

ADKT 567



FILED

Mediation Program Comment Model: October 5th, 2020

To: Rory Wunsch, Chief Deputy Clerk, Nevada Supreme Court

Re: Supreme Court Order ADKT 0567 (In the Matter of Residential Summary Eviction Actions and Notices During COVID-19)

From: Make the Road Nevada

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

Make the Road Nevada builds the power of Latinx and working class communities of color to achieve dignity and justice through organizing, policy innovation, and transformative education. Our communities are organizing for housing justice in the face of the worst possible eviction crisis of a generation.

This mediation program is an important step to alleviate the potential violence and instability of evictions. We are appreciative of the Supreme Court Order, which outlines many of the original demands we had for the mediation program. The Supreme Court Order provides a clear process of engaging in mediation, outlines important information for tenants and landlords that are in English and Spanish, and requires landlords to participate. Evictions disproportionately impact low-income renters and renters of color, and cause long-lasting harms to families' health, financial stability, and well-being. Most tenants are not represented by legal counsel in eviction court, though most landlords are. Landlord-tenant mediation programs are already in place across the U.S. in many states and cities. Mediation programs save participants costly litigation costs, and successfully help prevent evictions, particularly when they are accessible to tenants early on in disputes.¹

In addition to what is outlined in this order, we see the need for increased requirements to protect tenants. We are advocating for penalties for landlords who refuse to participate or violate the mediation process; the courts to mandate the mediation produce a reasonable outcome that takes into account the impact of evictions on families and children, as well as the health risks during a global pandemic, uphold Nevada's existing moratorium on evictions for nonpayment of rent, and postpone all other evictions except those for health and safety until after the state of emergency and economic recovery; that the mediation training for mediators and judges include education on local, state, federal tenant protections and health effects and other harms caused by evictions on tenants and children in the household of evictions; require that if the mediation program comes to a successful conclusion, then the eviction filing would be struck from the tenant's record because of the stigma and difficulty that a previous eviction can have to find new housing; and in addition to providing for mediation after a formal eviction has already been filed, mediation should also be made readily available to tenants at any point in disputes, for instance by dialing a helpline, and before formal legal proceedings begin because such programs are more effective at preventing eviction.

We appreciate the opportunity to submit these comments and influence this critical program.

¹

https://www.urban.org/sites/default/files/publication/101991/getting-landlords-and-tenants-to-talk_3.pdf

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