

Steve Sisolak  
Governor

Richard Whitley, MS  
Director



DEPARTMENT OF  
HEALTH AND HUMAN SERVICES  
Aging and Disability Services Division  
*Helping people. It's who we are and what we do.*



Dena Schmidt  
Administrator

Elizabeth A. Brown  
Clerk of the Supreme Court  
201 South Carson Street  
Carson City, NV 89701

FILED

OCT 09 2020

FILED  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

**Re: In the Matter of Residential Summary Eviction Actions and Notices During COVID-19, Proposed Temporary Summary Eviction Mediation Rules: ADKT 0567**

Dear Ms. Brown and the Honorable Justices of the Nevada Supreme Court:

Thank you for the opportunity to provide additional comment on the summary eviction mediation rules. As the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition under NRS 427A, my role encompasses advocacy and policy making that affects the populations we serve under the Aging and Disability Services Division ("ADSD"). Additionally, I serve as the legal assistance developer for the state of Nevada under the Older Americans Act.<sup>1</sup> ADSD currently has three grantees; Washoe Legal Services, Volunteer Attorneys for Rural Nevadans, and Southern Nevada Senior Law Project that are providing legal assistance under the Older Americans Act.

Since many individuals in the aging and disability community are at a higher risk for contacting COVID19, including the 454,221 older adults social distancing in Nevada, it is critical to maintain access to stable housing, nutrition services and personal care services. For seniors and persons with disabilities, housing insecurity can have a devastating effect from which they may never recover. They may face loss of access to necessary medications, access to healthcare, and access to important documentation. They are also at a higher risk of being hospitalized and subsequently institutionalized. Additionally, the COVID19 pandemic, by definition, has put persons with disabilities and seniors at higher risks for abuse.<sup>2</sup> Minorities and LGBTQIA+ individuals are at a higher risk for abuse during this time because of systemic racism and their social determinants of health.<sup>3</sup> If we can connect individuals to services, it will ease the burden on crisis resources throughout the state. Our Aging and Disability Services Division has worked tirelessly to ensure continuity of long-term supportive services statewide. In a rapid response, we deployed the Nevada COVID 19 Aging Network (Nevada CAN) website and hotline to connect seniors to resources during the pandemic.

I am writing in support of the proposed mediation program as outlined in Exhibit A of the original petition and the temporary rules which were filed on September 29, 2020. In addition to the requirements listed under item 3 and 4 of the proposed rules, I would suggest including Nevada 211 as a resource. Nevada CAN is fully transitioning to become a permanent part of Nevada 211 which will connect individuals to services including places to find emergency food, housing and emergency shelter locations, children's services, support for seniors, older persons, and people with disabilities, and mental health and counseling services, and rental assistance programs. Under item 7(d), it is indicated that both parties must sign a settlement agreement. I would

<sup>1</sup> 42 U.S.C. § 3058j

<sup>2</sup> S. Duke Han, PhD, Elder Abuse in the Covid-19 Era, Journal of the American Geriatrics Society, April 20, 2020

<https://onlinelibrary.wiley.com/doi/10.1111/jgs.16496>, "The documented negative health effects of social isolation and loneliness in old age will undoubtedly intensify during this pandemic, and social isolation has been established as one of the strongest predictors of elder abuse."

<sup>3</sup> SAGEUSA, COVID19 & LGBTQ Older People <https://www.sageusa.org/wp-content/uploads/2020/04/covid19-elder-issuebrief-032720b-1-1.pdf>

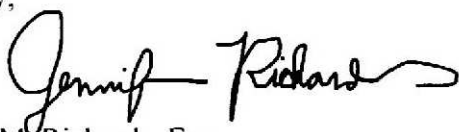
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suggest a clarification that electronic signatures are acceptable as some jurisdictions still require original signatures. Obtaining original signatures may be impracticable and unsafe during this time. I applaud the efforts of the Access to Justice Commission, the Nevada Supreme Court, and our legal aid organizations throughout the state to quickly mobilize and deploy this program.

Sincerely,

A handwritten signature in black ink, reading "Jennifer Richards". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Jennifer M. Richards, Esq.  
Chief Elder and Disability Rights Attorney