IN THE SUPREME COURT OF THE STATE OF NEVADA

FILED

MAR 31 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

IN RE CORONAVIRUS GOVERNOR'S EMERGENCY DIRECTIVE 008

AO-0012

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.

20-13504 20-12363

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 This order shall remain in effect for the duration of the declared emergency or until modified or rescinded, whichever occurs earlier.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

IN THE JUSTICE COURT OF _____ TOWNSHIP

COUNTY OF _____, STATE OF NEVADA

IN THE ADMINISTRATIVE MATTER OF: _____ JUSTICE COURT'S RESPONSE TO CORONAVIRUS DISEASE (COVID-19)	**ADMINISTRATIVE ORDER 2020-__**

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

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

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

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

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

AND GOOD CAUSE BEING SHOWN,

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

EVICTION 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.

EMERGENCY EVICTION MATTERS TO BE HEARD

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

TENANT MATTERS TO BE HEARD

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

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

OTHER MATTERS NOT INCLUDED IN STAY

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

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

3. NRS 40.416 Verified Complaint for Reentry

4. NRS 205 081- 082 Unlawful Entry or Occupancy of Vacant Dwelling

COURTHOUSE ACCESS RESTRICTIONS AND FILINGS

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

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

IT IS SO ORDERED.

Dated this _____ day of March 2020.

_____
Kristina Pickering
Chief Justice
Nevada Supreme Court

_____
Judge _____
Chief Justice of the Peace
_____Justice Court