

VIRGINIA TOWNSHIP
JUSTICE COURT
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6 IN THE JUSTICE COURT OF VIRGINIA TOWNSHIP
7 COUNTY OF STOREY, STATE OF NEVADA
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9 IN THE ADMINISTRATIVE MATTER OF:
10 VIRGINIA TOWNSHIP JUSTICE COURT'S RESPONSE
11 TO CORONAVIRUS DISEASE (COVID-19)

ADMINISTRATIVE ORDER 2020-04

12
13 On March 12, 2020, Governor Steve Sisolak declared a state of emergency in Nevada in
14 response to the recent outbreak of the Coronavirus Disease (COVID-19). On March 29, 2020,
15 Governor Sisolak issued Emergency Directive 008 staying certain evictions and lock-outs. On
16 June 26, 2020, by signing Directive 025, Governor Sisolak issued amendments to Emergency
17 Directive 008. On August 31, 2020, by signing Directive 031, Governor Sisolak issued
18 additional amendments in relation to evictions. On October 6, 2020, the Nevada Supreme
19 Court in Case No. ADKT 0567 entered an *Order Adopting the Temporary Residential Summary*
20 *Eviction Mediation Rules* which took effect on October 15, 2020, and created a mediation
21 program for summary eviction cases that are filed pursuant to NRS 40.253.

22 On December 14, 2020, by signing Directive 036, Governor Sisolak issued additional
23 amendments in relations to evictions;

24 The Judge of the Virginia Township Justice Court has the authority pursuant to NRS
25 4.157(c) to make administrative decisions pertaining to the business of the Court. Given the
severity of the risk posed to the public by COVID-19, pursuant to the requirements of

1 Emergency Directive 008, the amendments set forth in Directive 025, Directive 031, and
2 Directive 036, the Judge of the Virginia Township Justice Court has determined that
3 alterations to court procedures are necessary for the protection of the community.

4 AND GOOD CAUSE BEING SHOWN,

5 IT IS HEREBY ORDERED:

6 Except as otherwise provided for in Directive 36, effective 12:01 a.m., on
7 December 15, 2020, through the duration the Directive shall be in effect, the following
8 residential unlawful detainer or summary eviction actions (Covered Evictions) against Covered
9 Person are stayed:

10 (1) Actions based on continued possession after the termination of the lease
11 agreement pursuant to the contractual terms of the lease agreement and for which the
12 tenant is in default on rent;

13 (2) Actions pursuant to NRS 40.251, other than NRS 40.251(1)(a)(3), NRS
14 40.251(1)(b)(2), NRS 40.251(1)(c)(1), NRS 40.251(1)(d), and NRS 40.250, through summary
15 eviction pursuant to NRS 40.254 and for which the tenant is in default on rent;

16 (3) Actions based upon nonpayment of rent pursuant to NRS 40.2512, NRS
17 118B.200(1)(a), and NRS 40.290 to NRS 40.420 inclusive; or

18 (4) Actions through summary eviction based upon nonpayment of rent pursuant to
19 NRS 40.253.

20 A Covered Person may seek the protection of Directive 036 by providing the landlord
21 with a Covered Person Declaration. This provision may also be satisfied by CDC declarations
22 previously provided to a landlord.

23 With certain exceptions set forth in Sections 5 and 6 of Directive 036, upon receipt of a
24 Covered Person Declaration, no lockout, notice to vacate, notice to pay or quit, eviction, or
25 other proceeding related to a Covered Eviction action may be initiated against the tenant.

1 Actions related to a Covered Eviction that are currently pending in a court shall be
2 stayed until after the expiration of Directive 036 if the tenant presents to the court, or the
3 evidence shows that the tenant previously presented to the landlord, a Covered Person
4 Declaration. In such cases, the landlord may apply for an exception from this stay pursuant to
5 Section 5 or 6 of Directive 036.

6 A landlord may challenge the tenant's eligibility by providing notice required for the
7 Covered Eviction pursuant to NRS 40.280, along with a notice to the tenant that the landlord
8 is challenging the tenant's Covered Person Declaration.

9 A tenant may establish or re-establish eligibility to be a Covered Person by presenting
10 any evidence supporting his or her eligibility by including it in or attaching it to a tenant's filed
11 sworn declaration or affidavit contesting the notice of eviction; testimony at any hearing or
12 appearance in court; or by any other manner authorized by the court.

13 When filing a complaint, or when filing an appropriate motion or request if a
14 proceeding is already pending, the landlord must include a copy of the tenant's Covered
15 Person Declaration and evidence which demonstrates that the tenant does not meet one or
16 more of the Covered Person criteria.

17 A challenge may be deemed frivolous if the landlord files the complaint without a good
18 faith basis to believe that the tenant does not meet the Covered Person criteria, or files a
19 complaint without supporting evidence. The court may sanction landlords filing frivolous
20 challenges.

21 A landlord may seek an exemption for Directive 036 by providing notice required for
22 Covered Eviction pursuant to NRS 40.280, along with a notice to the tenant that the landlord
23 is seeking an exemption due to risk of foreclosure.

24 A landlord may request an exemption from the Directive 036 provisions by filing with
25 the court a complaint, or if a proceeding is already pending, an appropriate motion or request,
and evidence which demonstrates that the landlord faces a realistic threat that the leased

1 property will be foreclosed upon before the expiration of Directive 036 unless the landlord is
2 able to evict the tenant.

3 If the court finds that the landlord has demonstrated a realistic threat that the leased
4 property will be foreclosed upon before the expiration of Directive 036, the action is exempt
5 from the Directive 036 provisions.

6 Execution of eviction orders not covered by Section 3 of Directive 036 that have been
7 issued by a court and stayed pursuant to the CDC Order may resume upon expiration of the
8 CDC Order. All eviction orders within the purview of Section 3 of Directive 036 shall be stayed
9 for the duration of Directive 036. Prior to the resumption of execution of these orders upon
10 expiration of the CDC Order, the sheriff must re-post the order prior to conducting a lock-out.

11 Eviction orders that have been issued by a court and have not been stayed pursuant to
12 the CDC Order due to the lack of evidence that the tenant invoked protection of the CDC
13 Order are exempt from the provisions of Directive 036.

14 In addition to any other civil remedies in NRS Chapter 40 and NRS Chapter 118A, a
15 violation of the provisions of Directive 036 constitutes the use of coercion, duress, or
16 intimidation in a transaction pursuant to NRS 598.0923(4).

17 The provisions of this Order pursuant to Governor Sisolak's Directive 036 shall remain
18 in effect until March 31, 2021, at 11:59 p.m., unless sooner amended or terminated by a
19 subsequent Directive

20 IT IS SO ORDERED.

21 Dated this 15th day of December, 2020.

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23 _____
24 E.F. Herrington
25 Justice of the Peace
Virginia Township Justice Court