

IN THE JUSTICE COURT OF INCLINE VILLAGE-CRYSTAL BAY, TOWNSHIP
WASHOE COUNTY, NEVADA

Landlord's
Name: _____

vs. _____
Landlord,

Case No.: _____

Dept. No: _____

Tenant's
Name: _____

Address: _____

City, State, Zip: _____

Phone: _____

E-Mail: _____

Tenant.

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

Tenant, appearing in proper person, contests this matter under NRS 40.253 as follows:

1. State the complete address of the rental unit as shown on the notice you received, including city, state, and zip code:

2. What year were you born? _____

3. Do you live on a fixed monthly income from Social Security, veteran's benefits, disability benefits, or other similar program or benefit?

☐ No. If no, are you currently employed? ☐ No / ☐ Yes

☐ Yes. If yes, what is the source of your fixed income? _____

4. Has your landlord increased your rent in the past year? ☐ No / ☐ Yes

5. Is your landlord claiming you currently owe more than two months in back rent?

☐ No / ☐ Yes

6. Did something unexpected or unforeseen happen recently that caused you to fall behind on your rent payments (for example, a large, one-time expense that surprised you, like a car repair; a sudden illness, injury, or medical event; or an unanticipated, temporary loss of income due to a job change or loss of hours)?

☐ No.

☐ Yes. If yes, what happened? _____

7. How many people live in your household? Total number of adults (over 18) _____ and total number of children (under 18) _____

8. What is the total combined monthly income of all adults in your household?

\$_____ ("Income" includes money from employment, overtime, and tips; pension and retirement; child and spousal support; government programs like Social Security and unemployment; and all other sources of income.)

9. Do you request to mediate this issue (for residential tenants only)?

☐ No.

☐ Yes. If yes, answer the following questions:

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

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

☐ Myself

☐ Other tenant(s) named (*write the names of all tenants who will attend mediation*):

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

i. Best phone number to reach participants: _____ - _____ - _____

ii. Best email to reach participants: _____

iii. Best mailing address: ☐ rental property address, ☐ other mailing address:

iv. ☐ I require an interpreter in the following language: _____

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

a. ☐ I have a pending application for rental assistance submitted to the following
organization:

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

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

d. ☐ I paid my rent in full.

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

f. ☐ Landlord accepted partial payment of my rent.

g. ☐ The rent amount demanded in the notice includes costs or fees that are not periodic
rent or late fees.

h. ☐ Landlord is charging an unreasonable late fee, or a late fee exceeding 5% of
periodic rent.

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

j. ☐ (*To raise this defense your rent must have been current at the time you gave
written notice to Landlord.*) I gave Landlord written notice of an "essential services"
problem at my rental unit (heat, air conditioning, running or hot water, electricity, gas, a
working door lock, or other essential item or service). Landlord did not fix, or make a

reasonable effort to fix, the problem within 48 hours. Therefore, I am withholding payment of rent.

- k. ☐ I corrected a habitability problem at my rental unit and am deducting the cost from my rent after giving Landlord an itemized statement. I gave Landlord written notice of the problem, and Landlord did not fix the problem within 14 days after my notice.
- l. ☐ Landlord's notice was not served on me as required by NRS 40.280, or the notice did not otherwise comply with Nevada law.
- m. ☐ Landlord is discriminating against me in violation of the Federal Fair Housing Act or Nevada law.
- n. ☐ Landlord is retaliating against me for having engaged in certain protected acts, and Landlord is in violation of NRS 118A.510.
- o. ☐ I am a tenant on property that has been foreclosed upon and sold. The new owner:
- i. ☐ Failed to give the notice of change of ownership required by NRS 40.255(2);
 - ii. ☐ Violated NRS 40.255 by failing or refusing to grant me an additional 60 days on the property;
 - iii. ☐ Is using the summary eviction procedure in violation of NRS 40.255(1), which requires the formal unlawful detainer procedure under NRS 40.290 to 40.420.
- p. ☐ Other defense (*explain below*).

(State the facts and circumstances that support the defenses you checked above:)

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

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

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

(Date) (Print your name) (Sign your name)