

<b>JDF 103</b>	<b>Eviction Answer</b> (Residential Tenancy)	
<b>1. Court</b> <input type="checkbox"/> District <input type="checkbox"/> County Colorado County: _____ Mailing Address: _____		This box is for court use only.
<b>2. Parties to the Case</b> Landlord: <i>(Plaintiff)</i> _____ v. Tenant: <i>(Defendant)</i> _____		
<b>3. Filed by</b> Name: _____ Mailing Address: _____ City: _____ St: _____ Zip: _____ Phone: _____ Email: _____		<b>4. Case Details</b> Number: _____ Division: _____ Courtroom: _____

## 5. Background

I submit this Answer under C.R.S. § 13-40-113. I swear or affirm the following is true:

### This Answer Contains

- ☐ Affirmative Defenses.
- ☐ Jury Demand. *(Non-refundable fee. Only specific claims can be decided by a Jury)*
- ☐ Counter/Cross Claims. *(Attach claims, if any.)*

## 6. Tenant Information

Do you need an interpreter?      ☐ No.      ☐ Yes, in *(language)* \_\_\_\_\_

I want to attend court events:      ☐ In-person.      ☐ Remotely. *(by phone or web video)*

To ever change how you appear for court events:

- a) Complete form *JDF 105 – Notice about Remote Hearings*.
- b) File at least 48 hours before an event.

If *different* from [Section 3] above, my *(the Tenant's)* contact information is:

Full Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Always keep your contact info updated. Use form *JDF 88 – Contact Information Change*.

## 7. Defenses

### Note to Tenant

- a) Review the *Eviction Complaint* to see why the landlord is evicting you.
- b) For each *Cause* the Landlord claimed, check the defenses you plan to present at trial.
- c) Briefly explain each in [Section 8 – Explanation.] You'll present your full case at trial.
- d) This is only a partial list of defenses. Check with a lawyer for which apply to you.

### 7a) Unpaid Rent

Did your landlord raise unpaid rent claims?

- ☐ No. **[Skip to Section 7b]**
- ☐ Yes. My Defenses are: (Check all that apply and explain in Section 8)
  - ☐ I paid the proper amount of rent due, not the amount the landlord claims.
  - ☐ I tried to pay the full rent due within the cure period, but the Landlord refused.  
C.R.S. § 13-40-104(1)(d).
  - ☐ I paid partial rent to the Landlord **after** they sent me a Demand for Compliance.  
C.R.S. § 13-40-104(1)(d).
  - ☐ **{Affirmative Defense – Unfixed Repairs}** Warranty of Habitability  
Complete and file form *JDF 104 – Unlivable Conditions at Home* with this form.

### 7b) Defenses for Lease Violations

Did your landlord raise lease violation claims?

- ☐ No. **[Skip to Section 7c]**
- ☐ Yes. My Defenses are: (Check all that apply. Explain in Section 8.)
  - ☐ I did not violate a material condition of the lease.
  - ☐ I did not repeat a violation because the alleged violations are not a part of the same lease term. C.R.S. § 13-40-104(1)(e.5).
  - ☐ **{Affirmative Defense}** If I did violate the lease, it resulted from my disabilities for which I should be granted a reasonable accommodation and allowed to remain a tenant (Federal Fair Housing Act).

### 7c) Defenses for Substantial Violations

Did your landlord raise substantial lease violation claims?

- ☐ No. [\[Skip to Section 7d\]](#)
- ☐ Yes. My Defenses are: [\(Check all that apply. Explain in Section 8.\)](#)
  - ☐ I, nor anyone I have invited onto the property, did not: [\(all must apply\)](#)
    - 1) purposefully and substantially endanger the property or other tenants,
    - 2) committed a violent or drug-related felony crime, or
    - 3) committed a criminal act that was a public nuisance under law or could result in jail time of 180 days or more.
  - ☐ **{Affirmative Defense}** I did not know, reasonably could have known, or prevented my guest from committing a substantial violation. But I did immediately notify law enforcement. [C.R.S. § 13-40-107.5\(5\)\(b\)\(II\).](#)

### 7d) Defenses for Ending Tenancy (No-Fault)

Are you being evicted before the end of your lease term?

- ☐ Yes. [\[Skip to Section 7e\]](#)
- ☐ No, my landlord is not renewing my lease.

My Defenses are: [\(Check all that apply. Explain in Section 8.\)](#)

  - ☐ The landlord is retaliating against me for reporting a warranty of habitability violation. [C.R.S. § 38-12-509\(1\).](#)
  - ☐ **{Affirmative Defense}** The landlord didn't follow the process or qualify for a No-Fault Eviction. [\(Explain how or why in Section 8\).](#) [C.R.S. § 38-12-1306.](#)

### 7e) General Defenses

My defenses are: [\(Check all that apply. Explain in Section 8.\)](#)

- ☐ The Landlord wants attorney or other fees not allowed under the lease or law.
- ☐ The Landlord wants illegal or unenforceable late and other fees.
- ☐ I was served a *Demand for Compliance* but not given the correct cure period of:
  - ☐ 5-10 days (normal). [C.R.S. § 13-40-106.](#)
  - ☐ 30 days (federally backed mortgage). [15 U.S.C. § 9058\(a\)\(2\).](#)

### Affirmative Defenses:

- ☐ Violation under the Unfair Housing Act C.R.S. § 13-40-113(2.5).

The landlord violated one of the provisions of the Unfair Housing Act under C.R.S. §§ 24-34-501 to 509. (Explain which provision and how it was violated in Section 8).

*Examples Include: Discrimination based on gender identity, marital/familial status, national origin, race, religion, sex, sexual orientation ...*

- ☐
- Failure to Attend Mandatory Mediation C.R.S. § 13-40-110(d).

*All (1 through 4) must apply:*

- 1) I'm enrolled in one of the following benefits programs: *(must check at least one)*

- ☐ Supplemental Security Income      ☐ Social Security Disability Insurance
- ☐ Cash Assistance through the Colorado Works program. And,

- 2) I notified the landlord, in writing, that I received that benefit. And,
- 3) The landlord has or is believed to have six or more rental units. And,
- 4) The landlord failed to schedule and attend mediation before filing the case.

**7f) List All Other Defenses** *(if any)*

*(Examples may include issues of standing, service, or notice. Be sure to explain in Section 8.)*

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_

## 8. Explanation

Briefly explain your side of the situation. You'll present your full argument at trial.

How do the defenses you checked apply? What facts did the Complaint get wrong?

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## 9. File Online

You can submit this form to the court *(file)* and send it to the landlord *(service)* online at:

**Colorado Courts Efiling**

**[[www.jbits.courts.state.co.us/efiling](http://www.jbits.courts.state.co.us/efiling)]**

**Note** Not available for cases in Denver County Court.

## Fee Waivers

To waive court fees, submit forms *JDF 205 – Motion to Waive Fees* and *JDF 206 – Order*.

## 10. Certificate of Service

On *(enter service date)* \_\_\_\_\_

I certify that I sent a copy of this document to the other parties by: *(select one)*

- ☐ Colorado Courts E-Filing. [[www.jbits.courts.state.co.us/efiling](http://www.jbits.courts.state.co.us/efiling)]
- ☐ Regular Mail, addressed to:  
*Name & full address:* \_\_\_\_\_
- ☐ Other: *(explain)* \_\_\_\_\_

## 11. Tenant Signature

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

Executed on the *(date)* \_\_\_\_\_ day of *(month)* \_\_\_\_\_ *(year)* \_\_\_\_\_  
at City: *(or other location)* \_\_\_\_\_  
and State: *(or country)* \_\_\_\_\_

Print Your Name(s): \_\_\_\_\_

Your Signature(s): \_\_\_\_\_

Lawyer Signature: *(If any)* \_\_\_\_\_

**12. Additional Information** (if any)