

INSTRUCTIONS FOR FILING
A COMPLAINT FOR ILLEGAL LOCKOUT OR
A COMPLAINT FOR ILLEGAL INTERRUPTION OF ESSENTIAL SERVICES

YOU MUST FILE THE VERIFIED COMPLAINT FOR EXPEDITED RELIEF WITHIN FIVE (5) JUDICIAL DAYS AFTER THE DATE OF THE UNLAWFUL ACT BY THE LANDLORD! (“Judicial days” are the same as Court business days; Henderson Justice Court is close on Fridays and therefore Fridays, weekends and holidays are not included.) If more than 5 judicial days have passed since the unlawful act, your Verified Complaint for Expedited Relief will be dismissed as “stale,” but you will still retain the right to pursue all other available legal remedies against the landlord.

If essential services such as utilities (power, gas, water, etc.) were turned off because of unpaid utility bills, you will not be entitled to relief from the Court. You will need to contact the appropriate utility to resolve the situation. The Verified Complaint for Expedited Relief only applies to unlawful conduct by landlords.

In the 2003 Legislative Session, the Legislature created a new procedure in which a tenant may seek expedited relief for the following:

- (1) **An illegal lockout** – This occurs when the landlord unlawfully excludes the tenant from the premises by padlocking, “pinning,” or using some other device to prevent the tenant from accessing the unit.
- (2) **An illegal termination of essential services** – This occurs when the landlord unlawfully turns off or discontinues essential services for the unit.
Examples of “essential services” include the following:
 - (A) Heat;
 - (B) Air-conditioning;
 - (C) Running water;
 - (D) Hot water;
 - (E) Electricity;
 - (F) Gas;
 - (G) Other services that are essential to the unit, and the absence of which will cause the premises to become unfit for habitation.

By filing a Verified Complaint for Expedited Relief, you can ask a judge to order any or all of the following:

- (1) That the landlord restore your access to the property and/or your essential services related to the property;
- (2) That the landlord pay you monetary damages pursuant to statute; or
- (3) That the landlord be enjoined from further illegal conduct, or else the landlord will be held in contempt of court.

The initial filing fee for utilizing this remedy is deferred.
It is possible that the judge may impose the costs and fees against you.

If you have complied with all the requirements for filing a Verified Complaint for Expedited Relief, the Court will conduct a hearing within 3 judicial days after the date that the Complaint is filed. (“Judicial days” are the same as Court business days; Henderson Justice Court is closed on Fridays therefore Fridays, weekends, and holidays are not included.)

On Page 5 of the Verified Complaint for Expedited Relief, there is a “Notice of Motion” that is filled out entirely by court staff. Do not write anything on this page.

After the Verified Complaint for Expedited Relief has been properly filed, court staff will complete the Notice of Motion which will include the date and time of the scheduled hearing.

PRIOR TO THE HEARING DATE, YOU MUST SERVE THE VERIFIED COMPLAINT AND THE NOTICE OF MOTION UPON THE LANDLORD, PURSUANT TO THE JUSTICE COURT RULES OF CIVIL PROCEDURE.

If you have any questions on the mechanics of service, you are encouraged to contact a licensed process server.

After the Complaint and the Notice of Motion have been served, you must provide proof of service to the Court, either at or before the scheduled hearing, or you will be entitled to no relief.

When you attend the hearing on the Complaint, both you and the landlord will be entitled to present evidence and arguments in support of your respective positions.

After the judge makes a decision on the merits of the case, the judge will issue a written order either denying or granting your relief. The judge will also make an order with respect to the initial filing fees that were deferred when the Verified Complaint was originally filed.

If the Court denies your request, it is possible that the judge may impose the costs and fees against you, or the judge could reduce or waive those fees as justice requires.

If the Court grants your request, it is possible that the judge may impose the costs and fees against the landlord, or the judge could reduce or waive those fees as justice requires. Also, if the Court grants your request, the written Order will enjoin the landlord from any future violations, subject to punishment for contempt of court. If the Court awards damages to you, collection of those damages may proceed as in any civil case; if you have questions in this respect, you are encouraged to contact an attorney.

Attached are instructions for completing the Verified Complaint for Expedited Relief

CONCLUDING NOTE:

If you have any suggestions for improving this informational brochure, or the court forms used to process these types of cases, please forward your comments to the Henderson Justice Court Clerk at 243 Water Street, Henderson, NV 89015 or e-mail your comments to Henderson Justice Court at the following address: HendersonJC@co.clark.nv.us

INSTRUCTIONS FOR FILING A COMPLAINT FOR ILLEGAL LOCKOUT OR A COMPLAINT FOR ILLEGAL INTERRUPTION OF ESSENTIAL SERVICES

**JUSTICE COURT, HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA**

vs. _____

Landlord,

You are the tenant → Tenant,

CASE NO. _____
To be completed by court staff

← The Court will assign

DEPT NO. _____
To be completed by court staff

← The Court will assign

VERIFIED COMPLAINT FOR EXPEDITED RELIEF FOR THE REMOVAL OR EXCLUSION OF THE TENANT OR THE WILLFUL INTERRUPTION OF ESSENTIAL SERVICE

1. The Tenant named above has been locked out of the premises or essential services have been interrupted. **PLEASE CHECK ONE OF THE FOLLOWING BOXES:**
[] The Landlord has not locked out the tenant or interrupted essential services. **IF THIS BOX IS CHECKED, YOU MUST FILE A COMPLAINT FOR ILLEGAL LOCKOUT OR ILLEGAL INTERRUPTION OF ESSENTIAL SERVICES. INSTEAD, YOU MUST FILE A COMPLAINT FOR SUMMARY EVICTION OR UNLAWFUL DETAINER IF THE LANDLORD HAS FILED.**
[] The Landlord has locked out the tenant or interrupted essential services. **IF THIS BOX IS CHECKED, YOU MUST FILE A COMPLAINT FOR SUMMARY EVICTION OR UNLAWFUL DETAINER. INSTEAD, YOU MUST FILE A COMPLAINT FOR ILLEGAL LOCKOUT OR ILLEGAL INTERRUPTION OF ESSENTIAL SERVICES.**

You must check one of the two boxes listed. If an action for summary eviction or unlawful detainer is already pending between you and the landlord, or if there is a lockout in effect based upon a judicial order from such a proceeding, the Verified Complaint for Expedited Relief **cannot** be filed with the Court at all. However, you may seek similar relief before the judge presiding over the applicable action; to do so, please file a "Motion to Place on Calendar" using the case number for the correct case. If there is no pending action for summary eviction or unlawful detainer, and if there is no lockout in effect pursuant to a judicial order, you can proceed to Paragraph 2.

2. The parties entered into a rental agreement on _____.

Please indicate the date you entered into the rental agreement with the landlord.

3. The Nevada address for the property at issue is as follows:

STREET ADDRESS:
CITY:
ZIP CODE:

Please provide the street address for your unit, including the city and zip code. If the property is located in Las Vegas or North Las Vegas, you need to file in the appropriate court which has jurisdiction over the property.

END OF PAGE 1

START OF PAGE 2

4. **PLEASE CHECK ONE OF THE FOLLOWING BOXES:**
[] The rental agreement was in writing.
[] The rental agreement was not in writing.
(PLEASE ATTACH A COPY OF THE RENTAL AGREEMENT TO YOUR PAPERWORK WHEN YOU SUBMIT THE VERIFIED COMPLAINT TO THE COURT.)

Please check the appropriate box to clarify whether the rental agreement was or was not in writing. If a copy of the rental agreement is available, please attach a copy of the rental agreement to your paperwork when you submit the Verified Complaint to the Court.

5. The amount of rent is \$ _____.

Please indicate the amount of periodic rent that you pay.

6. **PLEASE CHECK ONE OF THE FOLLOWING BOXES:**
[] I pay rent weekly.
[] I pay rent monthly.
[] I pay rent as follows: _____

Please indicate how often you pay rent. For example, rent is commonly paid on a weekly or monthly basis. If this is not true in your case, please indicate the appropriate period in the line provided.

7. **PLEASE CHECK ONE OF THE FOLLOWING BOXES:**
[] My rent payments are current.
[] My rent is not current. I owe _____ in arrears.

Please check the appropriate box to indicate whether your rent is current. If you are behind in the payment of rent, please indicate the amount "in arrears," which refers to the amount that you currently owe to the landlord.

8. My next rental payment is due on _____.

Please indicate date that your next rental payment is due.

9. **PLEASE CHECK ONE OF THE FOLLOWING BOXES:**
[] I have been locked out of the premises or essential services have been interrupted.
[] I have not been locked out of the premises or essential services have not been interrupted.
NO NOTICE

Please check one, or both, of the boxes to indicate if the landlord committed an illegal lockout, an illegal interruption of essential services, or both. You must also include the date(s) that these events occurred. If essential services such as utilities (power, gas, water, etc.) were turned off because of unpaid utility bills, you will not be entitled to relief from the Court. You will need to contact the appropriate utility to resolve the situation. The Verified Complaint for Expedited Relief only applies to unlawful conduct by landlords. **YOU MUST FILE THE VERIFIED COMPLAINT FOR EXPEDITED RELIEF WITHIN 5 JUDICIAL DAYS AFTER THE DATE OF THE UNLAWFUL ACT BY THE LANDLORD!** ("Judicial days" are the same as business days; weekends and holidays are not included.) If more than 5 judicial days have passed since the unlawful act, your Verified Complaint for Expedited Relief will be dismissed as "stale," but you will still retain the right to pursue all other available legal remedies against the landlord.

END OF PAGE 2

exceeded, this Complaint for Expedited Relief will be dismissed, but you will retain the right to pursue all other available remedies against the Landlord.

10. PLEASE DESCRIBE THE FACTUAL CIRCUMSTANCES SURROUNDING THE BLOCKED ENTRY AND/OR THE TERMINATION OF ESSENTIAL SERVICES:

(For example, if you were barred from the unit, please describe the circumstances. If your utilities were terminated, please describe the circumstances.)
NOTE: Please make sure that the information you provide is legible.

Please provide the factual circumstances surrounding the illegal lockout and/or the illegal interruption of essential services. For lockouts, please give specific details about **how** you were locked out (ie., whether your door was padlocked, pinned, etc.) or essential services, please give specific details about which services were affected and how this has affected your living conditions at the unit.

IT IS CRITICAL THAT THE INFORMATION YOU PROVIDE IS LEGIBLE. If you need additional space, you may attach additional legible pages.

11. PLEASE CHECK ONE OR BOTH OF THE FOLLOWING BOXES:

After I was locked out of my unit, I tried to get back in to my unit, but the landlord refused to let me in.

After the Defendant Landlord terminated my utilities or other essential services, I tried to convince the landlord to restore those services, but the landlord refused to do so.

Please check one or both of the boxes to indicate the steps you took after the landlord's conduct. For example, if the landlord locked you out, you should indicate that you tried to get back in to your unit, but the landlord refused to let you in. If you have copies of any letters sent from, or to, the Landlord in this respect, you should attach those copies to your Verified Complaint so that the judge can review those. If the landlord terminated your utilities or other essential services, you should indicate that you tried to convince the landlord to restore those services, but the landlord refused to do so. Again, if you have copies of any letters sent from, or to, the Landlord in this respect, you should attach those copies to your Verified Complaint so that the judge can review those letters.

12. As a result of the Defendant Landlord's actions, I have incurred damages as follows:

In addition to the statutory damages of \$1,000.00, I am seeking additional damages in the amount of \$_____.

Please indicate the amount of monetary damages that you are seeking. In addition to statutory damages of \$1,000.00 that are allowed under NRS 118A.390, you should specify the amount and source of any additional damages. For example, if you were forced to secure reasonable alternative housing because of an illegal lockout, you could claim the cost for that housing as damages. Please be advised that the Justice Court jurisdictional limit is **\$7,500.00**. You may not claim damages in excess of that amount in Justice Court.

13. Based on the above, Plaintiff requests that this Court:

- (a) Find that the Defendant Landlord violated the provisions of NRS 118A.390;
- (b) Assess actual and statutory damages against the Defendant Landlord;
- (c) Issue an immediate order restoring me to the premises and/or restoring the utilities or essential services at the premises; and
- (d) Enjoin the Landlord from violating the provisions of NRS 118A.390 and, if the circumstances so warrant, hold Landlord in contempt.

You do not need to add any information here. This paragraph merely summarizes the relief that you are requesting.

14. VERIFICATION: I have read the above and the facts therein stated are true and correct.

You must sign and date this "Verification" to indicate that you have read the Complaint for Expedited Relief and that you believe the contents to be true.

DATED: _____

15. DECLARATION: I declare under penalty of perjury that the contents of this Verified Complaint for Expedited Relief are true and correct.

You must date and sign the "unsworn declaration." By doing so, you are declaring under penalty of perjury that the contents of the Verified Complaint for Expedited Relief are true and correct. Perjury is a criminal offense and can be prosecuted as such.

Executed on _____

(Date)

(Tenant's Signature)

NOTE: Unless this Complaint is filed in the Justice Court, the Court will conduct a hearing within 3 judicial days after the date that the Complaint is filed. ("Judicial days" are the same as business days; weekends and holidays are not counted.)

If you have complied with all the requirements for filing a Verified Complaint for Expedited Relief, the Court will conduct a hearing within 3 judicial days after the date that the Complaint is filed. ("Judicial days" are the same as business days; weekends and holidays are not counted.)

"Notice of Motion" is filled out entirely by court staff. Do not write anything on this page.