

September 16, 2020

Elizabeth Brown
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FILED

SEP 17 2020

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

**RE: ADKT 0567- In the Matter of Residential Summary Eviction Actions and
Notices During COVID-19**

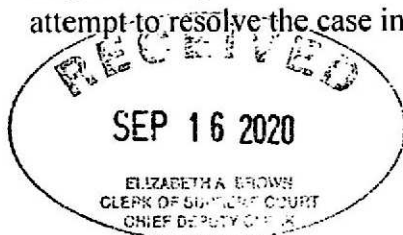
Dear Ms. Brown,

I am a licensed Nevada attorney and Senior Attorney in charge of the Tenant's Rights Center in the Reno office of Nevada Legal Services. I am submitting my comments regarding the Court's proposed rules relating to mediation in summary eviction cases. I wish to speak in support of the changes proposed in Exhibits A and C of the Petition.

Mediation is a valuable device which allows parties to reach mutually beneficial arrangements. A structured settlement conference opportunity of the type that Mediation provides is particularly valuable in the summary eviction context. Nevada's eviction process is counterintuitive, often for both landlords and tenants. Nevada's eviction process has strict technical requirements and the only question that can be resolved at an eviction hearing is whether a landlord is entitled to a lockout order. Mediation provides a context for landlords and tenants to discuss the issues at hand in a more holistic manner, and come to agreements that address issues beyond what can be decided at a summary eviction hearing.

The Streamlined Process for requesting Mediation outlined in Exhibit A is preferable.

The procedure for requesting mediation should be as intuitive and simple as possible. Many parties in landlord/tenant cases are laypersons without legal representation. In order to encourage the mediation program to be successful, it is important to place as few barriers between a person who desires mediation and the mediation process as possible. There is little to be gained from Exhibit B's proposed procedure of requiring tenants to submit multiple statements of hardship, statements that they've tried to negotiate "in good faith", reports of the status of applications for rental assistance, and reports of any previous eviction cases within the last 12 months (a requirement which may run afoul of NRS 40.2545). This additional information could surely be supplied at the mediation, if it is even relevant, with no loss to landlords. Many tenants are only learning about the eviction process as they are being evicted and are not aware of resources available to them. Every additional requirement in the initial stages of the process of asking for help will filter out persons who deserve the opportunity to attempt to resolve the case in a semi-formal setting before the eviction hearing.



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Mediation should be available in ALL types of eviction cases.

Evictions are not always about what the Landlord reports on the notice. In many cases, there are multiple issues in a landlord/tenant case. There are a lot of ways for the landlord/tenant relationship to go wrong. Just as rent notices are often used to get rid of tenants that the landlord no longer desires, lease violation and nuisance notices have been used during the moratorium to get rid of tenants who have fallen behind on rent. While an eviction case is strictly limited to the notices themselves, mediations would not have to be. Mediation can better address the tensions in a soured landlord/tenant relationship than the inherently limited eviction process. That is why it is important that it be available if either party requests it, and there be as few barriers involved in requesting it as possible.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Hansen', with a stylized flourish extending to the right.

Daniel R. Hansen, Esq.