

1 IN THE JUSTICE COURT OF DAYTON TOWNSHIP
2 IN AND FOR THE COUNTY OF LYON, STATE OF NEVADA

3 Case Number: _____

4 Owner's Name: _____

5 Landlord,

6 Vs.

**TENANT'S AFFIDAVIT IN OPPOSITION TO
SUMMARY EVICTION REGARDING
NONPAYMENT OF RENT**

7 Tenant's Name: _____

8 Address: _____

9 City, State, Zip: _____

10 Phone: _____

11 E-Mail: _____

Tenant,

12 Tenant, appearing in proper person, contests this matter pursuant to NRS 40.253 and states as follows:

13 1. I am the tenant of the rental unit located at *(insert complete address of rental unit, including city, state and zip)*:

14 2. My rent *(check one box)* is *not* is subsidized by a public housing authority or governmental agency.

15 3. I received a notice stating that I owe rent. I assert the following defenses to the notice: *(check all that apply)*:

16 a. I have a pending application for rental assistance with *(state the name of the entity where you applied)*

17 b. Landlord refused to participate in my application process for rental assistance.

18 c. I was granted rental assistance, but the Landlord refused to accept rental assistance on my behalf.

19 d. I paid my rent in full.

20 e. I presented payment of my rent in full, but Landlord refused to accept it.

21 f. Landlord accepted partial payment of my rent.

22 g. The amount Landlord is demanding in the notice includes costs or fees that are not periodic rent or late
23 fees.

24 h. Landlord is charging an unreasonable late fee, or a late fee that exceeds 5% of the amount of the periodic
25 rent.

26 i. *(To raise this defense you must deposit your rent into the court's rent escrow account.)* I gave Landlord
27 written notice describing Landlord's failure to maintain my rental unit in a habitable condition. Landlord
28 did not fix, or make a reasonable effort to fix, the habitability problem within 14 days after my notice.
Therefore, I am withholding payment of rent.

- 1 j. (To raise this defense your rent must have been current at the time you gave written notice to Landlord.) I
 2 gave Landlord written notice of an “essential services” problem at my rental unit (heat, air conditioning,
 3 running or hot water, electricity, gas, a working door lock, or other essential item or service). Landlord did
 4 not fix, or make a reasonable effort to fix, the problem within 48 hours after my notice. Therefore, I am
 5 withholding payment of rent.
- 6 k. I corrected a habitability problem at my rental unit and am deducting the cost from my rent after giving
 7 Landlord an itemized statement. I gave Landlord written notice of the habitability problem and stated my
 8 intention to repair. Landlord did not fix the problem within 14 days after my notice.
- 9 l. Landlord's notice to me did not comply with Nevada law because it:
 10 i. Was not served on me as required by NRS 40.280;
 11 ii. Did not identify the court that has jurisdiction over this case;
 12 iii. Did not notify me of my right to contest this matter by filing an affidavit with the court;
 13 iv. Did not notify me that the court may issue a summary order for my removal directing the sheriff or
 14 constable to post the order in a conspicuous place on the premises not later than 24 hours after the
 15 order is received by the sheriff or constable, and that the sheriff or constable shall remove the tenant
 16 not earlier than 24 hours but not later than 36 hours after the posting of the order;
 17 v. Did not notify me of my right to seek expedited relief if Landlord unlawfully removes or excludes
 18 me from the premises or interrupts an essential service;
 19 vi. Did not advise me of the availability of rental assistance; my right to assert an affirmative defense if I
 20 have a pending application for rental assistance or if my landlord has refused to participate or accept
 21 rental assistance, and my right to a stay if I assert that defense; my right to file a claim for wrongful
 22 eviction if my landlord tries to evict me after receiving rental assistance for any reason that existed
 23 during the period of default; or my right to a stay for mediation.
- 24 m. Landlord is discriminating against me in violation of the Federal Fair Housing Act and/or Nevada laws.
- 25 n. Landlord is retaliating against me for having engaged in certain protected acts, and Landlord is in
 26 violation of NRS 118A.510.
- 27 o. I am a tenant on property that has been foreclosed upon and sold. The new owner:
 28 i. Failed to serve me with the notice of change of ownership required by NRS 40.255(2);
 ii. Is violating NRS 40.255 by failing or refusing to grant me an additional 60 days on the property;
 iii. Is attempting to use the summary eviction procedure in violation of NRS 40.255(1), which requires
 the new owner to use the formal unlawful detainer procedure under NRS 40.290 to 40.420.

Other defense (explain below).
 (State the facts and circumstances that support the defenses you checked above:)

21 THEREFORE, I request that Landlord take nothing requested in Landlord's Affidavit/Complaint, or alternatively,
 22 for a delay in the issuance of an order for eviction.

23 *I understand that as long as the filing of this affidavit is timely, I will receive notice of hearing
 24 by e-mail and/or regular U.S. Mail.*

25 I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

26 _____
 (Date)

27 _____
 (Print your name)

28 _____
 (Sign your name)