

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Eighty-second Session
May 17, 2023**

The Senate Committee on Judiciary was called to order by Chair Melanie Scheible at 1:30 p.m. on Wednesday, May 17, 2023, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Melanie Scheible, Chair
Senator Dallas Harris, Vice Chair
Senator Marilyn Dondero Loop
Senator Rochelle T. Nguyen
Senator Ira Hansen
Senator Lisa Krasner
Senator Jeff Stone

COMMITTEE MEMBERS ABSENT:

Senator James Ohrenschall (Excused)

GUEST LEGISLATORS PRESENT:

Assemblywoman Shondra Summers-Armstrong, Assembly District No. 6

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Karly O'Krent, Counsel
Blain Jensen, Committee Secretary

OTHERS PRESENT:

Jonathan Norman, Nevada Coalition of Legal Aid Providers
Drew Wheaton, Supervising Attorney, Northern Nevada Legal Aid

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Paul Catha, Culinary Workers Union Local 226
Lilith Baran, American Civil Liberties Union of Nevada
Samuel Canu, Make the Road Nevada
Silvia Buenrostro, Culinary Workers Union Local 226
Amber Falgout, Northern Nevada Manager, Battle Born Progress
Serena Evans, Nevada Coalition to End Domestic and Sexual Violence
Erika Minaberry
Diana Diaz, Make the Road Nevada; Progressive Leadership Alliance of Nevada
Shanzeh Aslam, Economic Justice Program Manager, Progressive Leadership
Alliance of Nevada
Shanieka Cooper
Gerardo Velasquez (Interpreted by Erica Marquez)
Tahira Mendez, Make the Road Nevada
Andy Romero, Make the Road Nevada
Yesenia Moya
Tara Raines, Children's Advocacy Alliance; Strong Start Nevada
Adrian Lowry
Sarah Rojas
Amber Giroux
Chastity Martinez, Faith In Action Nevada
John Sande, Nevada State Apartment Association
Mendy Elliott, Southern Nevada Regional Housing Authority; Nevada Rural
Housing Authority; Reno Housing Authority
Jeff Rogan, Clark County

CHAIR SCHEIBLE:

We will open the hearing on Assembly Bill (A.B.) 340.

ASSEMBLY BILL 340 (2nd Reprint): Revises provisions governing certain actions and proceedings relating to real property. (BDR 3-77)

ASSEMBLYWOMAN SHONDRA SUMMERS-ARMSTRONG (Assembly District No. 6):

I love my community. I am hearing concerns about housing, specifically about what has been happening over the last several years during the eviction crisis. It is partly a result of the COVID-19 epidemic but is influenced by other factors. Many of them are beyond the control of my constituents.

Those factors are the rise of rents, the decrease in availability of affordable housing and the lack of a rise in people's incomes to keep up with skyrocketing rents. Legal Aid of Southern Nevada supported my efforts on A.B. 340.

JONATHAN NORMAN (Nevada Coalition of Legal Aid Providers):

The primary thing A.B. 340 would do is change the order of how summary eviction cases are tracked. Nonpayment of rent is the most common factor in initiating summary eviction proceedings. The proceeding starts when a landlord issues a seven-day notice to the tenants to pay or quit. The notice essentially says, "In the next seven days, you need to vacate the premises. You need to pay the rent or you need to go to the court and file an answer with it."

At that point, the answer is the first pleading filed with the court. The landlord has not yet filed a complaint when the seven days are over. On the eighth day, the landlord can file a complaint with the court. The court compares names and addresses to match the complaint to see if there was an answer filed because, if so, it does not want to issue a lockout order.

If an answer is filed, the court schedules a hearing; if an answer is not filed, a lockout order is transmitted to the constable. The landlord follows up with the constable and lets him or her know how the lockout should occur, like if a locksmith needs to be present, et cetera. The constable will post a notice that the property must be vacated no sooner than 24 hours and no later than 36 hours. In practice, constables do not meet the 36-hour deadline because it is just not practical.

We are primarily proposing one change in this legislation: at the end of the seven-day notice the tenant gets, if the rent is not paid, he or she can pay or vacate. In addition, instead of filing a complaint on the eighth day, the landlord serves the tenant with court-stamped documents so an official proceeding is clear. The tenant then has seven days to file an answer.

While there is a lot of new language in A.B. 340 to change *Nevada Revised Statutes* (NRS) 40, much simply reorganizes provisions already in statute. New language is meant to build the framework for the one aforementioned change. For example, we must decide when a notice expires because now we have a different process.

Another change we made was switching from judicial days to calendar days so as to not extend the notice response time line. Under judicial days, the days courts are closed are not counted. We did not want to tell landlords they had to absorb these extra days. By switching to calendar days, it is a few days longer, depending on when in the week the notice was filed.

A proposed amendment ([Exhibit C](#)) primarily makes technical changes to [A.B. 340](#). Section 2 sets out the procedure for summary evictions in cases of nonpayment of rent. It includes the type of notice that must be contained in the notice, the procedure for filing the complaint, the contents of the complaint, the service time line for the complainant summons, the seven-day time line for the tenant to answer the complaint and the summary order if the tenant does not file an answer.

Section 2, subsection 6, paragraphs (a) and (b) of the amendment, [Exhibit C](#), have been combined to make it clear there is only one order for constables to do their duty: remove the tenant. I thought maybe someone would think there was a need for two separate orders.

Section 2, subsection 7 of the amendment, [Exhibit C](#), describes the process in cases when a tenant timely files the answer; subsection 10 provides for how notices are to be served. The amendment makes it clear the complainant's summons is included in that section. In section 2, subsection 14, we had erroneously deleted paragraphs (a) and (b). We still need them to make sure commercial premises are not impacted by section 2.

Section 4 of the amendment, [Exhibit C](#), sets out when and how the constable should post the notice of eviction. In section 4, subsection 2, we changed the language to "As soon as reasonably practicable, but not earlier than 24 hours after the posting of the order, remove the tenant." That is to align statute with practice—constables are unable to meet the existing timeline.

Section 5 reorganizes NRS 40.253, subsection 8 to conform to the new summary order procedure. Section 6 is in NRS 40.253, subsection 9 and conforms to the new procedure.

Section 6.5 of the amendment, [Exhibit C](#), addresses other types of summary evictions we wanted to reach, for example unlawful detainer possession after expiration of term and unlawful detainer possession of property leased for an

indefinite time after notice to surrender. Section 6.5 spells out NRS 40.251, NRS 40.2514 and NRS 40.2516. The statutes provide for another summary eviction proceeding, a similar process to evictions for nonpayment of rent. It follows the same timeline. The landlord would post a notice according to those sections.

Under NRS 40.251, NRS 40.2514 and NRS 40.2516, the tenant must remedy the lease violation within the time frame; if not, the landlord files a complaint, the constable serves it and the tenant can file an answer. We eliminated NRS 40.250 from section 6.5 for a holdover tenant under a lease. The lease functions as a first notice, and the landlord should be able to file a complaint.

The other changes throughout section 6.5 track the changes in section 2. It combines the orders so we do not have two. We have one order directing the eviction and an identical order directing the constable to remove the tenant. The court reviews cases when the tenant does not file an answer. The court must make sure all the steps are followed so there is legal sufficiency for the eviction.

Section 11 of the amendment, [Exhibit C](#), has the next significant change: elimination of the COVID-19 emergency language that halted evictions. We made sure eviction proceedings record-sealing conformed with existing statute so when a landlord prevails in an eviction, it is not a sealed case. We are just sealing cases that were dismissed.

SENATOR STONE:

When there is a issue with the tenant such as not paying the rent, some time goes by before the landlord serves the seven-day notice. The notice puts the tenant on record that money is owed. There is a signed contractual lease to pay the money. If the tenant does not respond, the landlord can get an order from the court for an eviction by the constable.

It seems like a simple process. Tell me how the process is flawed because prior to COVID-19, it seemed to be equitable for a landlord to appropriately empty his or her space if somebody was not paying rent. Smaller landlords may not have the resources to carry the delays allowed in [A.B. 340](#). I count at least 22 days before a landlord could possibly hire an attorney in a contested case. What is wrong with the present system, and why should we switch to a system potentially prolonging the financial agony for landlords?

MR. NORMAN:

If you count the days going from judicial days to calendar days, I do not know that we are adding 22 days, depending on what part of the week the clock starts. I would be happy to chart it out for you, Senator Stone.

Depending on when the notice deadline falls, I have not seen any scenario in which a tenant would gain 22 days. There will be a cost savings because, at least in the Las Vegas Justice Court and the Washoe County justice courts, the time it takes for the court to match the complaint to the answer is about a week. As we switch to a more ordinary civil process, orders will be issued much faster without the one-week delay. We will have to see how that plays out.

Using judicial days, if a landlord filed a complaint today, May 17, we would start counting tomorrow. The days are May 18, May 19, May 22, May 23, May 24, May 25 and May 26. The tenant would not be able to file the complaint on May 29, the Memorial Day holiday.

If we counted the calendar days, it is May 18, May 19, May 20, May 21, May 22, May 23, May 24 and May 25. In addition to filing a complaint, a landlord must get it served plus get the court stamps. Counting a couple of days for that to take place, the tenant's answer period will run from May 27, May 28, May 29, May 30 to probably June 2. The tenant would gain a few days; we are not trying to hide that.

As to your question about why A.B. 340 proposes a better system, fundamentally, when tenants move here, we are the only state in which eviction is a civil proceeding and a landlord must first file a document with the court and wait for the tenant's answer. Every other state has a summary eviction proceeding.

I practiced law in New Mexico. As for the summary proceeding, landlords had to file a notice similar to what we are suggesting in the amendment, [Exhibit C](#). If the tenant did nothing to fix the issue in the lease violation, the landlord filed a complaint and the tenant got a summons with the complaint. In New Mexico, the tenant can either file his or her answer or show up in court and present defenses orally to the court.

We are not suggesting we should not have a quick summary eviction process. An expeditious process is important to the functioning of our landlord-tenant

ecosystem. It is difficult for tenants who move here from another jurisdiction and do not understand the notice is really functioning as a complaint. The eviction process does not track what other states do or what Nevada does in any other civil proceeding.

When a tenant does not react to the first notice, he or she then gets the constable lockout notice. That is the first time the tenant really understands the home may be lost. Tenants come to the Civil Law Self-Help Center at the Regional Justice Center in Las Vegas and ask if they can file an answer. Their moment has passed. Our team connects them to social services and looks at rapid rehousing, which is extremely expensive for local jurisdictions. The reason is jurisdictions are master leasing older hotels and putting families in them. However, that is not true stability; it is a momentary thing for most families.

Seven days does not seem like a lot of notice, but it is a lot more than a lockout notice. People still have that period to ascertain if they can formulate a legal defense and for us to connect them to social services and maybe better options than expensive, rapid rehousing. To be candid, in our community, with its rising rents and dearth of affordable housing, I am not sure how realistic that is. However, it does buy us more time.

SENATOR STONE:

I appreciate your explanation. As I have said in previous hearings, I consider myself a compassionate landlord after having been one in Nevada for five years. I have never evicted one person, even people who have fallen significantly behind on their rent because these are human beings and we do not want to push people out.

At the same time, a lot of landlords may not be in the financial position I am to absorb some of those losses. I am talking about elderly people who might own one or two homes or condominiums. Rent is a source of income for them and to create more complications can put them in financial jeopardy.

You are working to ease suffering and financial considerations when tenants are tied up in a lease. However, from a landlord perspective, we give them a lease in plain, layman's language. I would be happy to share with you one of my leases so you can see I make sure my tenants understand the deadlines imposed upon them. I always work with them on the problem.

I worry that sometimes government comes up with a big stick and makes things a little bit more difficult for people who maybe cannot afford to hire an attorney to go to court. The California eviction process is simply landlords saying to the courts, "Here is the issue, here is the lease, take care of the problem for us so we can take care of other parts of our business."

SENATOR HANSEN:

Your perspective on the eviction process in New Mexico and other areas was interesting. Assembly Bill 340, section 2, subsection 14, paragraph (c) exempts anyone who is "a federal worker, tribal worker, state worker or household member of such a worker during a shutdown." Is that somehow connected to another State law? Why is there an exemption from the bill for those groups of people?

MR. NORMAN:

That is from A.B. No. 393 of the 80th Session, which preexisted COVID-19. It was designed to assist workers in the event of a government shutdown.

SENATOR HANSEN:

So that is existing language in statute. Overall, I know the number of people the new procedure will help. You mentioned when people come to you who do not have the money to pay the rent, you cannot help them at that point. That apparently is a high percentage of those folks. What percentage of people will A.B. 340 truly assist? The bottom line is if they cannot pay their rent, they cannot pay their rent. How many of them are in a situation in which they have the money but for some reason have not made their rent payment? Will this extension of time help them make it right with their landlords?

MR. NORMAN:

That is an impossible question to answer, but I will hazard the bill will help people in a lot of different ways. Maybe on its face it does not look like it, but creating some space for tenants can be meaningful. Statute provides for seven judicial days prior to the court action being filed. As we counted earlier, that could be 12 days once you factor in weekends. However, that time is not always meaningful to tenants because often they do not understand what is going on.

Sometimes, tenants who get the notice and then call their landlords, who say, "Don't worry about it. You know, we have worked through this. You get one of

these notices every month.” So tenants do not know to take it seriously this time. When they get that lockout notice, suddenly they are in crisis.

The time we have now that is costing the landlord money is not meaningful time to tenants because they are not seeking new housing, lining up legal resources or looking at what is coming next. Once a tenant gets a court-stamped eviction notice, that is more meaningful. Even for tenants being evicted for not paying their rent who do not have the money, they would have more meaningful time to chart what is coming next. They could interface with social services to have a better outcome than the constable showing up at their homes, posting a notice and then locking them out.

Think of the cascading damage a rapid lockout does to families: children are probably going to have to change schools, and there is potential job loss if people have to pack up their property on short notice and get out. So much trauma happens to families. In those cases in which we do not have a defense, the seven days will matter to families.

SENATOR HANSEN:

I look at it from a different perspective. You are basically saying we need to extend the time so tenants can get their rent paid. What you suggest the real purpose behind A.B. 340 is to simply buy them another week. They are not going to be able to make the rent payment and are unfamiliar with the process of eviction, trying to find a new place to relocate and so forth. We have different understandings of the bill’s intent. I am thinking tenants are coming up with a way to pay the rent and stay in their homes, whereas you are suggesting it is more like buying them a window of time so social service and other organizations can step in to help.

MR. NORMAN:

I mentioned that only because in a small percentage of cases there is a defense. Extra time will matter for those people. The obvious thing is other people will benefit besides the group targeted in the bill. We want people who have legal defenses to know they have been served with a lawsuit and avail themselves of the court. A secondary benefit is the bill will allow those tenants more meaningful time than the 7 to 12 days before the time runs out on the notice.

SENATOR HANSEN:

That seems fair. Is there any benefit to the people who own the property to have this extension?

MR. NORMAN:

The primary benefit is the bill creates a system that comports with the rest of our civil legal process. We are trying to minimize the cost to landlords by moving from judicial to calendar days. Does that create additional costs? Yes. However, when we are talking about somebody losing his or her home and with what alternatives are available, what we are tacking on amounts to a mere handful of days.

SENATOR HANSEN:

That is good from a policy perspective.

ASSEMBLYWOMAN SUMMERS-ARMSTRONG:

Just because something is an accepted practice does not necessarily make it equitable. The folks who have been harmed are on both sides. We have heard way more eviction stories from both sides in the last three years or so because of COVID-19. Previously, we heard more from landlords; their voices are the ones for which we crafted the law. It remained in place because nobody really did anything about it. COVID-19 showed us there is significant inequity.

When we go into any type of business, there is risk. Shondra, who used to be a government worker, decided to upsize her home with her husband many years ago and lease a little small house on the east side of Las Vegas. She took a calculated risk but was financially able to make the move. If her renter got into trouble for whatever reason and was behind on the rent, it behooved Shondra, who took a risk as a businesswoman, to recognize she had to build in leeway for that possibility. She had a mortgage and utilities still in her name on both houses. She had to plan for that, whether she was a 30-something or a 50-something.

Landlords take that risk, which does not stop them from having to comply with laws in place. The main purpose of A.B. 340 is equity we do not have in any other situation in our jurisprudence. There is always a complaint first, especially in civil practice, so the bill is designed to bring that into line. Does it shift the earth a tad? Absolutely. However, the landlord is still by far going to benefit at a cost to everybody else.

SENATOR HANSEN:

We definitely want equity, but I am trying to get as much balance on both sides of the equation as we can.

SENATOR STONE:

Mr. Norman, you said tenants sometimes do not understand what a seven-day notice is when it is posted on their doors. Have you thought about legislation to require the seven-day notice be included in leases? It could be explained what will be posted if you do not pay your rent in layman's terms: that you could be locked out of your home if you do not comply with the provisions of your lease. We could have tenants better educated about the process so everybody is playing by the same set of rules.

MR. NORMAN:

One thing I worry about is the Civil Law Self-Help Center has tenants who get eviction notices every month. There are apartment complexes in Las Vegas in which every tenant gets a notice each month. We are not just legislating to benefit landlords. right? The U.S. House of Representatives investigated one of our State's large landlords. The House published a report calling the landlord uniquely greedy among all the landlords in the Country.

We are not just legislating for the good landlords; we are legislating for those who are looking to take advantage of people. I hope good landlords do not find this change to be onerous. I want them to remain in business, but for those who have bad intentions, A.B. 340 goes a long way to potentially get cases in front of a judge.

CHAIR SCHEIBLE:

I like how far this bill has come. It does a great job of accomplishing the goal we talked about months ago: to flip the eviction process from being on its head to back on its feet. It was on its head when the tenant was the first one to file in court. Now the landlord will be the first to file in court, but the bill also maintains the ability to do a summary eviction.

In my own legal practice, I can try to make everything digestible and easier to understand, but for my clients it is still scary to get any kind of legal notice. Clients text me every day with photos of parking tickets, voter registration cards and letters they receive. Sometimes, the material is spam or junk mail

they mistake for a legal filing. They are so worried about any interaction with the law they want my help to read and understand the papers.

Whatever we do, the seven-day notice is never going to be as explicit as we would like because it is just not explicit. It is the right approach to make the system more friendly to people interacting with it for the first time. They are already in distress and in a crisis, so changing the way we communicate or tweak the system to change behavior is the wrong approach. Assembly Bill 340 is the right approach.

This Committee has talked about summary evictions so much I have become familiar with the process. Can you give us a little context about what the nonsummary eviction would be? If I am reading the bill correctly, we are saying the summary eviction happens after rent has not been paid and the tenant does not respond. The moment somebody files a response to an eviction complaint, do we leave Summary Eviction Land and go to Regular Eviction Land, or are we still in the summary possibility?

MR. NORMAN:

We are still in Summary Eviction Land, but there is an off-ramp.

DREW WHEATON (Supervising Attorney, Northern Nevada Legal Aid):

Which off-ramp are you talking about when the case moves to formal eviction? Nevada has two eviction processes: summary and regular eviction. According to the Nevada Supreme Court, in 2022, summary eviction was used in 98.5 percent of all evictions in the State. A quick, formal process in NRS 40.253 allows for things such as discovery like a standard court process but has more due process protections.

I have had this job for about four years and have never had a formal eviction. I have had tenants with five, six even ten different summary evictions whom I had to defend. The formal eviction process in statute is rarely used. It is used when you have a mobile home when somebody is being evicted for cause but generally speaking, it is almost never used.

CHAIR SCHEIBLE:

When we talk about changing summary eviction, we are talking about changing the main eviction process for most people. If we go to this process, the notice is given for the seven days. If the tenant still cannot pay the rent but responds,

the landlord files the complaint. How many days does the tenant have to respond?

MR. NORMAN:
Seven calendar days.

CHAIR SCHEIBLE:
Once the tenant responds, does that trigger the requirement for the court to set a hearing within 20 days?

MR. NORMAN:
No, but it does require the court to set a hearing. We did not set a time line for the court so it could set the hearing date in the ordinary course.

MR. WHEATON:
The standard used in summary evictions is the same as in a summary judgment. If there are legitimate issues of material fact, the point of the hearing is not to sort those out. If the issues are genuine, summary eviction is not the appropriate course. The judge is required to dismiss the eviction; if the landlord wants to pursue a formal eviction, he or she will do so. Additionally, if there is a legal argument against the eviction, the judge is not supposed to evaluate it but dismiss the case and require the landlord to pursue a formal eviction.

PAUL CATHA (Culinary Workers Union Local 226):
The COVID-19 pandemic hit Culinary Workers Union members and their families hard. While many hospitality workers have returned to work, our members have not recovered from the effects of the pandemic. Thousands are struggling with housing insecurity. The Union is a member of the Nevada Housing Justice Alliance. We thank Assemblywoman Summers-Armstrong for working with the Alliance on A.B. 340.

According to the weekly Census Bureau Household Pulse Survey, in January 2023, 49.8 percent of adults in Nevada experienced difficulty paying for their usual household expenses. In the first couple weeks of 2023, Las Vegas had the most eviction filings among major U.S. cities.

Nevada must change the filing order for summary evictions because tenants should have the right to due process when threatened with losing their homes. Our summary eviction process is unique in the United States. It is the only civil

procedure in Nevada that requires the defendant to file the initial notice with the court. This is bad and confusing public policy that negatively impacts Nevadans and Culinary Workers Union members. Everyone deserves an affordable and stable home, and an eviction should never be a surprise. Working families and people of color are disproportionately impacted by housing insecurity. The Union believes every Nevadan deserves to be treated with dignity.

LILITH BARAN (American Civil Liberties Union of Nevada):

The American Civil Liberties Union of Nevada strongly supports A.B. 340. When a similar bill did not pass in the Eighty-first Session, think about how much better shape the housing industry was in. Renters are much worse off now after we did not pass that bill. I would hate to see conditions become even worse.

During the COVID-19 pandemic, many landlords were made whole through federal rental assistance dollars paid to them. That is all right, but families were not made whole and many are still struggling to find housing.

I am chair of the Reno Initiative for Shelter and Equality, a shelter for families, children and single women. Most of the people who come through our doors are there because of a summary eviction. One way or another, they are trying to find work and get their kids to school. They did not know they had to file an answer to the court notice due to confusion over the process. It can take people years to find housing again because they now have the scarlet letter of eviction on their record for the rest of their rental career.

SAMUEL CANU (Make the Road Nevada):

I am a nursing student at the University of Nevada, Las Vegas. I support A.B. 340.

SILVIA BUENROSTRO (Culinary Workers Union Local 226):

I support A.B. 340. I am a 27-year Culinary Workers Union member organizer. When the economy crashed in 2009 and 2010, I lost the house I had owned for 17 years. My seven-year-old son had an asthma attack and I was in the hospital for seven days with him. I have great health insurance benefits and wages, but I was unable to pay my rent. I received a notice under the system in place now.

I was unable to understand the process and did not know what to do. I was all confused when I suddenly received a 24-hour eviction notice. It was a Friday. I had to go to court. I talked to the landlord who owned the unit. He lived in

California and said he could not help me and I had to talk to his attorneys. I went to court finally. That day, I got my paycheck. I had the money in my hand, trying to make the rent payment, but I did not understand the whole process. I was talking to the clerk when my daughter called; she was also being evicted. I was thrown out by the constable with my seven-year-old in wintertime with no medicine on a Friday. I had no idea what to do. I did not have time to get any kind of assistance.

That system is still in place. Up until this day, I am still renting. I have not been able to recover financially, being a single mother of five. It does not matter if you are a homeowner; I was a 17-year homeowner and still lost my house. Assembly Bill 340 will help both tenants and homeowners. If a landlord has a great tenant paying his or her rent, if something like an emergency or other hardship happens, landlords would be able to get some sort of assistance and maintain the tenant. Assembly Bill 340 will help everyone, whether they are homeowners or tenants. Also, landlords will not get squatters and have their property destroyed.

AMBER FALGOUT (Northern Nevada Manager, Battle Born Progress):

Battle Born Progress supports A.B. 340 to reform the summary evictions process. The process was biased against Nevada tenants for far too long during the COVID-19 pandemic. Despite State and federal eviction moratoriums, we saw corporate landlords trying to kick families out on the street during a public health crisis. The Battle Born Progress executive director helped people navigate the complicated eviction process while running a community food pantry out of her garage.

I have seen firsthand the damage the eviction process can cause; it was disgusting. It was allowed to happen due to unscrupulous landlords taking advantage of summary evictions, knowing their often low-income or otherwise vulnerable tenants would be unprepared to respond without social resources or legal assistance.

All tenants deserve the chance to have an eviction hearing. Tenants should have access to resources and interventions when coming to court and adequate time to find new housing. The summary eviction process does not allow this. Assembly Bill 340 will be a strong step toward giving tenants a fair opportunity to defend themselves or at the very least find a new living situation before they are evicted.

SERENA EVANS (Nevada Coalition to End Domestic and Sexual Violence):

The conversation around housing justice is not just about tenant rights. Housing justice plays a much bigger and critical role in the prevention of and intervention in domestic and sexual violence and the overall safety and success of our communities. Simply put, summary evictions are burdensome.

Victim survivors of domestic abuse often experience simultaneous financial abuse. Domestic abuse affects every aspect of victims' lives including housing. Because they are grappling with trauma, they do not have the capacity to initiate court proceedings surrounding summary evictions. Ultimately, they end up leaving their homes. The process puts tenants and victim survivors at extreme risk of becoming homeless—which unfortunately directly increases their risk for future violence. Housing justice is violence prevention.

ERIKA MINABERRY:

I support A.B. 340. I am tired of begging governmental bodies to see me as a human being. I am a single mother of three kids. I had a summary eviction last year and now my rent might go up again. I do not know what I am going to do if it does. I will not be able to pay the higher amount so will have to go through that whole eviction process again.

My kids do not know where they are going to school next year. I have had to leave important belongings behind because I had to leave quickly. My landlord could raise the rent as much as he wants as soon as my lease is up.

It is hard to stand before the Committee and beg for these basic human needs, not just for me, but for my still-traumatized kids. They do not know how to behave when everywhere we go, we are not allowed to make a place a home since we are afraid of what is going to happen through no fault of our own.

I am paying \$2,050 a month for rent and that could go up in less than a month. I cannot afford my rent already, so I will be with my kids at the homeless shelter. It is hard for people like me to have faith in the system when we keep being treated like we are just somebody's bottom line. It is dehumanizing. You need to pass better protections for people like me and my family.

DIANA DIAZ (Make the Road Nevada; Progressive Leadership Alliance of Nevada):

I support A.B. 340, which addresses summary evictions. People must take a day off from work to process the paperwork. The eviction process takes too

long. It is not fair to renters who have to lose pay. As a disabled senior, I urge you to vote in favor of A.B. 340 because it is important to create a just and ethical future for all Nevadans.

SHANZEH ASLAM (Economic Justice Program Manager, Progressive Leadership Alliance of Nevada):

I am a founding member of the Nevada Housing Justice Alliance who supports A.B. 340. Every Nevadan deserves an affordable and stable place to call home. The current summary eviction process allows landlords to entirely sidestep the judicial system when trying to evict tenants. It places the burden on tenants to initiate a court case.

Evictions and economic displacement impact us all by putting economic burdens on our communities through increased demands on social services, shelters and hospitals by families who become homeless. There are other costs associated with the disruptions caused by housing instability. By contrast, stable homes promote educational opportunities for children and economic opportunities for parents to save to buy a house, pursue new employment opportunities and open new businesses.

For two years, Progressive Leadership Alliance of Nevada has conducted community outreach, conducted educational training on tenant law and assisted in court filings in response to summary eviction notices. However, far too many times after a tenant was finally able to connect with us for support, the time had run out on his or her summary eviction. This is inexcusable. Now is the time to update our summary eviction process.

SHANIEKA COOPER:

My family and I have been directly affected by the summary eviction process. I was one of those tenants who received a notice, contacted my landlord and was told not to worry about it several times. In return, when I got the second notice, it was almost too late for me to contact the landlord. When the owner replied to me, I told him, "There's no way for me to find a place to stay in three or five days. I have a son who is disabled and in a wheelchair. It is already a hard issue to find suitable accommodations that are wheelchair-accessible." I was simply told to take it as a hard lesson learned.

That is not something a concerned owner intends. I was not trying to get free rent. He was not just trying to get us out to raise the rent. We are struggling.

Many people do not earn the proper funds to pay their rent. I do not see why we should not be protected.

GERARDO VELASQUEZ (Interpreted by Erica Marquez):

Mr. Velasquez supports A.B. 340 because he is one of the affected. He is going through an eviction as the father and breadwinner of his family. This is not the first time he has been the victim of eviction. His first eviction was during COVID-19. Now he cannot hold a job due to many factors so does not have that job security. He feels depressed. His family is going through a huge depression. He says not only him, but many other community members in Nevada are going through this trauma. Make the Road gives him support, but it is not enough. He urges you to support A.B. 340, which would definitely impact not just his family but the community itself.

TAHIRA MENDEZ (Make the Road Nevada):

I support A.B. 340, which changes the tenant eviction time frame to allow the court adequate time to execute evictions. The bill will help me provide much-needed time to fill out applications for residency and find an adequate home within a tenant's resources during a minimal time frame.

I struggled to find a suitable place to live, but I was one of the lucky few who was helped by the community to find a low-income program that qualified me to find affordable housing. The bill will positively impact our community. As a young individual, I ask you to vote in favor of A.B. 340 because it could help create a just and equal equitable future for all Nevadans. Your support matters to our community in the next generation.

ANDY ROMERO (Make the Road Nevada):

I am the housing organizer for Make the Road Nevada in Las Vegas here in support of A.B. 340. I have dealt firsthand with community members and tenants all over Las Vegas, assisting them with how to apply to avoid evictions and respond to them. I have knocked on more than 500 doors of residences and seen how the effects of summary evictions have affected our city and community.

YESENIA MOYA:

I am tired. I have been listening to hearings all day and calling in to express support or opposition for bills being heard. At the same time, I have been packing because I had to answer my eviction notice on Monday. I could

potentially be homeless again because my landlord wants to get somebody in who can pay more rent. I have been trying to figure out where I am going to live because I will have about a 60 percent increase in what I now pay trying to find another apartment with an eviction on my record.

I have been homeless on and off since my teens. I have had other evictions, whether it was by my parents or family members I was living with. I have been on my own, homeless in spaces where I do not know where I am going to sleep at night. Literally, it is exhausting.

I do not have to tell anybody my story. The reason that I do is landlords have the money to sit here and talk about their stories, to talk about their bottom line, to talk about why their business matters. Even though I am packing, I tell my story of how these viewpoints affect me. So please pass protections for our community because we are tired.

TARA RAINES (Children's Advocacy Alliance; Strong Start Nevada):

I want to thank the vulnerable people who shared their eviction stories today. Your courage will help children and families across the State.

The Children's Advocacy Alliance and Strong Start Nevada are in strong support of A.B. 340. It will allow for the tracking of data related to evictions so we can better understand the impact they have on children and families in Nevada. The bill will help prevent families from slipping into homelessness by ensuring tenants are given clear and concise instructions on how to respond to eviction notices, giving them the opportunity to take appropriate corrective action.

In addition to people's ongoing economic distress, evictions are on the rise due to competition for properties. Tenant protection is needed now more than ever as a benefit to landlords. The bill offers more time for tenants to find the money to pay missed rent and potentially prolong the rental relationship. This will also give voice to tenants and provide a process for them that reduces misunderstanding and languishing on waiting lists in limbo.

Assembly Bill 340 helps decrease taxation on rapid rehousing programs, which have a harmful impact on our children. By streamlining summary evictions, we are offering children and families a better chance of achieving stability. Housing is one of the most basic needs. When children are in secure housing, we can promote health safety education and their overall well-being.

ADRIAN LOWRY:

I ask you to approve A.B. 340. The eviction process is traumatic for adults and children. The bill will reduce the number of children who have to go through the quick summary eviction process. There may be some tenants who are able to stay in their home because of the extra time to seek a remedy to prevent eviction. We need to do whatever we can to help people and children traumatized by this process.

SARAH ROJAS:

I am calling in support of A.B. 340. All Nevadans deserve the chance for an eviction hearing. Tenants should have access to resources and interventions before going to court and adequate time to find new housing.

AMBER GIROUX:

I urge the support of A.B. 340 because the current system is inhumane; we heard the testimony today proving that. Allowing tenants to pay past-due rent, instead of just kicking them out, is an obvious commonsense measure if we care about people.

CHASTITY MARTINEZ (Faith In Action Nevada):

I am a resident of Reno and an organizer with Faith In Action Nevada. We work with members of the faith community and those impacted by issues around racial and economic injustice. Faith In Action is a member of the Nevada Housing Justice Alliance. We believe housing is a human right.

The current summary eviction process is complicated. We see more and more folks losing what stable housing they had with limited time to make arrangements to find another form of housing. Out of my faith values and concern for my neighbors, I urge you to support A.B. 340 to help make housing more accessible for all people in our community.

JOHN SANDE (Nevada State Apartment Association):

The Nevada State Apartment Association supports the efforts of A.B. 340 to rework the eviction process. However, to do that, it is important—as my client likes to say—to create a framework that runs smoothly and efficiently like a train when everybody knows where the stops are, how to get on and off, and to have a smooth operating system. Unfortunately, we do not feel this bill as amended, [Exhibit C](#), hits that mark.

Assembly Bill 340 as amended is touted as a simple rewrite of NRS 40 that brings Nevada eviction procedures in line with other jurisdictions. Upon further examination, the bill arguably makes our eviction process one of the longest and overly complicated processes in the Nation.

If we compare the proposed eviction process in A.B. 340 to California's process—which has one of the Country's longer eviction timelines—it is clear Nevada's process will become longer and more burdensome. The California summary eviction process for possession requires a landlord to serve an initial notice, file a complaint and then serve the tenant with the complaint with a summons. This is the process put forth in A.B. 340. By way of a quick example, California requires a three-day notice be served for nonpayment of rent; as amended, [Exhibit C](#), A.B. 340 requires a seven-day notice.

California's process requires a tenant to file an answer to the summons within five days; A.B. 340, as amended, provides for seven days. The bill requires more notice to respond than even California's process. In California, eviction actions are given precedence within the court, as per *California Civil Code of Procedure*, section 1179a. The California Legislature has recognized the importance of timely adjudicating summary eviction actions by mandating courts

shall give such actions precedence over all other civil actions therein, except actions to which special precedence is given by law, in the matter of the setting the same for hearing or trial, and in hearing the same, to the end that all such actions shall be quickly heard and determined.

On the contrary, A.B. 340 places no requirements on the courts to accept filings to set, hear or otherwise adjudicate cases in a timely manner. In fact, A.B. 340 strips away the only existing timing requirement involving lockout effectuation and removes existing law requiring a sheriff or constable to perform a lockout within 36 hours. Section 4 of the amendment, [Exhibit C](#), substitutes that time line must be “as soon as reasonably practicable.”

California's summary eviction process ends with adjudication; the process in A.B. 340 does not. Under California's process, the court ultimately decides the case and renders a decision. Assembly Bill 340 allows the process to end with no relief, requiring the landlord to start over and completely pursue the eviction under the formal process. The bill retains the provision in NRS 40.253,

subsection 6 that requires the court to refuse to grant either party relief and to require any further proceedings be conducted pursuant to the formal eviction process if the tenant has put forth a legal defense.

A legal defense is not necessarily a meritorious defense for purposes of this law. Any defense calling into question the veracity of the landlord's basis for eviction, whether it is ultimately valid, can amount to a legal defense so as to avoid the adjudication of a summary eviction. If a landlord is denied relief through the summary eviction process, he or she is required to start the eviction all over again using the formal proceedings. The proceeding would require reservice of a notice, refile and reservice of a new complaint and summons. Tenants in the formal eviction process then have 20 days to respond to the complaint. The hearings in such cases are set out longer than with summary evictions. In short, the summary eviction process set forth in A.B. 340 is anything but summary when you take into consideration the increased timing requirements, lack of urgency in setting and disposing of cases, and the need to completely start over and pursue a second eviction action.

When a tenant merely disputes the basis for the summary eviction, the intent should be to implement a viable process that fairly serves all parties and timely disposal of all eviction cases in which possession is the sole issue. If we are going to mirror the processes of California and other jurisdictions, we need to overhaul the proceedings in their entirety after further debate. Selecting piecemeal provisions and concepts that only serve to delay, confuse and ultimately avoid adjudication is not the solution. I urge you to oppose A.B. 340 as written.

MENDY ELLIOTT (Southern Nevada Regional Housing Authority; Nevada Rural Housing Authority; Reno Housing Authority):

The Southern Nevada Regional Housing Authority, Nevada Rural Housing Authority and Reno Housing Authority constitute the largest landlord group in the State. We were originally opposed to A.B. 340 before we worked through its iterations with Mr. Norman; now we are neutral. The impact of the bill on the Housing Authorities is whatever this Body determines. That determination will be the roadmap for summary evictions, with which we will comply.

The Authorities see both sides of the eviction issue. We have a lot of tenants; we have a lot of landlords. We have heard a lot of sad stories today that are

hard to listen to. These are impactful stories because eviction profoundly impacts lives and families.

Though not in A.B. 340, we are advocating for more affordable housing. Give the Authorities the tools to build affordable housing faster and encourage developers to invest in affordable housing in the State. When families are in distress or their lifestyles must change, we need places for them to seek shelter.

We will continue to work with the Nevada State Apartment Association and the bill sponsor. However, at this point, whatever this Body determines is the roadmap for evictions, and the Housing Authorities are willing to work on that, no matter the jurisdiction—Washoe, Clark, Lyon, Eureka or Elko Counties. We will help come up with a good solution so the State can move forward with an improved eviction process.

JEFF ROGAN (Clark County):

Clark County is neutral on A.B. 340. I want to address comments raised regarding constables. In my day job, I represent the constables of Clark County. The change in the amendment, Exhibit C, was at our request, given the difficulties in achieving the serving time line of 36 hours. It was an impossibility, especially for some smaller, rural jurisdictions that essentially have only one constable. To achieve that time line was quite difficult and prevented staff breaks, even on weekends and holidays. Constables intend to continue to expediently perform lockouts. However, given the practical constraints of performing it within the time frame set by current law, we felt the change was necessary.

MR. NORMAN:

I would be happy in the Eighty-third Session to work on bringing all the tenant protections that California has to Nevada if that is the model we want to emulate. The only time line we are changing is switching from calendar to judicial days. All the other time lines about when hearings are set will be the same whether or not the bill is passed. By going from calendar to judicial days, we are adding seven days.

Even though the bill creates a formal eviction process, 98.5 percent of the summary eviction cases will stay summary evictions. Formal evictions are in the overwhelming minority with 1.5 percent of cases. The idea that landlords are

going to be burdened is only when there are verifiable issues of material fact the court needs to reach and discovery is warranted.

ASSEMBLYWOMAN SUMMERS-ARMSTRONG:

I have listened attentively to Mr. Norman's presentation and to the community, which has spoken clearly today. I want the Committee to wrap its head around this: if you and I have an issue we want to resolve, one of us has to first file a complaint in the court. That is not the case in summary eviction. Currently, if I were fighting with Senator Harris about something, she would have to file an answer. That is not equitable in any other State court proceeding. All we are asking is that eviction mirror civil cases, in which you have 15 to 30 days to respond. We are asking for seven days, a simple change.

Change is difficult for all of us. It is hard to rethink habits we have had for many years, in our life, jobs or even in the law. There comes a time when we must reevaluate what we are doing and the effects our actions have on the community. That is what voters sent us here to do. My community did not send me here just look beautiful in front of the camera. They sent me here to effect change—even if that change is a little different, slightly painful and sometimes not popular. They sent me here to do a job.

SENATOR KRASNER:

We always have a rationale for creating a law. What is the rationale in A.B. 340 for the court proceeding being different? Why does the tenant file the complaint first, as opposed to the landlord filing first?

MR. NORMAN:

I do not have that answer. I could share with the Committee a memo we had done by a think tank in Washington, D.C., about the origins of summary eviction in our State. However, it is not extremely clear on the issue. My best guess is when the NRS was adopted, we had a transient population built on mining and gaming. The idea that families would be here a long time was not contemplated when the summary eviction process began.

KARLY O'KRENT (Counsel):

I can look into it and see if anything is reflected in the record for why the laws we are talking about were adopted.

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CHAIR SCHEIBLE:

The Committee and I would like to know the rationale because there is always a rationale behind every law created.

The Committee received one letter ([Exhibit D](#)) of support for A.B. 340. We will close the hearing on A.B. 340. Seeing no more business before the Senate Committee on Judiciary, we are adjourned at 2:58 p.m.

RESPECTFULLY SUBMITTED:

Blain Jensen,
Committee Secretary

APPROVED BY:

Senator Melanie Scheible, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Introduced on Minute Report Page No.	Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster
A.B. 340	C	4	Jonathan Norman / Nevada Coalition of Legal Aid Providers	Proposed Amendment
A.B. 340	D	25	Senator Melanie Scheible	Support Letter