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SENATE BILL NO. 261—SENATORS DOÑATE, KRASNER,  
STONE, HANSEN; DALY AND NGUYEN

MARCH 3, 2025

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JOINT SPONSOR: ASSEMBLYMEMBER GALLANT

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Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to housing. (BDR 3-581)

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

CONTAINS UNFUNDED MANDATE (§ 2)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

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AN ACT relating to housing; authorizing certain persons to file a complaint to request that a sheriff remove an unlawful or unauthorized occupant of a dwelling on the real property of the person; requiring the Administrator of the Housing Division of the Department of Business and Industry to prescribe by regulation a form to authorize a local law enforcement agency to enter certain properties that are listed for sale when a person forcibly enters or detains such a property; authorizing a sheriff to collect certain fees for serving a notice to vacate and for performing certain other actions; revising the crime of forcible detainer; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law sets forth certain procedures for the removal of a person who is  
2 guilty of forcible entry or forcible detainer. (NRS 40.230, 40.240, 40.414) Under  
3 this process, the owner of the real property, an authorized representative of the  
4 owner or the occupant who is authorized by the owner to be in possession of the  
5 real property is required to serve a notice to surrender on an unlawful or  
6 unauthorized occupant who committed the forcible entry or forcible detainer. After  
7 a notice to surrender is served, the unlawful or unauthorized occupant is required to  
8 to: (1) surrender the real property; (2) request that a court stay the execution of a



9 summary order for removal; or (3) contest the matter by filing, within a certain  
10 period of time, an affidavit with the court. After the notice to surrender has expired,  
11 the owner of the real property or authorized representative or occupant may apply  
12 by affidavit of complaint for eviction to the court, which may, upon review of the  
13 affidavits or upon a hearing, take certain actions including ordering the removal of  
14 the unlawful or unauthorized occupant. (NRS 40.414)

15 In lieu of following this procedure, **section 2** of this bill authorizes an owner of  
16 real property, an authorized representative of the owner or the occupant who is  
17 authorized by the owner to be in possession of the real property to submit a written  
18 complaint to request that the sheriff remove an unlawful or unauthorized occupant  
19 who forcibly enters or detains a dwelling on the property of the owner if: (1) the  
20 real property was not open to the public at the time the forcible entry or detainer  
21 occurred or the owner of the real property or authorized representative or occupant  
22 directed the unlawful or unauthorized occupant to surrender the real property; (2)  
23 the unlawful or unauthorized occupant is not the current or former tenant of the  
24 dwelling, an owner or co-owner of the real property and is not listed on the title,  
25 and is not an immediate family member of the owner of the real property; and (3)  
26 there is no pending litigation related to the real property between the owner of the  
27 real property and the unlawful or unauthorized occupant. **Section 2** prescribes the  
28 form of such a complaint and requires the sheriff to verify the complaint. After  
29 the sheriff verifies the complaint, the sheriff is required to serve a notice to vacate  
30 and perform certain other acts. **Section 2** authorizes a sheriff to charge certain fees  
31 for: (1) serving such a notice; and (2) at the request of the owner of the real  
32 property, remaining at the real property while the owner of the real property  
33 performs certain actions to regain possession of the real property. A person who  
34 submits a false statement or claim made on a form completed pursuant to **section 2**  
35 is guilty of perjury, which is a category D felony. (NRS 199.120)

36 Existing law provides that a person is guilty of forcible detainer if the person:  
37 (1) unlawfully holds and keeps the possession of any real property by force or  
38 threats of violence; or (2) enters real property without the authority of certain  
39 persons and who, after receiving notice to surrender, fails to surrender the property.  
40 (NRS 40.240) **Section 6** of this bill provides that a person who fails to surrender  
41 any real property after receiving notice to vacate pursuant to **section 2** is also guilty  
42 of forcible detainer.

43 **Section 3** of this bill requires the Administrator of the Housing Division of the  
44 Department of Business and Industry to prescribe by regulation the content of and  
45 instructions for completing a form for a seller of certain real property to authorize a  
46 local law enforcement agency to enter the real property if a person has forcibly  
47 entered or detained a dwelling on the real property. The Administrator must provide  
48 the form to title companies, real estate brokers and real estate salespersons in this  
49 State for distribution to sellers of real property. **Section 3** authorizes the  
50 Administrator to consult with sheriffs and local law enforcement officials in this  
51 State regarding the contents of the form. Additionally, **section 3** authorizes a local  
52 law enforcement agency to distribute the form at any time.

53 **Section 4** of this bill applies the definitions in existing law governing summary  
54 proceedings for obtaining possession of real property to the provisions of **sections 2**  
55 **and 3**.

56 **Sections 5 and 6** of this bill make conforming changes to authorize certain  
57 persons to use the procedure set forth in **section 2**, in lieu of the procedures set  
58 forth in existing law, for the removal of a person who is guilty of forcible entry and  
59 forcible detainer.

60 **Section 7** of this bill makes a conforming change to authorize a sheriff to  
61 collect certain fees under **section 2**.



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 and 3 of this act.

3       **Sec. 2. 1.** *In lieu of the remedy provided in NRS 40.290 to*  
4 *40.420, inclusive, when a person is guilty of forcible entry or*  
5 *forcible detainer of a dwelling on real property, the owner of the*  
6 *real property, an authorized representative of the owner or the*  
7 *occupant who is authorized by the owner to be in possession of*  
8 *the real property may seek to recover possession of the dwelling by*  
9 *submitting a written complaint on the form prescribed by*  
10 *subsection 2 to request that the sheriff of the county in which the*  
11 *real property at issue is located remove the unlawful or*  
12 *unauthorized occupant if:*

13       (i) *The real property was not open to the public at the time the*  
14 *forcible entry or forcible detainer occurred;*

15       (ii) *The owner of the real property, or an authorized*  
16 *representative of the owner or the occupant who is authorized by*  
17 *the owner to be in possession of the real property directed the*  
18 *unlawful or unauthorized occupant who forcibly entered or*  
19 *detained the real property to surrender the real property;*

20       (iii) *The unlawful or unauthorized occupant is not:*

21           (1) *The current or former tenant of the dwelling on the real*  
22 *property;*

23           (2) *An owner or a co-owner of the real property and is not*  
24 *listed on the title to the real property, unless the unlawful or*  
25 *unauthorized occupant has engaged in title fraud; or*

26           (3) *An immediate family member of the owner of the real*  
27 *property; and*

28       (iv) *There is no pending litigation related to the real property*  
29 *between the owner of the real property and the unlawful or*  
30 *unauthorized occupant, if the identity of the unlawful or*  
31 *unauthorized occupant is known.*

32       2. *A complaint made pursuant to subsection 1 must be in*  
33 *substantially the following form:*

34  
35                   **COMPLAINT TO REMOVE PERSON WHO FORCIBLY**  
36                   **ENTERED OR DETAINED DWELLING**  
37

38           *I, the owner of the real property or the authorized*  
39 *representative of the owner or the occupant who is*  
40 *authorized by the owner to be in possession of the real*  
41 *property located at ....., declare under the penalty of*  
42 *perjury that:*



1           1. .... I am the owner of the real property or the  
2 authorized representative of the owner or the occupant who  
3 is authorized by the owner to be in possession of the real  
4 property.

5           2. .... I purchased the property on ....., or I  
6 became the authorized representative of the owner or an  
7 occupant who is authorized by the owner to be in possession  
8 of the real property on .....

9           3. .... The real property contains a dwelling.

10          4. .... An unlawful or unauthorized occupant  
11 forcibly entered or detained the dwelling and continues to  
12 occupy the real property.

13          5. .... The real property was not open to the public  
14 at the time the forcible entry or detainer occurred.

15          6. .... I directed the unlawful or unauthorized  
16 occupant to surrender the real property and the unlawful or  
17 unauthorized occupant has not surrendered the real  
18 property.

19          7. .... The unlawful or unauthorized occupant is not  
20 a current or former tenant of the dwelling on the real  
21 property.

22          8. .... The unlawful or unauthorized occupant is not  
23 an owner or a co-owner of the real property and is not listed  
24 on the title to the real property, unless the unlawful or  
25 unauthorized occupant has engaged in title fraud.

26          9. .... The unlawful or unauthorized occupant is not  
27 an immediate family member of the owner of the real  
28 property.

29          10. .... There is no pending litigation related to the  
30 real property between the owner of the real property and the  
31 unlawful or unauthorized occupant, if the identity of  
32 the unlawful or unauthorized occupant is known.

33          11. .... I understand that a person or persons  
34 removed from the real property pursuant to this procedure  
35 may bring a cause of action against me for any false  
36 statements made in this complaint or for unlawfully using  
37 this procedure and that as a result of such action, I may be  
38 held liable for actual damages, penalties, costs and  
39 reasonable attorney's fees.

40          12. .... I am requesting the sheriff remove the  
41 unlawful or unauthorized occupant from the real property.

42          13. .... A copy of my valid government-issued  
43 identification card is attached and, if I am the authorized  
44 representative of the owner or the occupant who is  
45 authorized by the owner to be in possession of the real



1 *property, documents evidencing my authority to act on*  
2 *behalf of the owner of the real property are attached.*

3  
4 *I HAVE READ AND INITIALED EVERY STATEMENT*  
5 *IN THIS PETITION AND EACH STATEMENT IS TRUE*  
6 *AND CORRECT. I UNDERSTAND THAT THE*  
7 *STATEMENTS MADE IN THIS PETITION ARE BEING*  
8 *MADE UNDER PENALTY OF PERJURY, WHICH IS*  
9 *PUNISHABLE AS A CATEGORY D FELONY AS*  
10 *PROVIDED IN NRS 199.120.*

11  
12 .....  
13 *Signature of the owner of the real property or an authorized*  
14 *representative of the owner or the occupant who is*  
15 *authorized by the owner to be in possession of the real*  
16 *property*

17  
18 3. *When a sheriff receives a completed complaint made*  
19 *pursuant to subsection 1, the sheriff shall verify that the person*  
20 *who submitted the complaint is the owner of the real property or*  
21 *an authorized representative of the owner or the occupant who is*  
22 *authorized by the owner to be in possession of the real property*  
23 *and that the petition satisfies the other requirements of this*  
24 *section. After the sheriff verifies the complaint, the sheriff shall*  
25 *serve a notice to vacate on the unlawful or unauthorized occupant*  
26 *and return possession of the real property to the owner of the real*  
27 *property. Service may be made by hand-delivering the notice to an*  
28 *unlawful or unauthorized occupant or by posting the notice on the*  
29 *front door or entrance of the dwelling. While serving the notice,*  
30 *the sheriff shall take reasonable steps to verify the identity of each*  
31 *person occupying the dwelling and make a note of each identity on*  
32 *the return of service. If appropriate, the sheriff may arrest any*  
33 *person found in the dwelling for trespass, outstanding warrants or*  
34 *any other legal cause.*

35 4. *The sheriff may collect the same fee for service of the*  
36 *notice to vacate as if the sheriff were serving a writ of possession*  
37 *or restitution under NRS 248.275.*

38 5. *After the sheriff serves the notice to vacate, the owner of*  
39 *the real property or an authorized representative of the owner or*  
40 *the occupant who is authorized by the owner to be in possession*  
41 *of the real property may request that the sheriff remain at the real*  
42 *property to keep the peace while the owner of the real property or*  
43 *an authorized representative of the owner or the occupant who is*  
44 *authorized by the owner to be in possession of the real property*  
45 *changes the locks or removes the personal property of the*



1 *unlawful or unauthorized occupant from the premises. If the*  
2 *sheriff remains at the request of the owner of the real property or*  
3 *an authorized representative of the owner or the occupant who is*  
4 *authorized by the owner to be in possession of the real property,*  
5 *the sheriff may charge a reasonable hourly rate, and the person*  
6 *requesting that the sheriff remain shall pay the reasonable hourly*  
7 *rate of the sheriff.*

8 *6. Any fees collected pursuant to this section must be*  
9 *accounted for as provided in subsection 6 of NRS 248.275.*

10 *7. The sheriff is not liable to the unlawful or unauthorized*  
11 *occupant or any other person for loss, destruction or damage of*  
12 *property.*

13 *8. The owner of the real property or an authorized*  
14 *representative of the owner or the occupant who is authorized by*  
15 *the owner to be in possession of the real property is not liable to*  
16 *the unlawful or unauthorized occupant or any other person for*  
17 *loss, destruction or damage of property.*

18 *9. Nothing in this section shall be construed to limit the rights*  
19 *of an owner of real property or the authority of a sheriff to*  
20 *perform his or her duties.*

21 **Sec. 3. 1.** *The Administrator of the Housing Division of the*  
22 *Department of Business and Industry shall prescribe by regulation*  
23 *the content of and instructions for completing a form that a seller*  
24 *of real property may use to authorize a local law enforcement*  
25 *agency to enter if a person has forcibly entered or detained a*  
26 *dwelling on the real property. The form must include instructions*  
27 *for the submission of a completed form to the appropriate local*  
28 *law enforcement agency. If a seller submits a completed form to*  
29 *the local law enforcement agency, the local law enforcement*  
30 *agency may enter the dwelling and notify the person that he or she*  
31 *must surrender the property in accordance with the provisions of*  
32 *NRS 40.290 to 40.420, inclusive, and section 1 of this act, as*  
33 *applicable.*

34 *2. The Administrator may consult with sheriffs and other*  
35 *local law enforcement officials in this State regarding the contents*  
36 *of the form described in subsection 1.*

37 *3. The Administrator shall:*

38 *(a) Distribute copies of the form to local law enforcement*  
39 *agencies in this State; and*

40 *(b) Make copies available for title companies, real estate*  
41 *brokers and real estate salespersons in this State.*

42 *4. A title company, real estate broker or real estate*  
43 *salesperson shall distribute the form prescribed by the*  
44 *Administrator pursuant to subsection 1 at the time a parcel of real*  
45 *property is listed for sale.*



1 **5. A local law enforcement agency may distribute the form**  
2 **prescribed by the Administrator pursuant to subsection 1 at any**  
3 **time.**

4 **6. As used in this section, "local law enforcement agency"**  
5 **means:**

6 **(a) The sheriff's office of a county;**

7 **(b) A metropolitan police department; or**

8 **(c) A police department of an incorporated city.**

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

10 40.215 As used in NRS 40.215 to 40.425, inclusive, **and**  
11 **sections 2 and 3 of this act**, unless the context requires otherwise:

12 1. "Dwelling" or "dwelling unit" means a structure or part  
13 thereof that is occupied, or designed or intended for occupancy, as a  
14 residence or sleeping place by one person who maintains a  
15 household or by two or more persons who maintain a common  
16 household.

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

26 3. "Mobile home" means every vehicle, including equipment,  
27 which is constructed, reconstructed or added to in such a way as to  
28 have an enclosed room or addition occupied by one or more persons  
29 as a residence or sleeping place and which has no foundation other  
30 than wheels, jacks, skirting or other temporary support.

31 4. "Mobile home lot" means a portion of land within a mobile  
32 home park which is rented or held out for rent to accommodate a  
33 mobile home.

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

39 6. "Premises" includes a mobile home.

40 7. "Recreational vehicle" means a vehicular structure primarily  
41 designed as temporary living quarters for travel, recreational or  
42 camping use, which may be self-propelled or mounted upon or  
43 drawn by a motor vehicle.

44 8. "Recreational vehicle lot" means a portion of land within a  
45 recreational vehicle park, or a portion of land so designated within a



1 mobile home park, which is rented or held out for rent to  
2 accommodate a recreational vehicle overnight or for less than 3  
3 months.

4 9. "Recreational vehicle park" means an area or tract of land  
5 where lots are rented or held out for rent to accommodate a  
6 recreational vehicle overnight or for less than 3 months.

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

10 **Sec. 5.** NRS 40.230 is hereby amended to read as follows:

11 40.230 1. Every person is guilty of a forcible entry who  
12 unlawfully enters any real property:

13 (a) By means of physical force resulting in damage to a structure  
14 on the real property;

15 (b) By any kind of violence or circumstance of terror; or

16 (c) Peaceably or otherwise and:

17 (1) Thereafter prevents the owner of the real property from  
18 access or occupancy of the property by changing a lock; or

19 (2) Turns out by force, threats of violence or menacing  
20 conduct, the owner of the real property or an occupant who is  
21 authorized by the owner to be in possession of the real property.

22 2. ~~[The]~~ *Except as otherwise provided in section 2 of this act,*  
23 *the* owner of the real property, an authorized representative of the  
24 owner or the occupant who is authorized by the owner to be in  
25 possession of the real property may seek to recover possession of  
26 the property pursuant to NRS 40.290 to 40.420, inclusive, after the  
27 expiration of the notice to surrender served by the owner, authorized  
28 representative of the owner or authorized occupant upon the person  
29 who committed the forcible entry. The notice must:

30 (a) Inform the person who committed the forcible entry that he  
31 or she is guilty of forcible entry; and

32 (b) Afford the person who committed the forcible entry 4  
33 judicial days to surrender the property.

34 3. If an owner of real property or an authorized representative  
35 of the owner recovers damages for a forcible entry, judgment may  
36 be entered for three times the amount at which the actual damages  
37 are assessed. As used in this section, "actual damages" means  
38 damages to real property and personal property.

39 **Sec. 6.** NRS 40.240 is hereby amended to read as follows:

40 40.240 1. Every person is guilty of a forcible detainer who  
41 either:

42 (a) Unlawfully holds and keeps the possession of any real  
43 property by force or threats of violence, or whether the possession  
44 was acquired peaceably or otherwise; or





1 (b) Enters any real property without the authority of the owner  
2 of the property, an authorized representative of the owner or an  
3 occupant who is authorized by the owner to be in possession of the  
4 real property and who, after receiving written notice to surrender  
5 pursuant to subsection 2 ~~§~~ *or a notice to vacate pursuant to*  
6 *section 2 of this act*, fails to surrender the property.

7 2. ~~The~~ *Except as otherwise provided in section 2 of this act,*  
8 *the* owner of the real property, an authorized representative of the  
9 owner or the occupant who is authorized by the owner to be in  
10 possession of the real property may seek to recover possession of  
11 the property pursuant to NRS 40.290 to 40.420, inclusive, after the  
12 expiration of the notice to surrender served by the owner or  
13 authorized occupant upon the person who committed the forcible  
14 detainer. The notice must:

15 (a) Inform the person who committed the forcible detainer that  
16 he or she is guilty of a forcible detainer; and

17 (b) Afford the person who committed the forcible detainer 4  
18 judicial days to surrender the property.

19 3. If an owner of real property or an authorized representative  
20 of the owner recovers damages for a forcible detainer, judgment  
21 may be entered for three times the amount at which the actual  
22 damages are assessed. As used in this section, "actual damages"  
23 means damages to real property and personal property.

24 **Sec. 7.** NRS 248.320 is hereby amended to read as follows:

25 248.320 Except as otherwise provided in subsection 4 of NRS  
26 482.2155 ~~§~~ *and section 2 of this act*, no other fees shall be charged  
27 by sheriffs than those specifically set forth in this chapter, nor shall  
28 fees be charged for any other services than those mentioned in this  
29 chapter.

30 **Sec. 8.** The provisions of NRS 354.599 do not apply to any  
31 additional expenses of a local government that are related to the  
32 provisions of this act.

33 **Sec. 9.** 1. This section becomes effective upon passage and  
34 approval.

35 2. Sections 1, 2 and 4 to 8, inclusive, of this act become  
36 effective on October 1, 2025.

37 3. Section 3 of this act becomes effective:

38 (a) Upon passage and approval for the purpose of adopting any  
39 regulations and performing any other preparatory administrative  
40 tasks that are necessary to carry out the provisions of this act; and

41 (b) On January 1, 2026, for all other purposes.







