

STATE OF ILLINOIS, CIRCUIT COURT _____ COUNTY	EVICTON ANSWER, DEFENSES, AND COUNTERCLAIMS	<i>For Court Use Only</i>
Instructions ▼ 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.	Plaintiffs (The landlord or owner): _____ _____ _____ v. Defendants (The tenants or occupants): _____ _____ _____ <input type="checkbox"/> Unknown Occupants	_____ Case Number
Property Address: _____ <div style="display: flex; justify-content: space-between; width: 100%;"> Address, Unit # City State Zip </div>		

NOTE:	<ul style="list-style-type: none"> You do not have to file an <i>Eviction Answer, Defenses, and Counterclaims</i> form unless a judge orders you to. 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. If you do file this form, state all affirmative defenses (see Section 2 below) and counterclaims (see Section 4 below) you want to claim at the trial. For more information about evictions, see: ilao.info/understand-eviction.
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Check 1a if you want to make a general denial of the claims of the <i>Eviction Complaint</i> . Fill in 1b 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 all of the statements in the paragraph are true; or -Check "Deny" if you disagree with any 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.	1. ANSWER (Your response to the Eviction Complaint.): Defendant responds to the <i>Eviction Complaint</i> as follows: (select a or b) <input type="checkbox"/> a. I deny the claims made by the Plaintiff (landlord) in their <i>Eviction Complaint</i> (735 ILCS 5/9-106) OR <input type="checkbox"/> b. My Answer to each paragraph of the Complaint is: <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Paragraph Number</th> <th style="text-align: left;">Subparagraph Letter (if applicable)</th> <th style="text-align: left;">Admit</th> <th style="text-align: left;">Deny</th> <th style="text-align: left;">Do Not Know</th> </tr> </thead> <tbody> <tr><td>_____</td><td>_____</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>_____</td><td>_____</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>_____</td><td>_____</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>_____</td><td>_____</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>_____</td><td>_____</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>_____</td><td>_____</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>_____</td><td>_____</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>_____</td><td>_____</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>_____</td><td>_____</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>_____</td><td>_____</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> </tbody> </table>	Paragraph Number	Subparagraph Letter (if applicable)	Admit	Deny	Do Not Know	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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☐ I have attached more statements on the *Additional Paragraphs for Answer/Response Complaint/Petition* form.

An affirmative defense is not the 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.*):

NOTE:	<p>The affirmative defenses in 2a-2f 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"> • You live in public or subsidized housing, or • You are a survivor of domestic abuse/gender-based violence, or • Your landlord lost the property in foreclosure. <p>To learn more about defenses to an <i>Eviction Complaint</i>, see ilao.info/eviction-defenses.</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 ilao.info/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 serious problems that the landlord knew about :	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.

In the table, describe each protected complaint or activity. Be as specific as possible, including with the dates (at least the month and year).

☐ **d. Retaliation**

I am protected from retaliation by the Landlord Retaliation Act ([765 ILCS 721/](#)).

☐ I am also protected by a local ordinance. The municipality or county where the property is located is: _____

My landlord retaliated against me because I complained and/or spoke 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 (*explain*): _____

Provide details below for each protected complaint or activity:

	Date	Name of Person or Organization Involved	What You Told Them or Did
1.			
2.			
3.			

☐ I have attached more complaints in the *Additional Complaints for Retaliation Defense* form.

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: ilao.info/eviction-defenses.

☐ **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**

Name of affirmative defense

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

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

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.

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

3. ADDITIONAL INFORMATION:

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.

[735 ILCS 5/2-610\(b\)](#) states that a counterclaim shall be part of the answer and shall be designated as a counterclaim.

[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.

4. COUNTERCLAIMS (Your separate legal claim(s) against the Plaintiff, specifically stating what money damages or other relief you want from the Court)

Fill out this section and file a *Counterclaims* form **only** if you have them in your case. There will not be counterclaims in every case, and there may be an **additional fee** to file them. Counterclaims must be directly related to the eviction or the judge may reject them.

NOTE:

You should file your *Counterclaims* form at the same time as your *Answer*. If you do not file your counterclaims at the same time as your *Answer*, you may not be able to file them later.

☐ I have a counterclaim against the landlord am filing a *Counterclaims (For Eviction Answer)* form, available at ilcourts.info/ev-counterclaims. That separately filed *Counterclaims* form is incorporated here.

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 by hand and print your name.

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

Under [735 ILCS 5/1-109](#) your signature means:

1) everything in this document is true and correct, or I have been informed or I believe it to be true and correct, and 2) I understand that making a false statement on this form is perjury and has penalties provided by law.

/s/

Your Signature

Street Address

Print Your Name

City, State, ZIP

Telephone

Email

Firm Name (if any)

Attorney # (if any)

Be sure to **check your email every day** so you do not miss important information, court dates, or documents from other parties.

PROOF OF DELIVERY

In **1**, enter the name, mailing address, and email address of the person you are sending the document to under Rule [11](#). If they have a lawyer, you **must** enter the lawyer's information.

Then, check the box to show how you are sending the document.

1. I am sending this document to:

Name: _____
 First *Middle* *Last*

Address: _____
 Street, Apt # *City* *State* *ZIP*

Email Address: _____

By: ☐ Electronically to the email address in **1**:

☐ Email (*not through an EFSP*).

☐ Using an approved electronic filing service provider (EFSP).

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

☐ I or the person I am sending the document to do **not** have an email address.
 I am sending the document by (*choose one*):

☐ Mail or third-party carrier to the address in **1**, with postage or delivery charge prepaid. Location of the mailbox or third-party carrier:

Address or Intersection *City* *State*

☐ Personal hand delivery at this address:

Note: You can only deliver it to the party, the party's family member over 13 at the party's residence, the party's lawyer, or the party's lawyer's office.

Address – Street, Apt #, City, State, and Zip Code

☐ Mail to the address in **1**, from a prison or jail at:

Name of Prison or Jail

This document will be sent on:

Date: _____ Time: _____
 Month, Day, Year *Include AM or PM*

2. I am sending this document to:

Name: _____
 First *Middle* *Last*

Address: _____
 Street, Apt # *City* *State* *ZIP*

Email Address: _____

By: ☐ Electronically to the email address in **2**:

☐ Email (*not through an EFSP*).

☐ Using an approved electronic filing service provider (EFSP).

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

☐ I or the person I am sending the document to do **not** have an email address.
 I am sending the document by (*choose one*):

☐ Mail or third-party carrier to the address in **2**, with postage or delivery

Fill in the date and time that you are sending the document.

Fill in **2** if you are sending the document to more than 1 party or lawyer. Otherwise leave **2** blank.

Then, check the box to show how you are sending the document.

Enter the Case Number given by the Circuit Clerk: _____

charge prepaid. Location of the mailbox or third-party carrier:

Address or Intersection *City* *State*

- ☐ Personal hand delivery at this address:
Note: You can only deliver it to the party, the party's family member over 13 at the party's residence, the party's lawyer, or the party's lawyer's office.

Address – Street, Apt #, City, State, and Zip Code

- ☐ Mail to the address in **2**, from a prison or jail at:

Name of Prison or Jail

Fill in the date and time that you are sending the document.

This document will be sent on:

Date: _____ Time: _____
Month, Day, Year *Include AM or PM*

If you are sending your document to more than 2 parties or lawyers, check the box and file the *Additional Proof of Delivery* with this form.

- ☐ I have completed an *Additional Proof of Delivery* form.

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.

Under [735 ILCS 5/1-109](#) your signature means:

1) everything in this document is true and correct, or I have been informed or I believe it to be true and correct, and 2) I understand that making a false statement on this form is perjury and has penalties provided by law.

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

/s/ _____
Your Signature *Street Address*

Print Your Name *City, State, ZIP*

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

Telephone *Email*

Firm Name (if any) *Attorney # (if any)*

Be sure to **check your email every day** so you do not miss important information, court dates, or documents from other parties.