

VIRGINIA TOWNSHIP JUSTICE COURT  
COUNTY OF STOREY, STATE OF NEVADA

Landlord's Name: \_\_\_\_\_

vs. Landlord,

Tenant's Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Tenant.

Case No.: \_\_\_\_\_

Dept No.: \_\_\_\_\_

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

Tenant, appearing in proper person, contests this matter pursuant to NRS 40.253 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  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)*  an in-person mediation  a telephonic mediation  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 the tenants who plan to be at the mediation)*

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

a. Phone number: *(insert the best phone number for the mediator to reach participants)*  
\_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_

b. Email: *(insert the best email for the mediator to reach participants)* \_\_\_\_\_

c. Address:  rental property address  other *(insert another address for the mediator to mail to)*:  
\_\_\_\_\_

d.  I require an interpreter in the following language:  Spanish  Other  
*(language)* \_\_\_\_\_

1 e. I  have not  have applied for rental assistance through  
2 (name the entity where you applied) \_\_\_\_\_  
3 and that application  was approved  was denied  is pending.

4 f. I  have not  have previously entered into a repayment plan with my landlord to pay back  
5 owed rent.

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

8 a.  I paid my rent in full.

9 b.  I offered to pay my rent in full, but Landlord refused to accept it.

10 c.  Landlord accepted partial payment of my rent.

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

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

15 f.  (To raise this defense you must deposit your rent into the court's rent escrow account.) I gave  
16 Landlord written notice describing Landlord's failure to maintain my rental unit in a habitable  
17 condition. Landlord did not fix, or make a reasonable effort to fix, the habitability problem within  
18 14 days after my notice. So I am withholding payment of rent.

19 g.  (To raise this defense your rent must have been current at the time you gave written notice to  
20 Landlord.) I gave Landlord written notice of an "essential services" problem at my rental unit (heat,  
21 air conditioning, running or hot water, electricity, gas, a working door lock, or other essential item  
22 or service). Landlord did not fix, or make a reasonable effort to fix, the problem within 48 hours  
23 after my notice. So I am withholding payment of rent.

24 h.  I corrected a habitability problem at my rental unit and am deducting the cost from my rent  
25 after giving Landlord an itemized statement. I gave Landlord written notice of the habitability  
26 problem and stated my intention to repair. Landlord did not fix the problem within 14 days after  
27 my notice.

28 i.  Landlord's notice to me did not comply with Nevada law because it:

i.  Was not served on me as required by NRS 40.280;

ii.  Did not identify the court that has jurisdiction over this case;

iii.  Did not notify me of my right to contest this matter by filing an affidavit with the court;

iv.  Did not notify me that the court may issue a summary order for my removal directing the  
sheriff or constable to post the order in a conspicuous place on the premises not later than 24  
hours after the order is received by the sheriff or constable, and that the sheriff or constable  
shall remove the tenant not earlier than 24 hours but not later than 36 hours after the  
posting of the order;

v.  Did not notify me of my right to seek expedited relief if Landlord unlawfully removes or  
excludes me from the premises or interrupts an essential service.

vi.  Did not advise me of the availability of an existing mediation program, government-  
sponsored rental assistance program, or an electronic option for the filing of this affidavit, or  
advise me of the Justice Court's website with this information.

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

Other defense *(explain below)*.

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

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THEREFORE, I request that Landlord take nothing requested in Landlord's Affidavit/Complaint.

*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)*

\_\_\_\_\_  
*(Type or Print Name)*

\_\_\_\_\_  
*(Signature)*