

# TYPES OF EVICTION NOTICES

## *Your Rights as a Tenant: A Fact Sheet from Nevada Legal Services, Inc.*

The laws outlined herein do not apply to tenants who reside in conventional public housing unless specifically noted. Unless otherwise stated these laws do apply to other types of government-subsidized housing. If you are unsure as to the applicability of the law, you should contact a legal services agency, or an attorney of your choice.



### NO CAUSE TERMINATION

If you are renting without a lease, or your lease has expired, and do not live in an apartment owned or subsidized by the government, a landlord may terminate your rental agreement without a reason by giving you 30 days notice in writing. If you rent by the week, you are only entitled to 7 days notice. **NRS 40.251.**

If you receive a no cause notice and your tenancy is longer than from week to week and (a) you are 60 years of age or older or (b) have a physical or mental disability, you may request to be allowed to continue in possession for an additional 30 days beyond the time specified in the notice. You must submit a written request for an extended period and provide proof of your age or disability. For a sample letter and an explanation of how to file a court action if the landlord refuses your request see our website. **NRS 40.251(2).**

If you live in a property subsidized by HUD or that receives a tax credit, your landlord cannot terminate your tenancy without cause. You can visit [resources.hud.gov](http://resources.hud.gov) or [lihtc.huduser.gov](http://lihtc.huduser.gov) to see if your complex might receive some form of government assistance. You can also call us for more information.

### NON-PAYMENT OF RENT

The landlord does not have to give you a grace period to pay past due rent. The landlord can issue a written notice demanding rent within 7 days as soon as you are late with your rent. Without additional notice the landlord can apply to a Justice Court after the 7th judicial day following service of the notice for an order evicting you within 24-36 hours unless you have filed an affidavit with the court contesting the eviction. **NRS 40.2512 and 40.253.** If you have resided in your unit for less than 45 days and pay rent for periods of 7 days or less, the landlord can shorten the above notice period to 4 days.

*For more information on the summary eviction process for non-payment of rent, see our Non-Payment of Rent Fact Sheet.*

### REFUSING LAWFUL ACCESS TO THE RENTAL UNIT

If the tenant refuses to allow lawful access, the landlord may obtain injunctive relief to compel access or terminate the rental agreement. **NRS 118A.500.**

#### LAS VEGAS OFFICE

701 E. Bridger Ave., Suite 400  
Las Vegas, Nevada 89101  
Phone: (702) 386-0404  
Toll Free: (866) 432-0404  
Fax: (702) 388-1641

#### RENO OFFICE

449 S. Virginia Street, 3rd Fl.  
Reno, NV 89501  
Phone: (775) 284-3491  
Toll Free: (800) 323-8666  
Fax: (775) 284-3497

#### CARSON CITY OFFICE

209 N. Pratt Ave.  
Carson City, NV 89701  
Phone: (775) 883-0404  
Fax: (775) 461-7237

#### ELKO OFFICE

790 Commercial Street, Suite B  
Elko, Nevada 89801  
Phone: (775) 753-5880  
Fax: (775) 753-5890

**\*Issues in Tribal Court, please contact the Reno office\***

**Call 711 for relay services**

#### SELF-HELP LEGAL KIOSKS

Free self-help legal forms and resources are available at Legal Kiosks located in 28 libraries throughout the Nevada.

**To find a Legal Kiosk near you, visit:**

**[LegalKiosks.com/Projects/Nevada](http://LegalKiosks.com/Projects/Nevada)**

# Resources

You can access additional information and forms on the NLS website at [nevadalegalservices.org](http://nevadalegalservices.org).

For additional information and resources in Southern Nevada:  
[civillawselfhelpcenter.org](http://civillawselfhelpcenter.org).

For general forms, including fee waivers statewide:  
[selfhelp.nvcourts.gov](http://selfhelp.nvcourts.gov).

right to terminate any rental agreement based on the creation of nuisance upon a 3 day written notice. **NRS 40.2514**.

*In order to pursue summary eviction, the landlord must issue the 5-Day Notice of Unlawful Detainer Notice. Please see our Summary Evictions and Lockouts Fact Sheet for more information.*

## PROPERTY CHANGING HANDS

When the rented property changes ownership, the new owners may terminate the tenancy unless a lease agreement is still in effect. **NRS 40.255**. The new owner has the same obligations as the prior landlord pursuant to the previous lease agreement or terms of tenancy. If there is no current lease agreement, the new owner may terminate the tenancy with 3 days notice. Within 30 days the new owner also must notify the tenant of the sale, provide contact information for the new owner, the lease agreement remains in effect and the security deposit transferred, and the tenant must otherwise comply with the lease agreement. If the home you rent was sold at foreclosure, the tenant may be entitled to remain in the home for up to 60 days after notice to vacate after the sale depending on the length of the tenancy. **NRS 40.255(4)**.

*After a sale of the property, the new owner may not use the summary eviction process to remove the tenant.*

## ABANDONMENT

If the tenant surrenders the property and the landlord actually knows of the abandonment, the landlord may recover possession of the premises and dispose of any property remaining. If the landlord does not have actual notice of an abandonment, the landlord can presume the tenant has abandoned if the tenant is absent from the premises for a period of time equal to one-half the time for periodic rental payments, unless the rent is current or the tenant has in writing notified the landlord of an intended absence. **NRS 118A.450**. The landlord must send written notice of the belief of abandonment to the tenant. The tenant has 5 days to respond. **NRS 118.195**.

## LEASE VIOLATION

If you fail to perform a condition of the lease agreement, such as keeping a pet not authorized by the lease, the landlord can terminate the lease within 5 days of written notice of the breach unless you remedy the breach and perform the condition within 5 days of receiving the notice. If you cannot cure the breach yourself, you may authorize the landlord to enter and cure the violation and pay reasonable expenses and damages to the landlord to save the lease agreement. **NRS 118A.430**.

*In order to pursue summary eviction, the landlord must issue the 5-Day Notice of Unlawful Detainer Notice. Please see our Summary Evictions and Lockouts Fact Sheet for more information.*

## MAINTAINING OR PERMITTING A NUISANCE

Nevada law defines nuisance as conduct or an ongoing condition which constitutes an unreasonable obstruction to the free use of property and causes injury and damage to other tenants or occupants of that property or adjacent buildings or structures. The person creating the nuisance could be you, a family member, or an invited guest. The landlord has the

## TENANTS' RIGHTS CENTERS

Nevada Legal Services offers 2 Tenants' Rights Centers—one in our Las Vegas office and one in Reno. Please feel free to contact either Center for further assistance and information if you are a tenant facing eviction or other housing issues:

Las Vegas TRC: (702) 383-6095

Reno TRC: (775) 284-3491 x. 316