

## **INFORMATION FOR NEVADA RENTERS FREQUENTLY ASKED QUESTIONS (FAQ'S) REGARDING THE CENTERS FOR DISEASE CONTROL (CDC'S) ORDER PREVENTING RESIDENTIAL EVICTIONS**

### **How does the CDC Order impact residential evictions?**

The CDC Order broadly prohibits a landlord from evicting a covered tenant from a residential property through December 31, 2020. The CDC Order states that a landlord must not take any action to remove or cause the removal of a covered tenant. That means a landlord must not serve an eviction notice to a tenant, file an eviction case with the court, or an attempt in any way to remove the tenant from the residential property unless specifically allowed by the CDC Order.

### **Are there any evictions that are allowed under the CDC Order?**

The CDC Order specifies five types of evictions that are allowed through December 31, 2020. A covered tenant can still be evicted if the tenant 1. engages in criminal activity while on the premises; 2. threatens the health or safety of another resident; 3. damages or poses an immediate and significant risk of damage to the property; 4. violates any applicable building code, health ordinance, or similar regulation relating to health and safety; or 5. violates any other contractual obligations, other than the timely payment of rent or similar house-related payment (including non-payment or late payment of fees penalties, or interest). Evictions for any reason beyond the five allowed in the CDC Order are prohibited, including evictions for nonpayment of rent, evictions resulting from the expiration of the tenant's lease, "no-cause" evictions, and evictions of tenants-at-will.

### **Which tenants are covered by the CDC Order?**

The number of tenants covered by the CDC Order is much larger than the number previously covered under the federal CARES Act, which limited its protections to tenants in properties with federally backed mortgages or programs. A tenant is covered by the CDC Order if he or she 1. has used best effort to obtain all available government assistance for rent or housing; 2. either expects to earn no more than \$99,000 during 2020, was not required to report income to the IRS in 2019, or received a stimulus check under the federal CARES Act; 3. is unable to pay the full rent due to substantial loss of household income, reduction in wages or hours, lay-off, or extraordinary out-of-pocket medical expenses; 4. is using best effort to make partial payments of rent as close to full payment as his or her circumstances permit; and 5. would likely be rendered homeless or forced to move and live in close quarters in a shared living setting if evicted.

### **What does a tenant need to do to obtain the protections in the CDC Order?**

To invoke the CDC Order's protections, the tenants listed on the lease must sign a declaration form available from the CDC (or one substantially similar) confirming that they are covered and provide a copy of that signed declaration to the landlord, the property owner, or other person who has the right to evict. There is no deadline in the CDC Order for tenants to provide these declarations, meaning a tenant can provide the declaration even if the landlord has already

served an eviction notice or even later. Tenants who deliver these signed declarations to their landlords cannot be evicted or removed from where they are living through December 31, 2020.

### **How does the CDC Order work with Nevada's state-wide moratorium?**

Nevada's state-wide moratorium prohibits evictions based on nonpayment of rent through October 15, 2020. The CDC Order similarly prohibits evictions for nonpayment of rent, but it also more broadly prohibits all evictions that do not fall into one of the five permitted categories stated in the CDC Order. While Nevada's state-wide moratorium continues to prevent evictions based upon nonpayment of rent through mid-October (regardless of whether the tenant has submitted a declaration to the landlord under the CDC Order), the CDC Order provides current protection to any covered tenant facing eviction on a basis other than nonpayment of rent or the five permitted reasons stated in the CDC Order. Upon the expiration of the state-wide moratorium mid-October, the CDC Order will continue to prohibit all evictions beyond those five stated grounds, including evictions for nonpayment of rent, through the end of December 2020.

### **Can a landlord charge late fees under the CDC Order or the state-wide moratorium?**

Neither the CDC Order nor Nevada's state-wide moratorium prevent a landlord from charging late fees if allowed under the tenant's lease. However, no late fees may be assessed for the period starting March 29, 2020, to September 1, 2020, and late fees cannot serve as the basis for eviction. Under Nevada law, late fees may not exceed five percent of the base rent.

### **Is a tenant still obligated to pay rent under the CDC Order or the state-wide moratorium?**

Neither the CDC Order nor Nevada's state-wide moratorium releases the tenant from the normal obligation to pay rent. A tenant's unpaid rent will continue to accrue. However, unpaid rent cannot serve as a basis for eviction.

### **What is the penalty if a landlord violates the CDC Order?**

A landlord who violates the CDC Order may be fined up to \$100,000 (\$250,000 if the violation results in a death) and be sentenced to one year in jail. A business that violates the CDC Order may be fined up to \$200,000 (\$500,000 if the violation result in a death) per each event.

### **What is the penalty if a tenant is untruthful on the signed declaration given to the landlord?**

The CDC Order requires tenants to sign their declarations under penalty of perjury. Under Nevada law, a person who signed a declaration under penalty of perjury and willfully makes a false statement on a material matter or makes an unqualified statement they don't know to be true may be fined up to \$5,000 and imprisoned up to four years.