



Raising Rent: New 60 Day Notice Law

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If you haven't heard, NRS 118A.300 was amended this past legislative session enlarging the notice requirement for increases in rent from 45 days to 60 days. The Legal Information Line has been getting lots of questions surrounding this new law; here's some of the frequently asked questions.

Q1. When did the new 60-day notice requirement for rental increases take effect?

A1. July 1, 2021. Which surprises many of our members because when you look up NRS 118A.300, it still has the old 45-day notice in the text. While the actual codification of the change into law has not yet occurred, the bill's history (AB308) provides an effective date of July 1, 2021 and *that's the date courts will hold property managers to for any notices of rent increases served July 1st and beyond.*

AB 308 Overview via NELIS: [AB308 Overview \(state.nv.us\)](https://www.nv.gov/nelis/legislation/ab308-overview)

The Bill as Enrolled to see changes to NRS 118A.300: [AB308 Text \(state.nv.us\)](https://www.nv.gov/nelis/legislation/ab308-text)

Q2. I sent a rent increase notice to my tenant via Email, is that proper service?

A2. If we're following the letter of the law, no. *Per NRS 118A.190, all written notices to the tenant prescribed by that chapter, which include advance notice of increased rent (NRS 118A.300), must be served by the sheriff, a constable, a person who is licensed as a process server or the agent of an attorney licensed to practice in this State.* If this is not how property management brokerages are conducting their notices, it's subject to judicial discretion whether the notice will be accepted at all or for a judge to determine whether service suffices based on if the tenant has actual knowledge of it; actually received a notice; or from all the facts and circumstances the tenant reasonably should know that it exists (NRS 118A.190(1)(a), (b), (c), respectively).

Contrary to popular belief, the requirement that only eviction notices have to be officially served is not what the black and white letters of the law say. Again, all notices to the tenant identified in NRS 118A must be served *in the manner* identified in NRS 40.280. It's important not to compound what NRS 40.280 governs with NRS 118A.190, which is only referring to NRS 40.280 to describe *the way* in which all notices under NRS 118A must be served.

Circling back to the original question presented, is the Email sufficient service? Depends. Serving the rent increase notice in any other manner not prescribed by NRS 40.280, leaves it up to chance. *If the judge allows it, the landlord/property manager would have to present the facts and circumstances to show actual knowledge or receipt, such as an Email reply back from the tenant saying "I received it" or something to that effect - which again, depending on the judge, may or may not be sufficient.*



The practicality of complying with the letter of the law may be unappealing given the cost associated with paying for official service for each notice. To agents: refer to brokerage policies and established long standing practices on how to effectuate rent increase notices. To brokers: it is not the intent of this article to overturn established brokerage procedures which instruct alternate delivery methods for written notices, such as, written tenant acknowledgment of receipt, or transmittal via certified mail/return receipt requested. The goals are to highlight points made by a judge panelled during a previous webinar for consideration and information.

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