

A monthly newsletter from Nevada Legal Services, Inc.



Upcoming Events:

August 7: Elko Ask A Lawyer

August 13: Carson City Ask a Lawyer

August 17: Lovelock Ask A Lawyer

August 25: Hawthorne Ask A Lawyer

August 27: Carson City Ask A Lawyer

THIS MONTH'S NEWS AND UPDATES:

COVER STORY:

ENDING THE EVICTION MORATORIUM

FORECLOSURES: CARES ACT AND MORATORIUMS

WHAT YOU SHOULD KNOW ABOUT THE STIMULUS PAY- MENTS: DOES THE MONEY BELONG TO ME IF I HAVE A REPRESENTATIVE PAYEE?

ENDING THE EVICTION MORATORIUM

By David Scheatzle

On June 25, 2020, the Governor enacted Directive 025 which set forth the scaling back of Directive 008's moratorium on evictions. The Directive clarified that "[a]ll summary eviction notices served prior to March 30, 2020, where the tenant did not file shall be declared stale and void." Additionally, all evictions served from March 30, 2020 until the enactment of Directive 025 in violation Directive 008 are void. All void and stale evictions are required to be re-served when allowed under the new timeline of Directive 025.

Starting July 31, 2020 at 11:59pm, the following evictions may be initiated or re-initiated: summary evictions based on the expiration of a term lease; summary evictions for tenancies at-will; summary evictions based on assignment or subletting contrary to the lease, waste, unlawful business, nuisance, and violations of controlled substance laws; and summary evictions based on lease violations. It should be noted that lease violations cannot include the non-payment of rent. Residential summary evictions which are currently being adjudicated by a court and have been stayed where a tenant has already filed a response shall now allow a court to proceed starting July 31, 2020 at 11:59pm for the above-mentioned types of evictions.

Non-payment of rent and 30-day no cause evictions are still prohibited until August 31, 2020 at 11:59pm. Additionally, late fees will be allowed to be assessed at that time as well BUT cannot be applied retroactively. As a result, the entirety of protections under Directive 008 and the corresponding eviction moratorium shall expire on August 31, 2020. The moratorium is ending, and many residents still have their hours reduced or unable to return to work. While there is rental assistance available, the upcoming months shall still present a challenge to a great number of Nevadans affected by this pandemic.

FORECLOSURES: CARES ACT AND MORATORIUMS

By Drew Wheaton

The CARES Act, enacted on March 27, 2020, imposed restrictions on foreclosures and provides for loan forbearance for qualified loans. While some of these foreclosure protections expired in June, a number of federally-backed loan investors extended the foreclosure moratorium until August 31, 2020. These loans and loan investors include:

- ◆ Fannie Mae and Freddie Mac loans for single-family mortgages
- ◆ Single family mortgages insured by the Federal Housing Administration
- ◆ VA loans, including moratorium protections against foreclosure initiation or completion

Directives 008 and 025 collectively state no foreclosure action may be initiated until September 1, 2020

paperwork and monthly billing statements for relevant information. For example, if your paperwork indicates you paid fees to the VA, you have a VA loan. If you are paying a mortgage insurance premium (MIP), then you likely have an FHA-insured loan.

Additionally, Nevada Declaration of Emergency Directives 008 and 025 collectively state no foreclosure action may be initiated until September 1, 2020, which applies to both federally-backed and private loans. Therefore, if your loan provider initiates any foreclosure proceeding against you before September 1, you should file a complaint with the Nevada Attorney General's Office. Complaints can be submitted electronically at [http://ag.nv.gov/Complaints/File Complaint/](http://ag.nv.gov/Complaints/File%20Complaint/).

And remember, it is your responsibility to contact your loan servicer to initiate forbearance protections. Don't stop making payments without contacting your loan servicer to explore your repayment options.

To discover if you qualify for these protections, it's easiest to contact your loan servicer directly to determine what kind of loan you have. However, you can also review your loan

CONTACT US

Website | nslaw.net

Toll Free (800) 323-8666

Reno | (775) 284-3491

Carson City | (775) 883-0404

Yerington | (775) 463-1222

Elko | (775) 753-5880

AVOID SCAMS!

Scammers posing as national and global health authorities, including the World Health Organization (WHO) and the Centers for Disease Control and Prevention (CDC), are sending phishing emails designed to trick recipients into downloading malware or providing personal identifying and financial information.

Scammers are also contacting people by phone and email, pretending to be doctors and hospitals that have treated a friend or relative for COVID-19, and demanding payment for that treatment.

Always verify the email is coming from a reputed source and go directly to the organizations website! Do not click on links or open email attachments from unknown or unverified sources. Doing so could download a virus onto your computer or device.

Did you know?

Nevada Legal Services has attorneys on staff that can assist individuals with debt collection and bankruptcy matters! If you have questions about filing a Chapter 7 bankruptcy or other ways to deal with debt collector harassment, give one of our offices a call to see if one of our advocates can help you today! All of our services are free!

WHAT YOU SHOULD KNOW ABOUT THE STIMULUS PAYMENTS: DOES THE MONEY BELONG TO ME IF I HAVE A REPRESENTATIVE PAYEE?

By Lidia Rincon

Yes. Stimulus payments are not the same as benefits from the Social Security Administration. Even though the stimulus checks are being sent to the representative payee, the \$1,200 payment belongs to the individual not the representative payee. If you believe your representative payee has already received your stimulus payment you can ask your representative payee to give you the money. If you need help with help with a plan for how to spend the money, you can talk to your representative payee about this or, you can also consult with people you trust, like family and friends, about what you want to do with the money. A representative payee is not required to assist you in spending the money and the representative payee cannot spend the money for you.