

Most Common Defenses and Counterclaims for Tenants

This chart outlines the defenses and counterclaims in The Answer form (**Booklet 3**) and which defenses and counterclaims apply to non-payment, no-fault, and fault eviction cases.

Generally only defenses are allowed in fault eviction cases, not counterclaims. The exception is if your landlord has listed any claims for money on a fault eviction complaint (such as rent or other losses), you can raise any counterclaims you have. While your counterclaims may not prevent the landlord from getting possession of the apartment, they can reduce or eliminate what your landlord says you owe.

Claim	Defense	Counterclaim	Non-payment & No Fault eviction	Fault eviction
Tenancy not properly terminated	✓		✓	✓
Case not properly brought	✓		✓	✓
Failure to comply with rules for public and subsidized housing	✓		✓	✓
Retaliation	✓	✓	✓	✓
Case should be continued to determine availability of rental assistance	✓		✓	✓
Discrimination	✓	✓	✓	✓
Tenant not responsible for alleged behavior	✓		✓	✓
Tenant should not lose their apartment (Avoidance of foreclosure)	✓		✓	✓
Bad conditions	✓	✓	✓	
Security deposit law	✓	✓	✓	
Last month's rent	✓	✓	✓	
Interference with utilities or use of home (breach of quiet enjoyment)	✓	✓	✓	
Rent liability in public and subsidized housing	✓	✓	✓	
Violation of consumer protection law	✓	✓	✓	
Other Defenses and Counterclaims	✓	✓	✓	