

Preserving Homes and Communities: Las Vegas's Novel Eviction Diversion Program

BY AARON D. MACDONALD, ESQ., FORMER LEAD ATTORNEY,
HOUSING JUSTICE PROGRAM, LEGAL AID CENTER OF SOUTHERN NEVADA

At risk of being homeless, 77-year-old Abraham* faced a life-threatening crisis. Abraham lived and worked exclusively in the U.S. for the past 15 years. Despite Abraham's strong desire to work and build a better life, Abraham's employer laid him off during the pandemic, and Abraham was unable to find work after, likely due to his age.

Abraham survived on \$539 per month in Social Security retirement benefits, benefits to which he was entitled from contributing to the Social Security system during the years he worked. Having depleted his savings and unable to make ends meet, Abraham's landlord taped a nonpayment eviction notice on Abraham's door, telling him he had only seven days to make his modest \$800 rent payment or Abraham would be evicted.

Fortunately, a new court-annexed eviction diversion program connected Abraham to Legal Aid Center of Southern Nevada. A housing advocate at the Legal Aid Center guided and fought for Abraham every step of the way. The advocate assisted Abraham with a successful application for rental assistance to Clark County Social Services, preventing an avoidable eviction. The Legal Aid Center also determined that Abraham was eligible for additional Social Security benefits that he was unaware were available to him. Legal Aid Center then won an increase in Social Security benefits for him. With the modest increase in benefits, Abraham was able to afford his rent and keep a roof over his head.

Abraham's outcome likely would have been much different without the assistance of the Las Vegas Justice Court's new eviction diversion program.

The Eviction Crisis

In the bustling heart of the Mojave Desert, where the dazzling lights of the Las Vegas Strip often overshadow the struggles of its residents, a novel eviction diversion program has developed to mitigate the heavy costs of eviction and homelessness to our community. This article explores the eviction diversion initiative in Las Vegas, its processes, and its impact on tenants and landlords.

The city of Las Vegas, known for its vibrant entertainment and bustling tourism industry, faces significant challenges to housing stability. Indeed, Eviction Lab, a research group at Princeton University, found that between 2021 and 2022, Las Vegas had the highest proportional increase in eviction filings relative to historic averages out of *all* the cities listed in its report.¹ There were 60,542 eviction filings in Clark County in 2022.² This increase represents 166 percent of the number of filings compared to the average year before the COVID-19 pandemic.³ Despite already having the proportionally highest increase in eviction filings of any city tracked by Eviction Lab, this data undercounts the total number of tenants who are displaced by eviction. Regularly, tenants receive eviction notices and voluntarily leave their homes prior to the initiation of any legal proceedings. However, that population is not tracked. Evictions continue to be a crisis in Clark County, with 2023 data showing that eviction filings were up each month this year from 48 percent to 80 percent compared to historic averages.⁴

The Solution – Eviction Diversion

On October 12, 2022, former Governor Steve Sisolak, former Chief Justice James Hardesty, and the Las Vegas Justice Court,

among other community partners and stakeholders, announced the award of a \$1.25 million grant from the National Center for State Courts to create an eviction diversion program in the Las Vegas Justice Court. The diversion program was to be a collaborative partnership between the Las Vegas Justice Court, Clark County Social Services, the Neighborhood Justice Center, and Legal Aid Center of Southern Nevada, tasked with preventing avoidable evictions. The Las Vegas Justice Court Local Rules of Practice were amended to grant judicial authority to establish the program.⁵

Eviction diversion programs are designed to provide alternatives to eviction for tenants facing financial difficulties or other circumstances that prevent them from paying rent on time. Rather than resorting to the costly and disruptive process of eviction, these programs seek to resolve conflicts and keep families in their homes. Las Vegas's eviction diversion program targets our most vulnerable tenant populations: elderly and disabled tenants or low-income tenants who have experienced unanticipated financial hardship but can pay their rent going forward if a once-per-lifetime rental assistance payment is made on their behalf to their landlord.

Understanding Las Vegas Justice Court's Eviction Diversion Processes

In Las Vegas Justice Court, the eviction diversion process begins with a referral from the court. Enrolling in the program is automatic if a tenant meets the eligibility criteria and includes the information in their initial response to the eviction notice. The initial filing in a summary eviction case in Nevada is done by the tenant through a Tenant's Affidavit in Opposition to Summary Eviction. The tenant's answer form, available at the Civil Law Self-Help Center, was revised to include qualifying questions for diversion staff to screen prospective tenants for program eligibility.⁶ To be eligible for eviction diversion, a tenant must fall within one of two classes: (1) elderly people and people with disabilities on a fixed income (with proof such as a Social Security disability letter) who cannot afford their rent due to a rent increase in the past 12 months, or (2) low-income tenants who had a temporary financial hardship (e.g., emergency vehicle repairs or unexpected medical expenses) that caused the tenant to fall no more than two months behind on the rent but can pay the rent going forward.

Eviction diversion is only available in nonpayment of rent eviction cases.⁷

The eviction diversion staff then screens the tenant, and if found eligible, enters an order scheduling the tenant to appear at an initial eviction diversion interview within seven to 14 calendar days of the filing of the tenant's answer.⁸ Through the order to appear, tenants are instructed to bring documents to support an application for rental assistance. If the tenant attends the initial eviction diversion interview and brings the documentation as instructed, the tenant will be assigned a Clark County Social Services caseworker, who will decide on rental assistance within 35 days of the initial interview.

Immediately after the initial diversion interview with court staff, tenants are encouraged to confer with a housing advocate from Legal Aid Center of Southern Nevada, in a private interview room within the Civil Law Self-Help Center, located at 200 Lewis Ave. in Las Vegas. Legal Aid Center staff conduct an intake interview and screen for traditional legal defenses, provide housing resources and community resources, and counsel and information regarding the summary eviction and eviction diversion processes. At this meeting, the advocate will also review the tenant for possible representation by an attorney with Legal Aid Center of Southern Nevada in the eviction case.

If a tenant is denied rental assistance or fails to attend the initial eviction diversion interview, the Neighborhood Justice Center contacts the landlord and tenant, discusses the free mediation services it offers, and asks if the parties will agree to voluntarily mediate alternatives to eviction.⁹ Mediation can help a tenant and landlord negotiate manageable payment plans or a move-out date to avoid an eviction order, among other things. The court will also set a summary eviction hearing whereby a tenant can argue relevant legal defenses.

Eviction diversion initiatives in Las Vegas have emerged as an effective strategy to mitigate the impact of evictions on tenants and communities. By providing rental assistance, mediation, and resources, these programs help tenants navigate difficult circumstances and maintain stable housing. Landlords are also supported through eviction diversion as this program is the only meaningful opportunity to funnel rental assistance to landlords on behalf of tenants. As the city continues to grow and face housing challenges, ongoing support, collaboration, and investment are crucial to ensuring the long-term success

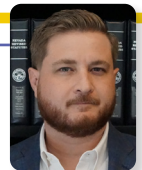
of eviction diversion efforts and the protection of our vulnerable populations. Other justice courts throughout Nevada should establish effective eviction diversion programs.

In a city where the deck can feel stacked against its residents, the Las Vegas Justice Court's eviction diversion program helps tenants better understand their rights and responsibilities, empowering them to advocate for themselves in the face of housing challenges. Although the Las Vegas Justice Court's eviction diversion program is in its infancy and will continue to grow in efficacy, it should prove instrumental in preventing homelessness and providing tenants with much-needed stability.

ENDNOTES:

1. Camilla Vallejo, Jacob Haas, & Peter Hepburn, EVICTION LAB, *Preliminary Analysis: Eviction Filing Patterns in 2022* (2023), <https://evictionlab.org/ets-report-2022/> (last visited on September 9, 2023).
2. EVICTION LAB, <https://evictionlab.org/eviction-tracking/las-vegas-nv/> (last visited on September 9, 2023).
3. *Id.*
4. *Id.*
5. *In re Amendment of Part 6 of Las Vegas Justice Court Rules of Practice Relating to Summary Evictions*, ADKT 602/603 (Order Amending Las Vegas Justice Court Local Rules of Practice 6.2, 6.4, 6.5 and 6.7 and Adopting Rule 6.8 December 28, 2022).
6. ADKTs 602 and 603 amended LVJCLRP 6.2(f)(2) to require tenants to use the Tenant's Answer Form approved by the court and made available at the Civil Law Self-Help Center to ensure that tenants include the eviction diversion qualifying criteria to be screened for the program.
7. LVJCLRP 6.8(b).
8. LVJCLRP 6.8(c).
9. LVJCLRP 6.8(c)(3).

*names have been changed to protect confidentiality.



AARON D. MACDONALD serves as principal deputy legislative counsel with the Legislative Counsel Bureau. Prior to this position, he served as lead attorney of the Housing Justice Program at Legal Aid Center of Southern Nevada, where he and his team provided direct legal representation to tenants in legal proceedings in Clark County.