

AB486: RENTAL ASSISTANCE DEFENSE

Your Rights as a Tenant: A Fact Sheet from Nevada Legal Services, Inc.

What does AB486 do?

AB 486 went into effect June 4. AB486 protects tenants from eviction where they have a pending application for rental assistance or the landlord refuses the rental assistance or refuses to cooperate with a rental assistance program.

What notices does AB486 apply to?

AB 486 does not apply to nuisance notices, evictions pursuant to NRS 40.255 (foreclosure), or commercial premises. Designated eviction proceedings include evictions pursuant to NRS 40.253 (summary eviction for non-payment of rent), NRS 40.2512 (formal eviction for non-payment of rent), and NRS 40.254 (no cause and lease violations) where the tenant has defaulted in the payment of rent. AB486 applies to mobile home park evictions for non-payment of rent.

Please also be aware that AB486 also requires that the eviction notice issued to you include an information statement about the availability of rental assistance and that you may raise a defense to the eviction based on AB486.

How do I claim protection under AB486?

Do not ignore any eviction notice issued to you. You must respond to any eviction notice by filing a Tenant's Affidavit in court to contest the eviction and raise the defense. An eviction notice does not need to be filed in or issued by a court to be valid.

****Please see our fact sheet on Non-Payment of Rent notices for more information on how to contest a summary eviction action for non-payment of rent or our fact sheet on Summary Evictions for more information on contesting an eviction for no cause or lease violations.**

What happens once I file the Tenant's Affidavit?

Again, you must file a Tenant's Affidavit with the court to contest the eviction and raise your AB486 defense in your affidavit. After you file your Tenant's Affidavit, you will get a hearing in court before you can be evicted. At the hearing you will need to assert your defense. Please be aware that you must be actively pursuing your rental assistance. Therefore, be prepared to update the court on the status of your application and show that you have taken all of the necessary steps to obtain the rental assistance.

After you file the Tenant's Affidavit, the landlord will have a chance to respond. The landlord can file a motion to contest your AB486 defense or request relief from any stay of eviction if they will face a realistic threat of foreclosure if they are unable to evict you.



NEVADA LEGAL SERVICES
INCORPORATED

LAS VEGAS OFFICE

Serving Clark, Lincoln, Nye, Esmeralda and White Pine Counties

530 S. 6th St.

Las Vegas, NV 89101

702-386-0404 / 866-432-0404

FAX: 702-388-1641

TDD: 702-386-1059

LAS VEGAS ADMINISTRATION OFFICE

701 E. Bridge Ave. Suite #700
Las Vegas, NV 89101

RENO OFFICE

Serving all other counties and Native Americans Statewide

204 Marsh Ave., Ste. 101

Reno, NV 89509

775-284-3491 / 800-323-8666

FAX: 775-284-3497

CARSON CITY OFFICE

209 No. Pratt Ave.
Carson City, NV 89701

775-883-0404

FAX: 775-461-7237

ELKO OFFICE

285 10th St.

Elko, NV 89801

775-753-5880

FAX: 775-753-5890

YERINGTON OFFICE

720 S. Main St., Unit A
Yerington, NV 89447

775-463-1222

FAX 775-463-1212

www.nlslaw.net

Resources

You can access additional information and forms on the NLS website at nlslaw.net.

For additional information and resources in Southern Nevada:
civillawselfhelpcenter.org.

For general forms, including fee waivers statewide:
selfhelp.nvcourts.gov.

What happens after the hearing?

If the judge approves of your AB486 defense, the court must stay the eviction until your rental assistance application is processed or deny the eviction if the basis for the defense is due to the landlord's refusal to cooperate or accept the rental assistance.

You may also request damages for the landlord's refusal to cooperate or accept the rental assistance. Whether the judge will award damages will depend on the degree of harm caused to you by the landlord's refusal to accept the rental assistance or cooperate with the rental assistance program.

If the judge decides you do not have a legal defense, the landlord's request for an eviction will be granted. The eviction order will be sent to the Sheriff or Constable who should post the order for removal in a conspicuous place on the premises. After posting it then the sheriff or constable can lock the tenant out 24 hours later.

If the judge decides to evict you, you can ask for 10 extra days to move. NRS 70.010. The judge is not required to give you any extra time but may choose to do so.

If you disagree with the decision you can appeal it. You have to post a \$250 bond to stop the eviction during the appeal. NRS 40.385. You may also have to pay another filing fee. See our Post Eviction Fact Sheet for more information.

What happens if I don't file a Tenant's Affidavit?

If you do not file a Tenant's Affidavit, the landlord can get an eviction order signed by a judge and proceed with the lockout. With an eviction order the landlord can have the constable or sheriff lock you out 24-36 hours after posting the order. It will not matter whether you are sick, disabled or have children, you will be locked out after 24 hours.

If you get a Lockout Order, you can file a Motion to Stay the Eviction and ask the court to give you 10 days to move out. You can also ask the court to set aside the eviction if you have a good reason for not filing the Tenant's Affidavit and a legal defense to the eviction.

What if my landlord evicted me after accepting rental assistance on my behalf?

AB486 also allows tenants or the government agency that provided the rental assistance to file a complaint against any landlord that evicts a tenant during the period of default for which the landlord received rental assistance on behalf of the tenant. The claim of wrongful eviction must be filed in the same court that had jurisdiction over the eviction.

If the court finds that the landlord accepted rental assistance and then continued to pursue or evicted a tenant for any reason that existed during the period of default for which a landlord received rental assistance, the court may impose a civil penalty and award the tenant 25% of the amount of the rental assistance provided to the landlord along with costs and fees of filing the suit.

TENANTS' RIGHTS CENTERS

Nevada Legal Services offers 2 Tenants' Rights Centers—one in our Las Vegas office and one in Reno. Please feel free to contact either Center for further assistance and information if you are a tenant facing eviction or other housing issues:

Las Vegas TRC: (702) 383-6095

Reno TRC: (775) 284-3491 x. 316 or
email to renotrc@nlslaw.net.