



UPDATED GUIDANCE- Nevada Eviction Moratorium in place until March 31, 2021

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On Sunday night (12/13), Governor Sisolak announced Emergency Directive 036 which implements a statewide eviction moratorium set to expire March 31, 2021. This moratorium is different than his previous directive, applying only to certain *covered persons* or tenants unable to pay rent due to circumstances related to COVID-19 that would likely become homeless or forced to move into a shared living situation if evicted. In order to qualify as a covered person, the tenant must satisfy one of the following three criteria: 1) the tenant expects to earn no more than \$99,000 in annual income for Calendar year 2020; 2) the tenant was not required to report any income in 2019 to the IRS; or 3) the tenant received an Economic Impact Payment.

A tenant that satisfies the above eligibility may seek the protections of the Directive by providing the landlord with an affidavit, swearing under penalty of perjury that they meet the criteria. A landlord may challenge the tenant's eligibility in which time a tenant may attempt to reestablish their eligibility. As you can already see, this directive is more narrowly tailored than the original one, giving landlord's access to the Court's where previously it was much more difficult.

Keep in mind, the tenant still owes their unpaid rent, this directive only temporarily prevents the tenant from being removed. Landlords may charge late fees and penalties pursuant to the lease agreement and if a tenant has breached terms other than payment of rent a landlord may still evict. Finally, this only applies to residential evictions, commercial evictions are excluded.

This directive does not specifically address open houses and in-person showings, so at this time open houses and showings of all, including tenant occupied properties continues to be permitted. As this is a constantly evolving situation this may change in the coming weeks so stayed tuned. In the meantime, it remains imperative that property managers and landlords consider everyone's health and safety first and achieve their marketing needs using predominantly virtual platforms.

We will continue to compile your frequently asked questions and get into a more in depth analysis of many of those questions. Our next article will discuss, for example: what you should do if you have a mediation scheduled, what can you expect if an eviction has already been granted or if you are allowed to give a tenant a 30 day notice to vacate pursuant to the terms of the lease.

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