

<b>STATE OF ILLINOIS, CIRCUIT COURT</b>  _____ COUNTY	<b>EVICTON ANSWER, DEFENSES, AND COUNTERCLAIMS</b>	<i>For Court Use Only</i>
<b>Instructions ▼</b> Directly above, enter the name of the county where the case was filed. Enter the full names of Plaintiffs, Defendants, and the case number as listed on the <i>Eviction Complaint</i> . Check the box for Unknown Occupants if it was checked on the <i>Eviction Complaint</i> . Enter the address of the property that plaintiff wants to evict you from.	<b>Plaintiffs (The landlord or owner):</b> _____ v. <b>Defendants (The tenants or occupants):</b> _____ <input type="checkbox"/> <b>Unknown Occupants</b>	_____ <b>Case Number</b>
Property Address: _____ <div style="display: flex; justify-content: space-between; font-size: small;"> <span>Address, Unit #</span> <span>City</span> <span>State</span> <span>Zip</span> </div>		

<b>NOTE:</b>	<ul style="list-style-type: none"> <li><b>You do not have to file an <i>Eviction Answer, Defenses, and Counterclaims</i> form unless a judge orders you to.</b> If you are ordered to file an <i>Eviction Answer</i>, or if you decide to file one even though you were not ordered to, then you may use this form.</li> <li>If you do file this form, <b>state all affirmative defenses</b> (see Section 2 below) and <b>counterclaims</b> (see Section 4 below) you want to claim at the trial.</li> <li>For more information about evictions, see: <a href="http://illinoislegalaid.org/legal-information/being-evicted">illinoislegalaid.org/legal-information/being-evicted</a>.</li> </ul>
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**1. ANSWER** (Your response to the *Eviction Complaint*):

Check <b>1a</b> if you want to make a general denial of the claims of the <i>Eviction Complaint</i> .	Fill in <b>1b</b> if you want to respond to what is alleged in each paragraph. To do this, enter the number and letter of each paragraph in the <i>Eviction Complaint</i> . -Check "Admit" if you agree that <b>all</b> of the statements in the paragraph are true; or -Check "Deny" if you disagree with <b>any</b> of the statements in the paragraph; or -Check "Do Not Know" if you do not have enough information to truthfully admit or deny the statements.
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Defendant responds to the *Eviction Complaint* as follows: (select a or b)

☐ a. **I deny the claims** made by the Plaintiff (landlord) in their *Eviction Complaint* ([735 ILCS 5/9-106](http://735 ILCS 5/9-106))

**OR**

☐ b. My Answer to each paragraph of the *Complaint* is:

Paragraph Number	Subparagraph Letter (if applicable)			
_____	_____	<input type="checkbox"/> Admit	<input type="checkbox"/> Deny	<input type="checkbox"/> Do Not Know
_____	_____	<input type="checkbox"/> Admit	<input type="checkbox"/> Deny	<input type="checkbox"/> Do Not Know
_____	_____	<input type="checkbox"/> Admit	<input type="checkbox"/> Deny	<input type="checkbox"/> Do Not Know
_____	_____	<input type="checkbox"/> Admit	<input type="checkbox"/> Deny	<input type="checkbox"/> Do Not Know
_____	_____	<input type="checkbox"/> Admit	<input type="checkbox"/> Deny	<input type="checkbox"/> Do Not Know
_____	_____	<input type="checkbox"/> Admit	<input type="checkbox"/> Deny	<input type="checkbox"/> Do Not Know
_____	_____	<input type="checkbox"/> Admit	<input type="checkbox"/> Deny	<input type="checkbox"/> Do Not Know
_____	_____	<input type="checkbox"/> Admit	<input type="checkbox"/> Deny	<input type="checkbox"/> Do Not Know
_____	_____	<input type="checkbox"/> Admit	<input type="checkbox"/> Deny	<input type="checkbox"/> Do Not Know
_____	_____	<input type="checkbox"/> Admit	<input type="checkbox"/> Deny	<input type="checkbox"/> Do Not Know

☐ I have attached more statements on the *Additional Paragraphs for Answer/Response Complaint/Petition* form.

An affirmative defense is not that same as saying "I did nothing wrong." Instead, it is saying: "even if you think the landlord is right, I should win because I have this defense."

**2. AFFIRMATIVE DEFENSES** (*Reasons why the Plaintiff should not win the case even if everything in the complaint was true.*):

<b>NOTE:</b>	<p>The affirmative defenses in <b>2a-2f</b> are not a complete list and may not apply to your case. Other affirmative defenses may apply to your situation, such as if:</p> <ul style="list-style-type: none"> <li>• You live in public or subsidized housing, or</li> <li>• You are a survivor of domestic abuse/gender-based violence, or</li> <li>• Your landlord lost the property in foreclosure.</li> </ul> <p>To learn more about defenses to an Eviction Complaint, see <a href="http://illinoislegalaid.org/legal-information/common-eviction-defenses">illinoislegalaid.org/legal-information/common-eviction-defenses</a>.</p> <p>At trial, you must show proof of what you select as an affirmative defense. Proof might include a payment receipt, photos of your unit, or a record of communications between you and the landlord. The judge will decide whether the affirmative defense is valid based on the evidence that you show.</p>
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In many cases, the Plaintiff (landlord) is required to give the tenant written notice before filing an eviction case. Learn more about notice requirements at [illinoislegalaid.org/legal-information/common-eviction-defenses](http://illinoislegalaid.org/legal-information/common-eviction-defenses).

Check **2b** if your landlord says you violated the lease **and** your lease or state or local law give you the right to 'cure' or fix the violation. For example, state law gives a 5-day cure period for non-payment of rent.

Check **2c** if all the statements in it are true. If the judge decides that the property conditions reduce, but do not eliminate, the amount of rent you owe, then this may still lead to an Eviction Judgment against you. Check your local rules for any additional requirements for how this defense can be used.

In the table, describe each problem you told your landlord about (lack of heat, rodents, etc.). Be as specific as possible with the dates (at least the month and year).

- ☐ **a. No Notice or Improper Notice** (*check all that apply*):
- ☐ No Notice: The landlord says that I did not pay my rent or that I otherwise violated my lease, but I did not get a written notice from the landlord.
  - ☐ Improper Service of Notice: The landlord did not give me notice in a lawful way.
  - ☐ Improper Notice: The notice did not say the correct number of days or the landlord did not wait the correct number of days before filing the Eviction Complaint.
  - ☐ Inadequate Notice: The notice is missing required information like the amount of rent owed or how I violated the lease.
- ☐ **b. Cure** (Fix the lease violation to stop the eviction)
- I had a right to fix (cure) the violation and I did so within the required time period.
- NOTE:** If you live in Chicago or Cook County, most tenants have a one-time right to stop an eviction for unpaid rent. This is called "pay and stay." You can cure by paying back rent and court costs before a judge signs an Eviction Order. If your building has six units or fewer, this only applies if your landlord does not live in the building.
- Additional details about how you fixed the lease violation:
- ☐ **c. Bad Property Conditions**
- Plaintiff (landlord) is trying to evict me for not paying rent. But the landlord's failure to make necessary repairs reduced the value of the property by an amount that is more than the rent I owe. In the alternative, any reduction in the value of the property should decrease the rent I owe. In support of my Bad Property Conditions defense, I state:

*If you checked this defense, fill out the table below.*

My unit has had these <b>serious</b> problems <b>that the landlord knew about</b> :	Date when problem started	Date when fixed (if any)
1.		
2.		
3.		

☐ I have attached more problems in the *Additional Bad Property Conditions* form.

Check **2d** if you believe the landlord filed the eviction in retaliation for something you did. This means you complained about a:

- housing condition,
- health violation, or
- other violation

about the property to an appropriate organization, and the landlord is evicting you for complaining.

State law only protects you from being evicted if you complain to someone in government about your landlord or unit.

Chicago, Cook County, and other local jurisdictions may have extra protections for some renters.

Check **2e** if after learning about the alleged lease violations, the Plaintiff (landlord) acted in a way that showed the lease continued. Explain how the landlord did this.

Check **2f** if you attempted to pay your landlord and your landlord improperly rejected your payment before your time to pay the rent expired.

Check **2g** if you have an affirmative defense not listed above in **2a-f** and name it. For example, "the landlord no longer owns the property." For more information on potential affirmative defenses, see: [illinoislegalaid.org/legal-information/common-eviction-defenses](http://illinoislegalaid.org/legal-information/common-eviction-defenses).

List each additional affirmative defense separately. If you have more than one, attach the *Additional Affirmative Defenses/Counterclaims* form.

☐ **d. Retaliation**

I am protected from retaliation by (*check all that apply*):

☐ i. **State law:** My landlord retaliated against me because I complained to someone in government about a building code or violation within my unit.

☐ ii. **Local ordinance:**

Municipal or county ordinance where property is located: \_\_\_\_\_

My landlord retaliated against me because I complained to (*check all that apply*):

☐ my landlord ☐ someone in government

☐ a legal organization ☐ the media

☐ a community group ☐ a tenant's organization

☐ other person or entity: \_\_\_\_\_

☐ or did other protected activity (*name the activity*): \_\_\_\_\_

Provide details here, including who you reported it to, when you told them, and what you told them:

☐ **e. Waiver**

Plaintiff (landlord) is trying to evict me for a lease violation. After the landlord learned about this violation, the landlord made a new lease with me on \_\_\_\_\_

*Date*

and / or accepted rent on \_\_\_\_\_ .

*Date*

Additional Details:

☐ **f. Refusal to Accept Rent Payment**

The Plaintiff (landlord) refused my rent payment on \_\_\_\_\_

*Date*

when I tried to pay \$ \_\_\_\_\_ .

*Amount*

Additional Details:

☐ **g. Other affirmative defense:** \_\_\_\_\_

*Name of affirmative defense*

In support of this affirmative defense, I state these facts:

☐ I have attached an *Additional Affirmative Defenses/Counterclaims* form.

**3. ADDITIONAL INFORMATION:**

In Section 3, include any extra information you think the judge should consider in your case. NOTE: You must still raise your defenses at trial.

The Eviction Act [735 ILCS 5/9-101](#) *et seq.* limits what kinds of counterclaims you can raise. They generally must address the right to possession. If the judge dismisses your counterclaim because it is not directly related to the eviction, you may have to file an additional lawsuit. To make sure you can do this, ask the judge to dismiss your counterclaim without prejudice.

You must list each counterclaim separately. If you have more than one counterclaim, attach the *Additional Affirmative Defenses/Counterclaims* form.

[735 ILCS 5/2-610\(b\)](#) requires that you swear to a lack of knowledge if you cannot admit or deny any of the statements in the Complaint.

Under the Code of Civil Procedure, [735 ILCS 5/1-109](#), making a statement on this form that you know to be false is perjury, a Class 3 Felony.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.

Enter your complete current address, telephone number, and email address, if you have one.

**4. COUNTERCLAIMS** (*Your separate legal claim(s) against the Plaintiff, specifically stating what money damages or other relief you want from the Court. Counterclaims must be directly related to the eviction or the judge may reject them.*)

- ☐ I have a counterclaim against the landlord (*state what you are claiming and the facts to support your claims*):

I ask the Court to order the landlord to give me the following money damages and other relief that I am entitled to by law:

If the Court dismisses any counterclaims, I ask that the Court dismiss them without prejudice.

- ☐ I have attached an *Additional Affirmative Defenses/Counterclaims* form.

**If the *Complaint* is verified by oath, then I certify that my answers above are true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).**

**Where I answer “Do Not Know” to paragraphs in section 1, above, I swear that I do not have enough information to admit or deny the statements in these paragraphs.**

**I understand that making a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).**

/s/

\_\_\_\_\_  
Your Signature

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Your Name

\_\_\_\_\_  
City, State, ZIP

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Email

\_\_\_\_\_  
Attorney # (if any)

**GETTING COURT DOCUMENTS BY EMAIL:** You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

**PROOF OF DELIVERY**

In **1a**, enter the name, mailing address, and email address of the party you are sending the document to. If they have a lawyer, you **must** enter the lawyer's information.

In **1b**, check the box to show how you are sending the document.

**CAUTION:** If you and the person you are sending the document to have an email address, you **must** use one of the first two options. Otherwise, you may use one of the other options

**1. I sent this *Eviction Answer*:**

a. To:

Name:

*First**Middle**Last*

Address:

*Street, Apt #**City**State**ZIP*

Email address: \_\_\_\_\_

b. By:

- ☐ An approved electronic filing service provider (EFSP)  
☐ Email (*not through an EFSP*)

*Only use one of the methods below if you do not have an email address, or the person you are sending the document to does not have an email address.*

- ☐ Personal hand delivery to:  
☐ The party  
☐ The party's family member who is 13 or older, at the party's residence  
☐ The party's lawyer  
☐ The party's lawyer's office  
☐ Mail or third-party carrier

c. On: \_\_\_\_\_  
*Date*At: \_\_\_\_\_ ☐ a.m. ☐ p.m.  
*Time*☐ I have attached an *Additional Proof of Delivery* form.

In **1c**, fill in the date and time that you sent the document.

If you sent your document to more than 1 party or lawyer, check the box and insert the *Additional Proof of Delivery* form after this page.

Under the Code of Civil Procedure, [735 ILCS 5/1-109](#), making a statement on this form that you know to be false is perjury, a Class 3 Felony.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.

Enter your complete address, telephone number, and email address, if you have one.

**I certify that everything in the Proof of Delivery is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).**

/s/

*Your Signature**Street Address**Print Your Name**City, State, ZIP**Telephone**Email**Attorney # (if any)*

**GETTING COURT DOCUMENTS BY EMAIL:** You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.