

Since 1958
LEGAL AID CENTER

■ ■ ■ ■ *of Southern Nevada*

UNLV | WILLIAM S. BOYD
SCHOOL OF LAW

11/22/2022

LEGAL AID CENTER MISSION

The preservation of access to justice and provision of quality legal counsel, advice and representation for individuals who are unable to protect their rights because they cannot afford an attorney.

WHO ARE WE?

Legal Aid Center of Southern Nevada is a private non-profit organization dedicated to providing legal services to low-income people that can't afford an attorney.

The Consumer Rights Project at Legal Aid Center might be able to help if you're:

- Sued on a credit card debt, loan, or by a business;
- Ripped off buying or leasing a car;
- Wages are being garnished or money is taken to pay for a judgment;
- Car is repossessed and sold, or car towed illegally;
- Defaulted on a payday loan, title loan, or other high-interest loan;
- Consider filing for bankruptcy and want to learn your options;
- Being evicted from an apartment or foreclosed by a lender; and
- A victim of a scam or fraud, or deceived by a business.

Call Legal Aid Center to apply for services: (702) 386-1070. All services provided without charge.



Before we begin:

- **Please mute your mic and turn off your video.**
- **And hold your questions until the end.**



What's our role?

We aren't attorneys, yet!

- Don't worry, a licensed attorney is present.
- But this class doesn't take the place of hiring a lawyer.

It's against the law for any of us to provide you with legal advice!

We are here to provide legal information on:

- Nevada law
- Court procedures and rules
- How to represent yourself in court

WHAT IS EVICTION SEALING?

Eviction cases are accessible to the public. Sealing a case removes it from public record so landlords cannot hold the tenant's eviction history against them.

“If the court orders the eviction case court file sealed . . . all proceedings recounted in the eviction case court file shall be deemed never to have occurred.” NRS 40.2545(4).

Nevada's eviction sealing law applies to actions filed on or after October 1, 2017.

I HAVE AN EVICTION ON MY RECORD.

- Why were you evicted?
- When?
- What court?
- Did you file a Tenant Answer?
- Did you file anything else into your case?
- Did you have a defense?
- Did you attend a hearing?
- Are you having trouble finding a new rental home because of this eviction?

TYPE OF EVICTION NOTICE

Were you evicted on a 7-Day Pay Rent or Quit Notice?

Includes 30-Day CARES Act Notice

Were you evicted during the “COVID-19 emergency” (March 12, 2020 to May 20, 2022)?

NRS 40.2545(1) provides for automatic sealing of nonpayment-of-rent evictions granted during the COVID-19 emergency.

ALL OTHER EVICTION NOTICES

Were you evicted on a 5-Day Lease Violation, 3-Day Nuisance, a 30-Day/7-Day “No Cause” notice, or any notice *other* than for nonpayment of rent?

You may file a Motion to Seal and have your case sealed if you can show the court that “sealing the eviction case court file is in the interests of justice and those interests are not outweighed by the public’s interest in knowing about the contents of the eviction case court file.”

SUMMARY EVICTION SEALING STANDARD

In determining whether to seal the case, the court will consider the following factors:

- (1) Circumstances beyond the control of the tenant that led to the eviction;
- (2) Other extenuating circumstances under which the order of eviction was granted; and
- (3) The amount of time that has elapsed between the granting of the order of eviction and the filing of the motion to seal the eviction case court file.

NRS 40.2545(3)(b)(2).

OTHER WAYS A CASE CAN BE SEALED

- Upon the entry of a court order dismissing the summary eviction action;
- 10 judicial (business) days after the entry of a court order denying the action;
- 31 days after the tenant files a Tenant Answer, if the landlord has failed to file a Complaint within 30 days of the filing of the Tenant Answer;
- Upon the filing of a written agreement (“stipulation”) by the landlord and tenant to seal the case; or
- Upon the filing of a motion by the tenant and the court’s decision that the eviction should be set aside (cancelled).

THE SEALING PROCESS

Download a copy of the Motion to Seal Summary Eviction:

<https://www.civillawselfhelpcenter.org/images/landlord-tenant/tenants-motion-to-seal-fillable.pdf>

1. Fill in the appropriate Justice Court
2. Complete the caption with Landlord and Tenant Information.
3. Place the appropriate case number and department number.
4. Mark the correct box that applies to your summary eviction.
5. Describe why you believe the eviction should be sealed.
6. Fill out a fee waiver application if you can't afford the \$71 filing fee.
7. File your documents with the court online or in person.

WHAT HAPPENS AFTER I FILE?

- The Justice Court will likely issue an order denying or granting the Motion to Seal Summary Eviction, within two to three weeks; or
- The Justice Court will set the matter for a hearing to provide an opportunity to hear your side of the story and see whether or not the Landlord challenges the motion.

PREPARING FOR A HEARING

- You must prepare for your hearing as if you were being evicted from your property.
- Preparation is the key to success.
- Make three copies of all evidence you intend to present to the hearing master: One copy for you, one for the landlord, and one for the hearing master.
- Write you entire argument on one sheet of paper and memorize prior to your hearing.
- Outline your argument into short bullet points for quick reference two days before your hearing.

MOTION TO SEAL GRANTED?

- Make sure that you request an order from the hearing master.
- An order will ensure that you have a copy for your records that the eviction was sealed.
- This may be used later in a potential request to unicourt.com to remove items from their records, if applicable.
- Even if you have an order, it doesn't necessarily mean that you won't be held liable for damages in the future by the landlord.
- The order merely shows that the eviction was sealed and will no longer show up on the court's public record.

MOTION DENIED! NOW WHAT?

- If the case is not sealed, and if you filed a Tenant Answer or Motion to Set Aside (Cancel) Summary Eviction in your case, then the record will be purged (removed) from public record after six years.
- If you did not file a Tenant Answer or Motion to Set Aside in your case, then the record will be purged from public record after two years.
- These are the timeframes applied if a Motion to Seal is denied.
- This also highlights the importance of carefully deciding whether or not to file a Motion to Seal Summary Eviction or a Motion to Set Aside (Cancel) Summary Eviction.
 - You may have to wait six years, as opposed to two years if the motion is denied.
- You can also file a renewed Motion to Seal in the future.

Feedback



Thank you for attending this class.

Please complete an on-line feedback form at (link is in the chat box) <https://law.unlv.edu/content/spring-attendee-feedback-form>



**If you want to apply for legal help,
call (702-386-1070) or email to info@lacs.n.org**



**For assistance on setting up a hearing,
please call 702/455-4472**

Contact Information for all Legal Aid Center Services

Legal Aid Center of Southern Nevada
(702) 386-1070

info@lacs.nv.gov
www.lacs.nv.gov

Vegas Strong Resiliency Center
(702) 455-2433

vegasstrongresiliencycenter@clarkcountynv.gov
www.vegasstrongrc.org

Family Law Self Help Center
(702) 455-1500

flshcinfo@lacs.nv.gov
www.familylawselfhelpcenter.org

TPO Office
(702) 455-1500, option 2

tpoinfo@lacs.nv.gov
www.familylawselfhelpcenter.org

Civil Law Self Help Center

clshcinfo@lacs.nv.gov
www.civillawselfhelpcenter.org

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Righting Wrongs, Changing Lives

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