

Amendment No. 194

Assembly Amendment to Assembly Bill No. 161	(BDR 3-736)
Proposed by: Assembly Committee on Judiciary	
Amends: Summary: Yes Title: Yes Preamble: Add 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.



ASSEMBLY BILL NO. 161—ASSEMBLYWOMEN
TORRES AND SUMMERS-ARMSTRONG

FEBRUARY 22, 2021

Referred to Committee on Judiciary

SUMMARY—~~[Makes various changes relating to]~~ Directs the Legislative Commission to appoint a committee to conduct an interim study on certain actions for summary eviction. (BDR ~~[3-736]~~ S-736)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

~

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

AN ACT relating to property; ~~[eliminating]~~ directing the Legislative Commission to appoint a committee to conduct an interim study on certain actions for summary eviction; ~~[under certain circumstances; making various changes relating to actions for summary eviction]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes a supplemental remedy through an action for summary eviction when the tenant of any dwelling, apartment, mobile home or recreational vehicle with periodic rent due by the month or a shorter period defaults in the payment of the rent. ~~[NRS 40.253, 40.254] Section 17 of this bill eliminates actions for summary eviction in such circumstances, meaning that a landlord who wishes to evict a tenant of any dwelling, apartment, mobile home or recreational vehicle with periodic rent due by the month or a shorter period who defaults in the payment of the rent, is required to proceed through a formal action for unlawful detainer. Sections 1-8 and 10-14 of this bill make conforming changes related to the elimination of such actions for summary eviction.~~

~~Existing law provides that certain tenants may dispute the amount of costs claimed by a landlord or asset management company, as applicable, for the inventory, moving and storage of personal property left at the premises. (NRS 40.253, 118A.460, 645H.520) Sections 9 and 15 of this bill make conforming changes related to the elimination of actions for summary eviction pursuant to section 17 of this bill by retaining the dispute procedure for circumstances related to formal actions for eviction and certain other situations.~~

~~Existing law requires a landlord to provide a former tenant with a reasonable opportunity to retrieve essential personal effects from a premises for a 5-day period following an eviction. Existing law provides a procedure for the former tenant to dispute the reasonableness of the landlord. (NRS 40.253, 118A.460) Section 9 makes a conforming change related to the elimination of actions for summary eviction pursuant to section 17 of this bill by retaining the dispute procedure for circumstances related to formal actions for eviction.~~

~~Section 16 of this bill provides that the amendatory provisions of this bill do not apply to actions for summary eviction filed under the law as it existed before July 1, 2021.] (NRS 40.253) Existing law also establishes a supplemental remedy of summary eviction for tenants of any dwelling unit, part of a low-income housing program operated by a public~~

housing authority, a mobile home or a recreational vehicle who: (1) possesses the premises after the expiration of the lease term; (2) possesses the premises after the expiration of a notice to surrender; (3) assigns or sublets a leased premises contrary to the terms of the lease; (4) commits or permits waste upon the premises; (5) commits certain acts relating to nuisances; (6) commits certain offenses relating to controlled substances; or (7) fails to perform a condition or covenant of a lease. (NRS 40.254) This bill directs the Legislative Commission to appoint a committee to conduct an interim study of actions for summary eviction pursuant to NRS 40.253 and 40.254. This bill also: (1) establishes the membership of the committee; (2) establishes the subjects that the committee is required to study; and (3) requires the Legislative Commission to report the findings of the interim study to the Legislature.

WHEREAS, Housing is the largest single expenditure for most households and is often one of the most significant factors in determining financial security; and

WHEREAS, Unaffordable and unstable housing has harmful effects on low-income households and dramatically reduces household spending on food, transportation, health care and other basic necessities; and

WHEREAS, Eviction and subsequent homelessness is one of the most extreme consequences of housing instability; and

WHEREAS, It is important to determine whether actions for summary eviction pursuant to NRS 40.253 and 40.254 perpetuate the harmful effects of unstable housing; now, therefore,

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

Section 1. ~~[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 [40.254,] 40.252, inclusive, 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 uncomplied with for 5 days after the service thereof. Within 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.] (Deleted by amendment.)~~

Sec. 2. ~~[NRS 40.252 is hereby amended to read as follows:~~

~~40.252 For the purposes of NRS 40.250 to 40.252, inclusive + [, and NRS 40.254:]~~

~~1. It is unlawful for a landlord to attempt by contract or other agreement to shorten the specified periods of notice and any such contract or agreement is void.~~

~~2. Notice to surrender the premises which was given by one colessor of real property or a mobile home is valid unless it is affirmatively shown that one or more of the other colessors did not authorize the giving of the notice.]~~ (Deleted by amendment.)

Sec. 3. ~~[NRS 40.2545 is hereby amended to read as follows:~~

~~40.2545 1. In an action for summary eviction pursuant to NRS [40.253, 40.254 or] 40.2542, the eviction case court file is sealed automatically and not open to inspection;~~

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

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

~~(c) Thirty-one days after the tenant has filed an affidavit described in [subsection 3 of NRS 40.253 or] subsection 3 of NRS 40.2542, if the landlord has failed to file an affidavit of complaint pursuant to [subsection 5 of NRS 40.253 or] subsection 5 of NRS 40.2542 within 30 days after the tenant filed the affidavit.~~

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

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

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

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

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

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

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

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

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

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

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

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

~~5. As used in this section [,"eviction"]:~~

~~(a) "Action for summary eviction" means the action described in NRS 40.2542.~~

~~(b) "Eviction case court file" means all records relating to an action for summary eviction which are maintained by the court, including, without limitation, the affidavit of complaint and any other pleadings, proof of service, findings of the~~

1 court, any order made on motion as provided in Nevada Rules of Civil Procedure,
2 Justice Court Rules of Civil Procedure and local rules of practice and all other
3 papers, records, proceedings and evidence, including exhibits and transcript of the
4 testimony.] (Deleted by amendment.)

5 **Sec. 4.** ~~NRS 40.255 is hereby amended to read as follows:~~

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

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

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

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

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

24 ~~2. Except as otherwise provided in subsection 4, if the property has been~~
25 ~~transferred or sold as a residential sale, absent an agreement between the new~~
26 ~~owner and the tenant to modify or terminate an existing lease:~~

27 ~~(a) The new owner has the rights, obligations and liabilities of the previous~~
28 ~~owner or landlord pursuant to chapter 118A of NRS under the lease or rental~~
29 ~~agreement which the previous owner or landlord entered into with the tenant or~~
30 ~~subtenant regarding the property;~~

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

35 ~~(c) Upon termination of the previous owner's interest in the property by~~
36 ~~residential transfer or sale, the previous owner shall transfer the security deposit in~~
37 ~~the manner set forth in paragraph (a) of subsection 1 of NRS 118A.244. The~~
38 ~~successor has the rights, obligations and liabilities of the former landlord as to any~~
39 ~~securities which are owed under this section or NRS 118A.242 at the time of~~
40 ~~transfer.~~

41 ~~3. The new owner pursuant to subsection 2 must provide a notice to the tenant~~
42 ~~or subtenant within 30 days after the date of the transfer or sale:~~

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

45 ~~(b) Notifying the tenant or subtenant that the lease or rental agreement the~~
46 ~~tenant or subtenant entered into with the previous owner or landlord of the property~~
47 ~~continues in effect through the period of the lease term and states the amount held~~
48 ~~by the new owner for the security deposit; and~~

49 ~~(c) Notifying the tenant or subtenant that failure to pay rent to the new owner~~
50 ~~or comply with any other term of the agreement or applicable law constitutes a~~
51 ~~breach of the lease or rental agreement and may result in eviction proceedings. [,~~
52 ~~including, without limitation, proceedings conducted pursuant to NRS 40.253 and~~
53 ~~40.254.]~~

~~4. 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, 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.~~

~~5. During the notice period described in subsection 4:~~

~~(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.~~

~~6. The notice described in subsection 4 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 4; 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. [, including, without limitation, proceedings conducted pursuant to NRS 40.253 and 40.254.]~~

~~7. 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 4.~~

~~8. 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 4 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 4.~~

~~9. This section does not apply to the tenant of a mobile home lot in a mobile home park.~~

~~10. 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~~

1 ~~407.080. As used in this subsection, "single family residence" means a structure~~
2 ~~that is comprised of not more than four units.] (Deleted by amendment.)~~

3 **Sec. 5.** ~~[NRS 40.280 is hereby amended to read as follows:~~

4 ~~40.280 1. Except as otherwise provided in NRS [40.253 and] 40.2542, the~~
5 ~~notices required by NRS 40.251 to 40.260, inclusive, must be served by the sheriff,~~
6 ~~a constable, a person who is licensed as a process server pursuant to chapter 648 of~~
7 ~~NRS or the agent of an attorney licensed to practice in this State:~~

8 ~~— (a) By delivering a copy to the tenant personally;~~

9 ~~— (b) If the tenant is absent from the tenant's place of residence or from the~~
10 ~~tenant's usual place of business, by leaving a copy with a person of suitable age and~~
11 ~~discretion at either place and mailing a copy to the tenant at the tenant's place of~~
12 ~~residence or place of business;~~

13 ~~— (c) If the place of residence or business cannot be ascertained, or a person of~~
14 ~~suitable age or discretion cannot be found there, by posting a copy in a conspicuous~~
15 ~~place on the leased property, delivering a copy to a person there residing, if the~~
16 ~~person can be found, and mailing a copy to the tenant at the place where the leased~~
17 ~~property is situated;~~

18 ~~2. The notices required by NRS 40.230, 40.240 and 40.414 must be served~~
19 ~~upon an unlawful or unauthorized occupant;~~

20 ~~— (a) Except as otherwise provided in this paragraph and paragraph (b), by~~
21 ~~delivering a copy to the unlawful or unauthorized occupant personally, in the~~
22 ~~presence of a witness. If service is accomplished by the sheriff, constable or a~~
23 ~~person who is licensed as a process server pursuant to chapter 648 of NRS, the~~
24 ~~presence of a witness is not required;~~

25 ~~— (b) If the unlawful or unauthorized occupant is absent from the real property,~~
26 ~~by leaving a copy with a person of suitable age and discretion at the property and~~
27 ~~mailing a copy to the unlawful or unauthorized occupant at the place where the~~
28 ~~property is situated. If the occupant is unknown, the notice must be addressed to~~
29 ~~"Current Occupant."~~

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

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

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

38 ~~— (a) [An order for removal of a tenant is issued pursuant to NRS 40.253 or~~
39 ~~40.254;~~

40 ~~— (b)] An order for removal of an unlawful or unauthorized occupant is issued~~
41 ~~pursuant to NRS 40.414;~~

42 ~~— [(c)] (b) A writ of restitution is issued pursuant to NRS 40.200 to 40.420,~~
43 ~~inclusive; or~~

44 ~~— [(d)] (c) An order for removal of a commercial tenant is issued pursuant to~~
45 ~~NRS 40.2542.~~

46 ~~5. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, that~~
47 ~~must be filed before the court may issue an order or writ filed pursuant to paragraph~~
48 ~~(a) [,] or (b) [or (c)] of subsection 4 must consist of:~~

49 ~~— (a) Except as otherwise provided in paragraph (b);~~

50 ~~— (1) If the notice was served pursuant to subsection 1, a written statement,~~
51 ~~endorsed by the person who served the notice, stating the date and manner of~~
52 ~~service. The statement must also include the number of the badge or license of the~~
53 ~~person who served the notice. If the notice was served by the agent of an attorney~~

1 licensed in this State, the statement must be accompanied by a declaration, signed
2 by the attorney and bearing the license number of the attorney, stating that the
3 attorney

4 ~~_____ (I) Was retained by the landlord in an action pursuant to NRS 40.230~~
5 ~~to 40.420, inclusive;~~

6 ~~_____ (II) Reviewed the date and manner of service by the agent; and~~

7 ~~_____ (III) Believes to the best of his or her knowledge that such service~~
8 ~~complies with the requirements of this section.~~

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

14 ~~_____ (3) If the notice was served pursuant to paragraph (b) or (c) of subsection~~
15 ~~2, an affidavit or declaration signed under penalty of perjury by the person who~~
16 ~~served the notice, stating the date and manner of service and accompanied by a~~
17 ~~confirmation of delivery or certificate of mailing issued by the United States Postal~~
18 ~~Service or confirmation of actual delivery by a private postal service.~~

19 ~~_____ (b) For a short term tenancy, if service of the notice was not delivered in~~
20 ~~person;~~

21 ~~_____ (1) A certificate of mailing issued by the United States Postal Service or by~~
22 ~~a private postal service to the landlord or the landlord's agent; or~~

23 ~~_____ (2) The endorsement of a sheriff or constable stating the:~~

24 ~~_____ (I) Time and date the request for service was made by the landlord or~~
25 ~~the landlord's agent;~~

26 ~~_____ (II) Time, date and manner of the service; and~~

27 ~~_____ (III) Fees paid for the service.~~

28 ~~_____ 6. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, that~~
29 ~~must be filed before the court may issue an order filed pursuant to paragraph [(d)]~~
30 ~~(e) of subsection 4 must consist of:~~

31 ~~_____ (a) Except as otherwise provided in paragraphs (b) and (c):~~

32 ~~_____ (1) If the notice was served pursuant to subsection 2 of NRS 40.2542, an~~
33 ~~affidavit or declaration signed by the tenant or the unlawful or unauthorized~~
34 ~~occupant, and a witness, as applicable, signed under penalty of perjury by the~~
35 ~~server, acknowledging that the tenant or occupant received the notice on a specified~~
36 ~~date.~~

37 ~~_____ (2) If the notice was served pursuant to paragraph (b) or (c) of subsection~~
38 ~~1, an affidavit or declaration signed under penalty of perjury by the person who~~
39 ~~served the notice, stating the date and manner of service and accompanied by a~~
40 ~~confirmation of delivery or certificate of mailing issued by the United States Postal~~
41 ~~Service or confirmation of actual delivery by a private postal service.~~

42 ~~_____ (b) If the notice was served by a sheriff, a constable or a person who is licensed~~
43 ~~as a process server pursuant to chapter 648 of NRS, a written statement, endorsed~~
44 ~~by the person who served the notice, stating the date and manner of service. The~~
45 ~~statement must also include the number of the badge or license of the person who~~
46 ~~served the notice.~~

47 ~~_____ (c) For a short term tenancy, if service of the notice was not delivered in~~
48 ~~person;~~

49 ~~_____ (1) A certificate of mailing issued by the United States Postal Service or by~~
50 ~~a private postal service to the landlord or the landlord's agent; or~~

51 ~~_____ (2) The endorsement of a sheriff or constable stating the:~~

52 ~~_____ (I) Time and date the request for service was made by the landlord or~~
53 ~~the landlord's agent;~~

~~_____ (II) Time, date and manner of the service; and~~

~~_____ (III) Fees paid for the service.~~

~~_____ 7. For the purpose of this section, an agent of an attorney licensed in this State shall only serve notice pursuant to subsection 1 if:~~

~~_____ (a) The landlord has retained the attorney in an action pursuant to NRS 40.230 to 40.420, inclusive; and~~

~~_____ (b) The agent is acting at the direction and under the direct supervision of the attorney.] (Deleted by amendment.)~~

Sec. 6. ~~[NRS 40.385 is hereby amended to read as follows:~~

~~_____ 40.385 If an order is entered pursuant to NRS 40.254:~~

~~_____ 1. Either party may appeal [an] the order [entered pursuant to NRS 40.253, 40.254 or 40.2542] by filing a notice of appeal within 10 judicial days after the date of entry of the order.~~

~~_____ 2. [Except as otherwise provided in this section, a stay of execution may be obtained by filing with the trial court a bond in the amount of \$250 to cover the expected costs on appeal. A surety upon the bond submits to the jurisdiction of the appellate court and irrevocably appoints the clerk of that court as the surety's agent upon whom papers affecting the surety's liability upon the bond may be served. Liability of a surety may be enforced, or the bond may be released, on motion in the appellate court without independent action.] A tenant of a commercial [property] premises may obtain a stay of execution only upon the issuance of a stay pursuant to Rule 8 of the Nevada Rules of Appellate Procedure and the posting of a supersedeas bond in the amount of 100 percent of any unpaid rent claim of the landlord.~~

~~_____ 3. A tenant who retains possession of the commercial premises that [are] is the subject of the appeal during the pendency of the appeal shall pay to the landlord rent in the amount provided in the underlying contract between the tenant and the landlord as it becomes due. If the tenant fails to pay such rent, the landlord may initiate now proceedings for a summary eviction by serving the tenant with a new notice pursuant to NRS [40.253, 40.254 or] 40.2542.] (Deleted by amendment.)~~

Sec. 7. ~~[NRS 118.205 is hereby amended to read as follows:~~

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

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

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

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

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

~~_____ 2. Must be served pursuant to subsection 1 of NRS 40.280.~~

~~_____ 3. May be included in the notice required by [subsection 1 of NRS 40.253 or] subsection 1 of NRS 40.2542, [, as applicable.]] (Deleted by amendment.)~~

Sec. 8. ~~[NRS 118A.390 is hereby amended to read as follows:~~

~~_____ 118A.390 1. If the landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises, willfully interrupts or causes or permits the interruption of any essential item or service required by the rental agreement or this chapter or otherwise recovers possession of the dwelling unit in violation of NRS 118A.480, the tenant may recover immediate possession pursuant to subsection 4, proceed under NRS 118A.380 or terminate the rental agreement and, in addition to any other remedy, recover the tenant's actual damages, receive an amount not greater than \$2,500 to be fixed by the court, or both.~~

~~2. In determining the amount, if any, to be awarded under subsection 1, the court shall consider:~~

~~(a) Whether the landlord acted in good faith;~~

~~(b) The course of conduct between the landlord and the tenant; and~~

~~(c) The degree of harm to the tenant caused by the landlord's conduct.~~

~~3. If the rental agreement is terminated pursuant to subsection 1, the landlord shall return all prepaid rent and security recoverable under this chapter.~~

~~4. Except as otherwise provided in subsection 5, the tenant may recover immediate possession of the premises from the landlord by filing a verified complaint for expedited relief for the unlawful removal or exclusion of the tenant from the premises, the willful interruption of any essential item or service or the recovery of possession of the dwelling unit in violation of NRS 118A.480.~~

~~5. A verified complaint for expedited relief:~~

~~(a) Must be filed with the court within 5 judicial days after the date of the unlawful act by the landlord, and the verified complaint must be dismissed if it is not timely filed. If the verified complaint for expedited relief is dismissed pursuant to this paragraph, the tenant retains the right to pursue all other available remedies against the landlord;~~

~~(b) May be consolidated with any action for [summary eviction or] unlawful detainer pursuant to chapter 40 of NRS that is already pending between the landlord and tenant.~~

~~6. The court shall conduct a hearing on the verified complaint for expedited relief not later than 3 judicial days after the filing of the verified complaint for expedited relief. Before or at the scheduled hearing, the tenant must provide proof that the landlord has been properly served with a copy of the verified complaint for expedited relief. Upon the hearing, if it is determined that the landlord has violated any of the provisions of subsection 1, the court may:~~

~~(a) Order the landlord to restore to the tenant the premises or essential items or services, or both;~~

~~(b) Award damages pursuant to subsection 1; and~~

~~(c) Enjoin the landlord from violating the provisions of subsection 1 and, if the circumstances so warrant, hold the landlord in contempt of court.~~

~~7. The payment of all costs and official fees must be deferred for any tenant who files a verified complaint for expedited relief. After any hearing and not later than final disposition of the filing or order, the court shall assess the costs and fees against the party that does not prevail, except that the court may reduce them or waive them, as justice may require.] (Deleted by amendment.)~~

Sec. 9. ~~[NRS 118A.460 is hereby amended to read as follows:~~

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

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

~~(b) After the expiration of the 30 day period, the landlord may dispose of the property and recover his or her reasonable costs out of the property or the value thereof if the landlord has made reasonable efforts to locate the tenant, has notified the tenant in writing of his or her intention to dispose of the property and 14 days have elapsed since the notice was given to the tenant. The notice must be mailed to~~

1 the tenant at the tenant's present address, and if that address is unknown, then at the
2 tenant's last known address.

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

5 ~~—2. [Any] A tenant may dispute [relating to] the amount of the costs claimed~~
6 ~~by the landlord pursuant to paragraph (a) of subsection 1 [may be resolved using~~
7 ~~the procedure provided in subsection 7 of NRS 40.253.] by:~~

8 ~~—(a) Filing a motion with the court, on a form provided by the clerk of the~~
9 ~~court; and~~

10 ~~—(b) Paying the appropriate fees relating to the filing and service of the~~
11 ~~motion.~~

12 ~~—3. The motion described in subsection 2 must be filed within 20 days after~~
13 ~~the date on which the tenant:~~

14 ~~—(a) Abandoned the premises; or~~

15 ~~—(b) Vacated or was removed from the premises and a copy of those charges~~
16 ~~were requested by or provided to the tenant;~~

17 ~~→ whichever is later.~~

18 ~~—4. Upon the filing of the motion described in subsection 2, the court shall~~
19 ~~schedule a hearing on the motion. The hearing must be held within 10 days after~~
20 ~~the filing of the motion. The court shall affix the date of the hearing on the~~
21 ~~motion and order a copy served upon the landlord by the sheriff, constable or~~
22 ~~other process server. At the hearing, the court may:~~

23 ~~—(a) Determine the costs, if any, claimed by the landlord and any~~
24 ~~accumulating daily costs; and~~

25 ~~—(b) Order the release of the property of the tenant upon the payment of the~~
26 ~~charges determined to be due or, if no charges are determined to be due, order~~
27 ~~the immediate release of the property of the tenant.~~

28 ~~—5. During the 5-day period following the eviction or lockout of a tenant, the~~
29 ~~landlord shall provide the [former] tenant a reasonable opportunity to retrieve~~
30 ~~essential personal effects, including, without limitation, medication, baby formula,~~
31 ~~basic clothing and personal care items. [Any] The tenant may dispute [relating to]~~
32 ~~the reasonableness of the landlord's actions pursuant to this section [may be~~
33 ~~resolved using the procedure provided in subsection 9 of NRS 40.253.] by:~~

34 ~~—(a) Filing a motion with the court, on a form provided by the clerk of the~~
35 ~~court; and~~

36 ~~—(b) Paying the appropriate fees relating to the filing and service of the~~
37 ~~motion.~~

38 ~~—6. A hearing must be held within 5 days after the filing of the motion~~
39 ~~described in subsection 5. The court shall affix the date of the hearing on the~~
40 ~~motion and order a copy served upon the landlord by the sheriff, constable or~~
41 ~~other process server. At the hearing, the court may:~~

42 ~~—(a) Order the landlord to allow the retrieval of the essential personal effects~~
43 ~~of the tenant at the date and time and for a period necessary for the retrieval, as~~
44 ~~determined by the court; and~~

45 ~~—(b) Award damages in an amount not greater than \$2,500.~~

46 ~~—7. In determining the amount of damages, if any, to be awarded under~~
47 ~~paragraph (b) of subsection 6, the court shall consider:~~

48 ~~—(a) Whether the landlord acted in good faith;~~

49 ~~—(b) The course of conduct between the landlord and the tenant; and~~

50 ~~—(c) The degree of harm to the tenant caused by the conduct of the landlord.]~~

51 (Deleted by amendment.)

Sec. 10. ~~[NRS 118C.220 is hereby amended to read as follows:]~~

~~118C.220 1. Except as otherwise provided in subsection 2, the justice court has jurisdiction over any civil action or proceeding concerning the exclusion of a tenant from commercial premises, or the summary eviction of a tenant from commercial premises pursuant to NRS 40.2542, in which no party is seeking damages.~~

~~2. If a landlord combines an action for summary eviction of a tenant from commercial premises pursuant to NRS 40.2542 with a claim to recover contractual damages, jurisdiction over the claims rests with the court which has jurisdiction over the amount in controversy.~~

~~3. The provisions of NRS 40.430 and the doctrines of res judicata and collateral estoppel do not apply to:~~

~~(a) A claim by a landlord for contractual damages which is brought subsequent to an action by the landlord for the summary eviction of a tenant from commercial premises [:] pursuant to NRS 40.2542; or~~

~~(b) An action by a landlord for the summary eviction of a tenant from commercial premises pursuant to NRS 40.2542 which is brought subsequent to a claim by the landlord for contractual damages.]~~ **(Deleted by amendment.)**

Sec. 11. ~~[NRS 179.1164 is hereby amended to read as follows:]~~

~~179.1164 1. Except as otherwise provided in subsection 2, the following property is subject to seizure and forfeiture in a proceeding for forfeiture:~~

~~(a) Any proceeds attributable to the commission or attempted commission of any felony.~~

~~(b) Any property or proceeds otherwise subject to forfeiture pursuant to NRS 179.121, 200.760, 202.257, 370.419, 453.301 or 501.3857.~~

~~2. Property may not, to the extent of the interest of any claimant, be declared forfeited by reason of an act or omission shown to have been committed or omitted without the knowledge, consent or willful blindness of the claimant.~~

~~3. [Unless the owner of real property or a mobile home:~~

~~(a) Has given the tenant notice to surrender the premises pursuant to NRS 40.254 within 90 days after the owner receives notice of a conviction pursuant to subsection 2 of NRS 453.305; or~~

~~(b) Shows the court that the owner had good cause not to evict the tenant summarily pursuant to NRS 40.254,~~

~~the] The owner of real property or a mobile home used or intended for use by a tenant to facilitate any violation of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, is disputably presumed to have known of and consented to that use if the notices required by NRS 453.305 have been given in connection with another such violation relating to the property or mobile home. The holder of a lien or encumbrance on the property or mobile home is disputably presumed to have acquired an interest in the property for fair value and without knowledge or consent to such use, regardless of when the act giving rise to the forfeiture occurred.]~~ **(Deleted by amendment.)**

Sec. 12. ~~[NRS 248.275 is hereby amended to read as follows:]~~

~~248.275 1. The sheriff of each county in this State may charge and collect the following fees:~~

~~For serving a summons or complaint, or any other process,~~

~~by which an action or proceeding is commenced, except~~

~~as a writ of habeas corpus, on every defendant \$17~~

~~For traveling and making such service, per mile in going~~

~~only, to be computed in all cases the distance actually~~

~~traveled, for each mile 2~~

1	If any two or more papers are required to be served in	
2	the same suit at the same time, where parties live in	
3	the same direction, one mileage only may be	
4	charged.	
5	For taking a bond or undertaking in any case in which the	
6	sheriff is authorized to take a bond or undertaking	5
7	For a copy of any writ, process or other paper, if demanded	
8	or required by law, for each page	3
9	For serving every rule or order	15
10	For serving one notice required by law before the	
11	commencement of a proceeding for any type of eviction	26
12	For serving not fewer than 2 nor more than 10 such notices	
13	to the same location, each notice	20
14	For serving not fewer than 11 nor more than 24 such	
15	notices to the same location, each notice	17
16	For serving 25 or more such notices to the same location,	
17	each notice	15
18	For mileage in serving such a notice, for each mile	
19	necessarily and actually traveled in going only	2
20	But if two or more notices are served at the same	
21	general location during the same period, mileage	
22	may only be charged for the service of one notice.	
23	For each service in a summary eviction [.] <i>pursuant to</i>	
24	NRS 40.2542, except service of any notice required by	
25	law before the commencement of the proceeding, and	
26	for serving notice of and executing a writ of restitution	21
27	For serving a subpoena, for each witness summoned	15
28	For traveling, per mile in serving subpoenas, or a venire, in	
29	going only, for each mile	\$2
30	When two or more witnesses or jurors live in the same	
31	direction, traveling fees must be charged only for	
32	the most distant.	
33	For serving an attachment on property, or levying an	
34	execution, or executing an order of arrest or order for	
35	the delivery of personal property, together with	
36	traveling fees, as in cases of summons	15
37	For making and posting notices and advertising for sale, on	
38	execution or any judgment or order of sale, not to	
39	include the cost of publication in a newspaper	15
40	For issuing each certificate of sale of property on execution	
41	or order of sale, and for recording the original	
42	certificate with the county recorder, which must be	
43	collected from the party receiving the certificate	5
44	For drawing and executing every sheriff's deed, to be paid	
45	by the grantee, who shall in addition pay for the	
46	acknowledgment thereof	20
47	For serving a writ of possession or restitution, putting any	
48	person into possession entitled thereto	21
49	For traveling in the service of any process, not otherwise	
50	provided in this section, for each mile necessarily	
51	traveled, for going only, for each mile	2
52	For mailing a notice of a writ of execution	2

~~— The sheriff may charge and collect \$2 per mile traveled, for going only, on all papers not served, where reasonable effort has been made to effect service, but not to exceed \$20.~~

~~— 2. The sheriff may also charge and collect:~~

~~— (a) For commissions for receiving and paying over money on execution or process, where lands or personal property have been levied on, advertised or sold, on the first \$500, 4 percent; on any sum in excess of \$500, and not exceeding \$1,000, 2 percent; on all sums above that amount, 1 percent.~~

~~— (b) For commissions for receiving and paying over money on executions without levy, or where the lands or goods levied on are not sold, on the first \$3,500, 2 percent, and on all amounts over that sum, one-half of 1 percent.~~

~~— (c) For service of any process in a criminal case, or of a writ of habeas corpus, the same mileage as in civil cases, to be allowed, audited and paid as are other claims against the county.~~

~~— (d) For all services in justice courts, the same fees as are allowed in subsection 1 and paragraphs (a), (b) and (c) of this subsection.~~

~~— 3. The sheriff is also entitled to further compensation for his or her trouble and expense in taking possession of property under attachment, execution or other process and of preserving the property, as the court from which the writ or order may issue certifies to be just and reasonable.~~

~~— 4. In service of a subpoena or a venire in criminal cases, the sheriff is entitled to receive mileage for the most distant only, where witnesses and jurors live in the same direction.~~

~~— 5. The fees allowed for the levy of an execution, for advertising and for making and collecting money on an execution or order of sale, must be collected from the defendants, by virtue of the execution or order of sale, in the same manner as the execution is directed to be made.~~

~~— 6. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, all fees collected by a sheriff must be paid into the county treasury of his or her county on or before the fifth working day of the month next succeeding the month in which the fees are collected.] (Deleted by amendment.)~~

Sec. 13. [NRS 258.125 is hereby amended to read as follows:

~~— 258.125 1. Constables are entitled to the following fees for their services:~~

For serving a summons or any other process in civil cases	\$17
For summoning a jury before a justice of the peace	7
For taking a bond or undertaking	5
For serving an attachment against the property of a	
— defendant	15
For serving subpoenas, for each witness	15
For a copy of any writ, process or order or other paper,	
— when demanded or required by law, per folio	3
For drawing and executing every constable's deed, to be	
— paid by the grantee, who must also pay for the	
— acknowledgment thereof	20
For each certificate of sale of real property under execution	5
For levying any writ of execution or writ of garnishment, or	
— executing an order of arrest in civil cases, order for	
— delivery of personal property or any other order in a	
— civil case, except an order of eviction, with traveling	
— fees as for summons	\$15

1	For serving one notice required by law before the	
2	commencement of a proceeding for any type of eviction	26
3	For serving not fewer than 2 nor more than 10 such	
4	notices to the same location, each notice	20
5	For serving not fewer than 11 nor more than 24 such	
6	notices to the same location, each notice	17
7	For serving 25 or more such notices to the same location,	
8	each notice	15
9	Except as otherwise provided in subsection 3, for mileage	
10	in serving such a notice, for each mile necessarily and	
11	actually traveled in going only	2
12	But if two or more notices are served at the same	
13	general location during the same period, mileage	
14	may only be charged for the service of one notice.	
15	For each service in a summary eviction [.] pursuant to	
16	NRS 40.2542, except service of any notice required by	
17	law before commencement of the proceeding, and for	
18	serving notice of and executing a writ of restitution	21
19	For making and posting notices, and advertising property	
20	for sale on execution, not to include the cost of	
21	publication in a newspaper	15
22	For each warrant lawfully executed, unless a higher amount	
23	is established by the board of county commissioners	48
24	For mailing a notice of a writ of execution	2
25	Except as otherwise provided in subsection 3, for mileage	
26	in serving summons, attachment, execution, order,	
27	venire, subpoena, notice, summary eviction [.]	
28	pursuant to NRS 40.2542, writ of restitution or other	
29	process in civil suits, for each mile necessarily and	
30	actually traveled, in going only	2
31	But when two or more persons are served in the same	
32	suit, mileage may only be charged for the most	
33	distant, if they live in the same direction.	
34	Except as otherwise provided in subsection 3, for mileage	
35	in making a diligent but unsuccessful effort to serve a	
36	summons, attachment, execution, order, venire,	
37	subpoena or other process in civil suits, for each mile	
38	necessarily and actually traveled, in going only	\$2
39	But mileage may not exceed \$20 for any unsuccessful	
40	effort to serve such process.	
41		
42	2. A constable is also entitled to receive:	
43	(a) For receiving and taking care of property on execution, attachment or order,	
44	and for executing an order of arrest in civil cases, compensation for the constable's	
45	trouble and expense, to be allowed by the court which issued the writ or order, upon	
46	the affidavit of the constable that the charges are correct and the expenses	
47	necessarily incurred.	
48	(b) For collecting all sums on execution or writ, to be charged against the	
49	defendant, on the first \$3,500, 2 percent thereof, and on all amounts over that sum,	
50	1 percent.	
51	(c) For service in criminal cases, the same fees as are allowed sheriffs for like	
52	services, to be allowed, audited and paid as are other claims against the county.	

~~— (d) For removing or causing the removal of, pursuant to NRS 487.230, a vehicle that has been abandoned on public property, \$100.~~

~~— (e) For providing any other service authorized by law for which no fee is established by this chapter, the fee provided for by ordinance by the board of county commissioners.~~

~~— 3. For each service for which a constable is otherwise entitled pursuant to subsection 1 to a fee based on the mileage necessarily and actually traveled in performing the service, a board of county commissioners may provide by ordinance for the constable to be entitled, at the option of the person paying the fee, to a flat fee for the travel costs of that service.~~

~~— 4. Deputy sheriffs acting as constables are not entitled to retain for their own use any fees collected by them, but the fees must be paid into the county treasury on or before the fifth working day of the month next succeeding the month in which the fees were collected.~~

~~— 5. Except as otherwise provided in subsection 6, constables shall, on or before the fifth working day of each month, account for and pay to the county treasurer all fees collected during the preceding month, except fees which may be retained as compensation.~~

~~— 6. Every 5 business days, constables in an office established by the board of county commissioners as an enterprise fund shall account for and pay to the county treasurer any fee collected during the preceding period.]~~ **(Deleted by amendment.)**

Sec. 14. ~~[NRS 453.305 is hereby amended to read as follows:~~

~~— 453.305 1. Whenever a person is arrested for violating any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, and real property or a mobile home occupied by the person as a tenant has been used to facilitate the violation, the prosecuting attorney responsible for the case shall cause to be delivered to the owner of the property or mobile home a written notice of the arrest.~~

~~— 2. Whenever a person is convicted of violating any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, and real property or a mobile home occupied by the person as a tenant has been used to facilitate the violation, the prosecuting attorney responsible for the case shall cause to be delivered to the owner of the property or mobile home a written notice of the conviction.~~

~~— 3. The notices required by this section must:~~

~~— (a) Be written in language which is easily understood;~~

~~— (b) Be sent by certified or registered mail, return receipt requested, to the owner at the owner's last known address;~~

~~— (c) Be sent within 15 days after the arrest occurs or judgment of conviction is entered against the tenant, as the case may be;~~

~~— (d) Identify the tenant involved and the offense for which the tenant has been arrested or convicted; and~~

~~— (e) Advise the owner that:~~

~~— (1) The property or mobile home is subject to forfeiture pursuant to NRS 179.1156 to 179.1205, inclusive, and 453.301 unless the tenant, if convicted, is evicted;~~

~~— (2) Any similar violation by the same tenant in the future may also result in the forfeiture of the property unless the tenant has been evicted; and~~

~~— (3) In any proceeding for forfeiture based upon such a violation the owner will, by reason of the notice, be deemed to have known of and consented to the unlawful use of the property or mobile home. [; and~~

~~— (4) The provisions of NRS 40.2514 and 40.254 authorize the supplemental remedy of summary eviction to facilitate the owner's recovery of the property or~~

1 mobile home upon such a violation and provide for the recovery of any reasonable
2 attorney's fees the owner incurs in doing so.]

3 ~~4. Nothing in this section shall be deemed to preclude the commencement of a~~
4 ~~proceeding for forfeiture or the forfeiture of the property or mobile home, whether~~
5 ~~or not the notices required by this section are given as required, if the proceeding~~
6 ~~and forfeiture are otherwise authorized pursuant to NRS 179.1156 to 179.1205,~~
7 ~~inclusive, and 452.201.~~

8 ~~5. As used in this section, "tenant" means any person entitled under a written~~
9 ~~or oral rental agreement to occupy real property or a mobile home to the exclusion~~
10 ~~of others.] (Deleted by amendment.)~~

11 **Sec. 15. [NRS 645H.520 is hereby amended to read as follows:]**

12 ~~645H.520 1. Subject to the provisions of NRS 645H.770, the services an~~
13 ~~asset management company may provide include, without limitation:~~

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

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

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

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

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

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

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

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

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

46 ~~3. [Any] A homeowner or the tenant of the homeowner may dispute~~
47 ~~[relating to] the amount of the costs claimed by the asset management company~~
48 ~~pursuant to paragraph (a) of subsection 2 [may be resolved using the procedure~~
49 ~~provided in subsection 7 of NRS 40.253.] by:~~

50 ~~(a) Filing a motion with the court, on a form provided by the clerk of the~~
51 ~~court; and~~

52 ~~(b) Paying the appropriate fees relating to the filing and service of the~~
53 ~~motion.~~

~~4. The motion described in subsection 3 must be filed within 20 days after the date on which the homeowner or the tenant of the homeowner, as applicable:~~

~~(a) Abandoned the premises; or~~

~~(b) Vacated or was removed from the premises and a copy of those charges were requested by or provided to the homeowner or the tenant of the homeowner, whichever is later;~~

~~5. Upon the filing of a motion described in subsection 3, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing on the motion and order a copy served upon the asset management company by the sheriff, constable or other process server. At the hearing, the court may:~~

~~(a) Determine the costs, if any, claimed by the asset management company and any accumulating daily costs; and~~

~~(b) Order the release of the property of the homeowner or the tenant of the homeowner upon the payment of the charges determined to be due or, if no charges are determined to be due, order the immediate release of the property of the homeowner or the tenant of the homeowner.] (Deleted by amendment.)~~

Sec. 16. ~~[The amendatory provisions of this act do not apply to actions for summary eviction pursuant to NRS 40.253 and 40.254 that were filed with a court of competent jurisdiction before July 1, 2021.] (Deleted by amendment.)~~

Sec. 17. ~~[NRS 40.253 and 40.254 are hereby repealed.] (Deleted by amendment.)~~

Sec. 17.5. 1. The Legislative Commission shall appoint a committee to conduct an interim study of the summary procedures for eviction described in NRS 40.253 and 40.254.

2. The committee must be composed of six Legislators as follows:

(a) Two members appointed by the Majority Leader of the Senate;

(b) Two members appointed by the Speaker of the Assembly;

(c) One member appointed by the Minority Leader of the Senate; and

(d) One member appointed by the Minority Leader of the Assembly.

3. The Legislative Commission shall appoint a Chair and Vice Chair from among the members of the committee.

4. In conducting the study, the committee shall consult with and solicit input from interested stakeholders, including, without limitation:

(a) Governmental agencies;

(b) Officials of local governments;

(c) Community advocates;

(d) Persons impacted by actions for summary eviction pursuant to NRS 40.253 and 40.254; and

(e) Court administrators.

5. The committee shall study and examine:

(a) The laws and rules of other states relating to evicting tenants of dwellings, apartments, mobile homes or recreational vehicles, including, without limitation:

(1) Any requirements relating to serving notice of actions for eviction;

(2) Any oversight provided by courts in such actions;

(3) The appropriateness of a defendant initiating such an action in court; and

(4) The circumstances which trigger any action for eviction, including, without limitation, those actions relating to no-fault evictions;

(b) The current and future need for housing security in this State, including, without limitation:

(1) The effect of actions for summary eviction pursuant to NRS 40.253 and 40.254 on communities relating to housing security; and

(2) The availability of community resources in this State relating to housing security;

(c) The ability of tenants and landlords to initiate and defend actions for summary eviction pursuant to NRS 40.253 and 40.254;

(d) The deadlines mandated by actions for summary eviction pursuant to NRS 40.253 and 40.254; and

(e) Any other matters that are necessary to fulfill the mission of the committee, as determined by the Chair.

6. Any recommended legislation proposed by the committee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly who are appointed to the committee.

7. The Legislative Commission shall submit a report of the results of the study, including, without limitation, any recommendations for legislation, to the Director of the Legislative Counsel Bureau for transmittal to the 82nd Session of the Nevada Legislature.

Sec. 18. This act becomes effective on July 1, 2021.

†

TEXT OF REPEALED SECTIONS

~~40.253 Unlawful detainer: Supplemental remedy of summary eviction and exclusion of tenant for default in payment of rent.~~

~~1. Except as otherwise provided in subsection 12, 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 or recreational vehicle 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 may cause to be served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:~~

~~(a) Before the close of business on the seventh judicial day following the day of service; or~~

~~(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.~~

~~As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.~~

~~2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in subsection 2 of NRS 40.2542. If the notice cannot be delivered in person, the landlord or the landlord's agent:~~

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

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

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

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

~~— (b) Advise the tenant:~~

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

~~— (2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order; and~~

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

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

~~— 5. Upon noncompliance with the notice:~~

~~— (a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle are located or to the district court of the county in which the dwelling, apartment, mobile home or recreational vehicle are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order. The affidavit must state or contain:~~

~~— (1) The date the tenancy commenced;~~

~~— (2) The amount of periodic rent reserved;~~

~~— (3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant;~~

~~— (4) The date the rental payments became delinquent;~~

~~— (5) The length of time the tenant has remained in possession without paying rent;~~

~~— (6) The amount of rent claimed due and delinquent.~~

~~— (7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.~~

~~— (8) A copy of the written notice served on the tenant;~~
~~— (9) A copy of the signed written rental agreement, if any;~~
~~— (b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file-stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant to NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise;~~
~~— 6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.~~
~~— 7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:~~
~~— (a) The tenant has vacated or been removed from the premises; and~~
~~— (b) A copy of those charges has been requested by or provided to the tenant, whichever is later;~~
~~— 8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:~~
~~— (a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 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. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court on a form provided by the clerk of court to dispute the reasonableness of the actions of a landlord pursuant to subsection 3 of NRS 118A.460. The motion must be filed within 5 days after the tenant has vacated or been removed from the premises. Upon the filing of a motion pursuant to this subsection, the court shall schedule a hearing on the motion. The hearing must be held within 5 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:~~

~~— (a) Order the landlord to allow the retrieval of the tenant's essential personal effects at the date and time and for a period necessary for the retrieval, as determined by the court; and~~

~~— (b) Award damages in an amount not greater than \$2,500;~~

~~— 10. In determining the amount of damages, if any, to be awarded under paragraph (b) of subsection 9, the court shall consider:~~

~~— (a) Whether the landlord acted in good faith;~~

~~— (b) The course of conduct between the landlord and the tenant; and~~

~~— (c) The degree of harm to the tenant caused by the landlord's conduct;~~

~~— 11. 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;~~

~~— 12. Except as otherwise provided in NRS 118A.315, this section does not apply to:~~

~~— (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;~~

~~— 13. As used in this section, "close of business" means the close of business of the court that has jurisdiction over the matter.~~

~~— 40.254. Unlawful detainer: Supplemental remedy of summary eviction and exclusion of tenant from certain types of property.~~

~~— 1. Except as otherwise provided by specific statute, in addition to the remedy provided in NRS 40.290 to 40.420, inclusive, when the tenant of a dwelling unit, 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 or the landlord's agent may utilize the summary procedures for eviction as provided in NRS 40.253 except that 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:~~

~~— (1) Contest the notice by filing 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 stating the reasons why the tenant is not guilty of an unlawful detainer; 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. 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 pursuant to the provisions of NRS 40.251, 40.2514 or 40.2516, together with any facts 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 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.~~

~~2. 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.]~~