

CDC Order

Even though the state moratorium on evictions ends at midnight Wednesday, a CDC order generally barring evictions of residential tenants remains in effect through Dec. 31.

To qualify for the U.S. Centers for Disease Control and Prevention (CDC) order's protections, tenants must sign a CDC declaration form confirming that they are covered and provide a copy to the landlord, the property owner, or other person who has the right to evict. The form is available on the CDC website: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/declaration-form.pdf>.

Tenants are covered by the CDC order if they:

- Have used their best effort to obtain all available government assistance for rent or housing;
- Expect to earn no more than \$99,000 during 2020, were not required to report income to the IRS in 2019, or received a stimulus check under the federal CARES Act;
- Are unable to pay the full rent due to substantial loss of household income, reduction in wages or hours, were laid-off, or experienced extraordinary out-of-pocket medical expenses;
- Are using their best effort to make partial payments of rent as close to full payment as their circumstances permit; and
- Would likely be rendered homeless or forced to move and live in close quarters in a shared living setting if evicted.

The CDC order does allow evictions of tenants if they:

- Engage in criminal activity while on the premises;
- Threaten the health or safety of another resident;
- Damage or pose an immediate and significant risk of damage to the property;
- Violate any applicable building code, health ordinance, or similar regulation relating to health and safety; or
- Violate any other non-financial contractual obligations.

Tenants seeking protection under the CDC order should know that there is no deadline to furnish the declarations, even if the tenant has already been served an eviction notice, officials said.

Once landlords have been furnished a CDC declaration, they must not serve an eviction notice to a tenant, file an eviction case with the court, or attempt in any way to remove the tenant from the residential property unless specifically allowed by the CDC order. Evictions for any reason beyond those 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.

The CDC order does not release tenants from the normal obligation to pay rent. Unpaid rent will still accrue. A landlord also can still charge late fees if allowed under the terms of the tenant's lease. However, no late fees may be assessed for the period of March 29 through Sept. 1. Additionally, late fees cannot serve as the basis for eviction. Under Nevada law, late fees may not exceed 5 percent of the base rent.

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 results in a death -- per each event.