

FREQUENTLY ASKED QUESTIONS ABOUT THE NEW RESIDENTIAL EVICTION MEDIATION PROGRAM

What is the new eviction mediation program?

The new eviction mediation program was adopted by the Nevada Supreme Court to steer certain types of eviction cases into mediation in the hopes that landlords and tenants could resolve their disputes themselves, instead of arguing in court, thereby reducing the number of people in the courthouse during the COVID-19 pandemic.

What types of evictions can be mediated?

Only evictions for nonpayment of rent at residential properties are generally eligible for mediation. In other words, if a landlord serves a residential tenant with a seven-day “notice to pay rent or quit,” then either the tenant or the landlord can request mediation. Judges can refer other types of eviction cases (those based on nuisance or lease violation, for example) to mediation when appropriate.

What is mediation?

Mediation is a process where a mediator (a neutral person not involved with the case) helps the landlord and tenant discuss their dispute and explore possible solutions beyond court-ordered eviction. The discussion is confidential and informal. The mediator helps the parties identify issues and resources and explore settlement, but the mediator doesn’t decide who is right or wrong or make decisions about what should happen. Whether and how the dispute is settled is up to the landlord and tenant.

How does someone request mediation?

If a tenant receives a seven-day nonpayment eviction notice, the tenant can file an “answer” within the seven days and can request mediation in the answer. Tenants renting in Las Vegas can file their answer electronically. Tenants renting in other cities can file at the local justice court. When a landlord files a “complaint” for eviction, the landlord can also request mediation. If either the landlord or tenant requests mediation, a mediation will be scheduled before the date of the summary eviction hearing.

Should a tenant still file an answer to request mediation, even if the tenant is already talking to the landlord or if the tenant has already given the landlord a CDC Declaration?

If a tenant receives a nonpayment eviction notice and doesn’t file an answer to request mediation, the judge could order an eviction even if the tenant is in separate negotiations with the landlord. Filing an answer and requesting mediation within the time limit ensures that the court cannot enter an eviction order without setting a mediation date first. Giving the landlord a CDC Declaration might stop the landlord from filing a complaint for eviction. But the court won’t even know the tenant has given that CDC declaration unless the tenant files an answer and says so.

How do the landlord and tenant get notified of the mediation date and the eviction hearing date if one is necessary?

After the landlord or tenant requests mediation, the court sends the parties an order notifying them they have been referred to mediation. The court’s order also provides the date of the summary eviction hearing in case the parties can’t resolve their dispute in mediation. The landlord and tenant will then receive a notice from the mediator stating the date and time of the mediation, as well as details of how the mediation will be conducted (by phone or video, for example).

What happens at the mediation?

At the mediation, the mediator will meet with the parties, possibly separately and together, and help them discuss their dispute. The mediator will help the parties identify and resolve issues and explore rent relief and other settlement alternatives. The mediator can even request input from representatives from rental assistance programs and Nevada’s unemployment office. The mediation will continue until the parties either reach a settlement or decide no settlement is possible.

What happens if the parties settle the case or decide they can’t settle the case?

If the landlord and tenant settle their dispute, the mediator will help them write up a settlement agreement that both parties will sign. The mediator will then notify the court that a settlement was reached, at which point the court will likely cancel the already scheduled eviction hearing. If the landlord and tenant don’t settle the case, the mediator will notify the court that no settlement was reached, and the summary eviction hearing will take place as scheduled. At the hearing, the judge will decide whether an eviction should be granted.

What happens if the landlord or tenant don’t attend the mediation?

If the landlord doesn’t attend the mediation, the court can dismiss the eviction case. If the tenant doesn’t attend the mediation, the eviction hearing that’s already scheduled will take place and the judge will decide whether eviction should be granted.

What happens if the landlord and tenant reach an agreement to resolve the case but one of the parties breaks the agreement?

If either the landlord or tenant fails to comply with the settlement agreement the parties made, the harmed party can file a motion with the court to enforce the agreement. The court will hold a hearing and decide whether the noncompliance justifies eviction. If the court decides the tenant breached the agreement and eviction is appropriate, the tenant can’t request additional time on the property.

How do the mediator, landlord, and tenant exchange information?

Notices and information might be sent and received in different ways, including mail, email, and telephone. There might also be a website (or portal) that the parties can use to exchange information and documents. Additional information about registering and using the portal will be provided as the portal is finalized. Communication during the entire process is critical! So all parties will need to regularly check their mail, email, phone, etc., to avoid missing important notices.

Where can a landlord and tenant get additional information about evictions, mediation, and resources that might be available?

Landlords are now required to provide tenants with some additional information when an eviction notice is given. Eviction notices must inform tenants about available mediation programs, government-sponsored rental assistance programs, and options for filing with the court electronically. The notice might also refer the tenant to the justice court’s website, which will have the same information plus information about legal aid programs and self-help centers.

Information and resources relating to housing and COVID -19 can also be found at www.LACSN.org/COVID-19.