

Amendment No. 660

Assembly Amendment to Senate Bill No. 335 First Reprint (BDR 3-883)

Proposed by: Assembly Committee on Judiciary

Amends: Summary: No 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.





## SENATE BILL NO. 335—SENATOR OHRENSCHALL

MARCH 20, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions regarding real property. (BDR 3-883)

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 property; authorizing tenants subject to certain actions for summary eviction ~~proceedings~~ to ~~assert certain affirmative defenses relating to~~ request that the court stay the action until a decision concerning an application for rental assistance is made and establishing procedures relating thereto; requiring a landlord to accept payment of rent from a tenant and rental assistance on behalf of a tenant under certain circumstances; authorizing a justice court to establish a diversion program for certain tenants subject to an action for summary eviction; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

~~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 defines the term "designated eviction proceeding" to include certain proceedings relating to the eviction of certain tenants who have defaulted in the payment of rent. Section 9 authorizes a tenant to claim as an affirmative defense to a designated eviction proceeding that: (1) the tenant has a pending application for rental assistance; or (2) the landlord of the tenant refused to participate in the application process for rental assistance or accept rental assistance provided on behalf of the tenant. Section 9 requires the court to stay the proceedings upon the assertion of such an affirmative defense for a period not to exceed 60 days unless the landlord receives an exemption. Section 9 also authorizes the landlord to file a motion to rebut the affirmative defense. If such a motion is filed by a landlord, section 9 authorizes the court to: (1) hold a hearing; or (2) maintain the stay of the proceedings for a period not to exceed 60 days. Section 9 also requires the court to: (1) dismiss the proceedings for eviction upon the granting of the application for rental assistance and receipt of the rental assistance by the landlord under certain circumstances; or (2) deny the eviction if the tenant proves the claim that the landlord refused to participate in the application for rental assistance or accept rental assistance on behalf of the tenant. The court is authorized to award damages if an eviction is denied for such refusal. In determining the amount of damages, if any, to award to the tenant, section 9 requires the court to consider the degree of harm caused to the tenant by the refusal of the landlord to participate in the application process for rental assistance or accept the rental assistance on behalf of the tenant.~~ In general, existing law provides for a summary eviction procedure when a tenant defaults in the payment of rent. (NRS 40.253) Section 9 of this bill authorizes a tenant who has been served with a notice to pay rent or surrender the premises to

request that the court stay an action for summary eviction based on a default in the payment of rent until a decision concerning an application for rental assistance is made. Section 9 establishes the procedure for a tenant to request such a stay and criteria for the issuance of a stay. If the court issues such a stay, section 9 authorizes a landlord to file a motion to lift the stay under certain circumstances. If an application for rental assistance is granted in an amount that will allow the tenant in an action that has been stayed to cure the default, section 9 requires the landlord to accept payment of rent from the tenant and rental assistance on behalf of the tenant. If the application for rental assistance is denied or granted in an amount that will not allow the tenant in an action that has been stayed to cure the default, section 9 requires the court to proceed with the action for summary eviction in accordance with the requirements prescribed by existing law. Section 21.2 of this bill makes a conforming change relating to the submission of an affidavit pursuant to section 9.

In general, existing law provides for a summary eviction procedure when a tenant neglects or fails to perform a condition or covenant of a lease or agreement. (NRS 40.254) Section 9.2 of this bill authorizes a tenant who has been served with a notice to surrender the premises to request that the court stay an action for summary eviction based on neglect or failure to perform a condition or covenant of the lease or agreement until a decision concerning an application for rental assistance is made. Section 9.2 establishes the procedure for a tenant to request such a stay and criteria for the issuance of a stay. Among other requirements, section 9.2 requires the tenant to submit proof that: (1) the tenant was in default on the payment when the landlord initiated the action for summary eviction; and (2) the condition or covenant of the lease or agreement that the tenant allegedly neglected or failed to perform is not material to the lease or agreement. If the court issues such a stay, section 9.2 authorizes a landlord to file a motion to lift the stay under certain circumstances. When any stay issued by the court is lifted, section 9.2 requires the court to proceed with the action for summary eviction in accordance with the requirements prescribed by existing law. If an application for rental assistance is granted in an amount that will allow the tenant to cure the default, section 9.2 requires the landlord to accept payment of rent from the tenant and rental assistance on behalf of the tenant. Section 21.4 makes a conforming change relating to the submission of an affidavit pursuant to section 9.2.

Sections 9.1 and 9.3 of this bill create a similar process that becomes effective if and only if Assembly Bill No. 340 of this session is enacted by the Legislature and approved by the Governor.

Section 9.5 of this bill authorizes a justice court to establish a diversion program to which it may assign an eligible tenant subject to an action for summary eviction. Section 9.5 sets forth factors the court may consider in determining whether a tenant is eligible for assignment to such a diversion program. If the court assigns a tenant to such a diversion program, section 9.5 requires the court to: (1) stay the pending action for summary eviction for not more than 60 days; and (2) if the tenant pays the landlord the rent that is in default or surrenders the premises before the expiration of the stay, dismiss the action.

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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 9.5, inclusive, of this act.

**Sec. 2.** (Deleted by amendment.)

**Sec. 3.** (Deleted by amendment.)

**Sec. 4.** (Deleted by amendment.)

**Sec. 5.** (Deleted by amendment.)

**Sec. 6.** (Deleted by amendment.)

**Sec. 7.** (Deleted by amendment.)

**Sec. 8.** (Deleted by amendment.)

1        Sec. 9. 1. ~~[In any designated eviction proceeding, the]~~ A tenant who has  
2 been served with a notice pursuant to subsection 1 of NRS 40.253 may ~~claim as~~  
3 ~~an affirmative defense]~~ request that ~~it~~

4 ~~(a) The tenant has a pending]~~ the court stay any action for summary eviction  
5 ~~initiated by the landlord against the tenant pursuant to subsection 5 of NRS~~  
6 ~~40.253 until a decision concerning an application for rental assistance ~~is or~~~~

7 ~~(b) The landlord has refused to~~

8 ~~(1) Participate in the application process for rental assistance; or~~

9 ~~(2) Accept rental assistance on behalf of the tenant.] is made.~~

10        2. To ~~[assert the affirmative defense described in]~~ request a stay pursuant to  
11 ~~subsection 1, a tenant must:~~

12 (a) ~~[Have submitted]~~ File, within the time specified in subsection 1 of NRS  
13 40.253 for the payment of rent or surrender of the premises, an affidavit with the  
14 court that has jurisdiction over the matter stating that the tenant has a pending  
15 application for rental assistance ~~;~~ ~~[before the date on which the landlord filed the~~  
16 ~~complaint on which the designated eviction proceeding is based]~~ and

17 (b) Provide proof to the court of the date on which the application ~~for rental~~  
18 ~~assistance was submitted.~~

19        3. If ~~[an affirmative defense described in subsection 1 is asserted by the~~  
20 ~~tenant]~~

21 ~~(a) Except as otherwise provided in subsection 8,]~~ the court determines that  
22 ~~an affidavit filed pursuant to subsection 2 is accompanied by sufficient proof, the~~  
23 ~~court shall stay ~~[the designated]~~ any action for summary eviction ~~[proceeding]~~~~  
24 ~~initiated by the landlord against the tenant pursuant to subsection 5 of NRS~~  
25 ~~40.253 until the applicable time described in subsection ~~[5 or 6]~~ and~~

26 ~~(b) The landlord may file a motion to rebut the affirmative defense by the~~  
27 ~~tenant.] 4.~~

28 4. If ~~[a landlord files the motion described in subsection 3, the court may:~~

29 ~~(a) Hold a hearing on the motion; or~~

30 ~~(b) Maintain the stay until the applicable time described in subsection 5 or 6.~~

31 ~~5. Except as otherwise provided in subsection 6, if the affirmative defense~~  
32 ~~asserted was that described in:~~

33 ~~(a) ~~[Paragraph (a) of subsection 1,]~~ the court grants a stay pursuant to~~  
34 ~~subsection 3, the stay ~~[of the designated eviction proceeding]~~ must be maintained~~  
35 ~~by the court until such time as ~~[the]~~;~~

36 ~~(a) The application for rental assistance is no longer pending or a~~  
37 ~~determination is made on the pending application for rental assistance ~~;~~ and,~~  
38 ~~except as otherwise provided in subsection 11, if the application for rental~~  
39 ~~assistance is granted, the court must dismiss the designated eviction proceeding at~~  
40 ~~the time that the rental assistance is received by the landlord.] or~~

41 ~~(b) ~~[Paragraph (b) of subsection 1, the stay of the designated eviction~~~~  
42 ~~proceeding must be maintained by the court until such time as the tenant proves~~  
43 ~~the validity of the claim, in which case the court:~~

44 ~~(1) Must deny the eviction; and~~

45 ~~(2) May award damages to the tenant.~~

46 ~~6.] The court grants a motion filed pursuant to subsection 5.~~

47 5. A landlord may file a motion to lift a stay ~~[of a designated eviction~~  
48 ~~proceeding must not exceed 60 days.~~

49 7. In determining the amount of damages to award a tenant] issued  
50 pursuant to subsection ~~[5, the court shall consider the degree of harm caused to~~  
51 ~~the tenant by the refusal of the landlord to:~~

52 ~~(a) Participate in the application process for rental assistance; or~~

53 ~~(b) Accept rental assistance on behalf of the tenant.~~

~~8.7 3.~~  
6. The court may grant a landlord an exemption from the requirement to stay a designated eviction proceeding motion filed pursuant to this section subsection 5 if ~~it~~, at a hearing conducted on the motion, the court finds that:

~~(a) The landlord:~~

~~(1) Provides written notice to the tenant of the exemption sought at the same time that notice relating to the designated eviction proceeding is served upon the tenant; and~~

~~(2) Files a motion with the court for an exemption from the requirement to stay the designated eviction proceeding; and~~

~~(b) The court finds:~~

~~(1) That there is a pending designated eviction proceeding; and~~

~~(2) Evidence exists that the landlord faces a realistic threat of the foreclosure of the premises if the landlord is not able to evict the tenant ~~or~~~~

~~9.7, including, without limitation, evidence that:~~

~~(1) The property is subject to a lien, including, without limitation, a tax lien or lien for charges relating to utilities; or~~

~~(2) The landlord has missed three or more consecutive mortgage payments;~~

~~(b) The application for rental assistance was submitted in bad faith; or~~

~~(c) It is unlikely that:~~

~~(1) The application for rental assistance will be granted; or~~

~~(2) The tenant will be able to cure the default in the payment of rent, regardless of whether the application for rental assistance is granted.~~

~~7. If a tenant in bad faith submits an application for rental assistance, ~~for asserts the affirmative defense described in paragraph (a) of subsection 1 in bad faith,~~ the landlord may, in a separate cause of action, recover damages from the tenant.~~

~~10.7 8. If a landlord in bad faith files a motion ~~for an exemption~~ pursuant to subsection ~~8.7~~ 5, the tenant may, in a separate cause of action, recover from the landlord an amount equal to damages, 1 month's rent or \$1,000, whichever is greater, reasonable attorney's fees and costs of court.~~

~~11. The provisions of paragraph (a) of subsection 5 which require the~~

~~9. If the application for rental assistance is:~~

~~(a) Granted in an amount that, together with any other available funds, will allow the tenant to cure the default in the payment of rent:~~

~~(1) The landlord must accept payment of rent from the tenant and rental assistance on behalf of the tenant; and~~

~~(2) The court ~~to~~ must dismiss ~~the designated~~ any action for summary eviction ~~proceeding do not apply if the rental assistance received~~ initiated by the landlord ~~does not cure the default of the tenant.~~~~

~~12. This section does not apply to any proceeding for eviction relating to:~~

~~(a) A commercial premises; or~~

~~(b) An unlawful detainer pursuant to subsection 4 of NRS 40.2514 or 40.255, ~~13. against the tenant pursuant to subsection 5 of NRS 40.253.~~~~

~~(b) Denied, or granted in amount that, together with any other available funds, will not allow the tenant to cure the default in the payment of rent, the court shall:~~

~~(1) Issue an order lifting the stay; and~~

~~(2) Hold a hearing in accordance with the requirements prescribed by subsection 6 of NRS 40.253.~~

~~10. For purposes of subsection ~~5.7~~ 4, an application for rental assistance is no longer pending if the application is not actively being pursued by the tenant,~~

including, without limitation, by providing in a timely manner any information or documentation requested by the person or entity to whom the application was submitted.

~~14. Any person or entity to whom a tenant submits a rental assistance application shall use its best efforts to notify the tenant, landlord and court of any determination made on a pending application for rental assistance as soon as reasonably practicable after making the determination.~~

~~15.~~ 11. As used in this section:

(a) ~~“Designated eviction proceeding” means~~

~~(1) A proceeding for summary eviction where the tenant has defaulted in the payment of rent;~~

~~(2) A proceeding for eviction for unlawful detainer pursuant to NRS 40.2512; or~~

~~(3) A proceeding for eviction relating to paragraph (a) of subsection 1 of NRS 118B.200.~~

~~(b)~~ “Pending application for rental assistance” means an application for rental assistance submitted in good faith by a tenant. The term includes, without limitation, an application which is inactive due to any technical difficulty on the part of the tenant in the filing of the application for rental assistance ~~that is outside of the control of the tenant.~~ The term does not include an application for rental assistance that was started by the tenant but is not actively being pursued by the tenant.

~~(c)~~ (b) “Rental assistance” includes, without limitation, federal, state or local funds ~~that~~

~~(1) Provided~~ provided by a governmental entity ~~that~~ and

~~(2) Administered~~ administered for the purpose of paying any amount of delinquent rent. The term does not include rental assistance provided pursuant to the provisions of 42 U.S.C. § 1437f.

Sec. 9.1. 1. A tenant against whom a landlord files an affidavit of complaint for summary eviction pursuant to subsection 3 of section 2 of Assembly Bill No. 340 of this session may request that the court stay the pending action for summary eviction until a decision concerning an application for rental assistance is made.

2. To request a stay pursuant to subsection 1, a tenant must:

(a) File the written answer required by subsection 6 of section 2 of Assembly Bill No. 340 of this session with the court that has jurisdiction over the matter within the time specified by subsection 6 of section 2 of Assembly Bill No. 340 of this session and include in the answer:

(1) A statement that the tenant has a pending application for rental assistance; and

(2) A request that the court stay the pending action for summary eviction; and

(b) Provide proof to the court of the date on which the application for rental assistance was submitted.

3. If the court determines that a written answer filed pursuant to subsection 6 of section 2 of Assembly Bill No. 340 of this session is accompanied by sufficient proof, the court shall stay the pending action for summary eviction until the applicable time described in subsection 4.

4. If the court grants a stay pursuant to subsection 3, the stay must be maintained by the court until such time as:

(a) The application for rental assistance is no longer pending or a determination is made on the pending application for rental assistance; or

(b) The court grants a motion filed pursuant to subsection 5.

1 5. A landlord may file a motion to lift a stay issued pursuant to subsection 3.

2 6. The court may grant a motion filed pursuant to subsection 5 if, at a  
3 hearing conducted on the motion, the court finds that:

4 (a) Evidence exists that the landlord faces a realistic threat of the foreclosure  
5 of the premises if the landlord is not able to evict the tenant, including, without  
6 limitation, evidence that:

7 (1) The property is subject to a lien, including, without limitation, a tax  
8 lien or lien for charges relating to utilities; or

9 (2) The landlord has missed three or more consecutive mortgage  
10 payments;

11 (b) The application for rental assistance was submitted in bad faith; or

12 (c) It is unlikely that:

13 (1) The application for rental assistance will be granted; or

14 (2) The tenant will be able to cure the default in the payment of rent,  
15 regardless of whether the application for rental assistance is granted.

16 7. If a tenant in bad faith submits an application for rental assistance, the  
17 landlord may, in a separate cause of action, recover damages from the tenant.

18 8. If a landlord in bad faith files a motion pursuant to subsection 5, the  
19 tenant may, in a separate cause of action, recover from the landlord an amount  
20 equal to damages, 1 month's rent or \$1,000, whichever is greater, reasonable  
21 attorney's fees and costs of court.

22 9. If the application for rental assistance is:

23 (a) Granted in an amount that, together with any other available funds, will  
24 allow the tenant to cure the default in the payment of rent:

25 (1) The landlord must accept payment of rent from the tenant and rental  
26 assistance on behalf of the tenant; and

27 (2) The court must dismiss the pending action for summary eviction.

28 (b) Denied, or granted in amount that, together with any other available  
29 funds, will not allow the tenant to cure the default in the payment of rent, the  
30 court shall:

31 (1) Issue an order lifting the stay; and

32 (2) Hold a hearing in accordance with the requirements prescribed by  
33 subsection 7 of Assembly Bill No. 340 of this session.

34 10. For the purposes of subsection 4, an application for rental assistance is  
35 no longer pending if the application is not actively being pursued by the tenant,  
36 including, without limitation, by providing in a timely manner any information or  
37 documentation requested by the person or entity to whom the application was  
38 submitted.

39 11. As used in this section:

40 (a) "Pending application for rental assistance" means an application for  
41 rental assistance submitted in good faith by a tenant. The term includes, without  
42 limitation, an application which is inactive due to any technical difficulty on the  
43 part of the tenant in the filing of the application for rental assistance that is  
44 outside of the control of the tenant. The term does not include an application for  
45 rental assistance that was started by the tenant but is not actively being pursued  
46 by the tenant.

47 (b) "Rental assistance" includes, without limitation, federal, state or local  
48 funds provided by a governmental entity and administered for the purpose of  
49 paying any amount of delinquent rent. The term does not include rental  
50 assistance provided pursuant to the provisions of 42 U.S.C. § 1437f.

51 Sec. 9.2. 1. A tenant who has been served with a notice pursuant to NRS  
52 40.2516 may request that the court stay any action for summary eviction initiated



1 by the landlord against the tenant pursuant to NRS 40.254 until a decision  
2 concerning an application for rental assistance is made.

3 2. To request a stay pursuant to subsection 1, a tenant must:

4 (a) File, within the time specified in NRS 40.2516, an affidavit with the court  
5 that has jurisdiction over the matter stating that the tenant has a pending  
6 application for rental assistance that was submitted before the date on which the  
7 tenant was served with the notice described in subsection 1;

8 (b) Provide proof to the court that:

9 (I) The tenant:

10 (I) Was in default on the payment of rent when the notice described  
11 in subsection 1 was served; and

12 (II) Submitted the application for rental assistance before the notice  
13 described in subsection 1 was served; and

14 (2) The condition or covenant of the lease or agreement that the tenant  
15 allegedly neglected or failed to perform is not material to the lease or agreement.  
16 For the purposes of this subparagraph, timely payment of rent is not material to  
17 the lease or agreement.

18 3. If the court determines that an affidavit filed pursuant to subsection 2 is  
19 accompanied by sufficient proof, the court may stay any action for summary  
20 eviction initiated by the landlord against the tenant pursuant to NRS 40.254.

21 4. If the court grants a stay pursuant to subsection 3, the stay must be  
22 maintained by the court until such time as:

23 (a) The application for rental assistance is no longer pending or a  
24 determination is made on the pending application for rental assistance; or

25 (b) The court grants a motion filed pursuant to subsection 6.

26 5. When a stay issued pursuant to subsection 3 is lifted, the action for  
27 summary eviction must proceed in accordance with the requirements prescribed  
28 by NRS 40.254.

29 6. A landlord may file a motion to lift a stay issued pursuant to subsection 3.

30 7. The court may grant a motion filed pursuant to subsection 6 if, at a  
31 hearing conducted on the motion, the court finds that:

32 (a) Evidence exists that the landlord faces a realistic threat of the foreclosure  
33 of the premises if the landlord is not able to evict the tenant, including, without  
34 limitation, evidence that:

35 (I) The property is subject to a lien, including, without limitation, a tax  
36 lien or lien for charges relating to utilities; or

37 (2) The landlord has missed three or more consecutive mortgage  
38 payments;

39 (b) The application for rental assistance was submitted in bad faith; or

40 (c) It is unlikely that:

41 (I) The application for rental assistance will be granted; or

42 (2) The tenant will be able to cure the default in the payment of rent,  
43 regardless of whether the application for rental assistance is granted.

44 8. If a tenant in bad faith submits an application for rental assistance, the  
45 landlord may, in a separate cause of action, recover damages from the tenant.

46 9. If a landlord in bad faith files a motion pursuant to subsection 6, the  
47 tenant may, in a separate cause of action, recover from the landlord an amount  
48 equal to damages, 1 month's rent or \$1,000, whichever is greater, reasonable  
49 attorney's fees and costs of court.

50 10. If the application for rental assistance is granted in an amount that,  
51 together with any other available funds, will allow the tenant to cure the default  
52 in the payment of rent, the landlord must accept payment of rent from the tenant  
53 and rental assistance on behalf of the tenant.

11. For the purposes of subsection 4, an application for rental assistance is no longer pending if the application is not actively being pursued by the tenant, including, without limitation, by providing in a timely manner any information or documentation requested by the person or entity to whom the application was submitted.

12. As used in this section:

(a) "Pending application for rental assistance" means an application for rental assistance submitted in good faith by a tenant. The term includes, without limitation, an application which is inactive due to any technical difficulty on the part of the tenant in the filing of the application for rental assistance that is outside of the control of the tenant. The term does not include an application for rental assistance that was started by the tenant but is not actively being pursued by the tenant.

(b) "Rental assistance" includes, without limitation, federal, state or local funds provided by a governmental entity and administered for the purpose of paying any amount of delinquent rent. The term does not include rental assistance provided pursuant to the provisions of 42 U.S.C. § 1437f.

Sec. 9.3. 1. A tenant against whom a landlord files an affidavit of complaint for summary eviction pursuant to subsection 3 of section 6.5 of Assembly Bill No. 340 of this session may request that the court stay the pending action for summary eviction until a decision concerning an application for rental assistance is made.

2. To request a stay pursuant to subsection 1, a tenant must:

(a) File the written answer required by subsection 6 of section 6.5 of Assembly Bill No. 340 of this session with the court that has jurisdiction over the matter within the time specified by subsection 6 of section 6.5 of Assembly Bill No. 340 of this session and include in the answer:

(1) A statement that the tenant has a pending application for rental assistance; and

(2) A request that the court stay the pending action for summary eviction; and

(b) Provide proof to the court that:

(I) The tenant:

(I) Was in default on the payment of rent when the landlord filed the affidavit of complaint for summary eviction; and

(II) Submitted the application for rental assistance before the landlord filed the affidavit of complaint for summary eviction; and

(2) The condition or covenant of the lease or agreement that the tenant allegedly neglected or failed to perform is not material to the lease or agreement. For the purposes of this subparagraph, timely payment of rent is not material to the lease or agreement.

3. If the court determines that a written answer filed pursuant to subsection 6 of section 6.5 of Assembly Bill No. 340 of this session is accompanied by sufficient proof, the court may stay any action for summary eviction initiated by the landlord against the tenant pursuant to section 6.5 of Assembly Bill No. 340 of this session.

4. If the court grants a stay pursuant to subsection 3, the stay must be maintained by the court until such time as:

(a) The application for rental assistance is no longer pending or a determination is made on the pending application for rental assistance; or

(b) The court grants a motion filed pursuant to subsection 6.

1 5. When a stay issued pursuant to subsection 3 is lifted, the action for  
2 summary eviction must proceed in accordance with the requirements prescribed  
3 by section 6.5 of Assembly Bill No. 340 of this session.

4 6. A landlord may file a motion to lift a stay issued pursuant to subsection 3.  
5 7. The court may grant a motion filed pursuant to subsection 6 if, at a  
6 hearing conducted on the motion, the court finds that:

7 (a) Evidence exists that the landlord faces a realistic threat of the foreclosure  
8 of the premises if the landlord is not able to evict the tenant, including, without  
9 limitation, evidence that:

10 (1) The property is subject to a lien, including, without limitation, a tax  
11 lien or lien for charges relating to utilities; or

12 (2) The landlord has missed three or more consecutive mortgage  
13 payments;

14 (b) The application for rental assistance was submitted in bad faith; or

15 (c) It is unlikely that:

16 (1) The application for rental assistance will be granted; or

17 (2) The tenant will be able to cure the default in the payment of rent,  
18 regardless of whether the application for rental assistance is granted.

19 8. If a tenant in bad faith submits an application for rental assistance, the  
20 landlord may, in a separate cause of action, recover damages from the tenant.

21 9. If a landlord in bad faith files a motion pursuant to subsection 6, the  
22 tenant may, in a separate cause of action, recover from the landlord an amount  
23 equal to damages, 1 month's rent or \$1,000, whichever is greater, reasonable  
24 attorney's fees and costs of court.

25 10. If the application for rental assistance is granted in an amount that,  
26 together with any other available funds, will allow the tenant to cure the default  
27 in the payment of rent, the landlord must accept payment of rent from the tenant  
28 and rental assistance on behalf of the tenant.

29 11. For the purposes of subsection 4, an application for rental assistance is  
30 no longer pending if the application is not actively being pursued by the tenant,  
31 including, without limitation, by providing in a timely manner any information or  
32 documentation requested by the person or entity to whom the application was  
33 submitted.

34 12. As used in this section:

35 (a) "Pending application for rental assistance" means an application for  
36 rental assistance submitted in good faith by a tenant. The term includes, without  
37 limitation, an application which is inactive due to any technical difficulty on the  
38 part of the tenant in the filing of the application for rental assistance that is  
39 outside of the control of the tenant. The term does not include an application for  
40 rental assistance that was started by the tenant but is not actively being pursued  
41 by the tenant.

42 (b) "Rental assistance" includes, without limitation, federal, state or local  
43 funds provided by a governmental entity and administered for the purpose of  
44 paying any amount of delinquent rent. The term does not include rental  
45 assistance provided pursuant to the provisions of 42 U.S.C. § 1437f.

46 Sec. 9.5. 1. A justice court may establish a diversion program to which it  
47 may assign an eligible tenant whose landlord applies by affidavit of complaint for  
48 eviction of the tenant pursuant to NRS 40.253.

49 2. To determine whether a tenant is eligible for a diversion program  
50 established pursuant to subsection 1, the court may consider, without limitation,  
51 whether the tenant is eligible for any programs that are designed to provide:

52 (a) Social services which assist tenants in paying delinquent rent; and

53 (b) Wrap-around services.

1        *3. If the court assigns a tenant to a diversion program established pursuant*  
2 *to subsection 1, the court shall:*

3        *(a) Stay the pending action for summary eviction for not more than 60 days*  
4 *after the date on which the tenant files an affidavit permitted in subsection 3 of*  
5 *NRS 40.253; and*

6        *(b) If the tenant pays to the landlord the amount of rent that is in default or*  
7 *surrenders the premises before the expiration of the stay, dismiss the pending*  
8 *action for summary eviction.*

9        *4. As used in this section, "wrap-around services" means services provided*  
10 *to a tenant that assist the tenant in avoiding future summary eviction actions.*

11        **Sec. 10.** (Deleted by amendment.)

12        **Sec. 11.** (Deleted by amendment.)

13        **Sec. 12.** (Deleted by amendment.)

14        **Sec. 13.** (Deleted by amendment.)

15        **Sec. 14.** (Deleted by amendment.)

16        **Sec. 15.** (Deleted by amendment.)

17        **Sec. 16.** (Deleted by amendment.)

18        **Sec. 17.** (Deleted by amendment.)

19        **Sec. 18.** (Deleted by amendment.)

20        **Sec. 19.** (Deleted by amendment.)

21        **Sec. 20.** (Deleted by amendment.)

22        **Sec. 21.** (Deleted by amendment.)

23        **Sec. 21.2.** **NRS 40.253 is hereby amended to read as follows:**

24        40.253 1. Except as otherwise provided in subsection 12, in addition to the  
25 remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant  
26 of any dwelling, apartment, mobile home or recreational vehicle with periodic rent  
27 reserved by the month or any shorter period is in default in payment of the rent, the  
28 landlord or the landlord's agent may cause to be served a notice in writing,  
29 requiring in the alternative the payment of the rent or the surrender of the premises:

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

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

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

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

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

50        (b) After the notice has been posted and mailed, may deliver the notice to the  
51 sheriff or constable for service in the manner set forth in subsection 1 of NRS  
52 40.280. The sheriff or constable shall not accept the notice for service unless it is  
53 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~~ :

(I) 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; or

(II) Request that the court stay any action for summary eviction initiated by the landlord against the tenant using the procedure prescribed by section 9 of this act;

(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.

1 (8) A copy of the written notice served on the tenant.

2 (9) A copy of the signed written rental agreement, if any.

3 (b) Except when the tenant has timely filed the affidavit described in  
4 subsection 3 and a file-stamped copy of it has been received by the landlord or the  
5 landlord's agent, and except when the landlord is prohibited pursuant to NRS  
6 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide  
7 for the nonadmittance of the tenant to the premises by locking or otherwise.

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

25 7. The tenant may, upon payment of the appropriate fees relating to the filing  
26 and service of a motion, file a motion with the court, on a form provided by the  
27 clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord  
28 pursuant to NRS 118A.460 for the inventory, moving and storage of personal  
29 property left on the premises. The motion must be filed within 20 days after the  
30 summary order for removal of the tenant or the abandonment of the premises by the  
31 tenant, or within 20 days after:

32 (a) The tenant has vacated or been removed from the premises; and

33 (b) A copy of those charges has been requested by or provided to the tenant,  
34 ➤ whichever is later.

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

40 (a) Determine the costs, if any, claimed by the landlord pursuant to NRS  
41 118A.460 and any accumulating daily costs; and

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

44 9. The tenant may, upon payment of the appropriate fees relating to the filing  
45 and service of a motion, file a motion with the court on a form provided by the  
46 clerk of court to dispute the reasonableness of the actions of a landlord pursuant to  
47 subsection 3 of NRS 118A.460. The motion must be filed within 5 days after the  
48 tenant has vacated or been removed from the premises. Upon the filing of a motion  
49 pursuant to this subsection, the court shall schedule a hearing on the motion. The  
50 hearing must be held within 5 days after the filing of the motion. The court shall  
51 affix the date of the hearing to the motion and order a copy served upon the  
52 landlord by the sheriff, constable or other process server. At the hearing, the court  
53 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 deposit. As used in this subsection, "security deposit" 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.

**Sec. 21.4. NRS 40.254 is hereby amended to read as follows:**

40.254 1. Except as otherwise provided by specific statute, in addition to the remedy provided in NRS 40.290 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; ~~for~~

(2) Request that the court stay any action for summary eviction initiated by the landlord against the tenant using the procedure prescribed by section 9.2 of this act; or

(3) 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,



1 the landlord or the landlord's agent may attach an affidavit or declaration, signed  
2 under penalty of perjury, stating such loss or destruction.

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

4 (c) The date when written notice to surrender was given to the tenant pursuant  
5 to the provisions of NRS 40.251, 40.2514 or 40.2516, together with any facts  
6 supporting the notice.

7 (d) The date when the written notice was given, a copy of the notice and a  
8 statement that notice was served in accordance with NRS 40.280 and, if applicable,  
9 a copy of the notice of change of ownership served on the tenant pursuant to NRS  
10 40.255 if the property has been purchased as a residential foreclosure.

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

12 3. If the tenant is found guilty of unlawful detainer as a result of the tenant's  
13 violation of any of the provisions of NRS 453.011 to 453.552, inclusive, except  
14 NRS 453.336, the landlord is entitled to be awarded any reasonable attorney's fees  
15 incurred by the landlord or the landlord's agent as a result of a hearing, if any, held  
16 pursuant to subsection 6 of NRS 40.253 wherein the tenant contested the eviction.

17 **Sec. 22.** The amendatory provisions of this act apply to an action for  
18 summary eviction which accrues on or after ~~October 1, 2023,~~ the effective date  
19 of this act.

20 **Sec. 23.** (Deleted by amendment.)

21 **Sec. 24. 1. This section and sections 1 to 8, inclusive, 9.5 to 21,**  
22 **inclusive, 22 and 23 of this act become effective upon passage and approval.**

23 **2. Sections 9, 9.2, 21.2 and 21.4 of this act become effective upon passage**  
24 **and approval if, and only if, Assembly Bill No. 340 of this session is not enacted**  
25 **by the Legislature and approved by the Governor.**

26 **3. Sections 9.1 and 9.3 of this act become effective upon passage and**  
27 **approval if, and only if, Assembly Bill No. 340 of this session is enacted by the**  
28 **Legislature and approved by the Governor.**