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DEC 02 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

November 30, 2022

ADKT 603

I am writing this statement to communicate the hardship that the Eviction Diversion Program places upon the Real Estate industry, specifically Multi-Family Housing. Firstly, it must be noted that this program is unconstitutional in the way it makes changes to the Landlord tenant law without going through the Legislative process. Programs like EDP and CHAP have, as a result of their implementation, altered the eviction process in Nevada and caused undue hardship on the businesses that have to shoulder the disastrous financial consequences. Due to the massive balances that residents are carrying, largely owed to the CHAP program, Legal Aid is scrambling to resolve the issue – but this is not the way to do so.

Through Pandemic era mandates, evictions are already being delayed tremendously. I have evictions that were filed in August for delinquent July rent whose court hearing is set for February 23, 2023 – and this is just one example of which I have many. By the time the court date arrives, the resident will owe for 8 months' rent instead of just one month that was filed on. We should go back to the original eviction process where most evictions ended with just one month owed.

I oppose mandatory to mediation, as all this does is create a financial hardship on the property. We do not need another layer to cause further delays in granting evictions. When a lease is signed it becomes an enforceable contract and to say that we now have to negotiate until a "determine settlement has been reached," is counterproductive for all involved. The unfortunate reality is if someone does not have the means to pay their rent a delay is not going to change that. For some there is not enough resources to help them out of their situation. The delinquent balances being carried on the properties have increased exponentially. Anytime a government program gets involved it causes undue hardship on those trying to run a business. Having a resident sit in an apartment they can no longer afford creates a financial burden for the Landlord as the residents continue to reside in the apartment, effectively rent free.

There is already free legal advice being given outside the court room that is paid for by taxpayers. Perhaps the grant they were given would better serve the community and court if it were used towards Legal Aid instead of adding another government program or further delaying the eviction process. It is not an effective use of resources to monitor every eviction, which further delay the process. Additionally, with EDP, who is to determine which cases are eligible for the diversion program? Ultimately, this eviction





diversion program is simply another way for government to monitor private business – it is housing but it is also a Private Business.

There is so much more that I could say. It's been three years of flagrant fraud, where residents were given "free rent" due to the CHAP program and buying big screen TV's, new furniture, and taking vacations. Why is there no accountability or oversight with the CHAP program and the recipients that are cheating the system? The CHAP program picked and chose what they would pay leaving landlords unable to evict for 60 days while residents, instead of using the program as a way to catch up and begin paying on time, continued to fail to pay rent and grew their balances again. This has caused an undue hardship on apartment communities to run their private business. This is why we must go back to the way evictions were before the CHAP program and this Eviction Diversion Program is just more government overreach.

Respectfully Submitted,

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