

JDF 103	Eviction Answer 驱逐诉讼答辩状 (Residential Tenancy) (住宅租赁)	
1. Court 法院 <input type="checkbox"/> District <input type="checkbox"/> County <input type="checkbox"/> 地方法院 <input type="checkbox"/> 县法院 Colorado County: _____ 科罗拉多州下属的县: _____ Mailing Address: _____ 邮寄地址: _____	<i>This box is for court use only.</i> <i>本框仅供法院使用。</i>	
2. Parties to the Case 案件当事人 Landlord: (Plaintiff) _____ 出租人: (原告) _____ v. 诉 Tenant: (Defendant) _____ 承租人: (被告) _____		
3. Filed by 提交人 Name: _____ 姓名: _____ Mailing Address: _____ 邮寄地址: _____ City: _____ St: _____ Zip: _____ 市: _____ 街道: _____ 邮编: _____ Phone: _____ 电话: _____ Email: _____ 电子邮箱: _____	4. Case Details 案件详情 Number: _____ 编号: _____ Division: _____ 审判庭: _____ Courtroom: _____ 审判室: _____	

5. Background
背景

I submit this Answer under C.R.S. § 13-40-113. I swear or affirm the following is true:
 本人遵照《科罗拉多州修订法规》第 13-40-113 条提交本答辩状。本人宣誓或确认以下内容属实:

This Answer Contains

本答辩状包含以下内容

- Affirmative Defenses.
肯定性抗辩理由。
- Jury Demand. (Non-refundable fee. Only specific claims can be decided by a Jury)
请求陪审团参与审判。(不予退还费用。仅特定主张可由陪审团裁决。)
- Counter/Cross Claims. (Attach claims, if any.)
反诉/交叉诉讼。(如有任何诉讼状, 请附上)

6. Tenant Information

承租人信息

Do you need an interpreter? No. Yes, in (language) _____
您是否需要口译服务? 不需要。 需要, 译为: (语言) _____

I want to attend court events: In-person. Remotely. (by phone or web video)
本人申请参加庭审: 亲自出庭。 远程出庭。(通过电话或网络视频)

To switch your choice: File form *JDF 105 - Notice about Remote Hearings* at least
更改选择: 48 hours before an event.
在庭审开始前至少 48 小时提交表格“JDF 105 - 远程出庭通知”。

If *different* from [Section 3] above, my (the Tenant's) contact information is:
如果与上述[第 3 部分]不同, 请使用本人(承租人)以下联系方式:

Full Name: _____
全名: _____

Mailing Address: _____
邮寄地址: _____

City, State, Zip: _____
市、州、邮政编码: _____

Phone: _____ Email: _____
电话: _____ 电子邮箱: _____

Always keep your contact info updated. Use form *JDF 88 - Contact Information Change*.
联系方式如有变更, 请及时告知。请使用表格“JDF 88 - 联系方式变更”。

7. Defenses 抗辯理由

Note to Tenant 承租人須知

- a) Review the *Eviction Complaint* to see why the landlord is evicting you.
請仔細閱讀驅逐訴狀，了解出租人驅逐您的原因。
- b) For each *Cause* the Landlord claimed, check the defenses you plan to present at trial.
對於出租人提出的每一個原因，請勾選您计划在庭审中提出的抗辯理由。
- c) Briefly explain each in [Section 8 - Explanation.] You'll present your full case at trial.
请在[第 8 部分 - 解釋]中简要说明每项抗辯理由。您需要在庭审中陈述您的全部理由。
- d) This is only a partial list of defenses. Check with a lawyer for which apply to you.
此列表并未涵盖全部抗辯理由。請向律師諮詢哪些抗辯理由适用于您。

7a) Unpaid Rent 租金未付

Did your landlord raise unpaid rent claims?
出租人是否提出过未付租金的指控？

- No. **[Skip to Section 7b]**
否。[跳至第 7b 部分]
- Yes. My Defenses are: (Check all that apply and explain in Section 8)
是。本人的抗辯理由如下：（請勾選所有适用項，并在第 8 部分中解釋）
 - I paid the proper amount of rent due, not the amount the landlord claims.
本人已经支付了应付的租金金額，而非出租人主張的金額。
 - I tried to pay the full rent due within the cure period, but the Landlord refused.
C.R.S. § 13-40-104(1)(d).
本人试图在宽限期内支付全部应付的租金，但遭到出租人拒绝。（依据《科罗拉多州修订法规》第 13-40-104(1)(d) 条）
 - I paid partial rent to the Landlord **after** they sent me a Demand for Compliance.
C.R.S. § 13-40-104(1)(d).
在出租人向本人发出“履約通知”之后，本人已向出租人支付了部分租金。（依据《科罗拉多州修订法规》第 13-40-104(1)(d) 条）
 - {Affirmative Defense - Unfixed Repairs}** Warranty of Habitability
{肯定性抗辯理由 - 未履行维修义务} 适居性保证
Complete form JDF 104 - *Unlivable Conditions Affidavit* and file with this form.
填写并随此表格一并提交表格“JDF 104 - 住宅不适居条件宣誓书”。

7b) Defenses for Lease Violations 针对违反租約的抗辯理由

Did your landlord raise lease violation claims?
出租人是否提出过违反租約的指控？

- No. **[Skip to Section 7c]**
否。[跳至第 7c 部分]
- Yes. My Defenses are: (Check all that apply. Explain in Section 8.)
是。本人的抗辩理由如下：（请勾选所有适用项，并在第 8 部分中解释。）
- I did not violate a material condition of the lease.
本人没有违反租约中的重要条款。
- 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).
本人没有屡次违约，因为所指控的违约行为不在同一租期内。（依据《科罗拉多州修订法规》第 13-40-104(1)(e.5) 条）
- {Affirmative Defense}** If I did violate the lease, it was primarily because the home was in an unlivable condition. C.R.S. § 38-12-507(2)(f).
{肯定性抗辩理由} 如果本人确实违反了租约，那主要是因为房屋无法居住。（依据《科罗拉多州修订法规》第 38-12-507(2)(f) 条）
- {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).
{肯定性抗辩理由} 如果本人确实违反了租约，则本人身患残疾应被视为合理的原因，有权获得合理的住宿环境并保持承租人的身份（依据《联邦公平住房法》）。

7c) Defenses for Substantial Violations

针对严重违约行为的抗辩理由

Did your landlord raise substantial lease violation claims?

出租人是否提出过严重违反租约的指控？

- No. **[Skip to Section 7d]**
否。[跳至第 7d 部分]
- Yes. My Defenses are: (Check all that apply. Explain in Section 8.)
是。本人的抗辩理由如下：（请勾选所有适用项，并在第 8 部分中解释。）
- Neither I nor anyone I invited onto the property: (*all must apply*)
本人，或受本人邀请进入房屋的任何人，均不存在以下情况：（必须全部适用）
- 1) purposefully and substantially endangered the property or other tenants,
故意并严重危及房屋或其他承租人的安全，
 - 2) committed a violent or drug-related felony crime, or
犯下暴力或与毒品有关的重罪，或者
 - 3) committed a criminal act that was a public nuisance under law or could result in jail time of 180 days or more.
犯下依法构成妨害公众利益或可能导致监禁 180 天或以上的罪行。
- {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).
{肯定性抗辩理由} 本人不知、理应知道或阻止客人实施重大违规违法行为，但本人立即向

执法部门检举了该重大违规违法行为。（依据《科罗拉多州修订法规》第 13-40-107.5(5)(b)(II) 条）

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

针对终止租约的抗辩理由（无过错）

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

您是否在租期结束前被驱逐？

Yes. **[Skip to Section 7e]**
是。 **[跳至第 7e 部分]**

No, my landlord is not renewing my lease.
否，出租人没有与我续租。

My Defenses are: (Check all that apply. Explain in Section 8.)

本人的抗辩理由如下：（请勾选所有适用项，并在第 8 部分中解释。）

{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.

{肯定性抗辩理由} 出租人没有遵守无过错驱逐的程序或没有资格进行无过错驱逐。（请在第 8 部分中说明具体表现和理由）（依据《科罗拉多州修订法规》第 38-12-1306 条）

7e) General Defenses

一般抗辩理由

My defenses are: (Check all that apply. Explain in Section 8.)

本人的抗辩理由如下：（请勾选所有适用项，并在第 8 部分中解释。）

The Landlord wants attorney or other fees not allowed under the lease or law.
出租人索要不在租约或法律允许范围内的律师费或其他费用。

The Landlord wants illegal or unenforceable late and other fees.
出租人索要非法或无法执行的滞纳金和其他费用。

My notice of an unlivable condition in the home motivated the Landlord to file this case. C.R.S. § 38-12-509(1.5).

本人发现房屋存在无法居住的情况，导致出租人提起诉讼。（依据《科罗拉多州修订法规》第 38-12-509(1.5) 条）

I was served a *Demand for Compliance* but not given the correct cure period of:
本人收到了“履约通知”，但出租人并未提供正确的宽限期：

5-10 days (normal). C.R.S. § 13-40-106.

5-10 天（正常情况）。（依据《科罗拉多州修订法规》第 13-40-106 条）

30 days (federally backed mortgage). 15 U.S.C. § 9058(a)(2).

30 天（联邦政府支持的抵押贷款）。（依据《美国法典》第 15 编第 9058(a)(2) 条）

Affirmative Defenses:

肯定性抗辩理由:

- Violation under the Unfair Housing Act C.R.S. § 13-40-113(2.5).
 违反《科罗拉多州不公平住房法》 (依据《科罗拉多州修订法规》第 13-40-113(2.5) 条)

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).

出租人违反了《科罗拉多州不公平住房法》的一项规定第 24-34-501 至 509 条) (在第 8 部分解释违反了哪条规定以及具体行为)。

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

示例包括: 基于性别认同、婚姻家庭状况、国籍、种族、宗教、性别、性取向的歧视

- Failure to Attend Mandatory Mediation C.R.S. § 13-40-110(d).
 未参加强制性调解 (依据《科罗拉多州修订法规》第 13-40-110(d) 条)

All (1 through 4) must apply:

所有 (1 到 4) 项必须适用:

- 1) I'm enrolled in one of the following benefits programs: (must check at least one)
 本人参加了以下其中一项福利计划: (必须勾选至少一项)

- Supplemental Security Income Social Security Disability Insurance
 社会保障补充收入 社会保障残障保险

- Cash Assistance through the Colorado Works program. And,
 根据“科罗拉多州工作计划”提供现金补助。以及,

- 2) I notified the landlord, in writing, that I received that benefit. And,
 本人已书面通知出租人, 本人已领取了该福利。以及,

- 3) The landlord has or is believed to have six or more rental units. And,
 出租人拥有或据信拥有六个或更多出租单元。以及,

- 4) The landlord failed to schedule and attend mediation before filing the case.
 出租人未能在提起诉讼前安排并参加调解。

7f) List All Other Defenses (if any)

请列出所有其他抗辩理由 (如有)

(Examples may include issues of standing, service, or notice. Be sure to explain in Section 8.)
(例如资格问题、送达不当或通知不当。请务必在第 8 部分进行解释。)

- 1) _____
- 2) _____

8. Explanation

解释

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

请简要说明您的观点。您需要在庭审中陈述您的全部理由。

How do you think the defenses you checked apply? What facts do you think the Complaint got wrong?

您勾选的抗辩理由是如何适用的? 诉状中的哪些事实有误?

- Regular Mail, addressed to: *(name)* _____
 寄送平信至: *(姓名)* _____
 Full address: _____
 详细地址: _____
- Delivery through Court Clerk. (only available in county court cases - must file at the courthouse)
 通过法院书记员递送。 (仅适用于县法院案件 - 必须在法院提交)
- Other: *(explain)* _____
 其他: *(请具体说明)* _____

11. Tenant Signature

承租人签名

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.
 本人声明, 上述内容均真实无误, 否则将根据科罗拉多州法律接受伪证罪的处罚。

Executed on the *(date)* _____ day of *(month)* _____ *(year)* _____
 执行日期 (日) _____ (月) _____ (年) _____

at City: *(or other location)* _____
 地点: 市: *(或其他地点)* _____

and State: *(or country)* _____
 以及 州: *(或国家/地区)* _____

Print Your Name(s): _____
 您的姓名 (印刷体): _____

Your Signature(s): _____
 您的签名: _____

Lawyer Signature: *(if any)* _____
 律师签名: *(如有)* _____

12. Additional Information (if any)

附加信息 (如有)