

Case No. _____

Dept. _____

IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP
COUNTY OF NYE, STATE OF NEVADA

* * * * *

**TENANT'S AFFIDAVIT
IN OPPOSITION TO
SUMMARY EVICTION
REGARDING
NON-PAYMENT OF RENT**

_____,

Landlord(s),

vs

_____,

Tenant(s). /

Tenant, appearing in proper person, contests this matter pursuant to NRS 40.254 and states as follows:

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

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

3. I ☐ do not, or ☐ do request to mediate this issue. This request is only for residential tenants. *(Answer the following questions if you request mediation).*

a. I prefer *(check one box)* ☐ in person mediation, ☐ a telephonic mediation, or ☐ a video conference mediation.

b. The following tenants would participate in the mediation: *(check all that apply)*

☐ myself, ☐ other tenant(s) named: *(write the names of all tenants who plan to be at the mediation)* _____.

1 c. A mediator may contact me/the tenants at the following:

2 (a) Phone number: *(insert the best phone number for the mediator to reach*
3 *participants)* _____ - _____ - _____

4 (b) Email: *(insert the best email for the mediator to reach participants)* _____
5 _____

6 (c) Address: ☐ rental property address, ☐ other *(insert another address for the*
7 *mediator to mail to):* _____
8 _____

9 d. ☐ I require an interpreter in the following language: ☐ Spanish ☐ Other *(name*
10 *language)* _____

11 e. I ☐ have not ☐ have applied for rental assistance through
12 *(name the entity where you applied)* _____, and that
13 application ☐ was approved, ☐ was denied, or ☐ is pending.

14 f. I ☐ have not ☐ have previously entered into a repayment plan with my landlord to
15 pay back owed rent.

16 4. I received a notice stating that I owe rent. I disagree with this notice for the following
17 reasons *(check all that apply and provide your written explanation at end of this section):*

18 a. ☐ I paid my rent in full.

19 b. ☐ I offered to pay my rent, but Landlord refused to accept it.

20 c. ☐ Landlord accepted partial payment of my rent.

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

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

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

- 1
- 2 g. ☐ (To raise this defense, you must deposit your rent into the court's rent escrow
- 3 account.) I gave Landlord written notice of an "essential services" problem at my
- 4 rental unit (heat, air conditioning, running or hot water, electricity, gas, a working door
- 5 lock, or other essential item or service). Landlord did not fix, or make a reasonable
- 6 effort to fix, the problem within 48 hours after my notice. So, I am withholding
- 7 payment of rent.
- 8
- 9 h. ☐ I corrected a habitability problem at my rental unit and am deducting the cost from
- 10 my rent after giving Landlord an itemized statement. I gave Landlord written notice of
- 11 the Habitability problem and stated my intention to repair. Landlord did not fix the
- 12 problem within 14 days after my notice.
- 13
- 14 i. ☐ Landlord's notice did not comply with Nevada law because it:
- 15 i. ☐ Was not served on me as required by NRS 40.280;
- 16 ii. ☐ Did not identify the court that has jurisdiction over this case;
- 17 iii. ☐ Did not notify me of my right to contest this matter by filing an affidavit with
- 18 the court;
- 19 iv. ☐ Did not notify me that the court may issue a summary order for my
- 20 removal directing the sheriff or constable to post the order in a conspicuous
- 21 place on the premises not later than 24 hours after the order is received by the
- 22 sheriff or constable, and the sheriff or constable shall remove the tenant not
- 23 earlier than 24 hours but not later than 36 hours after the posting of the order;
- 24 v. ☐ Did not notify me of my right to seek expedited relief if Landlord unlawfully
- 25 removes or excludes me from the premises or interrupts an essential service.
- 26 vi. ☐ Did not advise me of the availability of an existing mediation program,
- government-sponsored rental assistance program, or advise me of the Justice
- Court's website with this information.
- j. ☐ Landlord's notice to me did not comply with the CARES Act because the rental
- unit is a "covered property" under § 4024 of the CARES Act.
- k. ☐ Landlord is discriminating against me in violation of the Federal Fair Housing Act
- and/or Nevada laws.
- l. ☐ Landlord is retaliating against me for having engaged in certain protected acts,
- and Landlord is in violation of NRS 118A.510.
- m. ☐ I am a tenant on property that has been foreclosed upon and sold. The new
- owner:
- 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;

1 iii. ☐ Is attempting to use the summary eviction procedure in violation of NRS
2 40.255(1), which requires the new owner to use the formal unlawful detainer
3 procedure under NRS 40.290 to 40.420.

4 n. ☐ I am a "covered" person under the Department of Health & Human Services
5 Centers for Disease Control and Prevention's Temporary Halt in Residential Evictions
6 to Prevent the Further Spread of COVID-19, and this eviction is not allowable under
7 that Order. 85-Fed-Reg. 173 (Sept. 4, 2020). I am filing Proof of Service of the
8 Declaration under Penalty of Perjury for the CDC's Halt in Residential Evictions.

9 o. ☐ Other defense (explain below).

10 *(State the facts and circumstances that support the defenses you checked above.)*

11 _____

12 _____

13 _____

14 _____

15 _____

16 THEREFOR, I request that Landlord take nothing requested in Landlord's Complaint.

17 *I understand that as long as the filing of this affidavit is timely, I will receive notice of mediation*
18 *and/or hearing telephonically from the court at (provide number)*
19 **and**
20 *I understand that it is my responsibility to follow-up with the court weekly,*
21 *at 775-751-7050, if I do not hear from them.*

22 I declare under penalty of perjury the laws of the State of Nevada that the foregoing is true
23 and correct.

24 _____

25 *(Date)*

26 _____

(Print Name)

(Signature)