



News Release

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For Immediate Release

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CDC Order Barring Residential Evictions in Effect through Dec. 31 Except in Limited Circumstances

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.

But Clark County officials said it's important that tenants facing eviction due to economic circumstances brought on by the pandemic know what they need to do to forestall such action.

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>.

"Anyone facing the prospect of eviction needs to know that they are generally prohibited by the CDC order through December 31st – but not in all cases," said Clark County Commission Chairman Marilyn Kirkpatrick. "It's imperative that those who find themselves in such circumstances learn whether they are covered or not, and, if so, that they take the steps necessary to protect themselves and their families."

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.

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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.

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Clark County is a dynamic and innovative organization dedicated to providing top-quality service with integrity, respect and accountability. With jurisdiction over the world-famous Las Vegas Strip and covering an area the size of New Jersey, Clark is the nation's 11th-largest county and provides extensive regional services to 2.3 million citizens and 45.6 million visitors a year (2019). Included are the nation's 9th-busiest airport, air quality compliance, social services and the state's largest public hospital, University Medical Center. The County also provides municipal services that are traditionally provided by cities to 1 million residents in the unincorporated area. Those include fire protection, roads and other public works, parks and recreation, and planning and development.