

Nevada Supreme Court Ruling on Mediation Program

First and foremost, please be aware of voluntary pre-eviction mediation services which are available through both Las Vegas Justice Court and City of Sparks. Landlords can initiate mediation with both programs if desired. The Las Vegas Justice Court has always allowed parties to use the neighborhood justice center to mediate eviction disputes. Links to these programs are as follows:

- Clark County: http://www.lasvegasjusticecourt.us/services/neighborhood_justice_center/mediation_-_information.php
- City of Sparks: <https://nncepp.com/>
- City of Reno – Coming Soon

Secondly, the Nevada Supreme Court is anticipated to enter an Order on October 6, 2020 that implements a statewide mediation program. The Order and resulting mediation program will be applicable to all non-payment of rent evictions (NRS 40.253) filed in Nevada. It may be applied to other types of evictions filed (NRS 40.254) in the Judge's discretion. The proposed Order and rules are attached for your review. Below are a few particulars of note:

- Despite requests from many stakeholders (including the NVSAA), the proposed Order and rules do not include any language requiring a tenant to show satisfaction of certain criteria (i.e., pandemic impact, among other things) as a condition precedent to obtaining mediation. The proposed Order and rules therefore allow any tenant to request and obtain a mediation, without regard to whether they have truly been impacted by COVID-19.
- The proposed Order and rules will be effective October 16, 2020; they terminate upon the exhaustion of funding to pay for the mediators (CARES Act funding or other funding source) or May 31, 2021 – whichever occurs first.
- \$10 million has been set aside for rental assistance to be provided in conjunction with the established mediation program.
- Information and links for the mediation program and rental assistance programs are to be provided on various websites,

including the individual Justice Court, tenant advocate, civil law self help center, and other related websites.

- **Landlord requirements:** The proposed Order and rules indicate that additional language needs to be added to eviction notices and the complaint to bring them into compliance with the rules. We have reached out to Justice Courts and have been advised that updated forms will be available shortly. They will notify us once they are available for use, and/or will make such forms available to the general public.
- Procedure for requesting mediation – please review the proposed Order and rules for clarification.
 - A tenant can elect mediation upon filing an Answer to the eviction notice. Certain statements needs to be provided by the tenant, including whether the tenant has previously applied for rental assistance and/or the status of such application, and whether the tenant has previously entered into a payment arrangement with the landlord.
 - A landlord can also request mediation upon the filing of its Complaint.
- What happens once mediation is requested – please review the proposed Order and rules for clarification.
 - Once mediation is requested, the Court will automatically docket the summary eviction hearing no greater than 30 days out to allow sufficient time for the mediation to occur.
 - The Court will provide a written order to all parties notifying them of the hearing date, as well as directing the parties to contact the administrator to obtain a mediation assignment.
 - Landlord and tenant must then both register with the administrator's online portal (if one is established).
 - No later than 2 judicial days after the receipt of the Order from the Court, a mediator will be selected and assigned via written notice.
 - No later than 2 judicial days from notification of appointment, the mediator will set the mediaton and notify the parties of

- the date and time of mediation (which must be at least 3 judicial days prior to the docketed eviction hearing date).
- The mediator can continue the date of mediation upon request for good cause, but it must be held 3 judicial days prior to the eviction hearing date.
- At mediation – please review the proposed Order and rules for clarification.
 - If settlement is reached, the mediator will assist with execution of a written agreement and provide same to the Court. If settlement cannot be reached at mediation, the mediator will advise the Court that no resolution could be obtained, and the case shall simply proceed to the hearing as scheduled.
- If a written agreement is executed at mediation and the tenant thereafter fails to comply with the agreement in any way (i.e., fails to make a payment when promised, etc), the landlord may file a Motion to Enforce Settlement Agreement with the Court. This motion must be heard by the Court within 7–10 judicial days of filing. At the hearing on this Motion, the Court can enforce the agreement and enter an order for eviction.

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Please direct any questions to director@nvsaa.org