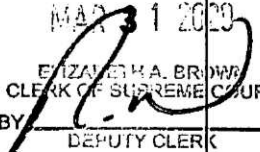


IN THE SUPREME COURT OF THE STATE OF NEVADA

FILED

IN RE CORONAVIRUS GOVERNOR'S
EMERGENCY DIRECTIVE 008

AO-0012

MAR 11 2020
ERIN A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

*ORDER CONCERNING IMPLEMENTATION BY JUSTICE COURTS OF
GOVERNOR'S EMERGENCY DIRECTIVE 008*

On March 12, 2020, Governor Steve Sisolak declared a state of emergency in Nevada in response to the COVID-19 pandemic. On March 29, 2020, Governor Sisolak issued Declaration of Emergency Directive 008, halting foreclosures and evictions across the State. Responsibility for implementing Directive 008 lies in significant part with Nevada's justice courts.

Article VI, section 19 of the Nevada Constitution makes the chief justice of the Nevada Supreme Court the administrative head of Nevada's court system. Nevada's justice courts are an integral and important part of our court system, and their uniform and prompt implementation of Directive 008 is key to the administration by the courts of the Governor's Directive. To those ends, I have worked with members of the Nevada Judges of Limited Jurisdiction association to draft a form order for use by individual justice courts across the State. A copy of the order each individual justice court should use in implementing Directive 008 is attached.

The order makes provision for the justice courts to reject certain filings—a provision deemed necessary for them to efficiently implement Directive 008. To the limited extent this provision creates a conflict with NJCRCP 5(d) and (e), the latter are suspended.

The Clerk of the Court shall file this order in ADKT 554 and serve it on all the justice courts in the Nevada. This order shall remain in effect for the duration of the declared emergency or until modified or rescinded, whichever occurs earlier.

Dated this 31ST day of March, 2020



Chief Justice Kristina Pickering

cc: Administrative Office of the Courts
 All District Court Judges
 All Justices of the Peace
 All Municipal Court Judges
 Nevada State Bar
 Clark County Bar Association
 Washoe County Bar Association
 First Judicial District bar Association
 Elko County Bar Association
 Douglas County Bar Association

1 IN THE JUSTICE COURT OF _____ TOWNSHIP

2 COUNTY OF _____, STATE OF NEVADA

3
4 IN THE ADMINISTRATIVE MATTER OF:

5 _____ JUSTICE COURT'S RESPONSE ADMINISTRATIVE ORDER 2020-
6 TO CORONAVIRUS DISEASE (COVID-19)
7

8 WHEREAS, on March 12, 2020, Governor Steve Sisolak declared a state of emergency
9 in Nevada in response to the recent outbreak of the Coronavirus Disease (COVID-19);

10 WHEREAS, on March 29, 2020, Governor Sisolak issued Emergency Directive 008
11 staying certain evictions and lockouts;

12 WHEREAS, the Chief Judge of the _____ Justice Court has the
13 authority pursuant to NRS 4.157(c) to make administrative decisions pertaining to the business
14 of the Court;

15 WHEREAS, the Chief Justice of the Nevada Supreme Court is the administrative head
16 of the court system pursuant to Nev. Const. Art. 6, Sec. 19; and

17 WHEREAS, given the severity of the risk posed to the public by COVID-19, pursuant
18 to the requirements of Emergency Directive 008, and after consultation with Nevada Supreme
19 Court Chief Justice Kristina Pickering, the Chief Judge of the _____
20 Justice Court has determined that alterations to court procedures are necessary for the
21 protection of the community.

22 AND GOOD CAUSE BEING SHOWN,

23 IT IS HEREBY ORDERED effective immediately, the _____
24 Justice Court shall stay the consideration of all eviction and foreclosure matters with the
25 exception of the emergency applications and excluded matters described below.

EVICTIION AND FORECLOSURE MATTERS THAT ARE STAYED

The Court hereby stays consideration of the following matters:

1. NRS 40.250 Possession After Expiration of Term
2. NRS 40.251 No Cause Evictions
3. NRS 40.253 Evictions for Non-Payment of Rent
4. NRS 40.2516 Breach of Contract
5. NRS 40.254 Evictions for Other than Non-Payment of Rent Except Tied to an
Emergency Matter as Set Forth Below
6. NRS 40.255 Removal of Persons Holding Over
7. NRS 40.300 Writs of Restitution
8. NRS 118B.190 Mobile Home Notice of Termination
9. NRS 118C.200 Exclusion of Commercial Tenants

Staying consideration of these matters means that through the end of the stay, the Court will not accept complaints for summary eviction or unlawful detainer, hold hearings, rule upon, or issue dispositive orders or writs of restitution for the matters listed above. Consistent with the Governor's Emergency Directive and the Supreme Court's stay of Rule 5(d) and (e) of the Nevada Justice Court Rules of Civil Procedure, the Court will reject any complaints for summary eviction or unlawful detainer that do not constitute an emergency stemming from threats by a tenant or resident to public health, criminal activity, or significant damage to property, as set forth below. The Court interprets Section 4 of Emergency Directive 008 to require a stay or continuance of any non-emergency matters in progress but not completed as of March 29, 2020.

Consistent with the Governor's Directive and Guidance, nothing in this Order shall prevent a tenant who is able to pay all or some of the rent due from paying that rent in a timely manner or relieve a tenant of liability for unpaid rent.

1 **EMERGENCY EVICTION MATTERS TO BE HEARD**

2 During the period of the stay, the Court shall only consider unlawful detainer cases,
3 including summary evictions, stemming from threats by a tenant or resident to the public
4 health, criminal activity, or significant damage to property as set forth in Sections 1 and 5 of
5 Emergency Directive 008. The Court will not consider an action to be a qualifying emergency
6 unless the complaint or other application sets forth specific facts establishing that it falls within
7 those sections of Emergency Directive 008. That an individual has tested positive for COVID-
8 19 or has potentially been exposed to the novel coronavirus that causes COVID-19 does not
9 serve as the basis for establishing that a tenant or a resident seriously endangers the safety of
10 others.

11 **TENANT MATTERS TO BE HEARD**

12 Tenants shall continue to be able to file complaints and motions concerning the status
13 and conditions of their tenancy. Those include but are not limited to:

- 14 1. NRS 118A.242 Motion for Failure to Return Deposit
15 2. NRS 118A.390 Complaint for Expedited Relief for Illegal Lockouts
16 3. NRS 118A.390 Complaint for Failing to Provide Essential Services
17 4. NRS 118A.310 & .520 Motion Contesting Personal Property Lien
18 5. NRS 118A.460(3) & Motion to Retrieve Essential Items
19 NRS 40.253(9)
20 6. NRS 118C.210 Commercial Tenant Complaint for Reentry

21 **OTHER MATTERS NOT INCLUDED IN STAY**

22 This Order does not otherwise limit or affect proceedings that are the consequence of a
23 tenant or occupant's criminal conduct causing their removal from the premises including:

- 24 1. NRS 40.412 Retaking of Possession Due to Housebreaking or
 Unlawful Occupancy
25 2. NRS 40.414 Complaints for Forcible Entry or Forcible Detainer

1 3. NRS 40.416 Verified Complaint for Reentry

2 4. NRS 205.081-.082 Unlawful Entry or Occupancy of Vacant Dwelling

3 **COURTHOUSE ACCESS RESTRICTIONS AND FILINGS**

4 The COVID-19 pandemic has led this Court to limit access to the courthouse and
5 prohibit most in-person filings and appearances. Current information about the building
6 restrictions and how to file documents by mail, email, or electronically can be obtained by
7 visiting the Court's website: _____,
8 by email: _____, or
9 by calling: _____.

10 This Order takes effect immediately. It replaces and extends any eviction and
11 foreclosure stay orders currently in effect. It shall continue until the March 12, 2020,
12 Declaration of Emergency terminates, expires, or Emergency Directive 008 is rescinded by
13 order of the Governor or modified or rescinded by a subsequent order, whichever occurs
14 earlier.

15 IT IS SO ORDERED.

16 Dated this _____ day of March 2020.

17
18
19 _____
20 Kristina Pickering
21 Chief Justice
22 Nevada Supreme Court

23 Judge _____
24 Chief Justice of the Peace
25 _____ Justice Court