COVID-19

Stay at Home Order still in Effect. For the latest info, visit nvhealthresponse.nv.gov.

Nevada Governor Steve Sisolak

State of Nevada

Executive Department

DECLARATION OF EMERGENCY DIRECTIVE 017 (Attachments)

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, *as of April 30, 2020, the State of Nevada Department of Health and Human Services is reporting 4,898 positive cases of COVID-19, and 237 deaths resulting from 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, *the ability for Nevadans to stay in their homes and avoid gathering in public places is essential to abide by social distancing recommendations that aid in containing the spread of 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 economic fallout of 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 timely meet financial obligations; and*

WHEREAS, *on March 25, 2020, the United States Congress passed an aid-package that is intended to provide substantial economic assistance to individuals, families and businesses throughout the nation; and*

WHEREAS, *the availability of funds for basic needs is essential for all Nevadans; and*

WHEREAS, *a temporary stay of writs of garnishment and writs of execution will give Nevadans 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; and*

WHEREAS, *these writs can result in the loss of money, personal property and real property and recovering levied money or property requires the filing of a claim of exemption with the clerk of court (with regard to earnings or wages, a claim must be filed after each withholding) and serving the same in accordance with NRS 21.075 and*

wages, a claim must be filed after each withholding) and serving the same in accordance with NRS 21.075 and 21.112, the personal service of certain documents (e.g. service and execution of writs and taking of property by Sheriff. NRS 31.060; NRS 31.270; NRS 21.110), may require hearings and therefore likely requires Nevadans to leave their homes, may result in persons being unable to recover the property if a claim of exemption is not timely filed, and increases vulnerability to transmission of COVID-19, which in turn increases the general public health risk resulting from spread of COVID-19; and

***WHEREAS,** to avoid serious health, safety, welfare, and financial consequences that may result from writs of garnishment and writs of execution, it is reasonable and necessary to temporarily stay all proceedings involving writs of garnishment and writs of execution in Nevada; 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,*

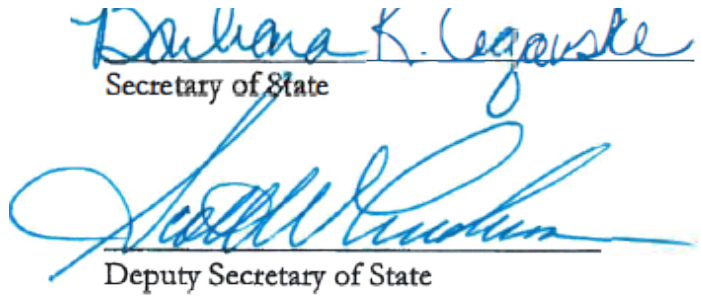
IT IS HEREBY ORDERED THAT:

SECTION 1:	All executions of all funds, including federal stimulus payments, pursuant to NRS Chapter 21, including but not limited to the issuance and service of writs of execution shall be stayed. No writs of execution pursuant to NRS 21.020 shall be issued or served.
SECTION 2:	All writs of garnishment aiding in execution pursuant to NRS Chapters 21 and 31 shall be stayed. No new writs of garnishment pursuant to NRS 21.120, NRS 31.260, and NRS 31.270 shall be issued or served.
SECTION 3:	Funds or property garnished or attached after the date of this order shall be immediately returned to the judgment debtor. The judgment debtor shall not be required to claim an exemption pursuant to NRS 21.112.
SECTION 4:	Garnishees withholding funds pursuant to a writ of garnishment shall stop such garnishments and withholdings without facing liability for failure to withhold under NRS 31.297.
SECTION 5:	The stay of garnishments and executions is not applicable to actions for, or any judgment awarding any child support owed to a parent or spousal support or any criminal restitution payable to victims.
SECTION 6:	Though setoffs may otherwise be allowed pursuant to NRS 657.140, NRS 672.650 (replacing NRS 678.650) and Chapter 104 of the NRS, setoffs from COVID-19 stimulus funds are hereby prohibited.
SECTION 7:	Garnishment and execution actions currently being adjudicated by a court shall be stayed until the state of emergency declared on March 12, 2020 terminates or expires.
SECTION 8:	After the termination or expiration of the March 12, 2020 Declaration of Emergency relating to the COVID-19 pandemic, and abatement of the financial hardships created by the COVID-19 pandemic, borrowers and lenders are encouraged to negotiate payment plans or other agreements within 30 days of the termination of this Directive to allow borrowers to cure any defaults or missed payments resulting from a financial hardship resulting from the COVID-19 pandemic.
SECTION 9:	This Directive shall remain in effect until the state of emergency declared on March 12, 2020 is terminated or unless renewed by a subsequent Directive promulgated pursuant to the March 12, 2020 Declaration of Emergency to facilitate the State's response to the COVID- 19 pandemic.

COVID-19 Declaration of Emergency Directive 017 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 30th day of April, in the year two thousand twenty.

Governor of the State of Nevada



Nevada Health Response Governor Sisolak Signs Directive to Protect Nevadans from Garnishment of COVID-19 Related Funds
5/2/2020

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

Select Language ▼

Has Met Section 508 WCAG 2.0 ADA Compliance

The Official State of Nevada Website | Copyright ©2019 State of Nevada - All Rights Reserved Privacy Policy
ADA Technology Accessibility Guidelines Web Style Standards ADA Assistance State ADA Website

Version 3.0.007