
ASSEMBLY BILL NO. 386—ASSEMBLYMEN FLORES, SEAMAN,
DOOLING, CARRILLO, KIRKPATRICK; DICKMAN, JOINER,
O’NEILL, SPIEGEL, THOMPSON, TITUS, WHEELER AND
WOODBURY

MARCH 17, 2015

JOINT SPONSORS: SENATORS DENIS AND KIHUEN

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to real property
(BDR 3-921)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
Effect on the State: Yes.

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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 real property; establishing supplemental
procedures for the retaking of a dwelling subject to
housebreaking or unlawful entry; establishing procedures
for the retaking of a dwelling subject to forcible entry or
forcible detainer; revising provisions relating to unlawful
detainer; revising the procedures for removing a tenant
who is guilty of an unlawful detainer; establishing the
criminal offenses of housebreaking, unlawful entry and
unlawful reentry; providing penalties; and providing other
matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law sets forth procedures for the removal of a person who is guilty of
2 forcible entry, forcible detainer or unlawful detainer. (NRS 40.230, 40.240, 40.280-
3 40.420) **Section 23** of this bill revises provisions governing the service of a notice
4 to surrender by: (1) providing for different posting and mailing requirements; (2)
5 eliminating the requirement that a witness be present for service if notice is served
6 by a sheriff, constable or licensed process server; and (3) revising the contents of
7 proof of service that must be filed with a court.



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8 Existing law authorizes and sets forth a summary procedure for eviction of a
9 tenant of certain types of properties who is guilty of unlawful detainer for: (1)
10 continuing in possession of real property after the expiration of a specific term; (2)
11 continuing in possession after expiration of a notice to surrender; (3) waste,
12 nuisance, violation of certain lease terms and committing certain unlawful
13 activities; and (4) failure to perform lease or agreement conditions or covenants.
14 (NRS 40.254) **Section 20** of this bill revises this summary procedure as it relates to
15 the contents of certain notices served upon a tenant and the commencement and
16 conduct of court proceedings in contested cases.

17 Existing law provides that a tenant's neglect or failure to perform any condition
18 or covenant of the lease or agreement under which property is held constitutes
19 unlawful detainer and warrants the commencement of proceedings to remove the
20 tenant. (NRS 40.2516) **Section 17** of this bill revises the types of property to which
21 these provisions apply and specifies the regular and summary procedures, if
22 applicable, by which a landlord may remove a tenant from the property.

23 Existing law describes conduct which constitutes forcible entry and forcible
24 detainer. (NRS 40.230, 40.240) **Sections 11 and 12** of this bill revise the
25 definitions of "forcible entry" and "forcible detainer," establish requirements
26 relating to a notice to surrender that must be served upon a person who commits
27 forcible entry or forcible detainer and authorize the entry of judgment for three
28 times the amount of actual damages for such offenses under certain circumstances.
29 **Section 2** of this bill establishes a procedure by which an owner of a dwelling that
30 is the object of a housebreaking or unlawful occupancy may retake possession of
31 and change the locks on the dwelling. **Section 4** of this bill establishes a procedure
32 by which an occupant who has been locked out of a dwelling may seek to recover
33 possession of the dwelling.

34 **Sections 45-48** of this bill set forth the acts which constitute the criminal
35 offenses of housebreaking, unlawful occupancy and unlawful reentry and the
36 penalties that attach upon conviction. **Section 3** of this bill establishes a procedure
37 by which the owner of a dwelling that was subject to forcible entry or forcible
38 detainer may seek to recover possession of the dwelling.

39 **Section 56** of this bill repeals a provision that authorizes treble damages in a
40 recovery for a forcible or unlawful entry to certain types of real property.

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

1 **Section 1.** Chapter 40 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 7, inclusive, of this
3 act.

4 **Sec. 2. 1.** *Except as otherwise provided in subsection 4, in*
5 *addition to the remedy provided in NRS 40.290 to 40.420,*
6 *inclusive, this section and sections 3 and 4 of this act, when all*
7 *known unlawful or unauthorized adult occupants of a dwelling*
8 *have been arrested for housebreaking or unlawful occupancy and*
9 *all minor occupants are taken into the custody of the State, the*
10 *owner of the dwelling may retake possession and change the locks*
11 *on the dwelling.*

12 **2.** *At the time an owner of a dwelling retakes possession or*
13 *changes the locks of a dwelling pursuant to subsection 1, the*



1 owner or an authorized representative of the owner shall post a
2 written notice on the dwelling. The notice must:

3 (a) Identify the address of the dwelling;

4 (b) Identify the court that has jurisdiction over any matter
5 relating to the dwelling;

6 (c) Identify the date on which the owner took possession of the
7 dwelling pursuant to subsection 1 or changed the locks; and

8 (d) Advise the unlawful or unauthorized occupant that:

9 (1) One or more locks on the dwelling have been changed
10 as the result of an arrest for housebreaking or unlawful
11 occupancy.

12 (2) The unlawful or unauthorized occupant has the right to
13 contest the matter by filing a verified complaint for reentry with
14 the court within 21 calendar days after the date indicated in
15 paragraph (c). The complaint must be served upon the owner of
16 the dwelling or the authorized representative of the owner at the
17 address provided to the court with the filing of the written notice
18 pursuant to subsection 3.

19 (3) Reentry of the property without a court order is a
20 criminal offense, punishable by up to 4 years in prison.

21 (4) Except as otherwise provided in this subparagraph, the
22 owner of the dwelling shall provide safe storage of any personal
23 property which remains on the property. The owner may dispose
24 of any personal property which remains on the property after 21
25 calendar days from the date indicated in paragraph (c) unless
26 within that time the owner receives an affidavit or notice of
27 hearing pursuant to section 3 of this act. The unlawful or
28 unauthorized occupant may recover his or her personal property
29 by filing an affidavit with the court pursuant to section 3 of this
30 act within 21 calendar days after the date indicated in paragraph
31 (c). The owner is entitled to payment of the reasonable and actual
32 costs of inventory, moving and storage before releasing the
33 personal property to the occupant.

34 3. The notice posted pursuant to subsection 2 must remain
35 posted on the dwelling for not less than 21 calendar days. A copy
36 of the notice must be filed with the court not later than 1 day after
37 any locks are changed on the dwelling and must be accompanied
38 by a statement which includes an address for service of any
39 documents on the owner of the dwelling or an authorized
40 representative of the owner.

41 4. This section does not apply if one or more unlawful or
42 unauthorized occupants is occupying the dwelling.

43 5. As used in this section:

44 (a) "Housebreaking" has the meaning ascribed to it in section
45 46 of this act.



1 (b) "Unlawful entry" has the meaning ascribed to it in section
2 48 of this act.

3 **Sec. 3. 1.** In addition to the remedy provided in NRS 40.290
4 to 40.420, inclusive, and sections 2, 3 and 4 of this act, when a
5 person who is guilty of forcible entry or forcible detainer fails,
6 after the expiration of a written notice to surrender which was
7 served pursuant to NRS 40.230 or 40.240, to surrender the real
8 property to the owner of the real property or the occupant who is
9 authorized by the owner to be in possession of the real property,
10 the owner or occupant who is authorized by the owner may seek to
11 recover possession of the real property pursuant to this section.

12 2. The owner of the real property, an authorized
13 representative of the owner or the occupant who is authorized by
14 the owner to be in possession of the real property shall serve the
15 notice to surrender on the unlawful or unauthorized occupant in
16 accordance with the provisions of NRS 40.280.

17 3. In addition to the requirements set forth in subsection 2 of
18 NRS 40.230 and subsection 2 of NRS 40.240, a written notice to
19 surrender must:

20 (a) Identify the court that has jurisdiction over the matter.

21 (b) Advise the unlawful or unauthorized occupant:

22 (1) Of his or her right to contest the matter by filing, before
23 the court's close of business on the fourth judicial day following
24 service of the notice of surrender, an affidavit with the court that
25 has jurisdiction over the matter stating the reasons why the
26 unlawful or unauthorized occupant is not guilty of a forcible entry
27 or forcible detainer.

28 (2) That if the court determines that the unlawful or
29 unauthorized occupant is guilty of a forcible entry or forcible
30 detainer, the court may issue a summary order for removal of the
31 unlawful or unauthorized occupant or an order providing for the
32 nonadmittance of the unlawful or unauthorized occupant,
33 directing the sheriff or constable of the county to remove the
34 unlawful or unauthorized occupant within 24 hours after the
35 sheriff's or constable's receipt of the order from the court.

36 (3) That, except as otherwise provided in this
37 subparagraph, the owner of the real property, an authorized
38 representative of the owner or the occupant who is authorized by
39 the owner of the real property to be in possession of the real
40 property shall provide safe storage of any personal property of the
41 unlawful or unauthorized occupant which remains on the
42 property. The owner, an authorized representative of the owner or
43 occupant may dispose of any personal property of the unlawful or
44 unauthorized occupant remaining on the real property after 14
45 calendar days from the execution of an order for removal of the



1 *unlawful or unauthorized occupant or the compliance of the*
2 *unlawful or unauthorized occupant with the notice to surrender,*
3 *whichever comes first. The unlawful or unauthorized occupant*
4 *must pay the owner, authorized representative of the owner or*
5 *occupant for the reasonable and actual costs of inventory, moving*
6 *and storage of the personal property before the personal property*
7 *will be released to the unlawful or unauthorized occupant.*

8 *4. Upon service of the written notice to surrender pursuant to*
9 *subsection 3, the unlawful or unauthorized occupant shall:*

10 *(a) Before the expiration of the notice, surrender the real*
11 *property to the owner of the real property, an authorized*
12 *representative of the owner or the occupant who is authorized by*
13 *the owner to be in possession of the real property, in which case*
14 *an affidavit of complaint may not be filed pursuant to subsection 5*
15 *and a summary order for removal may not be issued pursuant to*
16 *subsection 6;*

17 *(b) Request that the court stay the execution of a summary*
18 *order for removal, stating the reasons why such a stay is*
19 *warranted; or*

20 *(c) Contest the matter by filing, before the court's close of*
21 *business on the fourth judicial day following service of the notice*
22 *to surrender, an affidavit with the court that has jurisdiction over*
23 *the matter stating the reasons that the unlawful or unauthorized*
24 *occupant is not guilty of a forcible entry or forcible detainer. A*
25 *file-stamped copy of the affidavit must be served by mail upon the*
26 *issuer of the notice to surrender.*

27 *5. Upon expiration of the written notice to surrender, the*
28 *owner of the real property, an authorized representative of the*
29 *owner or the occupant who is authorized by the owner to be in*
30 *possession of the real property may apply by affidavit of complaint*
31 *for eviction to the justice court of the township in which the real*
32 *property is located or the district court of the county in which the*
33 *real property is located, whichever has jurisdiction over the*
34 *matter. The affidavit of complaint for eviction must state or*
35 *contain:*

36 *(a) The date on which the unlawful or unauthorized occupant*
37 *forcibly entered or detained the real property or the date on which*
38 *the applicant first became aware of the forcible entry or forcible*
39 *detainer.*

40 *(b) A summary of the specific facts detailing how the alleged*
41 *forcible entry or forcible detainer was or is being committed.*

42 *(c) A copy of the written notice to surrender that was served on*
43 *the unlawful or unauthorized occupant.*

44 *(d) Proof of service of the written notice to surrender in*
45 *compliance with NRS 40.280.*



1 6. Upon the filing of the affidavit of complaint by the owner
2 of the real property, an authorized representative of the owner or
3 the occupant who is authorized by the owner to be in possession of
4 the real property pursuant to subsection 5, the justice court or the
5 district court, as applicable, shall determine the truthfulness and
6 sufficiency of any affidavit or notice provided for in this section.
7 If:

8 (a) The unlawful or unauthorized occupant has failed to
9 timely file an affidavit contesting the matter pursuant to
10 paragraph (c) of subsection 4 and the court determines that
11 sufficient evidence has been set forth in the affidavit of complaint
12 to demonstrate that a forcible entry or forcible detainer has been
13 committed by the unlawful or unauthorized occupant, the court
14 must issue an order directing the sheriff or constable of the county
15 to remove the unlawful or unauthorized occupant within 24 hours
16 after the sheriff's or constable's receipt of the order from the
17 court.

18 (b) The unlawful or unauthorized occupant has timely filed an
19 affidavit contesting the matter pursuant to paragraph (c) of
20 subsection 4 and the court determines that the affidavit fails to
21 raise an element of a legal defense regarding the alleged forcible
22 entry or forcible detainer, the court may rule on the matter without
23 a hearing. If the court determines that sufficient evidence has
24 been set forth in the affidavit of complaint to demonstrate that a
25 forcible entry or forcible detainer has been committed by the
26 unlawful or unauthorized occupant, the court must issue an order
27 directing the sheriff or constable of the county to remove the
28 unlawful or unauthorized occupant within 24 hours after the
29 sheriff's or constable's receipt of the order from the court, unless
30 the court has stayed the execution of the order pursuant to a
31 request pursuant to paragraph (b) of subsection 4.

32 (c) The unlawful or unauthorized occupant has timely filed an
33 affidavit contesting the matter pursuant to paragraph (c) of
34 subsection 4 and the court determines that the affidavit raises an
35 element of a legal defense regarding the alleged forcible entry or
36 forcible detainer, the court must require the parties to appear at a
37 hearing to determine the truthfulness and sufficiency of the
38 evidence set forth in any affidavit. Such a hearing must be held
39 within 7 judicial days after the filing of the affidavit of complaint.

40 (d) Upon review of the affidavits of any party or upon hearing,
41 the court determines that:

42 (1) There is a legal defense as to the alleged forcible entry
43 or forcible detainer, the court must refuse to grant either party any
44 relief and, except as otherwise provided in this subsection, must
45 require that any further proceedings be conducted pursuant to



1 *NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this*
2 *act.*

3 *(2) The unlawful or unauthorized occupant gained entry or*
4 *possession of the real property peaceably and as a result of an*
5 *invalid lease, fraudulent act or misrepresentation by a person*
6 *without the authority of the owner of the real property, the court*
7 *may issue a summary order for the removal of the unlawful or*
8 *unauthorized occupant but also may, within the discretion of the*
9 *court, stay such order for a period sufficient to allow the unlawful*
10 *or unauthorized occupant to vacate and remove his or her*
11 *personal property. This period may not exceed 20 days.*

12 *7. The owner of the real property, an authorized*
13 *representative of the owner or the occupant who is authorized by*
14 *the owner to be in possession of the real property may, without*
15 *incurring any civil or criminal liability, dispose of personal*
16 *property abandoned on the real property by an unlawful or*
17 *unauthorized occupant who is ordered removed by this section in*
18 *the following manner:*

19 *(a) The owner of the real property, an authorized*
20 *representative of the owner or the occupant who is authorized by*
21 *the owner to be in possession of the real property shall reasonably*
22 *provide for the safe storage of the abandoned personal property*
23 *for 21 calendar days after the removal of the unlawful or*
24 *unauthorized occupant or the surrender of the real property in*
25 *compliance with a written notice to surrender, whichever comes*
26 *first, and may charge and collect the reasonable and actual costs*
27 *of inventory, moving and storage before releasing the abandoned*
28 *personal property to the unlawful or unauthorized occupant or his*
29 *or her authorized representative rightfully claiming the property*
30 *within that period. The owner or the occupant is liable to the*
31 *unlawful or unauthorized occupant only for negligent or wrongful*
32 *acts in storing the abandoned personal property.*

33 *(b) After the expiration of the 21-day period, the owner of the*
34 *real property, an authorized representative of the owner or*
35 *the occupant who is authorized by the owner to be in possession of*
36 *the real property may dispose of the abandoned personal property*
37 *and recover his or her reasonable costs out of the personal*
38 *property or the value thereof.*

39 *(c) Vehicles must be disposed of in the manner provided in*
40 *chapter 487 of NRS for abandoned vehicles.*

41 *(d) Any dispute relating to the amount of the costs claimed by*
42 *the owner of the real property, an authorized representative of the*
43 *owner or the occupant who is authorized by the owner to be in*
44 *possession of the real property pursuant to paragraph (a) may be*
45 *resolved by the court pursuant to a motion filed by the unlawful or*



1 *unauthorized occupant and the payment of the appropriate fees*
2 *relating to the filing and service of the motion. The motion must*
3 *be filed within 14 calendar days after the removal of the unlawful*
4 *or unauthorized occupant or the surrender of the real property in*
5 *compliance with a written notice to surrender, whichever comes*
6 *first. Upon the filing of a motion by the unlawful or unauthorized*
7 *occupant pursuant to this paragraph, the court shall schedule a*
8 *hearing on the motion. The hearing must be held within 10*
9 *judicial days after the filing of the motion. The court shall affix*
10 *the date of the hearing to the motion and mail a copy to the owner,*
11 *an authorized representative of the owner or the occupant at the*
12 *address on file with the court.*

13 **Sec. 4. 1.** *If the owner of a dwelling or an authorized*
14 *representative of the owner locks an occupant out of the dwelling*
15 *pursuant to section 2 of this act, the occupant may recover*
16 *possession of the dwelling as provided in this section.*

17 **2.** *The occupant must file with the justice court of the*
18 *township in which the dwelling is located a verified complaint for*
19 *reentry, specifying:*

20 *(a) The facts of the lockout by the owner of the dwelling or the*
21 *authorized representative of the owner; and*

22 *(b) The legal basis upon which reentry into the dwelling is*
23 *warranted.*

24 **3.** *The court shall, after notice to both parties, hold a trial on*
25 *the occupant's verified complaint for reentry not later than 10*
26 *judicial days after the date on which the occupant files the verified*
27 *complaint for reentry.*

28 **4.** *If the court finds that an unjustified lockout has occurred,*
29 *the court must issue a writ of restitution, restoring possession of*
30 *the dwelling to the occupant.*

31 **5.** *A party may appeal from the court's judgment at the trial*
32 *on the verified complaint for reentry in the same manner as a*
33 *party may appeal a judgment in an action for forcible detainer.*

34 **6.** *If the owner of the dwelling or the person on whom a writ*
35 *of restitution is served fails to immediately comply with the writ or*
36 *later disobeys the writ, the failure is grounds for contempt of court*
37 *against the owner or the person on whom the writ was served,*
38 *under chapter 22 of NRS.*

39 **7.** *This section does not affect:*

40 *(a) The right of any party to pursue a separate cause of action*
41 *under this chapter or chapter 118A of NRS if the court finds that a*
42 *landlord and tenant relationship exists between the parties; or*

43 *(b) The rights of an owner or occupant in a forcible detainer,*
44 *unlawful detainer or forcible entry and detainer action.*

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



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

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

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

4 **Sec. 9.** NRS 40.215 is hereby amended to read as follows:

5 40.215 As used in NRS 40.215 to 40.425, inclusive, *and*
6 *sections 2 to 7, inclusive, of this act,* unless the context requires
7 otherwise:

8 1. *“Dwelling” or “dwelling unit” means a structure or part*
9 *thereof that is occupied, or designed or intended for occupancy, as*
10 *a residence or sleeping place by one person who maintains a*
11 *household or by two or more persons who maintain a common*
12 *household.*

13 2. *“Landlord’s agent” means a person who is hired or*
14 *authorized by the landlord or owner of real property to manage*
15 *the property or dwelling unit, to enter into a rental agreement on*
16 *behalf of the landlord or owner of the property or who serves as a*
17 *person within this State who is authorized to act for and on behalf*
18 *of the landlord or owner for the purposes of service of process or*
19 *receiving notices and demands. A landlord’s agent may also*
20 *include a successor landlord or a property manager as defined in*
21 *NRS 645.0195.*

22 3. “Mobile home” means every vehicle, including equipment,
23 which is constructed, reconstructed or added to in such a way as to
24 have an enclosed room or addition occupied by one or more persons
25 as a ~~dwelling~~ *residence* or sleeping place and which has no
26 foundation other than wheels, jacks, skirting or other temporary
27 support.

28 ~~4.~~ 4. “Mobile home lot” means a portion of land within a
29 mobile home park which is rented or held out for rent to
30 accommodate a mobile home.

31 ~~5.~~ 5. “Mobile home park” or “park” means an area or tract of
32 land where two or more mobile homes or mobile home lots are
33 rented or held out for rent. “Mobile home park” or “park” does not
34 include those areas or tracts of land, whether within or outside of a
35 park, where the lots are held out for rent on a nightly basis.

36 ~~6.~~ 6. “Premises” includes a mobile home.

37 ~~7.~~ 7. “Recreational vehicle” means a vehicular structure
38 primarily designed as temporary living quarters for travel,
39 recreational or camping use, which may be self-propelled or
40 mounted upon or drawn by a motor vehicle.

41 ~~8.~~ 8. “Recreational vehicle lot” means a portion of land
42 within a recreational vehicle park, or a portion of land so designated
43 within a mobile home park, which is rented or held out for rent to
44 accommodate a recreational vehicle overnight or for less than 3
45 months.



1 ~~[7.]~~ 9. "Recreational vehicle park" means an area or tract of
2 land where lots are rented or held out for rent to accommodate a
3 recreational vehicle overnight or for less than 3 months.

4 10. "Short-term tenancy" means a tenancy in which rent is
5 reserved by a period of 1 week and the tenancy has not continued
6 for more than 45 days.

7 Sec. 10. NRS 40.220 is hereby amended to read as follows:

8 40.220 No entry shall be made *upon or* into any ~~Hands,~~
9 ~~tenements]~~ *real property* or other possessions but in cases where
10 entry is given by law; and in such cases, only in a peaceable manner,
11 not with strong hand nor with multitude of people.

12 Sec. 11. NRS 40.230 is hereby amended to read as follows:

13 40.230 1. Every person is guilty of a forcible entry who
14 ~~either:~~

15 ~~— 1. By breaking open doors, windows or other parts of a house,~~
16 ~~or by fraud, intimidation or stealth, or by]~~ *unlawfully enters any*
17 *real property:*

18 (a) *By means of physical force resulting in damage to a*
19 *structure on the real property;*

20 (b) *By any kind of violence or circumstance of terror* ~~[-enters~~
21 ~~upon or into any]~~ ;

22 (c) *Peaceably or otherwise and:*

23 (1) *Thereafter prevents the owner of the real property* ~~[-]~~
24 *from access or occupancy of the property by changing a lock;* or
25 ~~[2. Who, after entering peaceably upon real property, turns]~~

26 (2) *Turns out by force, threats of violence or menacing*
27 *conduct, the* ~~[party in natural]~~ *owner of the real property or an*
28 *occupant who is authorized by the owner to be in possession* ~~[-]~~ *of*
29 *the real property.*

30 2. *The owner of the real property, an authorized*
31 *representative of the owner or the occupant who is authorized by*
32 *the owner to be in possession of the real property may seek to*
33 *recover possession of the property pursuant to NRS 40.290 to*
34 *40.420, inclusive, and sections 2, 3 and 4 of this act, after the*
35 *expiration of the notice to surrender served by the owner,*
36 *authorized representative of the owner or authorized occupant*
37 *upon the person who committed the forcible entry. The notice*
38 *must:*

39 (a) *Inform the person who committed the forcible entry that he*
40 *or she is guilty of forcible entry; and*

41 (b) *Afford the person who committed the forcible entry 4*
42 *judicial days to surrender the property.*

43 3. *If an owner of real property or an authorized*
44 *representative of the owner recovers damages for a forcible entry,*
45 *judgment may be entered for three times the amount at which the*



1 *actual damages are assessed. As used in this section, “actual*
2 *damages” means damages to real property and personal property.*

3 **Sec. 12.** NRS 40.240 is hereby amended to read as follows:

4 40.240 1. Every person is guilty of a forcible detainer who
5 either:

6 ~~1. By~~

7 (a) *Unlawfully holds and keeps the possession of any real*
8 *property by force* ~~[, or by menaces]~~ *or threats of violence* ~~;~~
9 ~~unlawfully holds and keeps the possession of any real property.], or~~
10 whether the ~~same~~ *possession* was acquired peaceably or otherwise;
11 or

12 ~~2. Who, in the nighttime, or during the absence of the~~
13 ~~occupant of]~~

14 (b) *Enters* any real property ~~;~~ ~~unlawfully enters thereon,~~
15 *without the authority of the owner of the property, an authorized*
16 *representative of the owner or an occupant who is authorized by*
17 *the owner to be in possession of the real property* and who, after
18 ~~[demand made for the]~~ *receiving written notice to surrender*
19 ~~[thereof, refuses for a period of 3 days]~~ *pursuant to subsection 2,*
20 *fails to surrender the* ~~same to such former occupant. The occupant~~
21 ~~of real property within the meaning of this subsection is one who,~~
22 ~~within 5 days preceding such unlawful entry, was in the peaceable~~
23 ~~and undisturbed possession of such lands.]~~ *property.*

24 2. *The owner of the real property, an authorized*
25 *representative of the owner or the occupant who is authorized by*
26 *the owner to be in possession of the real property may seek to*
27 *recover possession of the property pursuant to NRS 40.290 to*
28 *40.420, inclusive, and sections 2, 3 and 4 of this act, after the*
29 *expiration of the notice to surrender served by the owner or*
30 *authorized occupant upon the person who committed the forcible*
31 *detainer. The notice must:*

32 (a) *Inform the person who committed the forcible detainer that*
33 *he or she is guilty of a forcible detainer; and*

34 (b) *Afford the person who committed the forcible detainer 4*
35 *judicial days to surrender the property.*

36 3. *If an owner of real property or an authorized*
37 *representative of the owner recovers damages for a forcible*
38 *detainer, judgment may be entered for three times the amount at*
39 *which the actual damages are assessed. As used in this section,*
40 *“actual damages” means damages to real property and personal*
41 *property.*

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

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

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

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



1 **Sec. 17.** NRS 40.2516 is hereby amended to read as follows:

2 40.2516 **1.** A tenant of real property , *a dwelling unit, a*
3 *recreational vehicle* or a mobile home *other than a mobile home*
4 *lot or a recreational vehicle lot* for a term less than life is guilty of
5 an unlawful detainer when the tenant continues in possession, in
6 person or by subtenant, after a neglect or failure to perform any
7 condition or covenant of the lease or agreement under which the
8 *real property , dwelling unit, recreational vehicle* or mobile home
9 is held, other than those mentioned in NRS 40.250 to ~~40.252,~~
10 **40.254**, inclusive, ~~and NRS 40.254,~~ and after notice in writing,
11 requiring in the alternative the performance of the condition or
12 covenant or the surrender of the *real property, dwelling unit,*
13 *recreational vehicle or mobile home,* served upon the tenant, and, if
14 there is a subtenant in actual occupation of the premises ~~†~~ *or*
15 *property,* also upon the subtenant, remains uncomplished with for 5
16 days after the service thereof. Within ~~†~~ **5** days after the service, the
17 tenant, or any subtenant in actual occupation of the premises ~~†~~ *or*
18 *property,* or any mortgagee of the term, or other person, interested
19 in its continuance, may perform the condition or covenant and
20 thereby save the lease from forfeiture; but if the covenants and
21 conditions of the lease, violated by the lessee, cannot afterwards be
22 performed, then no notice need be given.

23 **2.** *If a tenant is guilty of an unlawful detainer pursuant to*
24 *this section, the landlord may seek to recover possession of the*
25 *real property, dwelling unit, recreational vehicle or mobile home*
26 *pursuant to the provisions of NRS 40.254 or 40.290 to 40.420,*
27 *inclusive, and sections 2, 3 and 4 of this act.*

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

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

30 **Sec. 20.** NRS 40.254 is hereby amended to read as follows:

31 40.254 **1.** Except as otherwise provided by specific statute, in
32 addition to the remedy provided in ~~NRS 40.251 and in~~ NRS
33 40.290 to 40.420, inclusive, *and sections 2, 3 and 4 of this act* when
34 the tenant of a dwelling unit , ~~which is subject to the provisions of~~
35 ~~chapter 118A of NRS,~~ part of a low-rent housing program operated
36 by a public housing authority, a mobile home or a recreational
37 vehicle is guilty of an unlawful detainer ~~†~~ *pursuant to NRS*
38 *40.250, 40.251, 40.2514 or 40.2516,* the landlord ~~is entitled to~~ *or*
39 *the landlord's agent may utilize* the summary procedures *for*
40 *eviction as* provided in NRS 40.253 except that ~~†~~

41 ~~—1. Written~~ *written* notice to surrender the premises must:

42 (a) Be given to the tenant in accordance with the provisions of
43 NRS 40.280;

44 (b) Advise the tenant of the court that has jurisdiction over the
45 matter; and



(c) Advise the tenant of the tenant's right to ~~contest~~ :

(1) *Contest* the notice by filing ~~within 5 days~~ 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 ~~that~~ stating the reasons why the tenant is not guilty of an unlawful detainer ~~+~~

~~-2-~~; or

(2) *Request that the court stay the execution of the order for removal of the tenant or order providing for nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.*

2. The affidavit of the landlord or the landlord's agent submitted to the justice court or the district court must *state or* contain:

(a) The date when the tenancy commenced, the term of the tenancy ~~+~~ and, if any, a copy of the rental agreement. ~~+~~

~~(b) The~~ *If the rental agreement has been lost or destroyed, the landlord or the landlord's agent may attach an affidavit or declaration, signed under penalty of perjury, stating such loss or destruction.*

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

(c) The date when *written notice to surrender was given to* the tenant ~~became subject~~ pursuant to the provisions of NRS 40.251 ~~to~~ , 40.2514 or 40.2516, ~~inclusive,~~ together with any ~~supporting~~ facts ~~+~~

~~(d) The date when the~~ *supporting the notice.*

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

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

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

Sec. 21. NRS 40.255 is hereby amended to read as follows:

40.255 1. Except as otherwise provided in subsections 2 and 7, in any of the following cases, a person who holds over and



1 continues in possession of real property or a mobile home after a
2 3-day written notice to ~~quit~~ **surrender** has been served upon the
3 person may be removed as prescribed in NRS 40.290 to 40.420,
4 inclusive ~~+~~, **and sections 2, 3 and 4 of this act**:

5 (a) Where the property or mobile home has been sold under an
6 execution against the person, or against another person under whom
7 the person claims, and the title under the sale has been perfected;

8 (b) Where the property or mobile home has been sold upon the
9 foreclosure of a mortgage, or under an express power of sale
10 contained therein, executed by the person, or by another person
11 under whom the person claims, and the title under the sale has been
12 perfected;

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

17 (d) Where the property or mobile home has been sold by the
18 person, or by another person under whom the person claims, and the
19 title under the sale has been perfected.

20 2. If the property has been sold as a residential foreclosure, a
21 tenant or subtenant in actual occupation of the premises, other than a
22 person whose name appears on the mortgage or deed, who holds
23 over and continues in possession of real property or a mobile home
24 in any of the cases described in paragraph (b) or (c) of subsection 1
25 may be removed as prescribed in NRS 40.290 to 40.420, inclusive,
26 **and sections 2, 3 and 4 of this act** after receiving a notice of the
27 change of ownership of the real property or mobile home and after
28 the expiration of a notice period beginning on the date the notice
29 was received by the tenant or subtenant and expiring:

30 (a) For all periodic tenancies with a period of less than 1 month,
31 after not less than the number of days in the period; and

32 (b) For all other periodic tenancies or tenancies at will, after not
33 less than 60 days.

34 3. During the notice period described in subsection 2:

35 (a) The new owner has the rights, obligations and liabilities of
36 the previous owner or landlord pursuant to chapter 118A of NRS
37 under the lease or rental agreement which the previous owner or
38 landlord entered into with the tenant or subtenant regarding the
39 property; and

40 (b) The tenant or subtenant continues to have the rights,
41 obligations and liabilities that the tenant or subtenant had pursuant
42 to chapter 118A of NRS under the lease or rental agreement which
43 the tenant or subtenant entered into with the previous owner or
44 landlord regarding the property.



1 4. The notice described in subsection 2 must contain a
2 statement:

3 (a) Providing the contact information of the new owner to whom
4 rent should be remitted;

5 (b) Notifying the tenant or subtenant that the lease or rental
6 agreement the tenant or subtenant entered into with the previous
7 owner or landlord of the property continues in effect through the
8 notice period described in subsection 2; and

9 (c) Notifying the tenant or subtenant that failure to pay rent to
10 the new owner or comply with any other term of the agreement or
11 applicable law constitutes a breach of the lease or rental agreement
12 and may result in eviction proceedings ~~††~~ , *including, without*
13 *limitation, proceedings conducted pursuant to NRS 40.253 and*
14 *40.254.*

15 5. If the property has been sold as a residential foreclosure in
16 any of the cases described in paragraph (b) or (c) of subsection 1, no
17 person may enter a record of eviction for a tenant or subtenant
18 who vacates a property during the notice period described in
19 subsection 2.

20 6. If the property has been sold as a residential foreclosure in
21 any of the cases described in paragraphs (b) or (c) of subsection 1,
22 nothing in this section shall be deemed to prohibit:

23 (a) The tenant from vacating the property at any time before the
24 expiration of the notice period described in subsection 2 without any
25 obligation to the new owner of a property purchased pursuant to a
26 foreclosure sale or trustee's sale; or

27 (b) The new owner of a property purchased pursuant to a
28 foreclosure sale or trustee's sale from:

29 (1) Negotiating a new purchase, lease or rental agreement
30 with the tenant or subtenant; or

31 (2) Offering a payment to the tenant or subtenant in
32 exchange for vacating the premises on a date earlier than the
33 expiration of the notice period described in subsection 2.

34 7. This section does not apply to the tenant of a mobile home
35 lot in a mobile home park.

36 8. As used in this section, "residential foreclosure" means the
37 sale of a single family residence pursuant to NRS 40.430 or under a
38 power of sale granted by NRS 107.080. As used in this subsection,
39 "single family residence" means a structure that is comprised of not
40 more than four units.

41 **Sec. 22.** NRS 40.260 is hereby amended to read as follows:

42 40.260 In all cases of tenancy upon agricultural land where the
43 tenant has held over and retained possession for more than 60 days
44 after the expiration of the tenant's term, without any demand of
45 possession or notice to ~~quit†~~ *surrender* by the landlord, or the



1 successor in estate of the landlord, if any there be, the tenant shall be
2 deemed to be holding by permission of the landlord, or the
3 successor in the estate of the landlord, if any there be, and shall be
4 entitled to hold under the terms of the lease for another full year,
5 and shall not be guilty of an unlawful detainer during the year, and
6 such holding over for the period aforesaid shall be taken and
7 construed as a consent on the part of the tenant to hold for another
8 year.

9 **Sec. 23.** NRS 40.280 is hereby amended to read as follows:

10 40.280 1. Except as otherwise provided in NRS 40.253, the
11 notices required by NRS 40.251 to 40.260, inclusive, ~~may~~ **must** be
12 served:

13 (a) By delivering a copy to the tenant personally, in the presence
14 of a witness. ~~If service is accomplished by the sheriff, constable~~
15 ~~or a person who is licensed as a process server pursuant to chapter~~
16 ~~648 of NRS, the presence of a witness is not required;~~

17 (b) If the tenant is absent from the tenant's place of residence or
18 from the tenant's usual place of business, by leaving a copy with a
19 person of suitable age and discretion at either place and mailing a
20 copy to the tenant at the tenant's place of residence or place of
21 business; or

22 (c) If the place of residence or business cannot be ascertained, or
23 a person of suitable age or discretion cannot be found there, by
24 posting a copy in a conspicuous place on the leased property,
25 delivering a copy to a person there residing, if the person can be
26 found, and mailing a copy to the tenant at the place where the leased
27 property is situated.

28 2. *The notices required by NRS 40.230 and 40.240 and*
29 *section 3 of this act must be served upon an unlawful or*
30 *unauthorized occupant:*

31 (a) *Except as otherwise provided in this paragraph and*
32 *paragraph (b), by delivering a copy to the unlawful or*
33 *unauthorized occupant personally, in the presence of a witness. If*
34 *service is accomplished by the sheriff, constable or a person who is*
35 *licensed as a process server pursuant to chapter 648 of NRS, the*
36 *presence of a witness is not required.*

37 (b) *If the unlawful or unauthorized occupant is absent from*
38 *the real property, by leaving a copy with a person of suitable age*
39 *and discretion at the property and mailing a copy to the unlawful*
40 *or unauthorized occupant at the place where the property is*
41 *situated. If the occupant is unknown, the notice must be addressed*
42 *to "Current Occupant."*

43 (c) *If a person of suitable age or discretion cannot be found at*
44 *the real property, by posting a copy in at least two separate and*
45 *conspicuous places on the property and mailing a copy to the*



1 *unlawful or unauthorized occupant at the place where the*
2 *property is situated. If the occupant is unknown, the notice must*
3 *be addressed to "Current Occupant."*

4 3. Service upon a subtenant may be made in the same manner
5 as provided in subsection 1.

6 ~~{3. Before an}~~

7 4. *Proof of service of any notice required by NRS 40.230 to*
8 *40.260, inclusive, must be filed with the court before:*

9 (a) An order ~~{to remove}~~ for removal of a tenant is issued
10 ~~{pursuant to subsection 5 of NRS 40.253, a landlord shall file with~~
11 ~~the court a proof of service of any notice required by that section.~~
12 ~~Before a person may be removed as prescribed in NRS 40.290 to~~
13 ~~40.420, inclusive, a landlord shall file with the court proof of service~~
14 ~~of any notice required pursuant to NRS 40.255. Except as otherwise~~
15 ~~provided in subsection 4, this proof}~~ pursuant to NRS 40.253 or
16 40.254;

17 (b) *An order for removal of an unlawful or unauthorized*
18 *occupant is issued pursuant to section 3 of this act; or*

19 (c) *A writ of restitution is issued pursuant to NRS 40.290 to*
20 *40.420, inclusive, and sections 2.3 and 4 of this act.*

21 5. *Proof of service of an order or writ filed pursuant to*
22 *subsection 4 must consist of:*

23 (a) ~~{A statement,}~~ *Except as otherwise provided in paragraphs*
24 *(b) and (c):*

25 (1) *If the notice was served pursuant to paragraph (a) of*
26 *subsection 1 or paragraph (a) of subsection 2, an affidavit or*
27 *declaration signed by the tenant or the unlawful or unauthorized*
28 *occupant, as applicable, and a witness, signed under penalty of*
29 *perjury by the server, acknowledging that the tenant or occupant*
30 *received the notice on a specified date. †*

31 ~~—(b) A†~~

32 (2) *If the notice was served pursuant to paragraph (b) or (c)*
33 *of subsection 1 or paragraph (b) or (c) of subsection 2, an affidavit*
34 *or declaration signed under penalty of perjury by the person who*
35 *served the notice, stating the date and manner of service and*
36 *accompanied by a confirmation of delivery or certificate of mailing*
37 *issued by the United States Postal Service †} or confirmation of*
38 *actual delivery by a private postal service.*

39 ~~{(c) The endorsement of}~~

40 (b) *If the notice was served by a sheriff, a constable or {other} a*
41 *person who is licensed as a process server pursuant to chapter 648*
42 *of NRS, a written statement, endorsed by the person who served*
43 *the notice, stating the {time} date and manner of service.*

44 ~~{4. †}~~ *The statement must also include the number of the*
45 *badge or license of the person who served the notice.*



1 *(c) For a short-term tenancy, if* service of the notice was not
2 delivered in person ~~to a tenant whose rent is reserved by a period of~~
3 ~~1 week or less and the tenancy has not continued for more than 45~~
4 ~~days, proof of service must include:~~

5 ~~— (a) A certificate of mailing issued by the United States Postal~~
6 ~~Service or by a private postal service to the landlord or the~~
7 ~~landlord’s agent; or~~

8 ~~— (b) The endorsement of a] :~~

9 *(1) A certificate of mailing issued by the United States*
10 *Postal Service or by a private postal service to the landlord or the*
11 *landlord’s agent; or*

12 *(2) The endorsement of a* sheriff or constable stating the:

13 ~~{(1)} (I) Time and date the request for service was made by~~
14 the landlord or the landlord’s agent;

15 ~~{(2)} (II) Time, date and manner of the service; and~~

16 ~~{(3) Fees paid for the service.}~~

17 *(III) Fees paid for the service.*

18 **Sec. 24.** NRS 40.330 is hereby amended to read as follows:

19 40.330 When, upon the trial of any proceeding under NRS
20 40.220 to 40.420, inclusive, *and sections 2 to 7, inclusive, of this*
21 *act*, it appears from the evidence that the defendant has been guilty
22 of either a forcible entry or forcible or unlawful detainer, and other
23 than the offense charged in the complaint, the judge must order that
24 such complaint be forthwith amended to conform to such proofs.
25 Such amendment must be without any imposition of terms. No
26 continuance must be permitted upon account of such amendment,
27 unless the defendant, by affidavit filed, shows to the satisfaction of
28 the court good cause therefor.

29 **Sec. 25.** NRS 40.340 is hereby amended to read as follows:

30 40.340 The court or justice of the peace may for good cause
31 shown adjourn the trial of any cause under NRS 40.220 to 40.420,
32 inclusive, *and sections 2 to 7, inclusive, of this act* not exceeding 5
33 days; and when the defendant, or the defendant’s agent or attorney,
34 shall make oath that the defendant cannot safely proceed to trial for
35 want of some material witness, naming that witness, stating the
36 evidence that the defendant expects to obtain, showing that the
37 defendant has used due diligence to obtain such witness and
38 believes that if an adjournment be allowed the defendant will be
39 able to procure the attendance of such witness, or the witness’s
40 deposition, in time to produce the same upon the trial, in which case,
41 if such person or persons will give bond, with one or more sufficient
42 sureties, conditioned to pay the ~~complainant~~ *plaintiff* for all rent
43 that may accrue during the pending of such suit, and all costs and
44 damages consequent upon such adjournment, the court or justice of



1 the peace shall adjourn the cause for such reasonable time as may
2 appear necessary, not exceeding 30 days.

3 **Sec. 26.** NRS 40.350 is hereby amended to read as follows:

4 40.350 If the ~~complainant~~ *plaintiff* admit that the evidence
5 stated in the affidavit mentioned in NRS 40.340 would be given by
6 such witness, and agree that it be considered as actually given on the
7 trial, or offered and overruled as improper, the trial shall not be
8 adjourned.

9 **Sec. 27.** (Deleted by amendment.)

10 **Sec. 28.** NRS 40.390 is hereby amended to read as follows:

11 40.390 In all cases of appeal under NRS 40.220 to 40.420,
12 inclusive, *and sections 2 to 7, inclusive, of this act*, the appellate
13 court shall not dismiss or quash the proceedings for want of form,
14 provided the proceedings have been conducted substantially
15 according to the provisions of NRS 40.220 to 40.420, inclusive; *and*
16 *sections 2 to 7, inclusive, of this act*, and amendments to the
17 complaint, answer or summons, in matters of form only, may be
18 allowed by the court at any time before final judgment upon such
19 terms as may be just; and all matters of excuse, justification or
20 avoidance of the allegations in the complaint may be given in
21 evidence under the answer.

22 **Sec. 29.** NRS 40.400 is hereby amended to read as follows:

23 40.400 The provisions of NRS, Nevada Rules of Civil
24 Procedure, *Justice Court Rules of Civil Procedure* and Nevada
25 Rules of Appellate Procedure relative to civil actions, appeals and
26 new trials, so far as they are not inconsistent with the provisions of
27 NRS 40.220 to 40.420, inclusive, *and sections 2 to 7, inclusive, of*
28 *this act*, apply to the proceedings mentioned in those sections.

29 **Sec. 30.** NRS 4.060 is hereby amended to read as follows:

30 4.060 1. Except as otherwise provided in this section and
31 NRS 33.017 to 33.100, inclusive, each justice of the peace shall
32 charge and collect the following fees:

33 (a) On the commencement of any action or proceeding in the
34 justice court, other than in actions commenced pursuant to chapter
35 73 of NRS, to be paid by the party commencing the action:

36		
37	If the sum claimed does not exceed \$2,500.....	\$50.00
38	If the sum claimed exceeds \$2,500 but does not	
39	exceed \$5,000.....	100.00
40	If the sum claimed exceeds \$5,000 but does not	
41	exceed \$10,000.....	175.00



1 In a civil action for unlawful detainer pursuant to
 2 NRS 40.290 to 40.420, inclusive, *and sections*
 3 *2, 3 and 4 of this act* in which a notice to
 4 ~~quit~~ *surrender* has been served pursuant to
 5 NRS 40.255 \$225.00
 6 In all other civil actions 50.00

7
 8 (b) For the preparation and filing of an affidavit and order in an
 9 action commenced pursuant to chapter 73 of NRS:

10
 11 If the sum claimed does not exceed \$1,000 \$45.00
 12 If the sum claimed exceeds \$1,000 but does not
 13 exceed \$2,500 65.00
 14 If the sum claimed exceeds \$2,500 but does not
 15 exceed \$5,000 85.00
 16 If the sum claimed exceeds \$5,000 but does not
 17 exceed \$7,500 125.00

18
 19 (c) On the appearance of any defendant, or any number of
 20 defendants answering jointly, to be paid by the defendant or
 21 defendants on filing the first paper in the action, or at the time of
 22 appearance:

23
 24 In all civil actions \$50.00
 25 For every additional defendant, appearing
 26 separately 25.00

27
 28 (d) No fee may be charged where a defendant or defendants
 29 appear in response to an affidavit and order issued pursuant to the
 30 provisions of chapter 73 of NRS.

31 (e) For the filing of any paper in intervention \$25.00

32 (f) For the issuance of any writ of attachment, writ of
 33 garnishment, writ of execution or any other writ designed
 34 to enforce any judgment of the court, other than a writ of
 35 restitution \$25.00

36 (g) For the issuance of any writ of restitution \$75.00

37 (h) For filing a notice of appeal, and appeal bonds \$25.00

38 One charge only may be made if both papers are filed at the
 39 same time.

40 (i) For issuing supersedeas to a writ designed to
 41 enforce a judgment or order of the court \$25.00

42 (j) For preparation and transmittal of transcript and
 43 papers on appeal \$25.00

44 (k) For celebrating a marriage and returning the
 45 certificate to the county recorder or county clerk \$75.00



- 1 (l) For entering judgment by confession..... \$50.00
- 2 (m) For preparing any copy of any record, proceeding
- 3 or paper, for each page..... \$.50
- 4 (n) For each certificate of the clerk, under the seal of
- 5 the court \$3.00
- 6 (o) For searching records or files in his or her office,
- 7 for each year..... \$1.00
- 8 (p) For filing and acting upon each bail or property
- 9 bond \$50.00
- 10 2. A justice of the peace shall not charge or collect any of the
- 11 fees set forth in subsection 1 for any service rendered by the justice
- 12 of the peace to the county in which his or her township is located.
- 13 3. A justice of the peace shall not charge or collect the fee
- 14 pursuant to paragraph (k) of subsection 1 if the justice of the peace
- 15 performs a marriage ceremony in a commissioner township.
- 16 4. Except as otherwise provided by an ordinance adopted
- 17 pursuant to the provisions of NRS 244.207, the justice of the peace
- 18 shall, on or before the fifth day of each month, account for and pay
- 19 to the county treasurer all fees collected pursuant to subsection 1
- 20 during the preceding month, except for the fees the justice of the
- 21 peace may retain as compensation and the fees the justice of the
- 22 peace is required to pay to the State Controller pursuant to
- 23 subsection 5.
- 24 5. The justice of the peace shall, on or before the fifth day of
- 25 each month, pay to the State Controller:
- 26 (a) An amount equal to \$5 of each fee collected pursuant to
- 27 paragraph (k) of subsection 1 during the preceding month. The State
- 28 Controller shall deposit the money in the Account for Aid for
- 29 Victims of Domestic Violence in the State General Fund.
- 30 (b) One-half of the fees collected pursuant to paragraph (p) of
- 31 subsection 1 during the preceding month. The State Controller shall
- 32 deposit the money in the Fund for the Compensation of Victims of
- 33 Crime.
- 34 6. Except as otherwise provided in subsection 7, the county
- 35 treasurer shall deposit 25 percent of the fees received pursuant to
- 36 subsection 4 into a special account administered by the county and
- 37 maintained for the benefit of each justice court within the county.
- 38 The money in that account must be used only to:
- 39 (a) Acquire land on which to construct additional facilities or a
- 40 portion of a facility for a justice court or a multi-use facility that
- 41 includes a justice court;
- 42 (b) Construct or acquire additional facilities or a portion of a
- 43 facility for a justice court or a multi-use facility that includes a
- 44 justice court;



1 (c) Renovate, remodel or expand existing facilities or a portion
2 of an existing facility for a justice court or a multi-use facility that
3 includes a justice court;

4 (d) Acquire furniture, fixtures and equipment necessitated by the
5 construction or acquisition of additional facilities or a portion of a
6 facility or the renovation, remodeling or expansion of an existing
7 facility or a portion of an existing facility for a justice court or a
8 multi-use facility that includes a justice court;

9 (e) Acquire advanced technology for the use of a justice court;

10 (f) Acquire equipment or additional staff to enhance the security
11 of the facilities used by a justice court, justices of the peace, staff of
12 a justice court and residents of this State who access the justice
13 courts;

14 (g) Pay for the training of staff or the hiring of additional staff to
15 support the operation of a justice court;

16 (h) Pay debt service on any bonds issued pursuant to subsection
17 3 of NRS 350.020 for the acquisition of land or facilities or for the
18 construction, renovation, remodeling or expansion of facilities for a
19 justice court or a multi-use facility that includes a justice court; and

20 (i) Pay for one-time projects for the improvement of a justice
21 court.

22 ➤ Any money remaining in the account at the end of a fiscal year
23 must be carried forward to the next fiscal year.

24 7. The county treasurer shall, if necessary, reduce on an annual
25 basis the amount deposited into the special account pursuant to
26 subsection 6 to ensure that the total amount of fees collected by a
27 justice court pursuant to this section and paid by the justice of the
28 peace to the county treasurer pursuant to subsection 4 is, for any
29 fiscal year, not less than the total amount of fees collected by that
30 justice court and paid by the justice of the peace to the county
31 treasurer for the fiscal year beginning July 1, 2012, and ending
32 June 30, 2013.

33 8. Each justice court that collects fees pursuant to this section
34 shall submit to the board of county commissioners of the county in
35 which the justice court is located an annual report that contains:

36 (a) An estimate of the amount of money that the county treasurer
37 will deposit into the special account pursuant to subsection 6 from
38 fees collected by the justice court for the following fiscal year; and

39 (b) A proposal for any expenditures by the justice court from the
40 special account for the following fiscal year.

41 **Sec. 31.** NRS 21.130 is hereby amended to read as follows:

42 21.130 1. Before the sale of property on execution, notice of
43 the sale, in addition to the notice required pursuant to NRS 21.075
44 and 21.076, must be given as follows:



1 (a) In cases of perishable property, by posting written notice of
2 the time and place of sale in three public places at the township or
3 city where the sale is to take place, for such a time as may be
4 reasonable, considering the character and condition of the property.

5 (b) In case of other personal property, by posting a similar
6 notice in three public places of the township or city where the sale is
7 to take place, not less than 5 or more than 10 days before the sale,
8 and, in case of sale on execution issuing out of a district court, by
9 the publication of a copy of the notice in a newspaper, if there is one
10 in the county, at least twice, the first publication being not less than
11 10 days before the date of the sale.

12 (c) In case of real property, by:

13 (1) Personal service upon each judgment debtor or by
14 registered mail to the last known address of each judgment debtor
15 and, if the property of the judgment debtor is operated as a facility
16 licensed under chapter 449 of NRS, upon the State Board of Health;

17 (2) Posting a similar notice particularly describing the
18 property, for 20 days successively, in three public places of the
19 township or city where the property is situated and where
20 the property is to be sold;

21 (3) Publishing a copy of the notice three times, once each
22 week, for 3 successive weeks, in a newspaper, if there is one in the
23 county. The cost of publication must not exceed the rate for legal
24 advertising as provided in NRS 238.070. If the newspaper
25 authorized by this section to publish the notice of sale neglects or
26 refuses from any cause to make the publication, then the posting of
27 notices as provided in this section shall be deemed sufficient notice.
28 Notice of the sale of property on execution upon a judgment for any
29 sum less than \$500, exclusive of costs, must be given only by
30 posting in three public places in the county, one of which must be
31 the courthouse;

32 (4) Recording a copy of the notice in the office of the county
33 recorder; and

34 (5) If the sale of property is a residential foreclosure, posting
35 a copy of the notice in a conspicuous place on the property. In
36 addition to the requirements of NRS 21.140, the notice must not be
37 defaced or removed until the transfer of title is recorded or the
38 property becomes occupied after completion of the sale, whichever
39 is earlier.

40 2. If the sale of property is a residential foreclosure, the notice
41 must include, without limitation:

42 (a) The physical address of the property; and

43 (b) The contact information of the party who is authorized to
44 provide information relating to the foreclosure status of the
45 property.



1 3. If the sale of property is a residential foreclosure, a separate
2 notice must be posted in a conspicuous place on the property and
3 mailed, with a certificate of mailing issued by the United States
4 Postal Service or another mail delivery service, to any tenant or
5 subtenant, if any, other than the judgment debtor, in actual
6 occupation of the premises not later than 3 business days after the
7 notice of the sale is given pursuant to subsection 1. The separate
8 notice must be in substantially the following form:
9

10 NOTICE TO TENANTS OF THE PROPERTY
11

12 Foreclosure proceedings against this property have started,
13 and a notice of sale of the property to the highest bidder has
14 been issued.
15

16 You may either: (1) terminate your lease or rental agreement
17 and move out; or (2) remain and possibly be subject to
18 eviction proceedings under chapter 40 of the Nevada Revised
19 Statutes. Any subtenants may also be subject to eviction
20 proceedings.
21

22 Between now and the date of the sale, you may be evicted if
23 you fail to pay rent or live up to your other obligations to the
24 landlord.
25

26 After the date of the sale, you may be evicted if you fail to
27 pay rent or live up to your other obligations to the successful
28 bidder, in accordance with chapter 118A of the Nevada
29 Revised Statutes.
30

31 Under the Nevada Revised Statutes, eviction proceedings
32 may begin against you after you have been given a notice to
33 ~~quit.~~ *surrender.*
34

35 If the property is sold and you pay rent by the week or
36 another period of time that is shorter than 1 month, you
37 should generally receive notice after not less than the number
38 of days in that period of time.
39

40 If the property is sold and you pay rent by the month or any
41 other period of time that is 1 month or longer, you should
42 generally receive notice at least 60 days in advance.



1 Under Nevada Revised Statutes 40.280, notice must generally
2 be served on you pursuant to chapter 40 of the Nevada
3 Revised Statutes and may be served by:

4 (1) Delivering a copy to you personally in the presence of
5 a witness ~~†~~, *unless service is accomplished by a sheriff,*
6 *constable or licensed process server, in which case the*
7 *presence of a witness is not required;*

8 (2) If you are absent from your place of residence or usual
9 place of business, leaving a copy with a person of suitable age
10 and discretion at either place and mailing a copy to you at
11 your place of residence or business ~~†~~ *and to the place where*
12 *the leased property is situated, if different;* or

13 (3) If your place of residence or business cannot be
14 ascertained, or a person of suitable age or discretion cannot
15 be found there, posting a copy in a conspicuous place on the
16 leased property ~~†, delivering a copy to a person residing there,~~
17 ~~if a person can be found,†~~ and mailing a copy to you at the
18 place where the leased property is ~~†~~ *situated.*

19
20 If the property is sold and a landlord, successful bidder or
21 subsequent purchaser files an eviction action against you in
22 court, you will be served with a summons and complaint and
23 have the opportunity to respond. Eviction actions may result
24 in temporary evictions, permanent evictions, the awarding of
25 damages pursuant to Nevada Revised Statutes 40.360 or some
26 combination of those results.

27
28 Under the Justice Court Rules of Civil Procedure:

29 (1) You will be given at least 10 days to answer a
30 summons and complaint;

31 (2) If you do not file an answer, an order evicting you by
32 default may be obtained against you;

33 (3) A hearing regarding a temporary eviction may be
34 called as soon as 11 days after you are served with the
35 summons and complaint; and

36 (4) A hearing regarding a permanent eviction may be
37 called as soon as 20 days after you are served with the
38 summons and complaint.

39
40 4. The sheriff shall not conduct a sale of the property on
41 execution or deliver the judgment debtor's property to the judgment
42 creditor if the judgment debtor or any other person entitled to
43 notice has not been properly notified as required in this section and
44 NRS 21.075 and 21.076.



1 5. As used in this section, "residential foreclosure" means the
2 sale of a single family residence pursuant to NRS 40.430. As used in
3 this subsection, "single family residence" means a structure that is
4 comprised of not more than four units.

5 **Sec. 32.** NRS 107.087 is hereby amended to read as follows:

6 107.087 1. In addition to the requirements of NRS 107.080,
7 if the sale of property is a residential foreclosure, a copy of the
8 notice of default and election to sell and the notice of sale must:

9 (a) Be posted in a conspicuous place on the property not later
10 than:

11 (1) For a notice of default and election to sell, 100 days
12 before the date of sale; or

13 (2) For a notice of sale, 15 days before the date of sale; and

14 (b) Include, without limitation:

15 (1) The physical address of the property; and

16 (2) The contact information of the trustee or the person
17 conducting the foreclosure who is authorized to provide information
18 relating to the foreclosure status of the property.

19 2. In addition to the requirements of NRS 107.084, the notices
20 must not be defaced or removed until the transfer of title is recorded
21 or the property becomes occupied after completion of the sale,
22 whichever is earlier.

23 3. A separate notice must be posted in a conspicuous place on
24 the property and mailed, with a certificate of mailing issued by the
25 United States Postal Service or another mail delivery service, to any
26 tenant or subtenant, if any, other than the grantor or the grantor's
27 successor in interest, in actual occupation of the premises not later
28 than 15 days before the date of sale. The separate notice must be in
29 substantially the following form:

30
31 **NOTICE TO TENANTS OF THE PROPERTY**

32
33 Foreclosure proceedings against this property have started,
34 and a notice of sale of the property to the highest bidder has
35 been issued.

36
37 You may either: (1) terminate your lease or rental agreement
38 and move out; or (2) remain and possibly be subject to
39 eviction proceedings under chapter 40 of the Nevada Revised
40 Statutes. Any subtenants may also be subject to eviction
41 proceedings.

42
43 Between now and the date of the sale, you may be evicted if
44 you fail to pay rent or live up to your other obligations to the
45 landlord.



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1 After the date of the sale, you may be evicted if you fail to
2 pay rent or live up to your other obligations to the successful
3 bidder, in accordance with chapter 118A of the Nevada
4 Revised Statutes.

5
6 Under the Nevada Revised Statutes eviction proceedings may
7 begin against you after you have been given a notice to ~~quit~~
8 *surrender*.
9

10 If the property is sold and you pay rent by the week or
11 another period of time that is shorter than 1 month, you
12 should generally receive notice after not less than the number
13 of days in that period of time.
14

15 If the property is sold and you pay rent by the month or any
16 other period of time that is 1 month or longer, you should
17 generally receive notice at least 60 days in advance.
18

19 Under Nevada Revised Statutes 40.280, notice must generally
20 be served on you pursuant to chapter 40 of the Nevada
21 Revised Statutes and may be served by:

22 (1) Delivering a copy to you personally in the presence of
23 a witness ~~to~~, *unless service is accomplished by a sheriff,*
24 *constable or licensed process server, in which case the*
25 *presence of a witness is not required;*
26

27 (2) If you are absent from your place of residence or usual
28 place of business, leaving a copy with a person of suitable age
29 and discretion at either place and mailing a copy to you at
30 your place of residence or business ~~to~~ *and to the place where*
31 *the leased property is situated, if different;* or
32

33 (3) If your place of residence or business cannot be
34 ascertained, or a person of suitable age or discretion cannot
35 be found there, posting a copy in a conspicuous place on the
36 leased property ~~to~~ *delivering a copy to a person residing there,*
37 ~~if a person can be found,~~ and mailing a copy to you at the
38 place where the leased property is ~~to~~ *situated*.
39

40 If the property is sold and a landlord, successful bidder or
41 subsequent purchaser files an eviction action against you in
42 court, you will be served with a summons and complaint and
43 have the opportunity to respond. Eviction actions may result
44 in temporary evictions, permanent evictions, the awarding of
damages pursuant to Nevada Revised Statutes 40.360 or some
combination of those results.



1 Under the Justice Court Rules of Civil Procedure:

2 (1) You will be given at least 10 days to answer a
3 summons and complaint;

4 (2) If you do not file an answer, an order evicting you by
5 default may be obtained against you;

6 (3) A hearing regarding a temporary eviction may be
7 called as soon as 11 days after you are served with the
8 summons and complaint; and

9 (4) A hearing regarding a permanent eviction may be
10 called as soon as 20 days after you are served with the
11 summons and complaint.
12

13 4. The posting of a notice required by this section must be
14 completed by a process server licensed pursuant to chapter 648 of
15 NRS or any constable or sheriff of the county in which the property
16 is located.

17 5. As used in this section, "residential foreclosure" has the
18 meaning ascribed to it in NRS 107.080.

19 **Sec. 33.** NRS 116.4112 is hereby amended to read as follows:

20 116.4112 1. A declarant of a common-interest community
21 containing converted buildings, and any dealer who intends to offer
22 units in such a common-interest community, shall give each of the
23 residential tenants and any residential subtenant in possession of a
24 portion of a converted building notice of the conversion and provide
25 those persons with the public offering statement no later than 120
26 days before the tenants and any subtenant in possession are required
27 to vacate. The notice must set forth generally the rights of tenants
28 and subtenants under this section and must be hand-delivered to the
29 unit or mailed by prepaid United States mail to the tenant and
30 subtenant at the address of the unit or any other mailing address
31 provided by a tenant. No tenant or subtenant may be required to
32 vacate upon less than 120 days' notice, except by reason of
33 nonpayment of rent, waste or conduct that disturbs other tenants'
34 peaceful enjoyment of the premises, and the terms of the tenancy
35 may not be altered during that period. Failure to give notice as
36 required by this section is a defense to an action for possession. If,
37 during the 6-month period before the recording of a declaration, a
38 majority of the tenants or any subtenants in possession of any
39 portion of the property described in such declaration has been
40 required to vacate for reasons other than nonpayment of rent, waste
41 or conduct that disturbs other tenants' peaceful enjoyment of the
42 premises, a rebuttable presumption is created that the owner of such
43 property intended to offer the vacated premises as units in a
44 common-interest community at all times during that 6-month period.



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1 2. For 60 days after delivery or mailing of the notice described
2 in subsection 1, the person required to give the notice shall offer to
3 convey each unit or proposed unit occupied for residential use to the
4 tenant who leases that unit. If a tenant fails to purchase the unit
5 during that 60-day period, the offeror may not offer to dispose of an
6 interest in that unit during the following 180 days at a price or on
7 terms more favorable to the offeree than the price or terms offered
8 to the tenant. This subsection does not apply to any unit in a
9 converted building if that unit will be restricted exclusively to
10 nonresidential use or the boundaries of the converted unit do not
11 substantially conform to the dimensions of the residential unit
12 before conversion.

13 3. If a seller, in violation of subsection 2, conveys a unit to a
14 purchaser for value who has no knowledge of the violation, the
15 recordation of the deed conveying the unit or, in a cooperative, the
16 conveyance of the unit, extinguishes any right a tenant may have
17 under subsection 2 to purchase that unit if the deed states that the
18 seller has complied with subsection 2, but the conveyance does not
19 affect the right of a tenant to recover damages from the seller for a
20 violation of subsection 2.

21 4. If a notice of conversion specifies a date by which a unit or
22 proposed unit must be vacated and otherwise complies with the
23 provisions of NRS 40.251 and 40.280, the notice also constitutes a
24 notice to ~~vacate~~ *surrender* specified by those sections.

25 5. This section does not permit termination of a lease by a
26 declarant in violation of its terms.

27 **Sec. 34.** (Deleted by amendment.)

28 **Sec. 35.** NRS 118A.180 is hereby amended to read as follows:

29 118A.180 1. Except as otherwise provided in subsection 2,
30 this chapter applies to, regulates and determines rights, obligations
31 and remedies under a rental agreement, wherever made, for a
32 dwelling unit or premises located within this State.

33 2. This chapter does not apply to:

34 (a) A rental agreement subject to the provisions of chapter 118B
35 of NRS;

36 (b) Low-rent housing programs operated by public housing
37 authorities and established pursuant to the United States Housing
38 Act of 1937, 42 U.S.C. §§ 1437 et seq.;

39 (c) Residence in an institution, public or private, incident to
40 detention or the provision of medical, geriatric, educational,
41 counseling, religious or similar service;

42 (d) Occupancy under a contract of sale of a dwelling unit or the
43 property of which it is a part, if the occupant is the purchaser or his
44 or her successor in interest;



1 (e) Occupancy by a member of a fraternal or social organization
2 in the portion of a structure operated for the benefit of the
3 organization;

4 (f) Occupancy in a hotel or motel for less than 30 consecutive
5 days unless the occupant clearly manifests an intent to remain for a
6 longer continuous period;

7 (g) Occupancy by an employee of a landlord whose right to
8 occupancy is solely conditional upon employment in or about the
9 premises;

10 (h) Occupancy by an owner of a condominium unit or by a
11 holder of a proprietary lease in a cooperative apartment; ~~for~~

12 (i) Occupancy under a rental agreement covering premises used
13 by the occupant primarily for agricultural purposes ~~for~~; or

14 *(j) Occupancy by a person who is guilty of a forcible entry, as*
15 *defined in NRS 40.230, or a forcible detainer, as defined in*
16 *NRS 40.240.*

17 **Sec. 36.** (Deleted by amendment.)

18 **Sec. 37.** NRS 118B.086 is hereby amended to read as follows:

19 118B.086 1. Each manager and assistant manager of a
20 manufactured home park which has 2 or more lots shall complete
21 annually 6 hours of continuing education relating to the
22 management of a manufactured home park.

23 2. The Administrator shall adopt regulations specifying the
24 areas of instruction for the continuing education required by
25 subsection 1.

26 3. The instruction must include, but is not limited to,
27 information relating to:

28 (a) The provisions of chapter 118B of NRS;

29 (b) Leases and rental agreements;

30 (c) Unlawful detainer and eviction as set forth in NRS 40.215 to
31 40.425, inclusive ~~for~~, and sections 2 to 7, inclusive, of this act;

32 (d) The resolution of complaints and disputes concerning
33 landlords and tenants of manufactured home parks; and

34 (e) The adoption and enforcement of the rules and regulations of
35 a manufactured home park.

36 4. Each course of instruction and the instructor of the course
37 must be approved by the Administrator. The Administrator shall
38 adopt regulations setting forth the procedure for applying for
39 approval of an instructor and course of instruction. The
40 Administrator may require submission of such reasonable
41 information by an applicant as the Administrator deems necessary to
42 determine the suitability of the instructor and the course. The
43 Administrator shall not approve a course if the fee charged for the
44 course is not reasonable. Upon approval, the Administrator shall
45 designate the number of hours of credit allowable for the course.



1 **Sec. 38.** (Deleted by amendment.)

2 **Sec. 39.** (Deleted by amendment.)

3 **Sec. 40.** NRS 118B.190 is hereby amended to read as follows:

4 118B.190 1. A written agreement between a landlord and
5 tenant for the rental or lease of a manufactured home lot in a
6 manufactured home park in this State, or for the rental or lease of a
7 lot for a recreational vehicle in an area of a manufactured home park
8 in this State other than an area designated as a recreational vehicle
9 lot pursuant to the provisions of subsection ~~6~~ 8 of NRS 40.215,
10 must not be terminated by the landlord except upon notice in writing
11 to the tenant served in the manner provided in NRS 40.280:

12 (a) Except as otherwise provided in paragraph (b), 5 days in
13 advance if the termination is because the conduct of the tenant
14 constitutes a nuisance as defined in NRS 40.140 or violates a state
15 law or local ordinance.

16 (b) Three days in advance upon the issuance of temporary writ
17 of restitution pursuant to NRS 40.300 on the grounds that a nuisance
18 as defined in NRS 40.140 has occurred in the park by the act of a
19 tenant or any guest, visitor or other member of a tenant's household
20 consisting of any of the following specific activities:

21 (1) Discharge of a weapon.

22 (2) Prostitution.

23 (3) Illegal drug manufacture or use.

24 (4) Child molestation or abuse.

25 (5) Property damage as a result of vandalism.

26 (6) Operating a vehicle while under the influence of alcohol
27 or any other controlled substance.

28 (7) Elder molestation or abuse.

29 (c) Except as otherwise provided in subsection 6, 10 days in
30 advance if the termination is because of failure of the tenant to pay
31 rent, utility charges or reasonable service fees.

32 (d) One hundred eighty days in advance if the termination is
33 because of a change in the use of the land by the landlord pursuant
34 to NRS 118B.180.

35 (e) Forty-five days in advance if the termination is for any other
36 reason.

37 2. The landlord shall specify in the notice the reason for the
38 termination of the agreement. The reason relied upon for the
39 termination must be set forth with specific facts so that the date,
40 place and circumstances concerning the reason for the termination
41 can be determined. The termination must be in accordance with the
42 provisions of NRS 118B.200 and reference alone to a provision of
43 that section does not constitute sufficient specificity pursuant to this
44 subsection.



1 3. The service of such a notice does not enhance the landlord's
2 right, if any, to enter the tenant's manufactured home. Except in an
3 emergency, the landlord shall not enter the manufactured home of
4 the tenant served with such a notice without the tenant's permission
5 or a court order allowing the entry.

6 4. If a tenant remains in possession of the manufactured home
7 lot after expiration of the term of the rental agreement, the tenancy
8 is from week to week in the case of a tenant who pays weekly rent,
9 and in all other cases the tenancy is from month to month. The
10 tenant's continued occupancy is on the same terms and conditions as
11 were contained in the rental agreement unless specifically agreed
12 otherwise in writing.

13 5. The landlord and tenant may agree to a specific date for
14 termination of the agreement. If any provision of this chapter
15 specifies a period of notice which is longer than the period of a
16 particular tenancy, the required length of the period of notice is
17 controlling.

18 6. Notwithstanding any provision of NRS 40.215 to 40.425,
19 inclusive, *and sections 2 to 7, inclusive, of this act*, if a tenant who
20 is not a natural person has received three notices for nonpayment of
21 rent in accordance with subsection 1, the landlord is not required to
22 give the tenant a further 10-day notice in advance of termination if
23 the termination is because of failure to pay rent, utility charges or
24 reasonable service fees.

25 **Sec. 41.** NRS 118B.200 is hereby amended to read as follows:

26 118B.200 1. Notwithstanding the expiration of a period of a
27 tenancy or service of a notice pursuant to subsection 1 of NRS
28 118B.190, the rental agreement described in NRS 118B.190 may
29 not be terminated except on one or more of the following grounds:

30 (a) Failure of the tenant to pay rent, utility charges or reasonable
31 service fees within 10 days after written notice of delinquency
32 served upon the tenant in the manner provided in NRS 40.280;

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

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

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

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



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

- 4 (1) Discharge of a weapon;
- 5 (2) Prostitution;
- 6 (3) Illegal drug manufacture or use;
- 7 (4) Child molestation or abuse;
- 8 (5) Elder molestation or abuse;
- 9 (6) Property damage as a result of vandalism; and
- 10 (7) Operating a motor vehicle while under the influence of
11 alcohol or any other controlled substance; or

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

- 15 (1) Are set forth in the lease signed by the tenant; and
- 16 (2) Comply with federal, state and local law.

17 2. A tenant who is not a natural person and who has received
18 three or more 10-day notices to ~~quit~~ *surrender* for failure to pay
19 rent in the preceding 12-month period may have his or her tenancy
20 terminated by the landlord for habitual failure to pay timely rent.

21 **Sec. 42.** (Deleted by amendment.)

22 **Sec. 43.** NRS 203.110 is hereby amended to read as follows:

23 203.110 *Except as otherwise provided in sections 46 and 47*
24 *of this act:*

25 1. Every person who shall unlawfully use, or encourage or
26 assist another in unlawfully using, any force or violence in entering
27 upon or detaining any lands or other possessions of another; and
28 ~~every~~

29 2. *Every* person who, having removed or been removed
30 ~~therefrom~~ *from any lands or possessions of another* pursuant to
31 the order or direction of any court, tribunal or officer, shall
32 afterward unlawfully return to settle or reside upon, or take
33 possession of, such lands or possessions,
34 *↪* shall be guilty of a misdemeanor.

35 **Sec. 44.** Chapter 205 of NRS is hereby amended by adding
36 thereto the provisions set forth as sections 45 to 48, inclusive, of this
37 act.

38 **Sec. 45.** *As used in sections 45 to 48, inclusive, of this act,*
39 *“dwelling” means a structure or part thereof that is designed or*
40 *intended for occupancy as a residence or sleeping place.*

41 **Sec. 46.** 1. *A person who forcibly enters an uninhabited or*
42 *vacant dwelling, knows or has reason to believe that such entry is*
43 *without permission of the owner of the dwelling or an authorized*
44 *representative of the owner and has the intent to take up residence*



1 or provide a residency to another therein is guilty of
2 housebreaking.

3 2. A person convicted of housebreaking is guilty of:

4 (a) For a first offense, a gross misdemeanor; and

5 (b) For a second and any subsequent offense, a category D
6 felony and shall be punished as provided in NRS 193.130.

7 3. A person convicted of housebreaking and who has
8 previously been convicted three or more times of housebreaking
9 must not be released on probation or granted a suspension of
10 sentence.

11 4. As used in this section, "forcibly enters" means an entry
12 involving:

13 (a) Any act of physical force resulting in damage to the
14 structure; or

15 (b) The changing or manipulation of a lock to gain access.

16 **Sec. 47. 1.** A person who takes up residence in an
17 uninhabited or vacant dwelling and knows or has reason to believe
18 that such residency is without permission of the owner of the
19 dwelling or an authorized representative of the owner is guilty of
20 unlawful occupancy.

21 2. A person convicted of unlawful occupancy is guilty of a
22 gross misdemeanor. A person convicted of unlawful occupancy
23 and who has been convicted three or more times of unlawful
24 occupancy is guilty of a category D felony and shall be punished
25 as provided in NRS 193.130.

26 3. A person who is accused of unlawful occupancy pursuant
27 to subsection 1 and has previously been convicted two times of
28 housebreaking, unlawful occupancy or any lesser included or
29 related offense, or any combination thereof, arising from the same
30 set of facts is presumed to have obtained residency of the dwelling
31 with the knowledge that:

32 (a) Any asserted lease is invalid; and

33 (b) Neither the owner nor an authorized representative of the
34 owner permitted the residency.

35 **Sec. 48. 1.** A person is guilty of unlawful reentry if:

36 (a) An owner of real property has recovered possession of the
37 property from the person pursuant to section 2 or 3 of this act; and

38 (b) Without the authority of the court or permission of the
39 owner, the person reenters the property.

40 2. A person convicted of unlawful reentry is guilty of a gross
41 misdemeanor.

42 **Sec. 49.** (Deleted by amendment.)

43 **Sec. 50.** (Deleted by amendment.)

44 **Sec. 51.** (Deleted by amendment.)

45 **Sec. 52.** (Deleted by amendment.)



1 **Sec. 53.** NRS 315.041 is hereby amended to read as follows:

2 315.041 1. Except as otherwise required by federal law or
3 regulation, or as a condition to the receipt of federal money, a
4 housing authority or a landlord shall, immediately upon learning of
5 facts indicating that a tenant is required pursuant to NRS 315.031 to
6 vacate public housing, serve upon the tenant a written notice which:

7 (a) States that the tenancy is terminated at noon of the fifth full
8 day following the day of service, and that the tenant must surrender
9 the premises at or before that time;

10 (b) Sets forth the facts upon which the tenant is required to
11 vacate the premises pursuant to NRS 315.031;

12 (c) Advises the tenant of the tenant's right to contest the matter
13 by filing, within 5 days, an affidavit with the justice of the peace
14 denying the occurrence of the conditions set forth in NRS 315.031;
15 and

16 (d) Contains any other matter required by federal law or
17 regulation regarding the eviction of the tenant from those premises,
18 or as a condition to the receipt of federal money.

19 ➔ If the tenant timely files the affidavit and provides the housing
20 authority or the landlord with a copy of the affidavit, stamped as
21 filed with the justice of the peace, the housing authority or the
22 landlord shall not refuse the tenant, or any person who resides with
23 the tenant, access to the premises.

24 2. Upon noncompliance with the notice:

25 (a) The housing authority or the landlord shall apply by affidavit
26 to the justice of the peace of the township where the premises are
27 located. If it appears to the justice of the peace that the conditions
28 set forth in NRS 315.031 have occurred and that the tenant is
29 required by that section to vacate the premises, the justice of the
30 peace shall issue an order directing the sheriff or constable of the
31 county to remove the tenant and any other person on the premises
32 within 24 hours after receipt of the order. The affidavit required by
33 this paragraph must contain:

34 (1) The date when, and the facts upon which, the tenant
35 became required to vacate the premises.

36 (2) The date when the written notice was given, a copy of the
37 notice and a statement that the notice was served as provided in
38 NRS 315.051.

39 (b) Except when the tenant has timely filed the affidavit
40 described in subsection 1 and provides the housing authority or the
41 landlord with a copy of the affidavit, stamped as filed with the
42 justice of the peace, the housing authority or the landlord may, in a
43 peaceable manner, refuse the tenant, and any person who resides
44 with the tenant, access to the premises.



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1 3. Upon the filing by the tenant of the affidavit authorized by
2 subsection 1 and the filing by the housing authority or the landlord
3 of the affidavit required by subsection 2, the justice of the peace
4 shall hold a hearing, after service of notice of the hearing upon the
5 parties, to determine the truthfulness and sufficiency of any affidavit
6 or notice provided for in this section. If the justice of the peace
7 determines that the conditions set forth in NRS 315.031 have
8 occurred and that the tenant is required by that section to vacate the
9 premises, the justice of the peace shall issue a summary order for
10 removal of the tenant and any other person on the premises, or an
11 order refusing the tenant, and any person who resides with the
12 tenant, admittance to the premises. If the justice of the peace
13 determines that the conditions set forth in NRS 315.031 have not
14 occurred and that the tenant is not required by that section to vacate
15 the premises, the justice of the peace shall refuse to grant any relief.

16 4. The provisions of NRS 40.215 to 40.425, inclusive, *and*
17 *sections 2 to 7, inclusive, of this act* do not apply to any proceeding
18 brought pursuant to the provisions of NRS 315.011 to 315.071,
19 inclusive.

20 **Sec. 54.** NRS 326.070 is hereby amended to read as follows:

21 326.070 1. All lands in this state shall be deemed and
22 regarded as public lands until the legal title is known to have passed
23 from the government to private persons.

24 2. Every person who shall have complied with the provisions
25 of NRS 326.010 to 326.070, inclusive, shall be deemed and held to
26 have the right or title of possession of all the lands embraced within
27 the survey, not to exceed 160 acres; and any person who shall
28 thereafter, without the consent of the person so complying, enter
29 into or upon such lands adversely, shall be deemed and held guilty
30 of an unlawful and fraudulent entry thereon, and may be removed
31 therefrom by proceedings had before any justice of the peace of the
32 township in which the lands are situated. Such proceedings may be
33 commenced and prosecuted under the provisions of NRS 40.220 to
34 40.420, inclusive, *and sections 2 to 7, inclusive, of this act* and all
35 the provisions contained in those sections are made applicable to
36 proceedings under NRS 326.010 to 326.070, inclusive.

37 **Sec. 55.** (Deleted by amendment.)

38 **Sec. 56.** NRS 40.170 is hereby repealed.



TEXT OF REPEALED SECTION

40.170 Damages in actions for forcible or unlawful entry may be trebled.

1. If a person recovers damages for a forcible or unlawful entry in or upon, or detention of, any building or any uncultivated or cultivated real property, judgment may be entered for three times the amount at which the actual damages are assessed.

2. As used in this section, "actual damages" means damages to real property and personal property.

⑩



* A B 3 8 6 R 1 *

