

## ANSWER AND COUNTERCLAIMS IN AN EVICTION IN OHIO

Note: This form is for use in eviction cases only. If you do not understand your rights, or do not know what the defenses and counterclaims listed here mean, then you should consult an attorney. If you cannot afford an attorney, please call your local legal aid office at:

Statewide: 1-866-LAW-OHIO (529-6446)

In Ross, Pike, Pickaway, Fayette, or Jackson Counties: 1-800-686-3668

The use of this form may require you to pay a Filing Fee. You may be able to get that fee waived by the Court if you file an affidavit stating that you cannot pay the cost. For more information see the Chillicothe office site of SEOLS at [www.seols.org/chillicothe](http://www.seols.org/chillicothe), and click on [Request to waive filing fee in Municipal Court](#).

You should not file this document unless you wish to bring claims against your landlord. If you only wish to file an Answer, and not a Counterclaim, you should not file this document because it is the counterclaim portion that will most likely trigger a request for filing fees.

### Instructions on completing the form:

1. Caption: The caption is the top part of the first page, identifying the case number and the names of the parties. Copy this information from the Complaint. You do not need to list any addresses in your caption, and you only need to list the first Plaintiff and the first Defendant if more than one of either is listed on the Complaint.
2. Admit/Deny: If you have any grounds to dispute something your landlord has said, deny that allegation. Anything you admit to in this form will be deemed true by the Court, and you cannot contest it later.
3. Mark any and all claims you have against your landlord and be as specific as possible.
4. If you claim more than \$15,000 in damages your case will likely be transferred to Common Pleas Court. There are several issues to consider before doing this, and if you are considering asking for more than \$15,000 we strongly encourage you to consult with an attorney.
5. Fill in the certificate of service based on information under the signature on the complaint. If it was signed by an attorney, list the attorney in your certificate of service. If it was signed by your landlord, list your landlord.
6. File your document:
  - a. In person: Take the original and two copies with you. You should receive two copies back with a stamp showing you filed the document. Keep one and mail the other to the person listed on your certificate of service.
    - i. If you are asking to have filing fees waived, the Clerk may not be able to file your document immediately. In that case leave only the original and one copy with the Clerk, and mail the other copy to the person listed on your certificate of service.
  - b. By mail: Mail the original and one copy to the Court. Include a letter asking that one copy be returned to you. Mail a separate copy to the person listed on your certificate of service.

**IN THE MUNICIPAL COURT**  
**\_\_\_\_\_ , OHIO**

Case Number:

\_\_\_\_\_  
Plaintiff(s)

v.

**ANSWER AND COUNTERCLAIMS**

\_\_\_\_\_  
Defendant(s)

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Defendant \_\_\_\_\_, for his/her

Answer, admits Plaintiff claims: (list paragraph numbers from complaint where possible)

And denies Plaintiff claims: (list paragraph numbers from complaint where possible)

Defendant further denies any allegations of the complaint not directly addressed above.

DEFENSES

(Mark all applicable, fill in when necessary)

The premises has problems with conditions, including but not limited to these items:

- I did not receive a 3-day notice.
- I paid the landlord rent after the 3-day notice.
- The landlord refused my rent.
- I have made late rent payments many times and it has been accepted.
- I paid part of the rent this month and I am not behind in any other rent.
- The notice I got from subsidized housing didn't tell me what I did wrong.
- They didn't give me 30 days to correct the problem (not applicable for non-payment).
- The landlord is retaliating against me.

COUNTERCLAIMS

- Because the conditions in the residence were bad, I am entitled to a rent reduction in the amount of \$\_\_\_\_\_ per month for every month the conditions existed.
- The Plaintiff landlord's actions have caused me the following expenses:

- The Plaintiff landlord's action were deliberate and meant to harm me, so I am entitled to punitive damages.

THEREFORE, Defendant(s) request the following relief to be granted;

A. Dismiss the complaint against (me/us);

B. Prohibit the re-rental of the property until the conditions are corrected pursuant to

O.R.C. 1923.15;

C. If 28 days have not passed since service of the summons and complaint, grant (me/us) a separate trial on the money issues;

D. Grant (me/us) actual damages in the amount of \$\_\_\_\_\_, and punitive damages in the amount of \$\_\_\_\_\_; and

E. Grant (me/us) costs and any other relief that may be just and equitable.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

CERTIFICATE OF SERVICE

I sent a copy of this Answer by ordinary U.S. Mail to Plaintiff (or Attorney for Plaintiff if an attorney filed the case) \_\_\_\_\_, at \_\_\_\_\_, Ohio \_\_\_\_\_, on \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Name