

BASIC GUIDE TO ANSWERING AN EVICTION COMPLAINT

You can also call the Court's Self-Help Center from 11 a.m. to 5 p.m., Monday thru Friday: 888-683-0009

No legal advice. Only help with forms and filing.

No Answer form is attached to these Basic Instructions. Use [MyCase](#) or the [fillable PDF](#) link below.

- You have **three (3) business days** to file your Answer to the Complaint for eviction. (If you live in a mobile home park, you may have between 5 and 21 days to file. Read the Summons carefully.)
- Do not count the day you received the court papers. Do not count weekends and holidays, unless the Summons gives you more than 3 days. If you do not file a response within the stated period, the landlord can ask the court for a default judgment. A default judgment means you only get three days to leave the rental unit (15 days if you rent space in a mobile home park). The landlord will also get a money judgment.
- Your Answer must be in a format required by the court. It is best to use the Answer form provided by the court.
- [MyCase](#) is an on-line application. You can use it to **fill out and file your Answer** in the eviction case. To sign up for an account, you will need a State-issued ID (like a driver license) and the nine-digit civil number identifying the eviction case (like 220999111). [MyCase](#) will both file your Answer automatically and send notice to the attorney representing your landlord. If your landlord is *pro se* (self-represented), you must mail or email a copy to the landlord.
- Another way to get the Answer form is to use this [fillable PDF form](#). You can move from one field (like your name) to the next field and fill in the needed information. You must then send a copy to both the court and to the landlord or the attorney representing the landlord.
- **ALL courts accept Answers filed through MyCase; MOST** accept an Answer filed as an email attachment. Click here for the courts' ["Employee Search"](#). Enter the judge's LAST name. You will find the court's phone number and, usually, the email address. You should send email or call first to ask whether that court is accepting emailed Answers. If you can file your Answer by email, that email must have as its subject line: "Filing in case # [case number]". Remember to attach a copy of your Answer to this email. You can CC ("carbon copy") this same email to the landlord or the attorney. The landlord's or attorney's email will appear at the top of the Complaint.
- Paragraph #1 of the Answer asks which paragraphs in the Complaint you agree with. Paragraph #2 asks which paragraphs you deny. Paragraph #3 asks which paragraphs you're unsure about. The rest of the Answer asks for information about any defenses or counterclaims you may have.
- Filing your Answer is free unless you add a counterclaim, for which you will either have to pay a fee or fill out a form asking the judge to waive the fee. Information and forms needed for fee waiver are [here](#).
- **It is more important to file your Answer with the court** than what you say in your Answer. Just get it filed.

WHAT HAPPENS NEXT...

- Once you file your Answer the landlord will ask for an "immediate occupancy" (or "possession") hearing unless you have already moved out. The hearing will take place within 10 days. The landlord must give you any documents to be used at the hearing as well as the names of any

witnesses the landlord may call. Those disclosures will be sent by email if you provided an email address in your Answer. Otherwise, by regular USPS mail. You must provide the same (your documents and witness list) to the landlord at least 2 days before the hearing.

- **Notice of the immediate occupancy hearing is sent by email.** Make sure the email address you enter on your Answer is correct. This notice will explain how the hearing will occur. During the Covid pandemic period, these hearings are conducted electronically by WebEx and/or phone. At the end of 2022, some judges began having hearings at the courthouse. If you do not enter an email address on your Answer then the court will mail the notice to you. But you might not get that notice until it is too late.
- At that hearing, the judge will decide who gets possession of the rental unit (you or the landlord) but probably not the amount of money due.
- **Attend the hearing!** If you do not go to the hearing, the judge will delete (“strike”) your Answer and enter an order evicting you (an “Order of Restitution”) as well as a money judgment based on the landlord’s Complaint. The eviction order may require you to leave immediately (without delay) if you don’t go to the hearing.
- If the judge evicts you at the hearing, you will likely have 3 more calendar days before the landlord can lock you out. But you can ask for more time if you can show “extraordinary circumstances.” The judge can also dismiss the case against you or schedule a full trial some weeks later (and you can stay in the rental unit during that time. However, treble damages will continue to add up if you lose the case. “Treble damages” include three times the usual daily rent beginning the day after the eviction notice expired.)
- The eviction order (“Order of Restitution”) can be posted on your door. Move your property out of the rental unit before you are locked out. After being locked out, the landlord can demand payment of moving/storage costs before letting you take your property except you have 5 days after the lockout to get your papers, medical supplies and clothing without cost. After 15 days, you may not be able to get your property back.
- The papers you get with the Order of Restitution should also include a blank **Request for Hearing Regarding Enforcement of An Order of Restitution**. You can file this form if, for instance, the landlord locked you out right after the immediate occupancy hearing or unlawfully removed your property. [Click here](#) for a fillable version of this form. But you must still file it with the court (usually by email) and send a copy to the landlord or the attorney. NOTE: Filing a Request for Hearing does **not** stay (“stop”) your eviction.
- You can file a [Motion to Stay Order of Restitution](#) to delay your eviction. But the law requires you post a bond (money) that would be paid to the landlord in the event the Motion is denied.
- A monetary judgment – for rent, property damage, treble damages, court costs and attorney fees – requires another hearing. But the landlord (or the attorney) can wait several months before scheduling that hearing. Another possibility: The landlord (or the attorney) will file a Motion for Summary Judgment. The only notice you will get is by email (or regular mail). Be sure the court and opposing party know your email or mailing address whenever you move. If you do not go to this hearing OR respond in writing to the Motion within 14 days after you get it, the judge will grant the landlord’s claim for money.