

Cause No. _____

Plaintiff

v.

Defendant

§ In the
§ Justice Court
§ County Court
§ _____
§
§ Court or Precinct No. _____
§ Place No. _____ (if applicable)
§
§ _____ County, Texas

Defendant's Answer (Eviction)

The Defendant, _____, submits this Answer.

General Denial: The Defendant generally denies all of the Plaintiff's allegations and demands that Plaintiff prove each allegation.

Defenses: Based on information and belief, the Defendant asserts that: *(check all that apply)*

- Plaintiff Has Received Rental Assistance Funds:** The Plaintiff has received rental assistance funds for the Defendant's unit that cover one or more rental periods for which the Plaintiff is alleging nonpayment. By receiving the funds, the landlord agreed not to take any action to evict the Defendant during the assistance period or for past arrears.
- Plaintiff Failed to Mitigate Damages:** The Plaintiff was offered full or partial payment but refused to accept the funds, and thus failed to mitigate damages from the alleged nonpayment of rent.
- Defendant Does Not Live on the Property:** The Defendant no longer lives in the rental unit and thus the court should give a final judgment in the Defendant's favor.
- Federal Mortgage in Forbearance:** Eviction is prohibited because the multi-family property benefits from mortgage forbearance granted by one of the following:
 - Fair Housing Administration
 - Federal Housing Finance Agency (includes Fannie Mae and Freddie Mac)
- CARES Act Notice:** The property is a "covered dwelling" under Section 4024 of the CARES Act and the Plaintiff did not provide 30 days' notice of this action.
- Texas Notice to Vacate:** The Plaintiff has not given the Defendant proper Notice to Vacate as required by Section 24.005 of the Texas Property Code.

- Notice of Possible Eviction (City of Dallas only):** The Defendant did not receive a ten-day Notice of Possible Eviction prior to receiving a Notice to Vacate, as required by City of Dallas ordinance #32346.
- Notice of Renters Rights (City of San Antonio only):** The Defendant did not receive a Notice of Renters Rights as required by City of San Antonio ordinance #2020-06-25-0453.
- Notice of Proposed Eviction (City of Austin only):** The Defendant did not receive a seven-day Notice of Proposed Eviction before receiving a Notice to Vacate, as required by City of Austin ordinance #20221027-023.

- Further Information:** The Defendant further answers as follows *(give any other defenses or necessary information, if any, and attach additional pages if necessary)*:

- Jury Trial:** The Defendant asks for a jury trial. The fee must be paid at least three days before trial.

Email Service: The Defendant agrees to email service for all documents filed in this case. The Defendant's email address is: _____.

Attachments: The Defendant attaches the following documents:

Plea for Relief: The Defendant asks the Court to enter judgment for Defendant, award the Defendant's costs, and provide such other just relief to which the Defendant is entitled.

Respectfully submitted,

Defendant Signature Date
Printed Name: _____
Address: _____

Telephone: _____
Email: _____

CERTIFICATE OF SERVICE

I hereby certify that I will serve a copy of this Answer to the Plaintiff by hand delivery, mail, fax, email (if both parties have agreed in writing and provided email addresses), or another method approved by the court, pursuant to Texas Rule of Civil Procedure 501.4.

Defendant's Signature

Signature Date