

District Court judges hear the majority of landlord-tenant disputes. When a landlord and tenant enter into a lease agreement, both parties have certain rights and responsibilities. This brochure describes the actions a landlord may take against a tenant.

Frequently Asked Questions

Do I Need a Lawyer?

You are not required to have a lawyer; many people who bring cases before the District Court represent themselves. However, an attorney may be helpful in advising you about your case and representing you. In most cases, corporations and other business entities must be represented by an attorney.

What Happens in Court?

If one party doesn't appear, the court may postpone the trial, issue a judgment, or dismiss the case. If both the landlord and tenant appear, the court may:

- Listen to both parties present their version of the dispute. If the court rules in favor of the landlord, the court may issue an *Order of Possession*. In certain limited circumstances, the court may enter a monetary judgment in the amount of the rent due and the costs of the suit or
- Postpone the trial to allow either party to obtain necessary witnesses.

What Should I Bring to Court?

Both parties should bring all court documents and evidence to support their respective claims. Evidence may include copies of the lease, letters, photographs and other appropriate documents.

How Do I Request a Postponement?

Requests for a postponement by either the landlord or tenant must be made in writing before the trial date. A copy of the request must be mailed to the opposing party.

Can a Tenant Be Evicted Because of Unpaid Rent?

Tenants should try to work out a schedule of payments with landlord; the Dept. of Social Services may help. In most cases the tenant cannot be evicted if the amount the court decided was due, plus court costs, is paid prior to the eviction. Payment to the landlord must be in cash, certified check or money order. Exceptions: If a tenant has had three judgments of possession (four in Baltimore City) filed against him/her during the 12 months before the current suit, a landlord may request that the court deny the tenant's right to redeem the property. The landlord must provide the court with a list of prior case numbers and judgment dates. If the judge grants the request, the tenant may be evicted even if he/she pays the rent due.

What Are My Rights to a Jury Trial?

There are no jury trials in District Court. If the amount of the claim exceeds \$15,000, or the tenant's interest in the lease is more than \$15,000, either party may request a jury trial which is transferred to the circuit court. Landlords must request a jury trial in writing when filing court forms; tenants must make their requests in writing prior to the date of the District Court trial. Circuit court procedures may differ. See *Tenant/Landlord* brochure for information on tenant actions against landlord.

How Do I Collect Money Damages?

The court will not collect money for you. It is your responsibility to collect damages awarded by the court. See District Court brochure: *Post Judgment*.

How is a Case Appealed?

The tenant and the landlord have the right to appeal a judgment. An *Order of Appeal* must be filed within the applicable time limits - in failure to pay rent cases within 4 working days; in all other actions for possession, 10 calendar days including weekends and holidays. If the court is closed on the last day for filing an appeal it may be filed by close of business on the next day the court is open. The appeal will be heard in circuit court.

Mediation: an Alternative

The District Court's Alternative Dispute Resolution Program (ADR) offers mediation free of charge. It is less formal, time-consuming and costly than going to court. A trained mediator works with both sides to resolve the problem and arrive at a mutually agreeable solution. If mediation proves unsuccessful, you may still seek resolution in court.

For more information:

Alternative Dispute Resolution Office
Phone: (410) 260-1676; Fax (410) 260-3536
www.mdcourts.gov/district/adr/home.html

For more information on Maryland courts and their procedures, please contact a clerk in any state or county courthouse or visit the Maryland Judiciary website:

www.mdcourts.gov

It is the mission of the District Court of Maryland to provide equal and exact justice for all who are involved in litigation before the court.

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As a landlord in Maryland, you have certain rights and remedies in regard to disagreements with a tenant. On the right are some common problems and below are the steps you follow to resolve these problems.

Preliminary Action

Certain court actions require the landlord to act prior to filing and to prove action was legally taken. Documentation must be presented in court.

File Form and Pay Fee

Fill out forms carefully; inaccurate information, such as wrong name or address, may cause case to be dismissed or delayed.

Federal law requires a landlord to provide information as to whether any Tenant is in the military or provide specific facts for the Court to conclude that each Tenant is not in the military. This information may be available from various sources including the Department of Defense Manpower Data Center

(<http://www.dmdc.osd.mil/scra/owa/home>).

For more information regarding this Federal requirement visit the Maryland Judiciary website: (www.mdcourts.gov) and follow the link to Servicemembers Civil Relief Act.

If rent is unpaid and the tenant is deceased, intestate (not having made a legal will), and without next of kin, the landlord may file a Failure to Pay Rent action.

Serve Notice

The summons/complaint must be delivered or "served" to the person named in the court process within a specified time-frame and according to the law. Notice may be served by: 1. **Posting:** sheriff or constable posts form in a conspicuous place, usually on the door of rented property; and also sends notice by first-class mail; or 2. **Personal service:** sheriff or constable attempts to deliver notice to tenant. Personal service may require an additional fee.

If the tenant is deceased, the occupant or next of kin is to be served by personal service. If neither can be found, the sheriff or constable will post a copy of the summons upon the property.

Post-Judgment

Depending upon action, a judgment for possession may be entered, and in some cases monetary damages may be awarded. Collection of any judgment is the responsibility of the landlord. (See: *Post-Judgment* brochure for more information on collection options.)

Special Notes

All correspondence with the court should include the case number, [upper right hand corner of form] and certification that a copy of the correspondence was mailed to the opposing party.

Tenant fails to pay rent. Landlord seeks eviction and monetary damages

None

Landlord must notify tenant in writing to vacate property on or before the day rent is due. Time restrictions apply.

File Failure to Pay Rent (DC/CV82)

Serve notice; court mails copies to landlord, tenant and sheriff or constable. Court appearance required.

If landlord wins, judgment for possession may be entered. *Warrant of Restitution* may be entered after 4 business days. If money judgment obtained, judgment may be recorded, if requested in writing and fee paid.

File in county where property is located. May file any time after rent is past due.

Tenant refuses to leave (holds over). Landlord seeks eviction and monetary damages

Landlord must notify tenant in writing to vacate property. Must give 30 days notice (or 14 days if there is clear and imminent danger of the tenant or person who is on property doing serious harm to themselves, other tenants, the landlord, the landlord's property or representatives, or any other person on the property).

File Complaint and Summons Against a Tenant Holding Over (DC/CV80). Complaint must include copy of notice sent to tenant.

Serve notice. Notice must include copy of letter sent in preliminary action and proof that notice was served. Court appearance required.

If landlord wins, *Warrant of Restitution* may be issued immediately without waiting period.

Time frame to give notice depends upon lease: one week notice for week-to-week tenancy; one month notice for indefinite lease; three month notice for year-to-year lease.

Tenant breaches lease. Landlord seeks eviction for violating lease

None

Before filing for eviction, landlord must obtain judgment and wait 4 business days.

File Complaint for Wrongful Detainer (DC/CV89).

Serve notice. Court appearance required.

If landlord wins, *Warrant of Restitution* may be issued immediately without waiting period.

Eviction cannot take place on Sunday or holiday and sheriff must be present. While landlord is not responsible for notifying tenant of eviction timing, it is practical to do so as it gives tenant opportunity to remove personal property. Once property is removed from premises, tenant is responsible for its safety.

Occupant refuses to leave. Landlord or person responsible for rent seeks eviction of occupant

File Petition for Warrant of Restitution (DC/CV81) within 60 days.

Serve notice. Copy sent to tenant and sheriff [Note: this is the only copy sent to tenant.] No additional court appearance required.

Warrant of Restitution must be filed within 60 days of judgment.