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Rent Court for Landlords Part 1 – How to Start Your Case in Rent Court

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Introduction

Hello and welcome. This video is about rent court for landlords. We'll cover how you can file a Failure to Pay Rent case in a Maryland District Court. In some cases, the process can result in an order authorizing you to have the tenant evicted. This video will give you an overview of the first half of the process, including how to file your case and what happens at trial. Watch Part 2, for information about how to request eviction after your trial. If you are trying to collect rent from a tenant who has already left your property, instead watch our video series on Small Claims cases.

Let's get started.

Provide Notice

Before you can file a Failure to Pay Rent case, you must provide your tenant notice of your intention to do so. The notice must be in writing and give the tenant 10 days to pay the outstanding rent. The notice can be sent by either first class mail or taped to the door of the rental property, or if the tenant has agreed it can be sent by an electronic message. Copies of the notice are available online at mdcourts.gov/courtforms.

Complete the Form

Your next step is to complete the form Failure to Pay Rent – Landlord's Complaint for Repossession of Rented Property, form number DC-CV-082. Copies can be picked up from any District Court. Samples of the form can be viewed but not downloaded from mdcourts.gov/courtforms.

The form asks for a lot of information. We don't have time to walk you through the entire form, but there are a few parts where people often make mistakes that we will highlight. Pay close attention to lines two and three. If you do not have a required license or registration or you fail to complete these lines properly, the court may dismiss your case.

Next, there is a military service affidavit between lines 9 and 10. You must state whether any of your tenants are in the military. You may write an explanation or obtain a certificate of non-military status by visiting the hyperlink printed on the form.

One more thing about the form. Line 9 asks you if you want to take away the tenant's right of redemption. This means the tenant's ability to pay the judgment in order to stop an eviction. The court

will only remove a tenant's right of redemption if you list case numbers and dates for three prior judgments entered in the last 12 months. Four prior judgments are required in Baltimore City.

If you have questions about completing the form, especially related to late fees, utilities, or agent or attorney fees, get help. The Maryland Court Help Center has a webinar you can watch on demand which walks through the entire form. Find it at mdcourts.gov/legalhelp/webinars. Additionally, lawyers at the Maryland Court Help Center can help non-business property owners complete the form. Call 410-260-1392 or visit mdcourts.gov/courthelp for a list of hours and locations.

File Your Case

Once the form is complete, bring it or mail it to a District Court in the county where the property is located. There are two fees. One fee to file the form, which may be paid by cash or credit, and a second fee for serving the tenant which must be paid by check or money order. Current fee information is available by calling the courthouse or at mdcourts.gov/courts/feeschedules.

When you file your case, the clerk will tell you when to return to the court for trial. A hearing notice may also be mailed to you. Then two copies of the form will be delivered to the tenant. One will be sent by mail and one will be posted on the property by a sheriff or constable.

Trial in Rent Court

Now let's discuss what happens at a trial in rent court. First, be sure you bring everything you need to prove your case. This includes your rental ledger, your lease, and any required rental licenses and registrations. Arrive early to give yourself time to find your courtroom and check in. If your tenant is present, consider speaking with them before the case is called. It is possible that your tenant may be represented by a lawyer. If you make payment arrangements or some other agreement, do not leave the courthouse. Stay until your case is called and the judge is informed about the agreement.

When your case is called, the judge may ask you if your tenant made payments in the time since you filed. They may also ask the tenant whether they agree that they owe rent in the amount you claimed. If the tenant agrees, then a consent judgement will be entered against the them. If the tenant disagrees, then a trial will occur and the judge will hear evidence and testimony from each side about how much rent is due.

Tenants who claim there is a health or safety hazard in the property may raise a rent escrow defense. Watch our video, *Rent Escrow* for more information.

At the conclusion of the trial, the judge will announce their decision. If you disagree, you have four days, not counting the day of trial, to file an appeal.

If you are unsure about representing yourself, you may hire someone to represent you. In rent court, a property owner may be represented by a lawyer or by any other person they choose as their agent, such as a property manager.

Let's Review

Let's review what you have learned. When your tenant is past due on rent, you may File a Failure to Pay Rent case in the District Court where the property is located. Complete the required form and pay the associated costs. A trial will be held to determine if your tenant owes rent and if so, how much. Be sure

to bring your rental ledger, the lease, and any required licenses to the trial. If you need help in the process, consider hiring a lawyer or property manager to represent you. The Maryland Court Help Center can provide brief advice to non-business property owners. Call 410-260-1392 or visit mdcourts.gov/helpcenter. Finally, be sure to watch the second video in the series for information on how to request eviction after trial.

Thanks for watching.