

Nevada Coalition of Legal Service Providers Housing Review

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Roadmap

- Tenants: what are the facts from ground level
- Summary Eviction: what is it and what makes it unique
- Habitability: does it work in practice
- Retaliation: my landlord is kicking me out because I called code enforcement
- Opportunities

Renters, Rents, Evictions, Homelessness

- 482,281 Renter Households in Nevada (42% of Nevada Households)
- Statewide Fair Market Rent for a two-bedroom is \$1,455
- Civil Law Self-Help Center assisted over 68,000 people in 2023
- There were over 86,000 summary evictions filed/reopened in 2023
 - Over 330 cases filed per day that the courts were open
- Clark County Eviction filings were up 146% when you compare January 2024 to January pre-pandemic
- Southern Nevada Point-In-Time Count 2023: 6,556 homeless
- Washoe County Point-In-Time Count 2023: 1,690 homeless

2023 Legislation

- Signed into law
 - AB396 Rental Assistance Appropriation
 - SB381 Prohibit LL from charging fees when fulfilling a task they are already required to complete
 - AB310 Creates supportive housing grant program
- Missed opportunities
 - AB340 normalize summary eviction
 - SB78 tenant protections
 - SB335 partial extension of AB486 defense
 - AB298 tenant protections
 - AB218 transparency and tenant protection

Two Eviction Procedures in Nevada

- “Summary” Eviction (NRS 40.253, 40.254)
 - Simplified and relatively quick
 - Landlords do not need an attorney
 - Court can only award possession, not money (LL can sue separately)
 - Cannot be used in certain situations (e.g., following foreclosure, mobile home space)
- “Formal” Unlawful Detainer Action (NRS 40.290 to 40.420)
 - Like regular civil court case, potentially lengthy, right to jury trial
 - Most landlords need an attorney
 - Court can award possession and money judgment
 - Must be used in certain situations (e.g., foreclosure, mobile homes)

Summary Eviction Overview

Step 1: Eviction notice served to tenant

Step 2: During notice period, tenant can respond

Step 3: After notice period, landlord can file complaint

Step 4: Eviction by default granted or court hearing set

Step 5: If eviction granted, eviction order posted and tenant removed 24-36
hours later

Issues With Summary Eviction

➤ Tenant as first filer

- Assumes tenant can read and understand eviction notice and take action in response
- Requires tenant (as defendant) to initiate a court action against themselves, counterintuitive, unlike any other civil court action in Nevada
- Tenants must file to protect themselves even if landlord has no intention of pursuing, loss of money and time
- Misinformation and multiple notices as eviction tactic
- Procedure is highly unusual and unique to Nevada, tenants from other states think procedure is made up

Habitability, what is it good for...

- Essential versus nonessential
 - Check the lease
- Written notice
- Does the landlord repair
 - Essential: 48 hours, best efforts
 - Nonessential: 14 days, best efforts
- Enforce your rights
 - Essential: Obtain and deduct, obtain other housing, sue for money, withhold rent
 - Nonessential: terminate lease/move, sue, pay for repairs and deduct, withhold rent

Retaliation: What to know

- Retaliation is when a landlord is attempting to end a tenancy by refusing to renew a tenancy, raising rent, decreasing essential items or services or threatening to file an eviction action when:
 - A tenant has complained to government enforcement agency
 - A tenant has complained to landlord or law enforcement about a violation of NRS 118A
 - A tenant has joined or organized a tenant's union
 - Code enforcement has cited the landlord because of a tenant complaint
 - The tenant raised habitability as a defense (or sued) in a court case
 - Tenant has raised concerns about violation of NV Fair Housing Law
 - Tenant refuses to consent to a regulation the landlord adopted after the tenant moved in

What can a tenant do if the landlord retaliates against the tenant?

- Sue
 - Money to pay for any injury or loss the tenant has suffered, and/or
 - The court can award up to \$2,500 to punish the landlord
- Raise retaliation as a defense in any retaliatory eviction case the landlord files

Landlord defenses when tenant claims retaliation?

- Did Tenant cause the violation of building, housing, or health code
- Did the landlord had a valid legal reason for terminating the tenancy
- The landlord can only comply with the building, housing or health code citation by altering the rental property to the degree it must be vacant for the renovations
- Did the landlord raised the rent for all tenants across the board

Opportunities Near and Far

- Support rental assistance and timely delivery of rental assistance
 - Holistic approach to evictions
 - Diversion Court as a template
- Support transitional housing
- Engage in eviction court watching
- Support the construction of affordable housing
- AB340 normalize summary eviction
- Make habitability law and essential services accessible
- Regulate fees
- Engage good landlords

Takeaways

- Housing continues to be the most important issue facing our community
 - Deal with housing or deal with homelessness
- Summary Eviction: sometimes being unique is bad
- Habitability should work for renters
- Retaliation

Nevada's Legal Service Providers

- Northern Nevada Legal Services <https://www.nnlegalaid.org/>
- Nevada Legal Services <https://nevadalegalservices.org/>
- Southern Nevada Senior Law Program <https://snslp.org/>
- Legal Aid Center of Southern Nevada <https://www.lacsn.org/>
 - Civil Law Self-help Center <https://www.civillawselfhelpcenter.org/>
- Volunteer Attorneys for Rural Nevadans <https://www.varn.org/>