DECLARATION OF EMERGENCY DIRECTIVE 025

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(6) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"); and

WHEREAS, the World Health Organization (WHO) and United States Centers for Disease Control and Prevention (CDC) have advised that there is a correlation between density of persons gathered and the risk of transmission of COVID-19; and

WHEREAS, *close proximity to other persons is currently contraindicated by public health and medical best practices to combat COVID-19; 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, NRS 414.070 outlines additional powers delegated to the Governor during the existence of a state of emergency, including without limitation, enforcing all laws and regulations relating to emergency management and assuming direct operational control of any or all forces, including, without limitation, volunteers and auxiliary staff for emergency management in the State; providing for and compelling the evacuation of all or part of the population from any stricken or threatened area or areas within the State and to take such steps as are necessary for the receipt and care of those persons; and performing and exercising such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, the Nevada Attorney General opined in Opinion Number 57-336 that "[t]here can be no question but that the Legislature intended to give to the Governor the broadest possible powers consistent with constitutional government in a time of dire emergency"; and

WHEREAS, I ordered a closure of nonessential businesses and Nevada's public and charter schools that, in addition to adverse economic conditions resulting from the COVID-19 pandemic, is negatively impacting financial stability of a significant number of individuals, families, and businesses statewide, hindering the ability of Nevadans and businesses to make timely mortgage or rent payments; and

WHEREAS, stability in housing is essential for all Nevadans to abide by social distancing recommendations that aid in containing the spread of COVID-19; and

WHEREAS, removal of Nevadans from their homes by foreclosure or eviction increases vulnerability to transmission of COVID-19, which in turn increases the general public health risk resulting from spread of COVID- 19; and

WHEREAS, efforts to treat, prevent, or reduce the spread of COVID-19 may make it medically necessary and reasonable to require individuals to remain in isolation or quarantine at their homes or otherwise remain

reasonable to require individuals to remain in isolation or quarantine at their homes or otherwise remain indoors; and

WHEREAS, to avoid serious health, safety, welfare, and financial consequences that may result from the eviction, foreclosure or other removal of Nevadans and businesses from their homes or establishments during this emergency, it is reasonable and necessary to suspend eviction and foreclosure actions or proceedings related to residential and commercial real property in Nevada; and

WHEREAS, on March 18, 2020, the President of the United States announced the Department of Housing and Urban Development, in an effort to provide immediate relief to renters and homeowners, will temporarily suspend all foreclosures and evictions, and at least nine other states around the nation having taken similar actions as of March 25,2020; and

WHEREAS, on March 25, 2020, the United States Congress passed an aid-package that is intended to provide substantial economic assistance to businesses, individuals, and families throughout the nation, and a temporary suspension of eviction and foreclosure actions or proceedings will give Nevadans and businesses facing financial hardship resulting from the COVID-19 pandemic a grace period to obtain financial assistance made available through this extensive aid-package, as well as others, while allowing them to maintain essential stability in housing and business establishments; and

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

WHEREAS, On May 28, 2020, to ensure the safety of Nevadans, I continued lifting the restrictions for an orderly opening of the State through phases; 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, keeping tenants in their homes and ensuring landlords receive payment for delinquent rental amounts are equally important goals; and

WHEREAS, tools like the Lease Addendum and Promissory Note for Rental Arrearages Due to COVID-19 ("Lease Addendum/Promissory Note") provide a means for residential landlords and tenants directly or indirectly impacted by the economic impact of COVID-19 pandemic to resolve payment defaults without court action; and

WHEREAS, entering into voluntary repayment agreements without legal action will provides a means of satisfaction of debts without overburdening and overwhelming the Nevada judicial system; 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;''

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:	All residential landlords as defined by NRS 118A.100, and tenants are strongly encouraged to use the attached form Lease Addendum/Promissory Note for Rental Arrearages Due to COVID-19, to cure rental payment defaults of the original lease agreement, whether written or oral, as contemplated by Section 7 of Directive 008. Entering into this Lease Addendum/Promissory Note is voluntary. Negotiated payment amounts should be made in good faith, be reasonable under the totality of the circumstances, and consider the tenant's ability to pay. For the purposes of this section, the term "residential landlords" shall include property managers.
SECTION 2:	All landlords of manufactured home lots, as defined by NRS 118B.014, and tenants are also strongly encouraged to enter into a voluntary repayment agreement for defaults in rental payments related to COVID-19. Negotiated payment amounts should be made in good faith, be reasonable under the totality of the circumstances, and consider the tenant's ability to pay. For the purposes of this section, the term "landlords" shall include property managers.
	All commercial landlords, as defined by NRS 118C.060, and tenants are also strongly

SECTION 3:	encouraged to enter into a voluntary repayment agreement for defaults in rental payments related to COVID-19. For the purposes of this section, the term "commercial landlords" shall include property managers.
SECTION 4:	Where landlords and tenants have entered into a repayment agreement as encouraged by Sections 1, 2, or 3 of this Directive, such landlords shall cease any eviction proceeding for nonpayment of rent initiated prior to entering into such repayment agreement and/or dismiss any summary eviction complaint for nonpayment of rent filed prior to entering into such repayment agreement.
SECTION 5:	Section 1 of Directive 008, is hereby amended to authorize limited residential summary eviction actions, as follows: All summary eviction notices to vacate served prior to March 30, 2020, in which a tenant has not filed an answering affidavit, shall be deemed stale and void. All summary eviction notices that were served from March 30, 2020 to the effective date of this Directive in violation of Directive 008 shall be deemed void. To ensure reasonable notice and an opportunity to respond, all stale and/or void notices to vacate must be re-served in accordance with NRS 40.280. The following summary eviction actions may be initiated or re-initiated with new service, effective July 31, 2020 at 11:59pm. 1. Summary eviction actions based on continued possession after the expiration of the lease term, pursuant to NRS 40.250. This is not intended to be used as a subterfuge for a nonpayment of rent basis and courts should be wary of such abuse of this authorization. 2. Summary eviction actions for a tenant at will, pursuant to NRS 40.251(1)(a)(3). This is not intended to be used as a subterfuge for a nonpayment of rent basis and courts should be wary of such abuse of this authorization. 3. Summary eviction actions based on assignment or subletting contrary to lease; waste; unlawful business; nuisance; and violations of controlled substance laws, pursuant to NRS 40.2514. 4. Summary eviction actions based on tenant's failure to perform a lease condition or covenant, pursuant to NRS 40.2516. This is not intended to include failure to pay rental arrearages that have not been resolved by the use of the encouraged Lease Addendum/Promissory Note set forth in Section 1. However, it is intended to include defaults in negotiated payments that have been resolved by the use of the encouraged Lease Addendum/Promissory Note as set forth in Section 1.
SECTION 6:	Section 3 of Directive 008, which prohibits residential landlords from charging any late fees or penalties for any nonpayment under the terms of a lease or rental agreement, will terminate on August 31, 2020 at 11:59pm for prospective late rental payments only. This shall not be retroactively applied to late rental payments from March 30, 2020 to August 31, 2020.
SECTION 7:	Section 5 of Directive 008, which stays residential summary eviction actions currently being adjudicated by a court is hereby amended to allow the court to proceed with a summary eviction hearing under the following timeline. "Actions currently being adjudicated by a court" is intended to include all summary evictions actions in which the tenant has filed an answering affidavit. The following summary eviction actions currently being adjudicated by a court may proceed, effective July 31, 2020 at 11:59pm: 1. Summary eviction actions based on continued possession after the expiration of the lease term, pursuant to NRS 40.250. 2. Summary eviction actions for a tenant at will, pursuant to NRS 40.251(1)(a)(3). 3. Summary eviction actions based on assignment or subletting contrary to lease; waste; unlawful business; nuisance; and violations of controlled substance laws, pursuant to NRS 40.2514. 4. Summary eviction actions based on tenant's failure to perform a lease condition or covenant, pursuant to NRS 40.2516. The following summary eviction actions currently being adjudicated by a court may proceed, effective August 31, 2020 at 11:59pm: 1. Residential summary evictions actions based upon no cause pursuant to NRS 40.251. 2. Residential summary eviction actions based upon nonpayment of rent pursuant to NRS 40.253.
SECTION 8:	Section 1 of Directive 008, which stays all lockouts, is hereby amended to authorize landlords of commercial premises to proceed as authorized by NRS 118C.200, effective June 30, 2020 at 11:59pm.

SECTION 9:	Section 1 of Directive 008, which prohibits a commercial landlord from issuing a notice to vacate, notice to pay or quit, or initiating eviction proceedings, or a commercial lender from commencing foreclosure proceedings is hereby amended as follows: 1. All summary eviction notices to pay or quit pursuant to NRS 40.2542 served prior to March 30, 2020, in which a tenant has not filed an answering affidavit, are deemed stale and void. All summary eviction notices to pay or quit pursuant to NRS 40.2542 that were served from March 30, 2020 to the effective date of this Directive in violation of Directive 008 are deemed void. To ensure reasonable notice and an opportunity to respond, all stale and/or void notices to vacate must be re-served in accordance with NRS 40.280. 2. Landlords of commercial premises may initiate or reinitiate summary eviction notices to pay or quit pursuant to NRS 40.2542, effective June 30, 2020 at 11 :59pm. 3. Landlords of commercial premises may initiate unlawful detainer actions pursuant to NRS 40.290-40.420, inclusive, effective June 30, 2020 at 11:59pm. 4. Commercial lenders may commence foreclosure proceedings effective June 30, 2020 at 11:59pm.
SECTION 10:	Section 3 of Directive 008, which prohibits commercial landlords or lenders from charging any late fees or penalties for any nonpayment under the terms of a lease or rental agreement or mortgage, is hereby terminated effective June 30, 2020 at 11 :59pm for prospective late rental payments only. This shall not be retroactively applied to late rental payments from March 30, 2020 to June 30, 2020.
SECTION 11:	Section 5 of Directive 008, which stayed commercial eviction actions or commercial foreclosure actions currently being adjudicated by a court is hereby amended to allow the court to proceed with a summary eviction hearing, order to show cause hearing seeking a temporary writ of restitution, or unlawful detainer trial, as applicable, under the following timeline. "Actions currently being adjudicated by a court" is intended to include all commercial summary evictions actions in which the tenant has filed an answering affidavit and all commercial unlawful detainer actions brought pursuant to NRS 40.290 to 40.420, inclusive, in which a complaint was filed prior to March 30, 2020. 1. Commercial summary eviction actions currently being adjudicated by a court based upon nonpayment of rent pursuant to NRS 40.2542 may proceed, effective June 30, 2020 at 11:59pm. 2. Commercial unlawful detainer actions currently being adjudicated by a court may proceed, effective June 30, 2020 at 11 :59pm. 3. Commercial foreclosure actions current being adjudicated by a court may proceed effective June 30, 2020 at 11:59pm.
SECTION 12:	Section 1 of Directive 008, is hereby amended to authorize unlawful detainer actions for other than commercial tenancies, as follows: For all unlawful detainer actions brought pursuant to NRS 40.290 to 40.420, inclusive, in which the complaint was not filed prior to March 30, 2020, previously served notices to vacate or terminate lease agreements are deemed stale and void. All notices to vacate or terminate lease agreements served between March 30, 2020 and the effective date of this Directive in violation of Directive 008 shall be deemed void. To ensure reasonable notice and an opportunity to respond, all stale and/or void notices must be re-served in accordance with NRS 40.280. The following unlawful detainer actions may be initiated or re-initiated with new service, effective June 30, 2020 at 11:59pm: 1. Unlawful detainer actions seeking termination of a rental or lease agreement for a manufactured home lot in a manufactured home park based on grounds set forth in NRS 118B.200(1)(b)-(g). 2. Unlawful detainer actions for possession pursuant to NRS 40.255(1)-(4). The following unlawful detainer actions may be initiated or re-initiated with new service, effective July 31, 2020 at 11:59pm: 1. Unlawful detainer actions seeking termination of a rental or lease agreement for a manufactured home lot in a manufactured home park based on grounds set forth in NRS 118B.200(1)(a). 2. Unlawful detainer actions seeking possession of the premises or damages pursuant to NRS 40.250, NRS 40.251(1)(a)(3), NRS 40.2514 and NRS 40.2516.

SECTION 13:	Section 3 of Directive 008, which prohibits manufactured home park landlords from charging any late fees or penalties for any nonpayment under the terms of a lease or rental agreement, will terminate on July 31, 2020 at 11:59pm for prospective late rental payments only. This must not be retroactively applied to late rental payments from March 30, 2020 to July 31, 2020.
SECTION 14:	Section 5 of Directive 008, which stays unlawful detainer actions for other than commercial tenancies currently being adjudicated by a court is hereby amended to allow the court to proceed with an order to show cause hearing seeking a temporary writ of restitution or unlawful detainer trial, as applicable, under the following timeline. "Actions currently being adjudicated by a court" is intended to include all unlawful detainer actions brought pursuant to NRS 40.290 to 40.420, inclusive, in which a complaint was filed prior to March 30, 2020. The following unlawful detainer actions currently being adjudicated by a court may proceed, effective June 30, 2020 at 11:59pm: 1. Unlawful detainer actions for possession pursuant to NRS 40.255(1)-(4). 2. Unlawful detainer actions seeking termination of a rental or lease agreement for a manufactured home lot in a manufactured home park based on grounds set forth in NRS 118B.200(1)(b)-(g). The following unlawful detainer actions currently being adjudicated by a court may proceed, effective July 31, 2020 at 11:59pm: 1. Unlawful detainer actions seeking termination of a rental or lease agreement for a manufactured home lot in a manufactured home park based on grounds set forth in NRS 118B.200(1)(a). 2. Unlawful detainer actions seeking possession of the premises or damages pursuant to NRS 40.250, NRS 40.251(1)(a)(3), NRS 40.2514 and NRS 40.2516.
SECTION 15:	Section 1 of Directive 008, which prohibits lockouts, is hereby further amended to terminate any moratorium on actions authorized by places of public accommodations pursuant to Chapter 651 of the Nevada Revised Statutes, effective the date this Directive is signed. An owner or keeper of any hotel, inn, motel, motor court, boardinghouse or lodging house and their occupants are also strongly encouraged to enter into a repayment agreement for defaults in payments related to COVID-19. Negotiated payment amounts should be made in good faith, be reasonable under the totality of the circumstances, and consider the occupant's ability to pay.
SECTION 16:	Should any section of this Directive, or Directive 008 conflict with any provision of the CARES Act, the provisions CARES Act shall prevail.
SECTION 17:	A violation of Directive 008 or the provisions of this Directive constitute the use of coercion, duress, or intimidation in a transaction pursuant to NRS 598.0923(4).
SECTION 18:	This Directive and Directive 008, except as modified by Sections 5-15, shall remain in effect until August 31, 2020 at 11:59pm, at which time this Directive and all remaining provisions of Directive 008 shall terminate.

Declaration of Emergency Directive 025 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 day of , in the year two thousand .

Guidance for Tenants under Directive 025 – FAQs

Guidance for Landlords and Tenants – General FAQs

Guidance for Landlords under Directive 025 – FAQs

Lease Addendum and Promissory Note for Rental Arrearages Due to COVID-19

Guidance for Commercial Properties under Directive 025 – FAQs

Directive 025 Reference Chart

Executive

Governor

Lt. Governor

Secretary of State

Attorney General

State Treasurer

State Controller

Legislature

Legislature Website

NELIS

Legislature Meetings

Find Your Legislator

Nevada State Senate

Nevada State Assembly

Alerts

Amber Alerts

Consumer Affairs

Weather Alerts

211- Service Information

511 - Road Conditions

911 - Emergency Help

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