



## **DEALING WITH COVID 19 IN NEVADA** **PROPERTY MANAGEMENT/EVICTION ISSUES**

**Dated February 5, 2021**

The below are some of the most significant issues which Nevada Property Managers are dealing with due to COVID-19. This is still a fluid situation for all of us and the information and suggestions below are as of the above date and may be updated as the situation continues to evolve.

### 1. CAN LANDLORDS EVICT TENANTS FOR NON-PAYMENT OF RENT?

Probably not. At this time residential evictions are stayed for tenants who have not and cannot pay rent due to "circumstances related to the Covid-19 pandemic". The tenant must be "likely to become homeless" if evicted and must have earned no more than \$99,000.00 in 2020 or received a stimulus check in 2020. The tenant MUST provide a declaration stating that they qualify for protection. A declaration form is attached. The landlord can challenge the declaration in Court if they do not believe that the declaration is truthful.

#### BEST PRACTICE GUIDELINES-

- ★ ASK FOR RENT- Continue to send statements to tenants showing the current amount due as well as any past due rent. Continue to follow up with the tenants until you receive a response. If they do not respond, you can begin an eviction action.
- ★ TENANT DECLARATION- If the tenant states that they cannot pay rent, inform them that they must complete a Declaration. Send the form to them.
- ★ MEDIATION/RESOLUTION- Encourage all tenants to pay whatever rent they can- remind them that the stay only temporarily prohibits eviction-it does not excuse the payment of any rent. If possible, get the tenant to commit in writing to a plan of action to pay all rent -current, past and future. Also encourage tenants to obtain rent assistance from any available program. If an eviction is commenced, the court will likely require the landlord/tenant to mediate prior to issuing any eviction order so you may as well try and mediate sooner rather than later. There are mediation programs available if the landlord/tenant want the assistance of a neutral party.

### 2. CAN COMMERCIAL TENANTS BE EVICTED?

YES. The current stay on eviction applies only to residential tenants.

### 3. CAN TENANTS BE EVICTED FOR OTHER REASONS?

YES. Tenants- paying or not- can still be evicted for other breaches of the lease agreement, ie, waste, nuisance, destruction of property, criminal acts, HOA violations, etc.

### 4. CAN LANDLORDS CHARGE LATE FEES?



YES. No late fees can be charged for the time period of March 30, 2020 through August 31, 2020. However, late fees can be charged after September 1, 2020, but only as allowed by statute and/or the lease agreement.

5. DOES THE LANDLORD HAVE TO MAKE REPAIRS?

YES. The landlord can and should continue to maintain/repair the property. If the tenant does not want the repair made due to concerns related to COVID-19 exposure, have them confirm the request in writing. If the repair is one that is a safety concern or is required to maintain the integrity of the property, ie plumbing leak, roof leak, etc., inform the tenant that repair must be made, but take all reasonable Covid-19 precautions.

6. CAN THE LANDLORD INSPECT THE PROPERTY?

YES. The landlord can and should continue to inspect the property as they deem necessary and/or appropriate, but should take all reasonable Covid-19 precautions when doing so.

7. CAN THE LANDLORD SELL THE PROPERTY?

YES. The landlord can sell the property and can show tenant occupied property. However, no tenant or occupant may be in the property at the time of the showing and all reasonable Covid-19 precautions must be taken during the showing.

Author: Kathryn Holbert, Esq.  
FARMER CASE & FEDOR  
Nevada Bar No. 10084

**DISCLAIMER:** This article is a brief overview of the most pressing issues facing real estate professionals related to COVID-19. This article is intended to serve as a general guideline only. This article does not constitute legal advice. The reader should consult with a licensed, experienced attorney in their jurisdiction for any specific legal advice.