

IN THE JUSTICE COURT OF _____ TOWNSHIP
IN AND FOR THE COUNTY OF _____, STATE OF NEVADA

Name: _____

Address: _____

Phone: _____

Landlord/Plaintiff

vs.

CASE NO: _____

Name: _____

Address: _____

Phone: _____

Tenant/Defendant

DEPT. NO: _____

TENANT'S AFFIDAVIT/DECLARATION
(Public or Publicly Subsidized Housing: Other than Non-Payment of Rent)

The undersigned tenant states that:

1. I am a tenant of a certain rental unit within _____
Township, _____ County, Nevada.
- _____ 2. I am a
_____ A. tenant in a conventional public housing facility.

- _____ B. tenant whose rent is subsidized by a Public Housing Authority or other governmental agency (see attached lease/rental agreement).
3. I rented the above unit from the above named landlord on or about _____, 20____ with rent due monthly or for a shorter period of time.
- _____ 4. On the _____ day of _____, 20____ I received a
- _____ A. 30-day No-Cause Termination Notice to Vacate – NRS 40.251(1)(b).
- _____ B. 7-day No-Cause Termination Notice to Vacate – NRS 40.251(1)(a)
- _____ C. 5-day Notice of Termination for Violation of Lease or Rental Agreement – NRS 40.2516.
- _____ D. 3-day Notice of Termination and Notice to Vacate for Wrongful Assignment or Subleasing, Waste, Unlawful Business, Nuisance or Violations of Controlled Substances Laws – NRS 40.2514.

DEFENSES UNDER FEDERAL LAW OR THE LEASE

- _____ 5. I did not receive notice of the alleged reasons for my eviction in violation of 24 CFR 966.4(l)(2) (conventional public housing), 24 CFR 982.310(a) (Section 8 voucher during term of tenancy) or 24 CFR 247.3 (certain HUD subsidized projects).
- _____ 6. The reasons stated in my Notice do not constitute material non-compliance with my lease or other good cause for termination of my tenancy as required by 24 CFR 966.4(l)(2) (conventional public housing), 24 CFR 982.310(a) (Section 8 voucher during term of tenancy) or 24 CFR 247.3 (certain HUD subsidized projects).

- _____ 7. The reasons stated in my Notice were not stated with sufficient specificity to satisfy the requirements of 24 CFR 966.4(l)(3)(iii) (conventional public housing), 24 CFR 982.310(e) (Section 8 voucher during term of tenancy) or 24 CFR 247.4(a) (certain HUD subsidized projects).
- _____ 8. I did not receive a timely notice as required by my lease or federal regulations at 24 CFR 966.4(l)(3)(i)(B) (conventional public housing), or 24 CFR 247.4(c) (certain HUD subsidized projects).
- _____ 9. The Notice fails to advise me of my right to a grievance procedure to contest the notice as required by 24 CFR 966.4(l)(3)(ii) (conventional public housing).
A copy of the notice is attached.
- _____ 10. I deny the landlord's allegations in the notice to vacate.
- _____ 11. Other defenses under federal law or my lease (specify) _____

_____.

DEFENSES UNDER NEVADA LAW

- _____ 12. I have a written rental agreement which allows me to stay until _____, 20____.
- _____ 13. The notice which I received was improper in that it did not provide me with the statutorily required number of days as specified below:
 - _____ A. 30 days
 - _____ B. 7 days
 - _____ C. 5 days
 - _____ D. 3 days
- _____ 14. I have received a 5-day notice alleging a breach of my lease and I
 - _____ A. did not breach it, or
 - _____ B. did not receive notice of my right to cure the alleged breach within 3 days under NRS 40.2516, or

- _____ C. did not receive notice of my right to cure the alleged breach within 5 days under NRS 118A.430, or
- _____ D. have cured, or used my best efforts to cure, the alleged breach within _____ days after receiving the notice, or
- _____ E. did not receive a subsequent 5-day notice called an unlawful detainer notice.

_____ 15. Even though the terms of my original tenancy expired on _____, 20____, the landlord has renewed my tenancy by either accepting rent for a new rental period and/or entering into a new rental agreement.

_____ 16. I have received a 3-day notice alleging that I have illegally subleased the rental unit, carried on an unlawful business or created a nuisance and I deny those allegations.

_____ 17. I have received a 3-day notice pursuant to NRS 40.255 alleging that the rental unit has been foreclosed upon or sold. Summary eviction proceedings cannot be utilized following these notices. NRS 40.255 requires the landlord to proceed under NRS 40.290 - NRS 40.420 (formal unlawful detainer). This action should be dismissed.

_____ 18. This action is brought in violation of the Federal Fair Housing Act or Nevada laws forbidding discrimination in housing, which provides me with a defense under NRS Chapter 118.115.

_____ 19. I received a 30-day notice to vacate and am a tenant who is 60 years of age or older or who has a physical or mental disability. The notice failed to notify me of my right to request to be allowed to continue in possession for an additional 30 days as required by NRS 40.251(3).

THE BELOW RETALIATION DEFENSE, #20, IS NOT AVAILABLE TO RESIDENTS OF CONVENTIONAL PUBLIC HOUSING

_____ 20. The landlord issued the Notice as a retaliatory action in violation of NRS 118A.510 (inapplicable to conventional public housing) for my:

- _____ A. having complained of a health or safety violation to a government agency.
- _____ B. having complained to the landlord of a violation of the Nevada Landlord Tenant Act.
- _____ C. organizing a tenants' union.
- _____ D. having complained to the landlord of a violation of a statute imposing a criminal penalty, i.e., (specify) _____

 _____.
- _____ E. having complained to a law enforcement agency of a violation of the Nevada Landlord Tenant Act.
- _____ F. having complained to a law enforcement agency of a violation of a statute imposing a criminal penalty, i.e., (specify) _____

 _____.
- _____ G. having instituted or defended against a judicial administrative proceeding or arbitration in which I raised an issue of compliance with the legal requirements respecting the habitability of dwelling units.
- _____ H. having complained in good faith of a violation of the Federal Fair Housing Act or Nevada laws forbidding discrimination in housing to (specify):
 - _____ 1. the landlord

- _____ 2. a government agency
- _____ 3. a fair housing agency
- _____ 4. an attorney
- _____ 5. an appropriate body

_____ I. having exercised rights which are guaranteed or protected under the Federal Fair Housing Act or Nevada laws forbidding discrimination in housing.

AVAILABLE TO ALL TENANTS

_____ 21. Other (explain): _____

 _____.

WHEREFORE, the Tenant/Defendant prays for a hearing in this court pursuant to NRS Chapter 40, and that this matter be dismissed at the hearing because I have raised a legal defense to the alleged unlawful detainer.

_____ **Request for a Stay.** In the alternative, if the court concludes that I have not raised a legal defense, I request a stay of execution under the authority of NRS 70.010(2) of _____ days (up to 10) in order to move. I need the additional time because _____

 _____.

I swear the above is true. Signature: _____

SUBSCRIBED AND SWORN to before me this ____ day of _____,
20____.

NOTARY PUBLIC
OR
DEPUTY CLERK _____

OR
THE FOLLOWING:

Pursuant to NRS 53.045:

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

Executed on _____, 20____

Signature

Print Name