

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

3 Landlord's
4 Name: _____

5 vs. Landlord,

6 Tenant's
7 Name: _____

8 Address: _____

9 City, State, Zip: _____

10 Phone: _____

11 E-Mail: _____

12 Tenant.

Case No.: _____

Dept No.: _____

**TENANT'S AFFIDAVIT IN
OPPOSITION TO SUMMARY
EVICTION**

Nuisance/Waste/Assigning/Subletting/
Unlawful Business/Controlled Substance
Violation

Perform Lease Condition

Tenancy-At-Will

No Cause

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

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

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

17 3. I am not am behind on rent. *(check one box)* *(If you are behind on rent, continue with this question*
18 *and check all that apply, then complete question 4. If you are not behind on rent, move on to Page 3.)*

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

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

22 c. I have been granted rental assistance, but the Landlord refused to accept rental assistance on my
23 behalf.

24 By checking a box above indicating that I have a pending rental assistance application, or that my landlord
25 has refused to participate in my application or refused to accept rental assistance, I assert my affirmative defense for
26 a stay of my eviction case.

27 4. I DO NOT DO request to mediate this issue. *(Answer the following questions if you request mediation.)*

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

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b. The following tenants would participate in the mediation: (check all that apply) myself other
tenant(s) named: (write the names of all the tenants who plan to be at the mediation)

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

i. Phone number: (insert the best phone number for the mediator to reach participants) _____ - _____ - _____

ii. Email: (insert the best email for the mediator to reach participants) _____

iii. Address: rental property address other (insert another address for the mediator to mail to):

iv. I require an interpreter in the following language: Spanish Other (name
language) _____

1 TENANTS: Find the Question (4, 5, 6, or 7) that corresponds to the notice you
2 received and complete that section only. Then move on to Page 5.

3 **QUESTION 4: NUISANCE, WASTE, ASSIGNING/SUBLETTING, UNLAWFUL BUSINESS**

4 *(Complete this question ONLY if you received a Three-Day Notice to Quit for Nuisance/Waste/Etc.)*

5 4. I received a three-day notice pursuant to NRS 40.2514. I disagree with this notice for the following
6 reasons *(check all that apply and provide your written explanation at end of this section)*:

7 The acts Landlord describes in the notice do not meet the legal definition of "nuisance."¹

8 Other defense *(explain below)*.

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

10 _____
11 _____
12 _____

Check if attaching continuation pages

13 **QUESTION 5: LEASE VIOLATION**

14 *(Complete this question ONLY if you received a Five-Day Notice to Perform Lease Condition or Quit.)*

15 5. I received a five-day notice stating that I violated my lease agreement. I disagree with this notice for the
16 following reasons *(check all that apply and provide your written explanation at end of this section)*:

17 The conduct Landlord alleges does not violate any term of my lease agreement

18 I fixed (or "cured") the alleged violation of my lease agreement within five days after Landlord's
19 notice to me

20 Landlord's notices did not comply with Nevada law because the Notice to Perform Lease Condition
21 or Quit did not specifically identify the relevant lease provisions, the alleged violations, and what I
22 needed to do to save the lease

23 Other defense *(explain below)*

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

25 _____
26 _____
27 _____

Check if attaching continuation pages

28 ¹ NRS 40.2514(4) defines "nuisance" as "conduct or an ongoing condition which constitutes an unreasonable obstruction to the free use of property and causes injury and damage to other tenants or occupants of that property or adjacent buildings or structures" or violation of the controlled substance laws in NRS 453.011 to 453.552.

1 **QUESTION 6: "NO CAUSE"**

2 *(Complete this question ONLY if you received a Seven-Day or Thirty-Day "No Cause" Notice to Quit.)*

3 6. I received a seven-day or thirty-day notice to vacate my rental premises. I disagree with the notice for
4 the following reasons *(check all that apply and provide your written explanation at end of this section)*:

5 My lease agreement has not expired and will not expire until *(insert date)* _____.

6 My lease agreement has expired, but Landlord renewed my tenancy by accepting rent for a new
7 rental period and/or entering into a new lease agreement.

8 I received a thirty-day notice to quit and am 60 years of age or older or have a physical or mental
9 disability. I gave Landlord a written request (along with proof of my age or disability) on *(insert*
10 *date)* _____, asking to continue in possession for an additional 30 days.
11 Landlord *(check one)* approved my request on *(insert date)* _____, or
12 rejected my request,² or has not responded to my request.

13 Landlord's notices did not comply with Nevada law because the thirty-day notice did not notify me
14 of my right to request to be allowed to continue in possession for an additional 30 days as required
15 by NRS 40.251(3).

16 Other defense *(explain below)*.

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

18 _____
19 _____
20 _____

21 Check if attaching continuation pages

22 **QUESTION 7: TENANT-AT-WILL**

23 *(Complete this section ONLY if you received a Five-Day Tenancy-At-Will Notice to Quit.)*

24 7. I received a five-day notice to vacate my rental premises. I disagree with the notice for the following
25 reasons *(check all that apply and provide your written explanation at end of this section)*:

26 I am not a tenant-at-will because I pay rent to the Landlord in the amount of *(insert amount of rent)*
27 _____ per *(check one)* month, week, or other *(specify)* _____.

28 I am not a tenant-at-will because I have an agreement with my Landlord regarding the length of my
tenancy *(explain the agreement at the end of this section)*:

Other defense *(explain below)*.

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

Check if attaching continuation pages

² If Landlord rejected your written request, NRS 40.251(4) allows you to file a petition with the court asking for the additional 30 days.

TENANTS: Complete the remainder of this form (check all boxes that apply to you, date, print your name, and sign).

- 8. This action is brought in violation of the Federal Fair Housing Act or Nevada laws forbidding discrimination in housing (*explain below*).
- 9. This action is brought in violation of NRS 118A.510, which prohibits a landlord from terminating a tenancy in retaliation for a tenant having engaged in certain protected acts (*explain below*).
- 10. I am a tenant on a property that has been foreclosed upon and sold. The new owner (*check all that apply*):
 - Failed to serve me with the notice of change of ownership required by NRS 40.255(2);
 - Is violating NRS 40.255 by failing or refusing to grant me an additional 60 days on the property;
 - 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.
- 11. Landlord's notice did not comply with Nevada law because (*check all that apply*):
 - One or more of the notices was not served on me as required by NRS 40.280;
 - The Notice of Unlawful Detainer did not identify the court that has jurisdiction over this case;
 - The Notice of Unlawful Detainer did not notify me of my right to contest this matter by filing an affidavit with the court;
 - The Notice of Unlawful Detainer did not notify me of my right to request that the court stay the execution of the order for a period not exceeding 10 days.
 - This is a "designated eviction" under NRS 40 and Landlord's notice did not advise me of the availability of rental assistance; my right to assert an affirmative defense if I have a pending application for rental assistance or if my landlord has refused to participate or accept assistance, and my right to a stay if I assert that defense; my right to file a claim for wrongful eviction if landlord tries to evict me after receiving rental assistance for any reason that existed during the period of default; or my right to a stay for mediation.

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 email 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)

(Type or Print Name)

(Signature)