(I) The amount of the association’s lien that is prior to the first security interest on the unit pursuant to subsection 3 of NRS 116.3116 as of the date of the notice;

(II) The amount of the lien described in sub-subparagraph (I) that is attributable to assessments based on the periodic budget adopted by the association pursuant to NRS 116.3115 as of the date of the notice;

1 (III) The amount of the lien described in sub-subparagraph (I) that is
2 attributable to amounts described in NRS 116.310312 as of the date of the notice;
3 and

4 (IV) The amount of the lien described in sub-subparagraph (I) that is
5 attributable to the costs of enforcing the association's lien as of the date of the
6 notice.

7 (3) State that:

8 (I) If the holder of the first security interest on the unit does not satisfy
9 the amount of the association's lien that is prior to that first security interest
10 pursuant to subsection 3 of NRS 116.3116, the association may foreclose its lien by
11 sale and that the sale may extinguish the first security interest as to the unit; and

12 (II) If, not later than 5 days before the date of the sale, the holder of the
13 first security interest on the unit satisfies the amount of the association's lien that is
14 prior to that first security interest pursuant to subsection 3 of NRS 116.3116 and,
15 not later than 2 days before the date of the sale, a record of such satisfaction is
16 recorded in the office of the recorder of the county in which the unit is located, the
17 association may foreclose its lien by sale but the sale may not extinguish the first
18 security interest as to the unit.

19 (4) State the name and address of the person authorized by the association
20 to enforce the lien by sale.

21 (5) Contain, in 14-point bold type, the following warning:

22
23 **WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN**
24 **THIS NOTICE, YOU COULD LOSE YOUR HOME, EVEN IF THE**
25 **AMOUNT IS IN DISPUTE!**
26

27 (c) The unit's owner or his or her successor in interest has failed to pay the
28 amount of the lien, including costs, fees and expenses incident to its enforcement,
29 for 90 days following the recording of the notice of default and election to sell.

30 (d) The unit's owner or his or her successor in interest, or the holder of a
31 recorded security interest on the unit, has, for a period which commences in the
32 manner and subject to the requirements described in subsection 3 and which expires
33 5 days before the date of sale, failed to pay the assessments and other sums that are
34 due to the association in accordance with subsection 1 of NRS 116.3116.

35 (e) The association or other person conducting the sale has executed and
36 caused to be recorded, with the county recorder of the county in which the
37 common-interest community or any part of it is situated, an affidavit which states,
38 based on the direct, personal knowledge of the affiant, the personal knowledge
39 which the affiant acquired by a review of a trustee sale guarantee or a similar
40 product or the personal knowledge which the affiant acquired by a review of the
41 business records of the association or other person conducting the sale, which
42 business records must meet the standards set forth in NRS 51.135, the following:

43 (1) The name of each holder of a security interest on the unit to which the
44 notice of default and election to sell and the notice of sale was mailed, as required
45 by subsection 2 of NRS 116.31163 and paragraph (d) of subsection 1 of NRS
46 116.311635; and

47 (2) The address at which the notices were mailed to each such holder of a
48 security interest.

49 2. The notice of default and election to sell must be signed by the person
50 designated in the declaration or by the association for that purpose or, if no one is
51 designated, by the president of the association.

52 3. The period of 90 days described in paragraph (c) of subsection 1 begins on
53 the first day following:

1 (a) The date on which the notice of default and election to sell is recorded; or

2 (b) The date on which a copy of the notice of default and election to sell is
3 mailed by certified or registered mail, return receipt requested or delivered by
4 electronic transmission, as applicable, to the unit's owner or his or her successor in
5 interest at his or her address, if known, and at the address of the unit,

6 ➤ whichever date occurs later.

7 4. An association may not mail or deliver by electronic transmission to a
8 unit's owner or his or her successor in interest a letter of its intent to mail or deliver
9 by electronic transmission a notice of delinquent assessment pursuant to paragraph

10 (a) of subsection 1, mail or deliver by electronic transmission the notice of
11 delinquent assessment or take any other action to collect a past due obligation from
12 a unit's owner or his or her successor in interest unless the association has complied
13 with the provisions of subsections 4 and 5 of NRS 116.311625 and ~~§~~ **subsections**
14 **4 and 5 of section 13 of this act and:**

15 (a) Not earlier than 60 days after the obligation becomes past due, the
16 association mails to the address on file for the unit's owner or, if authorized by the
17 parties, delivers by electronic transmission:

18 (1) A schedule of the fees that may be charged if the unit's owner fails to
19 pay the past due obligation;

20 (2) A proposed repayment plan; and

21 (3) A notice of the right to contest the past due obligation at a hearing
22 before the executive board and the procedures for requesting such a hearing; and

23 (b) Within 30 days after the date on which the information described in
24 paragraph (a) is mailed or delivered by electronic transmission, as applicable, the
25 past due obligation has not been paid in full or the unit's owner or his or her
26 successor in interest has not entered into a repayment plan or requested a hearing
27 before the executive board. If the unit's owner or his or her successor in interest
28 requests a hearing or enters into a repayment plan within 30 days after the date on
29 which the information described in paragraph (a) is mailed or delivered by
30 electronic transmission, as applicable, and is unsuccessful at the hearing or fails to
31 make a payment under the repayment plan within 10 days after the due date, the
32 association may take any lawful action pursuant to subsection 1 to enforce its lien.

33 5. The association may not foreclose a lien by sale if the association has not
34 mailed a copy of the notice of default and election to sell and a copy of the notice of
35 sale to each holder of a security interest on the unit in the manner and subject to the
36 requirements set forth in subsection 2 of NRS 116.31163 and paragraph (d) of
37 subsection 1 of NRS 116.311635.

38 6. The association may not foreclose a lien by sale based on a fine or penalty
39 for a violation of the governing documents of the association unless:

40 (a) The violation poses an imminent threat of causing a substantial adverse
41 effect on the health, safety or welfare of the units' owners or residents of the
42 common-interest community; or

43 (b) The penalty is imposed for failure to adhere to a schedule required pursuant
44 to NRS 116.310305.

45 7. The association may not foreclose a lien by sale if the association has
46 received notice pursuant to NRS 107.086 that the unit is subject to foreclosure
47 mediation pursuant to that section, unless:

48 (a) The trustee of record has recorded the certificate provided to the trustee
49 pursuant to subparagraph (1) or (2) of paragraph (e) of subsection 2 of NRS
50 107.086; or

51 (b) The unit's owner has failed to pay to the association any amounts
52 enforceable as assessments pursuant to subsection 1 of NRS 116.3116 that become

due during the pendency of foreclosure mediation pursuant to NRS 107.086, other than past due obligations as described in subsection 11 of NRS 107.086.

Sec. 15. Chapter 118A of NRS is hereby amended by adding thereto the provisions set forth as sections 16, ~~17 and 18~~ to 18.7, inclusive, of this act.

Sec. 16. *"Federal worker" has the meaning ascribed to it in section 3 of this act.*

Sec. 17. *"Shutdown" has the meaning ascribed to it in section 4 of this act.*

Sec. 18. *"State worker" has the meaning ascribed to it in section 5 of this act.*

Sec. 18.5. *"Tribal worker" has the meaning ascribed to it in section 5.5 of this act.*

Sec. 18.7. *1. If a shutdown continues for a period of 30 days or more, the landlord may petition the court for relief from the requirements prescribed in subsection 4 of NRS 40.251 and subsection 2 of NRS 118A.310 on the basis that the requirements impose an undue hardship on the landlord. In determining whether to grant relief from these requirements, the court may consider, without limitation:*

(a) The mortgage on the property and the risk of foreclosure; and

(b) Any additional financial responsibilities of the landlord, including, without limitation:

(1) Child support or alimony;

(2) Educational costs which must be paid by the landlord;

(3) Motor vehicle payments, student loans, medical bills and payment plans; and

(4) Any costs associated with the continued operation of a business of the landlord.

2. If the court grants relief pursuant to subsection 1:

(a) The parties may modify the terms of the rental agreement; or

(b) The landlord may terminate the rental agreement and commence eviction proceedings in accordance with the provisions of chapter 40 of NRS.

Sec. 19. NRS 118A.020 is hereby amended to read as follows:

118A.020 As used in this chapter, unless the context otherwise requires, the terms defined in NRS 118A.030 to 118A.170, inclusive, and sections 16, 17 and 18.7 to 18.5, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 20. NRS 118A.310 is hereby amended to read as follows:

118A.310 **1.** A tenant shall, as basic obligations under this chapter:

~~1. Comply~~

(a) Except as otherwise provided in subsection 2, comply with the terms of the rental agreement;

~~2.~~ *(b) Keep that part of the premises which is occupied and used as clean and safe as the condition of the premises permit;*

~~3.~~ *(c) Dispose of all ashes, garbage, rubbish and other waste from the dwelling unit in a clean and safe manner;*

~~4.~~ *(d) Keep all plumbing fixtures in the dwelling unit as clean as their condition permits;*

~~5.~~ *(e) Use in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appliances, including elevators, in the premises;*

~~6.~~ *(f) Not deliberately or negligently render the premises uninhabitable or destroy, deface, damage, impair or remove any part of the premises or knowingly permit any person to do so; and*

1 ~~77~~ (g) Conduct himself or herself and require other persons on the premises
2 with his or her consent to conduct themselves in a manner that will not disturb a
3 neighbor's peaceful enjoyment of the premises.

4 ~~2. Any~~ *Except as otherwise provided in section 18.7 of this act:*

5 *(a) Any term of a rental agreement requiring the payment of rent at a*
6 *specified time pursuant to NRS 118A.210 is unenforceable against a tenant who*
7 *is a federal worker, tribal worker, state worker or household member of such a*
8 *worker during a shutdown.*

9 *(b) If the terms of a rental agreement require the payment of rent at a*
10 *specified time, the landlord shall accept payment of rent for the period in which a*
11 *federal or state agency or tribal government was experiencing a shutdown from*
12 *such a tenant for a period not to exceed 30 days after the end of the shutdown.*

13 **Sec. 21.** NRS 118A.510 is hereby amended to read as follows:

14 118A.510 1. Except as otherwise provided in subsection 3, the landlord may
15 not, in retaliation, terminate a tenancy, refuse to renew a tenancy, increase rent or
16 decrease essential items or services required by the rental agreement or this chapter,
17 or bring or threaten to bring an action for possession if:

18 (a) The tenant has complained in good faith of a violation of a building,
19 housing or health code applicable to the premises and affecting health or safety to a
20 governmental agency charged with the responsibility for the enforcement of that
21 code;

22 (b) The tenant has complained in good faith to the landlord or a law
23 enforcement agency of a violation of this chapter or of a specific statute that
24 imposes a criminal penalty;

25 (c) The tenant has organized or become a member of a tenant's union or
26 similar organization;

27 (d) A citation has been issued resulting from a complaint described in
28 paragraph (a);

29 (e) The tenant has instituted or defended against a judicial or administrative
30 proceeding or arbitration in which the tenant raised an issue of compliance with the
31 requirements of this chapter respecting the habitability of dwelling units;

32 (f) The tenant has failed or refused to give written consent to a regulation
33 adopted by the landlord, after the tenant enters into the rental agreement, which
34 requires the landlord to wait until the appropriate time has elapsed before it is
35 enforceable against the tenant;

36 (g) The tenant has complained in good faith to the landlord, a government
37 agency, an attorney, a fair housing agency or any other appropriate body of a
38 violation of NRS 118.010 to 118.120, inclusive, or the Fair Housing Act of 1968,
39 42 U.S.C. §§ 3601 et seq., or has otherwise exercised rights which are guaranteed
40 or protected under those laws; ~~for~~

41 (h) The tenant or, if applicable, a cotenant or household member, is a victim of
42 domestic violence, harassment, sexual assault or stalking or terminates a rental
43 agreement pursuant to NRS 118A.345 ~~or~~; or

44 *(i) ~~The~~ Except as otherwise provided in section 18.7 of this act, the tenant is*
45 *a federal worker, tribal worker, state worker or household member of such a*
46 *worker and the tenant pays rent during the time specified in subsection 2 of NRS*
47 *118A.310.*

48 2. If the landlord violates any provision of subsection 1, the tenant is entitled
49 to the remedies provided in NRS 118A.390 and has a defense in any retaliatory
50 action by the landlord for possession.

51 3. A landlord who acts under the circumstances described in subsection 1
52 does not violate that subsection if:

(a) The violation of the applicable building, housing or health code of which the tenant complained was caused primarily by the lack of reasonable care by the tenant, a member of his or her household or other person on the premises with his or her consent;

(b) The tenancy is terminated with cause;

(c) A citation has been issued and compliance with the applicable building, housing or health code requires alteration, remodeling or demolition and cannot be accomplished unless the tenant's dwelling unit is vacant; or

(d) The increase in rent applies in a uniform manner to all tenants.

➤ The maintenance of an action under this subsection does not prevent the tenant from seeking damages or injunctive relief for the landlord's failure to comply with the rental agreement or maintain the dwelling unit in a habitable condition as required by this chapter.

4. As used in this section:

(a) "Cotenant" has the meaning ascribed to it in NRS 118A.345.

(b) "Domestic violence" has the meaning ascribed to it in NRS 118A.345.

(c) "Harassment" means a violation of NRS 200.571.

(d) "Household member" has the meaning ascribed to it in NRS 118A.345.

(e) "Sexual assault" means a violation of NRS 200.366.

(f) "Stalking" means a violation of NRS 200.575.

Sec. 22. Chapter 118B of NRS is hereby amended by adding thereto the provisions set forth as sections 23, 24 and 25 of this act.

Sec. 23. *"Federal worker" has the meaning ascribed to it in section 3 of this act.*

Sec. 24. *"Shutdown" has the meaning ascribed to it in section 4 of this act.*

Sec. 25. *"State worker" has the meaning ascribed to it in section 5 of this act.*

Sec. 25.5. *"Tribal worker" has the meaning ascribed to it in section 5.5 of this act.*

Sec. 26. NRS 118B.140 is hereby amended to read as follows:

118B.140 1. Except as otherwise provided in subsection 2, the landlord or his or her agent or employee shall not:

(a) Require a person to purchase a manufactured home from the landlord or any other person as a condition to renting a manufactured home lot to the purchaser or give an adjustment of rent or fees, or provide any other incentive to induce the purchase of a manufactured home from the landlord or any other person.

(b) Charge or receive:

(1) Any entrance or exit fee for assuming or leaving occupancy of a manufactured home lot.

(2) Any transfer or selling fee or commission as a condition to permitting a tenant to sell his or her manufactured home or recreational vehicle within the manufactured home park, even if the manufactured home or recreational vehicle is to remain within the park, unless the landlord is licensed as a dealer of manufactured homes pursuant to NRS 489.311 and has acted as the tenant's agent in the sale pursuant to a written contract.

(3) Any fee for the tenant's spouse or children.

(4) Any fee for pets kept by a tenant in the park. If special facilities or services are provided, the landlord may also charge a fee reasonably related to the cost of maintenance of the facility or service and the number of pets kept in the facility.

(5) Any additional service fee unless the landlord provides an additional service which is needed to protect the health and welfare of the tenants, and written notice advising each tenant of the additional fee is sent to the tenant 90 days in

advance of the first payment to be made, and written notice of the additional fee is given to prospective tenants on or before commencement of their tenancy. A tenant may only be required to pay the additional service fee for the duration of the additional service.

(6) Any fee for a late monthly rental payment within 4 days after the date the rental payment is due or which exceeds \$5 for each day, excluding Saturdays, Sundays and legal holidays, which the payment is overdue, beginning on the day after the payment was due. Any fee for late payment of charges for utilities must be in accordance with the requirements prescribed by the Public Utilities Commission of Nevada.

(7) *Any fee for a late monthly rental payment by a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.*

(8) Any fee, surcharge or rent increase to recover from his or her tenants the costs resulting from converting from a master-metered water system to individual water meters for each manufactured home lot.

~~[(8)]~~ (9) Any fee, surcharge or rent increase to recover from his or her tenants any amount that exceeds the amount of the cost for a governmentally mandated service or tax that was paid by the landlord.

2. Except for the provisions of subparagraphs (3), (4), (6) and ~~[(8)]~~ (9) of paragraph (b) of subsection 1, the provisions of this section do not apply to a corporate cooperative park.

Sec. 27. NRS 118B.150 is hereby amended to read as follows:

118B.150 1. Except as otherwise provided in subsections 2 and 3, the landlord or his or her agent or employee shall not:

(a) Increase rent or additional charges unless:

(1) The rent charged after the increase is the same rent charged for manufactured homes of the same size or lots of the same size or of a similar location within the park, including, without limitation, manufactured homes and lots which are held pursuant to a long-term lease, except that a discount may be selectively given to persons who:

(I) Are handicapped;

(II) Are 55 years of age or older;

(III) Are long-term tenants of the park if the landlord has specified in the rental agreement or lease the period of tenancy required to qualify for such a discount;

(IV) Pay their rent in a timely manner; or

(V) Pay their rent by check, money order or electronic means;

(2) Any increase in additional charges for special services is the same amount for each tenant using the special service; and

(3) Written notice advising a tenant of the increase is received by the tenant 90 days before the first payment to be increased and written notice of the increase is given to prospective tenants before commencement of their tenancy. In addition to the notice provided to a tenant pursuant to this subparagraph, if the landlord or his or her agent or employee knows or reasonably should know that the tenant receives assistance from the Account, the landlord or his or her agent or employee shall provide to the Administrator written notice of the increase 90 days before the first payment to be increased.

(b) Require a tenant to pay for an improvement to the common area of a manufactured home park unless the landlord is required to make the improvement pursuant to an ordinance of a local government.

(c) Require a tenant to pay for a capital improvement to the manufactured home park unless the tenant has notice of the requirement at the time the tenant enters into the rental agreement. A tenant may not be required to pay for a capital

improvement after the tenant enters into the rental agreement unless the tenant consents to it in writing or is given 60 days' notice of the requirement in writing. The landlord may not establish such a requirement unless a meeting of the tenants is held to discuss the proposal and the landlord provides each tenant with notice of the proposal and the date, time and place of the meeting not less than 60 days before the meeting. The notice must include a copy of the proposal. A notice in a periodic publication of the park does not constitute notice for the purposes of this paragraph.

(d) Require a tenant to pay the rent by check or money order.

(e) Require a tenant who pays the rent in cash to apply any change to which the tenant is entitled to the next periodic payment that is due. The landlord or his or her agent or employee shall have an adequate amount of money available to provide change to such a tenant.

(f) Prohibit or require fees or deposits for any meetings held in the park's community or recreational facility by the tenants or occupants of any manufactured home or recreational vehicle in the park to discuss the park's affairs, or any political meeting sponsored by a tenant, if the meetings are held at reasonable hours and when the facility is not otherwise in use, or prohibit the distribution of notices of those meetings.

(g) Interrupt, with the intent to terminate occupancy, any utility service furnished the tenant except for nonpayment of utility charges when due. Any landlord who violates this paragraph is liable to the tenant for actual damages.

(h) Prohibit a tenant from having guests, but the landlord may require the tenant to register the guest within 48 hours after his or her arrival, Sundays and legal holidays excluded, and if the park is a secured park, a guest may be required to register upon entering and leaving.

(i) Charge a fee for a guest who does not stay with the tenant for more than a total of 60 days in a calendar year. The tenant of a manufactured home lot who is living alone may allow one other person to live in his or her home without paying an additional charge or fee, unless such a living arrangement constitutes a violation of chapter 315 of NRS. No agreement between a tenant and his or her guest alters or varies the terms of the rental contract between the tenant and the landlord, and the guest is subject to the rules and regulations of the landlord.

(j) Prohibit a tenant from erecting a fence on the tenant's lot if the fence complies with any standards for fences established by the landlord, including limitations established for the location and height of fences, the materials used for fences and the manner in which fences are to be constructed.

(k) Prohibit any tenant from soliciting membership in any association which is formed by the tenants who live in the park. As used in this paragraph, "solicit" means to make an oral or written request for membership or the payment of dues or to distribute, circulate or post a notice for payment of those dues.

(l) Prohibit a public officer, candidate for public office or the representative of a public officer or candidate for public office from walking through the park to talk with the tenants or distribute political material.

(m) If a tenant has voluntarily assumed responsibility to trim the trees on his or her lot, require the tenant to trim any particular tree located on the lot or dispose of the trimmings unless a danger or hazard exists.

(n) Charge a fee for a late monthly rental payment by a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

2. The landlord is entitled to require a security deposit from a tenant who wants to use the manufactured home park's clubhouse, swimming pool or other park facilities for the tenant's exclusive use. The landlord may require the deposit at least 1 week before the use. The landlord shall apply the deposit to costs which

1 occur due to damage or cleanup from the tenant's use within 1 week after the use, if
2 any, and shall, on or before the eighth day after the use, refund any unused portion
3 of the deposit to the tenant making the deposit. The landlord is not required to place
4 such a deposit into a financial institution or to pay interest on the deposit.

5 3. The provisions of paragraphs (a), (b), (c), (j) and (m) of subsection 1 do not
6 apply to a corporate cooperative park.

7 4. As used in this section, "long-term lease" means a rental agreement or
8 lease the duration of which exceeds 12 months.

9 **Sec. 28.** NRS 118B.200 is hereby amended to read as follows:

10 118B.200 1. Notwithstanding the expiration of a period of a tenancy or
11 service of a notice pursuant to subsection 1 of NRS 118B.190, the rental agreement
12 described in NRS 118B.190 may not be terminated except on one or more of the
13 following grounds:

14 (a) ~~(Failure)~~ *Except as otherwise provided in subsection 3, failure* of the
15 tenant to pay rent, utility charges or reasonable service fees within 10 days after
16 written notice of delinquency served upon the tenant in the manner provided in
17 NRS 40.280;

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

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

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

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

29 (f) Conduct of the tenant which constitutes a nuisance as defined in NRS
30 40.140 or which violates a state law or local ordinance, specifically including,
31 without limitation:

32 (1) Discharge of a weapon;

33 (2) Prostitution;

34 (3) Illegal drug manufacture or use;

35 (4) Child molestation or abuse;

36 (5) Elder molestation or abuse;

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

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

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

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

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

45 2. A tenant who is not a natural person and who has received three or more
46 10-day notices to surrender for failure to pay rent in the preceding 12-month period
47 may have his or her tenancy terminated by the landlord for habitual failure to pay
48 timely rent.

49 3. *A rental agreement may not be terminated for failure of the tenant to pay*
50 *rent if the tenant provides proof to the landlord that he or she is a federal worker,*
51 *tribal worker, state worker or household member of such a worker during a*
52 *shutdown.*

Sec. 29. NRS 118B.210 is hereby amended to read as follows:

118B.210 1. The landlord shall not terminate a tenancy, refuse to renew a tenancy, increase rent or decrease services the landlord normally supplies, or bring or threaten to bring an action for possession of a manufactured home lot as retaliation upon the tenant because:

(a) The tenant has complained in good faith about a violation of a building, safety or health code or regulation pertaining to a manufactured home park to the governmental agency responsible for enforcing the code or regulation.

(b) The tenant has complained to the landlord concerning the maintenance, condition or operation of the park or a violation of any provision of NRS 118B.040 to 118B.220, inclusive, or 118B.240.

(c) The tenant has organized or become a member of a tenants' league or similar organization.

(d) The tenant has requested the reduction in rent required by:

(1) NRS 118.165 as a result of a reduction in property taxes.

(2) NRS 118B.153 when a service, utility or amenity is decreased or eliminated by the landlord.

(e) *The tenant provides the proof required by subsection 3 of NRS 118B.200.*

(f) A citation has been issued to the landlord as the result of a complaint of the tenant.

~~(g)~~ (g) In a judicial proceeding or arbitration between the landlord and the tenant, an issue has been determined adversely to the landlord.

2. A landlord, manager or assistant manager of a manufactured home park shall not willfully harass a tenant.

3. A tenant shall not willfully harass a landlord, manager or assistant manager of a manufactured home park or an employee or agent of the landlord.

4. As used in this section, "harass" means to threaten or intimidate, through words or conduct, with the intent to affect the terms or conditions of a tenancy or a person's exercise of his or her rights pursuant to this chapter.

Sec. 30. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law and except as otherwise ordered by a court of competent jurisdiction, if a person liable on a security agreement provides proof that he or she is a federal worker, tribal worker, state worker or household member of such a worker and a shutdown is occurring or has occurred, a person shall not repossess or direct or authorize another person to repossess a vehicle of that person during the period commencing on the date on which a shutdown begins and ending on the date that is 30 days after the date on which the shutdown ends.

2. Any person who knowingly repossesses a vehicle or authorizes another person to repossess a vehicle in violation of this section:

(a) Is guilty of a misdemeanor; and

(b) May be liable for actual damages, reasonable attorney's fees and costs incurred by the injured party.

3. In imposing liability pursuant to paragraph (b) of subsection 2, a court shall, when determining whether to reduce such liability, take into consideration any due diligence used by the person before he or she repossessed a vehicle or directed or authorized another person to repossess a vehicle.

4. As used in this section:

(a) "Federal worker" has the meaning ascribed to it in section 3 of this act.

(b) "Shutdown" has the meaning ascribed to it in section 4 of this act.

(c) "State worker" has the meaning ascribed to it in section 5 of this act.

(d) "Tribal worker" has the meaning ascribed to it in section 5.5 of this act.

Sec. 30.5. NRS 482.516 is hereby amended to read as follows:

482.516 1. Any provision in any security agreement for the sale or lease of a vehicle to the contrary notwithstanding, at least 10 days' written notice of intent to sell or again lease a repossessed vehicle must be given to all persons liable on the security agreement. The notice must be given in person or sent by mail directed to the address of the persons shown on the security agreement, unless such persons have notified the holder in writing of a different address.

2. The notice:

(a) Must inform such persons of the provisions of section 30 of this act;

(b) Must set forth that there is a right to redeem the vehicle and the total amount required as of the date of the notice to redeem;

~~(c)~~ (c) May inform such persons of their privilege of reinstatement of the security agreement, if the holder extends such a privilege;

~~(d)~~ (d) Must give notice of the holder's intent to resell or again lease the vehicle at the expiration of 10 days from the date of giving or mailing the notice;

~~(e)~~ (e) Must disclose the place at which the vehicle will be returned to the buyer or lessee upon redemption or reinstatement; and

~~(f)~~ (f) Must designate the name and address of the person to whom payment must be made.

3. During the period provided under the notice, the person or persons liable on the security agreement may pay in full the indebtedness evidenced by the security agreement. Such persons are liable for any deficiency after sale or lease of the repossessed vehicle only if the notice prescribed by this section is given within 60 days after repossession and includes an itemization of the balance and of any costs or fees for delinquency, collection or repossession. In addition, the notice must either set forth the computation or estimate of the amount of any credit for unearned finance charges or cancelled insurance as of the date of the notice or state that such a credit may be available against the amount due.

Sec. 31. NRS 702.260 is hereby amended to read as follows:

702.260 1. Seventy-five percent of the money in the Fund must be distributed to the Division of Welfare and Supportive Services for programs to assist eligible households in paying for natural gas and electricity. The Division may use not more than 5 percent of the money distributed to it pursuant to this section for its administrative expenses.

2. Except as otherwise provided in NRS 702.150, after deduction for its administrative expenses, the Division may use the money distributed to it pursuant to this section only to:

(a) Assist eligible households in paying for natural gas and electricity.

(b) Carry out activities related to consumer outreach.

(c) Pay for program design.

(d) Pay for the annual evaluations conducted pursuant to NRS 702.280.

3. Except as otherwise provided in ~~subsection 4~~ subsections 4 and 5 to be eligible to receive assistance from the Division pursuant to this section, a household must have a household income that is not more than 150 percent of the federally designated level signifying poverty, as determined by the Division.

4. In addition to the persons eligible to receive assistance from the Division pursuant to subsection 3, a household that includes at least one federal worker, tribal worker or state worker is eligible for such assistance during a shutdown.

5. The Division is authorized to render emergency assistance to a household if an emergency related to the cost or availability of natural gas or electricity threatens the health or safety of one or more of the members of the household. Such emergency assistance may be rendered upon the good faith belief that the household is otherwise eligible to receive assistance pursuant to this section.

~~15.1~~ 6. Before July 1, 2002, if a household is eligible to receive assistance pursuant to this section, the Division shall determine the amount of assistance that the household will receive by using the existing formulas set forth in the state plan for low-income home energy assistance.

~~16.1~~ 7. On or after July 1, 2002, if a household is eligible to receive assistance pursuant to this section, the Division:

(a) Shall, to the extent practicable, determine the amount of assistance that the household will receive by determining the amount of assistance that is sufficient to reduce the percentage of the household's income that is spent on natural gas and electricity to the median percentage of household income spent on natural gas and electricity statewide.

(b) May adjust the amount of assistance that the household will receive based upon such factors as:

- (1) The income of the household;
- (2) The size of the household;
- (3) The type of energy that the household uses; and
- (4) Any other factor which, in the determination of the Division, may make the household particularly vulnerable to increases in the cost of natural gas or electricity.

~~17.1~~ 8. The Division shall adopt regulations to carry out and enforce the provisions of this section and NRS 702.250.

~~18.1~~ 9. In carrying out the provisions of this section, the Division shall:

(a) Solicit advice from the Housing Division and from other knowledgeable persons;

(b) Identify and implement appropriate delivery systems to distribute money from the Fund and to provide other assistance pursuant to this section;

(c) Coordinate with other federal, state and local agencies that provide energy assistance or conservation services to low-income persons and, to the extent allowed by federal law and to the extent practicable, use the same simplified application forms as those other agencies;

(d) Establish a process for evaluating the programs conducted pursuant to this section;

(e) Develop a process for making changes to such programs; and

(f) Engage in annual planning and evaluation processes with the Housing Division as required by NRS 702.280.

~~19.1~~ 10. For the purposes of this section ~~[-"eligible"]~~:

(a) *"Eligible household"* includes, without limitation:

~~19.1~~ (1) A tenant of a manufactured home park or mobile home park subject to the provisions of NRS 704.905 to 704.960, inclusive; and

~~19.1~~ (2) A tenant who purchases electricity from a landlord as described in paragraph (c) of subsection 2 of NRS 702.090 based on the actual usage of electricity by the tenant.

(b) *"Federal worker" has the meaning ascribed to it in section 3 of this act.*

(c) *"Shutdown" has the meaning ascribed to it in section 4 of this act.*

(d) *"State worker" has the meaning ascribed to it in section 5 of this act.*

(e) *"Tribal worker" has the meaning ascribed to it in section 5.5 of this act.*

Sec. 32. The provisions of this act apply to any contract entered into:

1. Before the effective date of this act that remains in effect on the effective date of this act.

2. On and after the effective date of this act.

Sec. 33. This act becomes effective upon passage and approval.