

Rental Assistance and AB 486

The U.S. Supreme Court invalidated the CDC Moratorium on August 26, 2021, therefore it is no longer a protection from eviction. As a result, if a person is facing summary eviction, the analysis is governed by NRS 40.215-40.425 and AB 486.

The legislature passed [AB 486](#), which affords tenants an added layer of eviction protection if there is a pending rental assistance application. Specifically, it will allow a tenant to stay the eviction action for any eviction for up to 30 days where the tenant is behind in rent if the tenant applied for rental assistance in “good faith”. One exception to this stay is an eviction for nuisance (a tenant typically receives a 3-Day Nuisance Notice). It is the tenant’s obligation to allege an AB 486 defense and provide the necessary evidence that they applied for rental assistance in “good faith”.

A summary eviction action must be dismissed if the landlord accepts or refuses to accept rental assistance and it is the tenant’s responsibility to allege these facts. If the tenant is denied rental assistance, the summary eviction action is no longer stayed.

A landlord that receives rental assistance after a tenant applies cannot initiate an action for eviction for at least 60 days after completing the landlord verification form. However, depending on the hearing master/justice court, the court may interpret the law to require a 90-day restriction. A landlord who receives rental assistance when the tenant is not involved cannot initiate an action for eviction for at least 90 days after receiving the funds.

In Clark County, the tenant may receive rental assistance from programs according to where they reside. If the tenant lives in North Las Vegas, there are specific programs and they should not apply for CHAPS assistance. If the tenant lives anywhere else in Clark County, they should apply for assistance through CHAPS.

City of Las Vegas RAFT

The City of Las Vegas is no longer accepting Rent Assistance for Tenants (RAFT) program applications and tenants should apply for rental assistance via CHAP.

North Las Vegas Rental Assistance

North Las Vegas is now offering a rental assistance program through HopeLink: <http://link2hope.org/node/250>. The program is ONLY for residents of North Las Vegas. (If the tenant has a NLV address in zip code 89030, 89031, 89032, 89033, 89036, 89081, 89084, 89085, 89086, or 89087, they are eligible.) Additionally, tenant must:

- Have lived in NLV at least 6 months prior to application
- Have lived in Nevada for at least 1 year

- Be a U.S. citizen
- Be able to demonstrate COVID financial impact (furlough, termination, reduced hours, medical expenses)
- Have income under 50% AMI

Importantly, the program can only pay for 6 months of back rent and 6 months going forward. So this is NOT a direct substitute for CHAP (which will pay 12 months back), but it could be a good option for a tenant who has exhausted their CHAP benefits, only has one or two months in arrears, or who needs to relocate and pay rent going forward.

The program takes applications over the phone (702-566-0576), but HopeLink assures us they are willing to write a letter for the tenant to confirm the pending application if needed. As a result, it is best to advise tenants that, if they have a hearing, they will need to reach out to HopeLink in enough time to have that letter written.

CHAPS

In order to get CHAPS assistance, the tenant must provide CHAPS the following documents: 1) An initial application; 2) A front and back copy of their identification; 3) A current and past monthly rent due Self-Attestation form; 4) A COVID Impact and Attestation Statement; and 5) A copy of a ledger proving these amounts are owed. Failure to provide these documents may result in a denial and the eviction proceedings will no longer be stayed, resulting in an order for summary eviction.

The CHAPS program can only pay up to 15 months of rent and requires the tenant to reside in their unit to receive these funds.

Tips for Tenants

- (1) All tenants should apply for rental assistance. If the tenant has already applied, they should make sure everything is current and they have provided all documents to the appropriate program.
- (2) If the tenant receives an eviction notice from their landlord, they absolutely must respond to it by filing an answer with the court. There is no automatic protection to protect the tenant – they have to take action.
- (3) In the answer the tenant files with the court, the tenant needs to elect mediation and tell the court about the pending rental assistance application. Under Nevada law, a pending rental assistance application for rental assistance provided by a governmental entity is now a defense to an eviction.
- (4) If the tenant has any questions, they should call the eviction prevention hotline 702-386-1070. If an order for eviction is posted on their door, the tenant needs to immediately go to the Self-Help Center for help.