

A Maryland Judiciary Production
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Rent Escrow Part 2 - The Rent Escrow Process

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Introduction

Hello and welcome to Part 2 of our video series on rent escrow. In part one, we defined when it is appropriate to file a rent escrow case. In this video, you will learn about how a tenant starts a rent escrow case in the District Court. You will also learn about what happens at the hearing. Finally, we will cover what the judge may order to address problems in the property. Let's get started.

How to File A Case

Tenants may start a rent escrow case by completing a Complaint for Rent Escrow, form DC-CV-083. File the form at the District Court in the county where the property is located. The form is available at the clerk's office or online at mdcourts.gov/courtforms. There is a fee to file. Once the paperwork is accepted, the court will set a hearing date. At the hearing, the court will decide whether a rent escrow account should be set up and how much the tenant must deposit into the account. The court will order the tenant to pay the money into escrow. When an escrow account is established, the tenant must pay all rent into the account as ordered by the court or risk their case being dismissed.

In some counties, the court requires that the tenant pay rent money into escrow up front when the form is filed. Then, the court schedules a hearing. The tenant may have to pay all rent money into an escrow account before a hearing is held. If the tenant pays rent to the court and not the landlord, the landlord may not file a Failure to Pay Rent case against the tenant. If this happens, go to court on the hearing date listed on the Failure to Pay Rent paperwork and tell the judge you have a rent escrow case.

What Happens at the Hearing?

Let's discuss what happens at the hearing. A tenant must prove what is wrong with the property that the landlord received proper notice about the dangerous condition. If you are the tenant, bring a copy of the notice. If you texted or emailed the landlord, bring proof of what you sent. If you called a housing inspector about the dangerous condition, talk to a lawyer about how to get the inspector to come to court to testify. If you incurred expenses as a result of the condition of the property, tell the judge and provide proof. For example, if you have no heat and you bought a space heater, bring a copy of the receipt.

A tenant must prove that the landlord had enough time to correct the problem. This is assumed to be 30 days from when the landlord received notice but may vary depending on the circumstances. Finally, the tenant must have no more than three judgments for failure to pay rent in the past 12 months. In Baltimore City, a tenant may have no more than four judgments within the last 12 months.

The landlord may win the case if they can show that the tenant or tenant's guest caused the dangerous condition in the rental property. The landlord may also win if the tenant did not allow the landlord or the landlord's representative access to the rental property to make repairs. If there is a dispute over access, bring witnesses.

The Court's Decision

The judge may order a range of actions as a result of a rent escrow action or defense. Make sure you know in advance what you want the judge to do. For instance, the court may decide to end the lease, or it may dismiss the rent escrow case. The court may also reduce rent due to the landlord to an amount that is reasonable given the condition of the property. Or, the court may order the landlord to make repairs.

There are several other actions that the court may take. For example, the court may order the money in the escrow account to be given to the landlord after repairs are completed. The court may order some or all of the money in the escrow account to be paid to the tenant, the landlord, or someone else for the purpose of making repairs.

The court may order the money in the escrow account to be given to the tenant if the landlord does not make repairs or does not make a good faith effort to repair the poor conditions. Finally, the court could order the money in the escrow account to be given to the landlord if the tenant does not continue to pay into the account.

Getting Representation for the Hearing

One more thing before we review. Usually, only a lawyer can represent someone in court. The rules are relaxed in rent escrow cases. A landlord may have a non-lawyer represent them in an escrow proceeding. It is common for property managers to represent landlords in these cases. *Certain tenants may qualify for free representation from a lawyer in rent escrow cases.* Additionally, tenants and non-business landlords may receive free advice, but not representation, from lawyers at the Maryland Court Help Center. Call 410-260-1392 or visit mdcourts.gov/helpcenter to speak to a lawyer.

Let's Review

Let's review what you have learned. Tenants may file a rent escrow case in the District Court in the county where your property is located. Tenants must bring evidence including proof of what is wrong with the property and proof of when the landlord was notified of the problem. At the hearing the judge may order the tenant to pay rent into the court's escrow account. There are a lot of other actions that a judge may take. Review your options before trial so you know what you want to ask the judge to do. Finally, seek help if you have questions. Call 410-260-1392 or visit mdcourts.gov/helpcenter to speak to a lawyer at the Maryland Court Help Center.

Thanks for watching.