

FILED
ANTIA WHITEHEAD, CLERK
SPARKS JUSTICE COURT
APR 01 2020
By A. Whithead
DEPUTY CLERK

1 IN THE JUSTICE COURT OF SPARKS TOWNSHIP
2 COUNTY OF WASHOE, STATE OF NEVADA
3

4 IN THE ADMINISTRATIVE MATTER OF:
5 SPARKS JUSTICE COURT'S RESPONSE TO ADMINISTRATIVE ORDER 2020- 3
6 CORONAVIRUS DISEASE (COVID-19)
7

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

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

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

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

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

21 AND GOOD CAUSE BEING SHOWN,

22 IT IS HEREBY ORDERED effective immediately, the Sparks Justice Court shall stay
23 the consideration of all eviction and foreclosure matters with the exception of the emergency
24 applications and excluded matters described below.
25

1 **EVICTION AND FORECLOSURE MATTERS THAT ARE STAYED**

2 The Court hereby stays consideration of the following matters:

- 3 1. NRS 40.250 Possession After Expiration of Term
- 4 2. NRS 40.251 No Cause Evictions
- 5 3. NRS 40.253 Evictions for Non-Payment of Rent
- 6 4. NRS 40.2516 Breach of Contract
- 7 5. NRS 40.254 Evictions for Other than Non-Payment of Rent Except Tied to an
- 8 Emergency Matter as Set Forth Below
- 9 6. NRS 40.255 Removal of Persons Holding Over
- 10 7. NRS 40.300 Writs of Restitution
- 11 8. NRS 118B.190 Mobile Home Notice of Termination
- 12 9. NRS 118C.200 Exclusion of Commercial Tenants

13 Staying consideration of these matters means that through the end of the stay, the Court

14 will not accept complaints for summary eviction or unlawful detainer, hold hearings, rule upon,

15 or issue dispositive orders or writs of restitution for the matters listed above. Consistent with

16 the Governor’s Emergency Directive and the Supreme Court’s stay of Rule 5(d) and (e) of the

17 Nevada Justice Court Rules of Civil Procedure, the Court will reject any complaints for

18 summary eviction or unlawful detainer that do not constitute an emergency stemming from

19 threats by a tenant or resident to public health, criminal activity, or significant damage to

20 property, as set forth below. The Court interprets Section 4 of Emergency Directive 008 to

21 require a stay or continuance of any non-emergency matters in progress but not completed as of

22 March 29, 2020.

23 Consistent with the Governor’s Directive and Guidance, nothing in this Order shall

24 prevent a tenant who is able to pay all or some of the rent due from paying that rent in a timely

25 manner or relieve a tenant of liability for unpaid rent.

1 **EMERGENCY EVICTION MATTERS TO BE HEARD**

2 During the period of the stay, the Court shall only consider unlawful detainer cases,
3 including summary evictions, stemming from threats by a tenant or resident to the public
4 health, criminal activity, or significant damage to property as set forth in Sections 1 and 5 of
5 Emergency Directive 008. The Court will not consider an action to be a qualifying emergency
6 unless the complaint or other application sets forth specific facts establishing that it falls within
7 those sections of Emergency Directive 008. That an individual has tested positive for COVID-
8 19 or has potentially been exposed to the novel coronavirus that causes COVID-19 does not
9 serve as the basis for establishing that a tenant or a resident seriously endangers the safety of
10 others.

11 **TENANT MATTERS TO BE HEARD**

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

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

21 **OTHER MATTERS NOT INCLUDED IN STAY**

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

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

