DECLARATION OF EMERGENCY DIRECTIVE 031

WHEREAS, in late 2019, the United States Centers for Disease Control and Prevention began monitoring an outbreak of respiratory illness caused by a novel coronavirus first identified in Wuhan, Hubei Province, China; and

WHEREAS, on February 11, 2020, the International Committee on Taxonomy of Viruses named this novel coronavirus "severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);" and

WHEREAS, on February 11, 2020, the World Health Organization named the disease caused by SARS-CoV-2, "COVID-19:" and

WHEREAS, the World Health Organization advises that the novel coronavirus that causes COVID-19 virus is highly contagious, and spreads through respiratory transmission, and direct and indirect contact with infected persons and surfaces; and

WHEREAS, the World Health Organization advises that transmission occurs through both droplet and airborne transmission, where droplet transmission occurs when a person is in close proximity to someone who is infected with COVID-19; and

WHEREAS, the World Health Organization advises that contact transmission occurs by direct contact with infected people or indirect contact with surfaces contaminated by the novel coronavirus; and

WHEREAS, on March 5, 2020, Clark County and Washoe County both reported the first known cases of COVID-19 in the State of Nevada; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a pandemic; and

WHEREAS, on March 12, 2020, I, Steve Sisolak, Governor of the State of Nevada issued a Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic; and

WHEREAS, on March 13, 2020, Donald J. Trump, President of the United States declared a nationwide emergency pursuant to Sec. 501 (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act''); and

WHEREAS, on March 14, 2020, I formed a medical advisory team to provide medical guidance and scientifically based recommendations on measures Nevada could implement to better contain and mitigate the spread of COVID-19; and

WHEREAS, infectious disease and public health experts advised that minimizing interpersonal contact slows the rate at which the disease spreads, and is necessary to avoid overwhelming healthcare systems, commonly referred to as "flattening the curve"; and

WHEREAS, since the Match 12, 2020 Declaration of Emergency, I have issued 30 Directives pursuant to that order to provide for the safety, wellbeing, and public health of Nevadans and the administration of the State of Nevada; and

WHEREAS, these Directives were promulgated to reduce interpersonal contact and promote social distancing to flatten the curve; and

WHEREAS, many tenants in Nevada have been directly or indirectly impacted by the economic impact of the COVID-19 pandemic, and as a result, those tenants and lenders have been unable to stay current on rental or mortgage payments for their homes and/ or businesses; and

WHEREAS, many landlords have been directly or indirectly impacted by the economic fallout of the COVID-19 pandemic, and as a result, those landlords have been unable to collect rental or mortgage payments on residential and commercial properties; and

WHEREAS, on March 29, 2020, I issued Directive 008, to ensure the safety of Nevadans and businesses; and

WHEREAS, on June 25, 2020, I issued Directive 025 which initiated a phased approach to lifting the restrictions provided in Directive 025; and

WHEREAS, on August 7, 2020, I signed SB1 of the 32nd Special Session of the Nevada Legislature into law; and

WHEREAS, SB1 provides that Nevada courts could establish by rule an expedited program of alternate dispute resolution concerning evictions; and

WHEREAS, SB1 provides that eviction proceedings pursuant to that Act may be stayed for not more than 30 days to facilitate the implementation of the alternative resolution dispute program; and

WHEREAS, NRS 2.160 provides that the Supreme Court may promulgate rules that go into effect no sooner than 60 days after entry of an order adopting such rules; and

WHEREAS, provisions of Directive 008 and Directive 025 are set to expire on August 31, 2020 at 11:59 prior to the implementation of SB1; and

WHEREAS, on August 27, 2020, the Federal Housing Finance Agency (FHFA) announced that Fannie Mae and Freddie Mac will extend the moratoriums on single-family foreclosures and real estate owned evictions until at least December 31, 2020; and

WHEREAS, FHPA Director Mark Calabria said the extension of the moratorium was "to help keep borrowers in their homes during the pandemic"; and

WHEREAS, as of August 31, 2020, 69,228 Nevadans have been infected with the COVID-19 disease; and

WHEREAS, as of August 31, 2020, 1,305 Nevadans have died from the COVID-19 disease; and

WHEREAS, as of August 31, 2020, Nevada is still above the World Heath Organization daily positivity infection rate of 5.0% with a 9.1 % daily positivity rate for COVID-19; and

WHEREAS, the resumption of eviction proceedings prior to the implementation of an alternative resolution dispute program pursuant to SB1 is anathema to the wishes of the Nevada Legislature; and

WHEREAS, as of August 31, 2020, Nevada courts require in-person filing and participation for eviction proceedings; and

WHEREAS, a sudden influx of persons in Nevada's courts will increase opportunities for transmission of the novel coronavirus that causes COVID-19; and

WHEREAS, Nevada's Chief Medical Officer and public health experts advise against large indoor gatherings where social distancing may not be feasible; including justice courts where crowds may gather if the volume of eviction cases increases significantly and there are no effective means for tenants to electronically file and participate in a court hearing; and

WHEREAS, the Chief Medical Officer and public health experts advise that individuals who are experiencing homelessness have an increased vulnerability to COVID-19 exposure and have less access to adequate medical care; and

WHEREAS, as of August 31, 2020, there is no cure or vaccine for the COVID-19 disease; and

WHEREAS, NRS 414.060 outlines powers and duties delegated to the Governor during the existence of a state of emergency, including without limitation, directing and controlling the conduct of the general public and the movement and cessation of movement of pedestrians and vehicular traffic during, before and after exercises or an emergency or disaster, public meetings or gatherings; and

WHEREAS, Article 5, Section 1 of the Nevada Constitution provides: "The supreme executive power of this State, shall be vested in a Chief Magistrate who shall be Governor of the State of Nevada;" and

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of Nevada and the United States, and pursuant to the March 12, 2020, Emergency Declaration,

IT IS HEREBY ORDERED THAT:

SECTION 1:	The provisions of Directive 008 and Directive 025 set to expire on August 31, 2020 at 11:59 p.m. are hereby terminated. Effective August 31, 2020 at 11:59 p.m. through October 14, 2020 at 11:59 p.m., the initiation of a nonpayment of rent summary eviction action by service of a pay or quit notice pursuant to NRS 40.253 shall be prohibited.
SECTION 2:	A violation of the provisions of this Directive constitutes the use of coercion, duress, or intimidation in a transaction pursuant to NRS 598.0923(4).
SECTION 3:	The Supreme Court of Nevada may exercise its inherent authority as a separate branch of government to waive the provision of NRS 2.120 requiring 60 days between the notice of entry of new rules and its implementation for the purpose of adopting new rules to implement SB1.

EMERGENCY DECLARATION DIRECTIVE 031 HEREBY ORDERS:

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 31st day of August, in the year two thousand twenty.

Governor of the State of Nevada

Barbara K. Cegavske

Secretary of State

Deputy Secretary of State

[Guidance for Tenants and Landlords under Directive 031 - FAQs]

[Guía para Inquilinos y Arrendadores bajo la Directiva 031 – Preguntas Frecuentes]

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