



## **UPDATED Guidance on Tenant-Occupied Inspections in Contract or Lease**

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An overwhelming number of questions from our members into the Legal Information Lines seek guidance on executing due diligence terms on tenant-occupied homes in contract or performing periodic inspections of units during leases. **As of October 1st, Directive 033 finally allowed inspections of tenant-occupied homes** with the following guidelines provided by the Nevada Real Estate Division:

**If a property is in escrow**, upon 24-hours notice to the tenant, a property owner may allow a potential buyer to authorize a licensed inspector access to inspect the property.

**If a property manager wants to inspect the property as part of their periodic walk-thrus**, the property manager must give the tenant 24-hours notice.

Other measures:

- Limit the number of persons entering the property at any given time to four (4) people.
- Complete a COVID-19 release and disclosure for each person entering the property. Reach out to local REALTOR® associations for forms.
- All visitors need to maintain six(6) feet and must wear face coverings.
- Upon entering the property, agents must ensure that proper social distancing and adherence to CDC guidelines are followed including encouraging everyone to properly sanitize hands when entering. ***Limit the people to only those absolutely necessary, followed by properly cleaning the property is highly encouraged.***

Here is the link to these guidelines, *see Page 3*:

[http://red.nv.gov/uploadedFiles/rednv.gov/Content/Real\\_Estate/Updated-Guidance-on-Open-Houses-and-In-Person-Showings\\_10-01-2020.pdf](http://red.nv.gov/uploadedFiles/rednv.gov/Content/Real_Estate/Updated-Guidance-on-Open-Houses-and-In-Person-Showings_10-01-2020.pdf).



If you have a tenant who is refusing to follow Directive 033, brokers and agents should propose virtual means to showcase or inspect a property. Beyond that, it is unclear who is enforcing the directives should the tenant continue to refuse in-person and attempts at virtual showings and/or inspections. If the seller/landlord has the time and money, they can consider independent legal counsel to advise on *writ of mandamus* or other viable legal mechanisms to pursue through the local justice or district court systems.

Link to Directive 033: <https://nvhealthresponse.nv.gov/wp-content/uploads/2020/10/Declaration-of-Emergency-Directive-033.pdf>

Link to NVR video on this topic:

[https://www.youtube.com/watch?v=YSh\\_V5ikA5A&t=3s](https://www.youtube.com/watch?v=YSh_V5ikA5A&t=3s)

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