

Answer to Eviction Form

Before you fill out the form

Eviction is the process where a landlord asks the court to remove a tenant (you) from a property the tenant currently lives in.

After receiving an eviction summons from the court, **you may have a court date as soon as the third day after you are served**. If you miss your court date, you will be automatically evicted.



What is this form?

This form can help you tell the court your side of the eviction case your landlord has filed against you. Using this form may provide you a few options:

- Option 1: Requesting more time to prepare for your court hearing, known as a continuance.
- Option 2: Negotiating a move-out or payment plan with your landlord, known as a consent judgment or consent agreement.
- Option 3: Explaining your exception(s) or defense(s) as to why you should not be evicted.

If your case is in a City, Parish, or District court, you **must** file this notarized form and you **must** check a box in the "defenses" section to stop your eviction while you appeal. If your case is in a Justice of the Peace court, you can use this form to prepare for your hearing, but you are not required to file it.

Who can use this form?

You can use this form if you are the named "Defendant" on an official eviction notice issued from a court.

What can I expect when filling out this form?

In the form, you will fill out sections related to any procedural problems and/or facts that may prevent you from being evicted. You can also request more time to prepare for your eviction hearing, or for your landlord to agree to payment or move-out plans that can keep you from being officially evicted. Completing this form will take about 45-60 minutes.

What do I need to get started?

To get started, you should have a copy of any notices from your landlord and the court related to your eviction. The first notice from your landlord is usually titled “Notice to Vacate.” The official notice from the court is usually called a “Rule for Possession.”

Did you already move out? Even if you already moved out, you should still answer and go to court to avoid an official eviction on your record.

Paying filing fees

It costs money to file forms with the court. You can ask the court to let you delay the filing fees until a later date. This is called filing *“In Forma Pauperis.”* Fill out or print an [In Forma Pauperis](#) form, which requires a notary and another adult who knows you to complete. This is sometimes called an *“IFP”* or *“Pauper Form.”*

Getting legal help

Free legal help is available in Louisiana for those that qualify. If you need help, a lawyer can explain your rights and go to your court hearing with you and speak for you. Scan the QR code or visit www.lalegalnav.org/service-providers to find legal help.



Are you in Orleans Parish? Then you have the right to have an attorney. Call Southeast Louisiana Legal Services at 504-529-1000, ext. 223 immediately so someone can represent you in your hearing.

Petitioner:	Docket Number:
versus	
Defendant:	Division:
Filed:	Court for the Parish/City of:
/ /	
	Deputy Clerk:

Answer to Eviction Form

Your Response to the Court

Section 1

Select all that apply:

- I would like to request that the court grant a continuance and reschedule my hearing for a later time. I understand that if the continuance is denied by the judge, I still need to attend my hearing. *(Complete Section 2(b).)*
- I would like to negotiate a move-out plan or payment date with my landlord to avoid an eviction on my record. *(Complete Section 2(c).)*
- I have exceptions and/or defenses to the claims made in the eviction paperwork. *(Complete Sections 2(a) and 2(d).)*
- I have moved out of the rental property, so this eviction case is moot.

Exceptions

Section 2(a)

Exceptions are your objections to how your landlord has filed to evict you. They help you explain any problem with the process or timeline of the eviction case, not the facts of the case.

The landlord is not entitled to possession of my apartment or home for the reasons I have marked below (Select all that apply.):

- The landlord did not issue a written *Notice to Vacate* that explains the reason for the eviction, and my lease does not waive the notice requirement.
- There were timeline errors with the *Notice to Vacate* and/or *Rule for Possession*:
 - I was served a *Notice to Vacate* too early. A longer notice period is required to end my lease.
 - The *Rule for Possession* was filed too early. It was filed on . The law says the notice period should be _____ days, which excludes the day it was served, weekends, and legal holidays.
- The landlord accepted some payment of rent after issuing me a *Notice to Vacate*. The *Notice to Vacate* was served on and the landlord accepted \$_____ on .
- The *Notice to Vacate* and the *Rule for Possession* state different reasons for eviction, so I have not received proper notice of the reasons for eviction.
- The *Notice to Vacate* and/or *Rule for Possession* is too vague for me to know how to prepare a defense.
- The person who filed the *Rule for Possession* is not the owner or the owner's agent and cannot legally file the eviction.
- My court date is sooner than the third day after service of the court papers.

- My lease requires that the landlord give me a notice to cure the violation or cease and desist before eviction. I did not receive a notice to cure.
- I have an ownership interest in the property I am being evicted from.
- My lease is not expired, but my landlord did not provide a reason for eviction.
- My housing subsidy program requires that my landlord have a reason for not renewing my lease, but my landlord did not provide one.
- Other:

For public housing, project-based Section 8, or a Section 8 voucher tenants only:

- I live in public housing or project-based Section 8 housing, and the federally required pre-eviction administrative grievance process or meeting has not been completed.
- I did not receive a *Notice to Vacate*. I have a tenant-based Section 8 voucher so notice cannot legally be waived.
- I live in public housing or a project-based Section 8 unit, and my landlord did not provide the required 30 days' notice and opportunity to pay.

Request for a Continuance

Section 2(b)

- I would like to request a continuance of this hearing because:
 - I need time to prepare and gather evidence that I cannot reasonably obtain before my court date.

- There are health/medical issues which impact my ability to present my case.
- An emergency has occurred.
- I've experienced a disaster.
- I'm trying to find a lawyer.
- Other reason (explain):

If my continuance is granted, I can be notified at:

(Provide your mailing address and email address.)

Reminder: You must come to court on the scheduled date listed on this form unless the court has told you that your hearing has been moved to a new date.

Request for a Consent Judgment

Section 2(c)

I deny these allegations, but:

Select all that apply:

- I would like to negotiate a move-out date with my landlord.
 - I would like to move out on:
- I would like to negotiate a payment plan with my landlord.

I propose the following payment plan:

Write a plan that would work for you, including (1) how much you would be able to pay, and (2) when you would be able to pay it. For example, “I can pay an extra \$400 per month on top of my current rent” or “I can pay all owed rent by the end of the month.”

Defenses

Section 2(d)

Below are some of the most common defenses used in eviction cases. You can have more than one defense. If you have a defense not listed here, write it in the “other defenses” section.

Select all that apply:

- My landlord refused my rent payments. I have proof of my attempts to pay.
- My landlord has accepted late payments in the past. I have proof of my late payments.
- I did not commit the lease violations stated by my landlord.
- The alleged violation of my lease is related to my physical or mental disability, and I am entitled to a reasonable accommodation by my landlord or this court.
- I used my rent money to make repairs that my landlord did not take care of.
- My eviction is related to domestic violence.
- I have some other defense(s):

Examples of other defenses may be: your landlord improperly used your rent payment for some other debt or fees you owed, you believe your landlord is discriminating or retaliating against you in some way, you do not have full use of the property because of needed repairs, you have filed bankruptcy, or any other reasons you think the court should not evict you or give you more time.

For tenants in government subsidized housing only:

I do not owe the rent because I am on Section 8 or another government housing program, and an agency pays all or part of my rent for me. I am not responsible for the agency's portion of rent.

Special circumstances:

I am asking the court to be lenient in my case because:

Examples of special circumstances may be: you have children living with you, you have health conditions or disabilities that limit your ability to move out, or you have nowhere to go and will become homeless if forced to move.

Your Request to the Court

Section 3

Select all that apply to you:

- I respectfully request that the court allow a continuance in the case and schedule my hearing for a later date. *(Check if you completed Section 2(b)).*
- I respectfully request that the court allow me to negotiate a consent judgment with my landlord based on a payment plan or move-out date. *(Check if you completed Section 2(c)).*
- I respectfully request that the court dismiss the eviction case due to the exceptions and/or defenses marked above. *(Check if you completed Section 2(a) or 2(d)).*
- I respectfully request that the court grant my request to file this answer *In Forma Pauperis*. *(Check if you are filing an IFP form).*
- I respectfully request that the court dismiss this case because I have already moved out of the home, and the case is moot.

Understanding What's Next

Section 4

Review carefully and check all boxes to acknowledge:

- I understand that if the court does not allow a continuance in my case, my hearing will happen on the date it is currently scheduled.
- I understand if the court **does not** allow a consent judgment with my landlord, or if the landlord **does not** agree to a consent agreement, the judge will issue a judgment at my hearing.
- I understand that if the court **does** allow a consent judgment with my landlord, and that if I do not follow the agreement, my landlord can have me evicted without going back to court, and I will have an eviction on my record.
- I understand that if the court does not accept my defense(s) and I lose my case, I may be required to leave the property within 24 hours.

- I understand that if the court does not allow me to file *In Forma Pauperis*, I am required to pay the associated filing fees.
- I understand that if I disagree with the judgment made against me, and I want to stay in my rental, I have the right to file a suspensive appeal or *Trial de Novo* within 24 hours.
- I understand that if this form is not notarized and filed, I cannot stop my eviction by appealing the judgment. (*City, Parish, and District court cases only.*)

Stop: The following section must be completed with a notary.

Signature

Section 5

I verify that everything in this document is true and correct to the best of my knowledge.

Tenant Name

Notary Name

Tenant Signature

Notary Signature

Date

Bar Roll / Notary Number

Commission Expiration

Information Sheet – Next Steps

An attorney may be able to represent you, and free legal help is available in Louisiana to those who qualify. To find free legal help, use the [Find a Legal Referral](#) tool from the [Louisiana Legal Navigator](#).

Use this step-by-step guide for after you've filled out the form.

Step 1: Check your work

This form is a sworn answer, which means you are swearing what you say in this form is true. Make sure your written answers are clearly and correctly spelled.

Step 2: Complete an IFP form (optional)

It costs money to file forms with the court. You can ask the court to let you file for free with an *In Forma Pauperis* (IFP) form. The IFP must be filed at the same time you submit the Answer to Eviction form. Fill out the [In Forma Pauperis](#) form.

Step 3: Sign your form(s)

If your case is in City, Parish, or District court, you **will** need to get your form notarized to preserve your right to stop your eviction during an appeal. In Louisiana, most active attorneys are licensed notaries. You can also find a notary through the [Louisiana Secretary of State](#)'s website. If you are filing *In Forma Pauperis*, that form will also need to be notarized.

If your case is in a Justice of the Peace court, you **do not** need to get your form notarized.

Step 4: File in your court

If your case is in City, Parish, or District court, you can file this form at the court listed on your *Rule for Possession*. You may file it any time before or on the day of your hearing. If you file your form on the day of your hearing, inform the deputy clerk that your hearing is that day. Otherwise, the court may not be aware of the filing.

If your case is in a Justice of the Peace court, you can, but are not required to, file a written answer. You can still use this form as a worksheet to prepare for your hearing or to give to your attorney.

Step 5: Give a copy to your landlord

You will need to provide a copy of your answer to your landlord. You can send your answer form to your landlord in the mail or via e-mail.

Step 6: Prepare for court

First, you should read your notice, find your court time and date, and make a plan to get to court early. You'll also want to gather evidence that may be important in your case, such as text messages or receipts. Some courts may require you to print your evidence rather than showing it on your phone.

Step 7: Attend your hearing

On the day of your court hearing, dress professionally and be prepared to talk to the judge and your landlord about your case. If you don't attend your hearing, you will automatically be evicted without the chance to argue your case. If you are evicted, it may make it difficult for you to rent other properties.

Step 8: Follow court orders or appeal the judgment

If the judge rules against you, you can either (1) move out of your rental before the deadline or (2) file an appeal.

For evictions in City, Parish, or District court, there are two types of appeals available: suspensive and devolutive.

- A **suspensive** appeal would let you stop from having to leave your residence until the appeal is decided. It must be filed within 24 hours of an eviction judgment. The court will require you to pay a bond, which is typically one month's rent.
- A **devolutive** appeal would **not** allow you to stay in the residence until your appeal is heard but would allow you to appeal the judgment and prevent an

eviction from being placed on your record. In a District court, it must be filed within 30 days of an eviction judgment. In a City or Parish court, you have 10 days to file the appeal.

For evictions filed in Justice of the Peace courts, you may file a *Trial De Novo* and a *Motion to Stay* with the parish or district court that has jurisdiction over your case. To avoid being forcibly removed from your home, you must get a signed stay order from the court and provide a copy to the Justice of the Peace within 24 hours of your judgment.

If you want to file an appeal, it may be helpful to speak with an attorney. Visit www.lalegalnav.org/service-providers to find legal help.