

FAQs for Mediators – On the Eviction Mediation Program (EMP) and Home Means Nevada (HMN).

Subjects include:

- **HOME MEANS NEVADA AND LAS VEGAS JUSTICE COURT**
- **PAYMENT**
- **COVID-19 ATTESTATIONS AND CDC DECLARATION**
- **AGREEMENT/NO AGREEMENT/AGREEMENT ENFORCEMENT**
- **RENTAL ASSISTANCE AND DETR**
- **INTERPRETERS**
- **GENERAL**

- **HOME MEANS NEVADA AND LAS VEGAS JUSTICE COURT**
 - **Do I need to register as a Mediator in *The Renter Connect* portal to receive a login?**
 - It depends. As cases are assigned you may receive login credentials from HMN to access cases in the portal. For those cases that have been assigned to mediators without portal login information – most likely from Las Vegas Justice Court - please move forward with the mediation case and forward any documents and questions to mediatorinfo@homemnv.org.
 - *HMN is not responsible for submitting agreement/no agreement documents to the court* but can upload documents to cases in the portal.
 - You are required to 1.) email your agreement/no agreement documents to the court of record, and 2.) upload or email to HMN. Clerks of Court email addresses are now on this Eviction Mediation Program resource webpage.
 - **Where can I get the case documents?**
 - Home Means Nevada
 - Case documents may be available in the portal. If not, mediators need to ask the parties for the case documents.
 - Las Vegas Justice Court
 - The LVJC has created a log in for mediators to access the documents such as the Landlord Complaint and Tenant Answer. You can log in through this link: <https://lvjcpc.clarkcountynv.gov/Secure/Login.aspx?ReturnUrl=%2fsecure%2fdefault.aspx>
 - User ID – 00mediator (00 are numbers, not letters)
 - Password – Password8
 - Once logged on select civil records and enter the case number. Then click on the document title to retrieve the document.
 - **How do I get information about teleconferencing or videoconferencing?**
 - The fastest and easiest way to proceed is using your own system.
 - However, if you require help, please contact Shannon@homemnv.org or michelle@homemnv.org.

- **PAYMENT**
 - **The Tenant states the matter is not COVID-19 related. Does that remove the case from this mediation process?**
 - Yes, unless the mediator elects to help on a pro bono basis. At least one party to the mediation, preferably the tenant or landlord, must attest to being

affected by COVID-19. The mediator may also attest, as a last resort, if it is reasonably demonstrated through direct knowledge or court filings that COVID-19 affected the tenant's ability to pay rent. That does not mean they have to have had COVID-19. Many people are affected by COVID-19 through job loss or hours reduction, for example.

- For tenants, use the attestation form provided for in the webpage resources. Landlords can send you an email. Mediators may submit an affidavit. The COVID-19 attestation or some other reasonable documentation is required to be submitted with your invoice to the Administrative Office of the Courts (AOC).
- For the tenant to receive rental assistance dollars, a COVID-19 attestation is also needed.
- You should immediately seek a COVID-19 attestation from the tenant.
- You may accept a mediation on a pro bono basis. In that instance you are still required to submit the agreement/no agreement document to the court of record.
- If you investigate and decline a case, notify HMN.
- **What can I charge for and when?**
 - A mediation that happens - \$200 (with COVID document, see below)
 - Attempts - \$50 (with COVID document, see below)
 - If initial day and time simply set by mediator – if cannot happen then, two (2) additional good faith attempts before \$50 “attempt fee” with COVID attestation/written knowledge from landlord or mediator affidavit/court filing documentation.
 - This is really two good faith attempts to set a date that works
 - If actual mediation date is set, accepted by both parties, and one or both parties do not show - one (1) additional good faith attempt before \$50 “attempt fee” with COVID attestation/written knowledge from landlord or mediator affidavit/court filing documentation.
 - Giving the benefit of the doubt to the no show (emergency, etc.), one last chance is offered
- **COVID-19 ATTESTATIONS AND CDC DECLARATION**
 - **Can mediators get paid if the case closes before mediation due to payment or some other reason?**
 - Yes, if you are in possession of the COVID-19 attestation. The COVID-19 attestation is required to be paid from CARES Act funds. You would be paid the \$50 good faith mediation attempt fee.
 - **If a mediator may also provide his or her attestation that COVID-19 is a factor in the case, is there a separate form for this? The form provided online is really designed for tenants.**
 - An affidavit from the mediator regarding the COVID-19 attestation is acceptable. It should be individualized per case, not a generic one for all the cases submitted for payment. You can use language from the AOC invoice.
 - **What if the landlord can attest? The COVID-19 attestation form is designed for the tenant.**
 - If the Landlord puts in writing (email is fine) language similar to that included on the mediator invoice form and sends it to the mediator, AOC can accept that. There is not a form created separately.
 - **The tenant furnished me with the CDC Declaration. Doesn't that end the case?**

- **Who needs to sign the agreement?** For example, both a husband and wife? What will be considered as a domestic partnership? Roommates? What if someone is not on the lease? Etc.
 - Mediators should work based the landlord and tenant information supplied by the court.
 - The only people required to mediate are one tenant representative and one landlord representative.
 - Ideally, all the tenants would sign, but it's not always necessary or realistic. It's a case-by-case situation. If the mediation agreement is about repayment, then probably only one tenant (husband or wife, or one tenant) will need to sign, much like how a lease works. And if the agreement is that Tenant A will evict his brother by the end of the year because the lease says he can't have additional occupants, then of course only Tenant A will sign.
- **The Tenant's Affidavit is dated prior to the Landlord's Complaint. Is this unusual?**
 - Not for evictions. It's the reverse of common legal cases, but that's how LL/TT law works, see - <https://www.civillawselfhelpcenter.org/images/landlord-tenant/flowchart-summary-eviction-nonpayment-of-rent.pdf>
- **RENTAL ASSISTANCE AND DETR**
 - **Do mediators really have special access to funding or programs?**
 - Yes. Mediators have special access to check on potential funding. On the Eviction Mediation Program resource webpage the “guidance outlined” link instructs how to work with rental assistance staff based on where the tenant lives or DETR adjudicators. That information is “confidential” and is available from HMN when you have cause to reach out. Special teams have been assigned to handle inquiries from mediators based on the guidance. While you will not award funding, you will seek updates/answers on funding status that may potentially be included in any mediated agreement. This is not advocacy. It is a business transaction. Is there or is there not funding that may be used to craft an agreement? If so, it may be part of a successful agreement, keeping tenants housed and getting landlords paid – the crux of the entire program.
- **INTERPRETERS**
 - The Eviction Mediation Program has agreed to a rate of \$40.00 per hour for a two (2) hour minimum. Interpreters will be available for the setting of the mediation and the mediation only. You should not expect interpreters to read filings, do preparation, etc. It is important you share the COVID-19 attestation with the interpreter for their invoice.
- **GENERAL**
 - **What does “participate in a mediation” mean?**
 - That both the tenant and landlord or their designated representative(s) including an attorney, if any, participate in the mediation by any means allowed in the rule.