


ADKT 564

EXHIBIT B

ADOPTION OF THE LAS VEGAS JUSTICE COURT  
LOCAL RULES OF PRACTICE

FILED

MAR 04 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

**PART 1. USE AND CONSTRUCTION OF RULES**

**Rule 1.1. Title.** These rules may be known and cited as the Las Vegas Justice Court Local Rules of Practice, or may be abbreviated LVJCLRP.

**PART 2. ADMINISTRATION OF THE COURT**

[RESERVED]

**PART 3. GENERAL PROVISIONS**

[RESERVED]

**PART 4. CIVIL PRACTICE**

[RESERVED]

**PART 5. SMALL CLAIMS**

[RESERVED]

**PART 6. SUMMARY EVICTIONS**

**Rule 6.1. Definitions.** As used in Part 6 of these rules, unless the context otherwise requires, the words and terms below have the following meanings:

(a) "Answer" means the Tenant's Affidavit in Opposition to Summary Eviction.

21-06360

(b) “Complaint” means the Landlord’s Affidavit of Complaint for Summary Eviction.

(c) “Eviction notice” means a notice served pursuant to NRS 40.253(1), 40.254(1), or 40.2542(1).

(d) “Motion to stay” means a motion to stay the execution of any judgment, including any judgment in a case of forcible or unlawful detainer, pursuant to NRS 70.010.

(e) “Motion to set aside” means a motion to set aside an order for summary eviction that has already been issued.

(f) “Surrender notice” means a notice served pursuant to NRS 40.251, 40.2514, or 40.2516.

(g) “Uninhabitability” has the meaning ascribed to it in NRS 118A.290.

#### **Rule 6.2. Summary evictions.**

(a) A surrender notice will be unenforceable if an eviction notice pursuant to NRS 40.254(1) is not served within 30 calendar days after the period to comply with the surrender notice expires, and the landlord will be required to have a new surrender notice served, except when a tenant has been given an additional 30 calendar days pursuant to NRS 40.251(2).

(b) An eviction notice will be unenforceable if a complaint is not filed within 45 calendar days after an answer has been filed with the court, and the landlord will be required to have a new eviction notice served, as well as any prior surrender notice.

(c) If a tenant has filed an untimely answer contesting an eviction notice, the court will not consider it.

(d) If a tenant has filed a timely answer contesting an eviction notice, the court will not schedule a hearing on the summary eviction until the complaint

is filed with the court. If no complaint is filed, the case will be administratively closed.

(e) If the tenant has filed a timely answer contesting an eviction notice, and the landlord has filed a timely complaint pursuant to subsection (b), a hearing on the summary eviction will be held no sooner than 7 calendar days and no later than 14 calendar days after the filing of the complaint, unless the court otherwise finds good cause. The court will notify the parties of:

- (1) The hearing date, time, and location; and
- (2) The availability of mediation prior to the hearing date.

(f) All summary eviction documents must comply with the following requirements:

(1) *Surrender and eviction notices served upon tenant.*

(A) All surrender and eviction notices must be typed or clearly legible.

(B) An eviction notice must advise the tenant that the Las Vegas Justice Court (or some similar specific reference) has jurisdiction over the matter. An eviction notice that merely refers to “the justice of the peace,” “Clark County Courthouse,” or some other nonspecific designation is not valid.

(C) An eviction notice must advise as to the availability of electronic filing of the answer and include the web address for access.

(2) *Tenant’s answer.* A tenant’s answer must include an email address for the tenant, if the tenant has an email address.

(3) *Landlord’s complaint.* A landlord’s complaint must include an email address for the landlord, if the landlord has an email address.

(g) If a landlord has had more than one eviction notice served to the tenant within 1 rental period, and the tenant has filed a timely answer

contesting a notice with respect to any of those notices, the court may consolidate for hearing all pending notices and answers.

(h) Unless otherwise ordered by the court, an order for summary eviction that has not been executed by the constable will expire 30 days after the order is filed.

(i) If a summary eviction case is sealed, no further filings will be accepted in that case.

**Rule 6.3. Rent deposits relating to claims of uninhabitability under NRS 118A.355.**

(a) A tenant who asserts a defense of uninhabitability to a claim of nonpayment of rent and who is withholding rent pursuant to NRS 118A.355(1)(d) must post the withheld rent with the Las Vegas Justice Court as provided in this rule. The deposit(s) may be paid by cash, money order, debit card, or cashier's check. Deposits may not be paid by personal check or credit card.

(b) At the time that the tenant files an answer to the eviction action, the tenant must indicate in the answer that the tenant has withheld rent pursuant to NRS 118A.355 and must deposit with the Las Vegas Justice Court all rent that has become due.

(c) If additional rent becomes due while the underlying case is pending, a tenant who is withholding rent under this rule shall continue to deposit the additional rent as required by NRS 118A.355 unless otherwise ordered by the court.

**Rule 6.4. Stay of eviction.**

(a) A tenant who requests a delay in the issuance of an order for summary eviction shall include such request in the answer.

(b) If an order for summary eviction has already been granted and a tenant is seeking a stay of execution of that order, the tenant may file a motion to stay prior to the execution of the order. Any motion to stay filed after execution of the order will be deemed moot and will be denied summarily.

(c) Upon review of a motion to stay that is filed before the execution of an order for summary eviction, the court may set the motion to stay for hearing, or the court may rule upon the motion to stay summarily.

(d) If the court elects to hear a motion to stay pursuant to subsection (c), the hearing must be scheduled within 7 to 10 calendar days from the date the motion is approved for hearing, or within a shorter time period if the court determines that all parties can be properly noticed of the hearing.

(e) Once a motion to stay has been ruled upon, a subsequent motion to stay alleging the same grounds may be summarily denied.

(f) A motion to stay that is filed after the parties have entered into a mediation agreement may be summarily denied.

**Rule 6.5. Motions to set aside in eviction cases.**

(a) A tenant may file a motion to set aside an order for summary eviction and deny the complaint after an order for summary eviction has been issued. Such a motion must:

- (1) Set forth valid legal grounds for setting aside the order; and
- (2) Be filed not later than the date of the lockout, unless:

(A) The tenant can show that the order is void because he or she was not properly served with one or more notices as required by NRS 40.280; and

(B) The motion is made within a reasonable time and in no event more than 6 months after the order was issued, unless the court finds that justice demands otherwise.

(b) Upon review of a motion to set aside, the court may:

(1) Rule upon the motion to set aside summarily; or

(2) Set the motion to set aside for hearing and stay the execution of any order for summary eviction pending the resolution of the motion.

(c) If the court elects to hear a motion to set aside pursuant to subsection (b), the hearing must be scheduled within 7 to 10 calendar days from the date the motion is approved for hearing, or within a shorter time period if the court determines that all parties can be properly noticed of the hearing.

(d) Once a motion to set aside has been ruled upon, a subsequent motion to set aside alleging the same grounds may be summarily denied.

**Rule 6.6. Motions to rescind and dismiss in eviction cases.** At any time, a landlord can voluntarily file a motion to rescind an order for summary eviction that has previously been issued. If such a motion is granted, the case shall be dismissed and sealed.

**Rule 6.7. Mediation in eviction cases.** Any case that results in a settlement between the parties through mediation must have a written settlement between the parties filed with the court prior to the summary eviction hearing.