

A Maryland Judiciary Production
My Laws, My Courts, My Maryland
Rent Court for Tenants

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In this video, we will discuss what happens in rent court in the District Court of Maryland. This video is designed primarily for tenants. It covers rent court for residential properties such as a house or apartment.

We will cover what happens before, during, and after the court process. First, we will define terms that are commonly heard during rent court. We will go over important events that must occur before a hearing can be scheduled in rent court. Then, we will discuss the steps involved in preparing to go to rent court and what to expect during a hearing. Finally, we will talk about what may happen after the court has made a decision in your case.

This video does not address rent escrow. Rent escrow can be a defense a tenant raises in a failure to pay rent case or a separate legal action brought by a tenant to force a landlord to repair dangerous conditions in a rental property. For information about rent escrow, see the *My Laws, My Courts, My Maryland* video [Rent Escrow](#). If you want information on the rent court process for landlords, please see the video [Rent Court for Landlords](#).

Frequently-used Terms

Here are some terms commonly heard in rent court:

A **landlord** is the person or business that owns and leases housing to other people. In rent court, a landlord may be represented by anyone including an agent or a property manager. Be sure you know the precise name of the person or business on your lease so you can recognize your case when it is called in court.

The **tenant** is a person or group of people who rent and live in a property.

A **rent ledger** is a written record your landlord is required to maintain that keeps track of rent money paid.

Service or **Service of Process** means how tenants are notified that a case has been filed with the court. If your landlord has filed a case for failure to Pay Rent, the court or sheriff will mail copies of the court notice. The Sheriff's Department will also post a copy of the notice on the door to your home.

As a tenant, you may have a **right of redemption**. This means you have the right to redeem the property and cancel an eviction by paying all rent that is due, plus costs, before the sheriff executes the eviction. This is sometimes called "pay and stay." Later in this video, we'll discuss when you have this right.

You may also hear the term **warrant of restitution**. If the judge finds that you owe rent, the landlord may ask the court to grant a warrant of restitution. This court document indicates that the court authorizes an eviction. If rent is not paid and the judge signs the warrant, the warrant is forwarded to the Sheriff's Department to schedule an eviction date. Even if the court has issued a warrant of restitution, you may have the right to stay if you pay the full amount of rent the court finds to be due and other outstanding costs before the eviction. Later, we'll go into more detail on the warrant of restitution.

Finally your landlord may be required to file or provide proof of **licensing**. Many areas in Maryland require a landlord to get a **housing registration license** before renting residential property to a tenant. Some landlords may be required to file a **lead certificate**. Maryland law requires owners of rental properties built before 1978 to register their units with the Maryland Department of the Environment (MDE), distribute particular educational materials, and meet specific lead paint risk reduction standards at certain times unless the property is exempt. If required, the landlord may have to prove they are properly licensed before proceeding in court.

Before Court: Unpaid Rent

Now that you have heard a few terms, let's talk about what happens before a case is filed in court. What happens if you do not pay rent that is due?

First, if you have a lease, you should read it carefully. Make sure you know your responsibilities as well as the landlord's. If you have not paid rent because you do not have the money, start thinking about your options. Are you working? Do you have a steady source of income, such as social security or retirement funds? Are you expecting a bonus check, overtime pay, or a tax refund? Can you borrow money from a friend or family member to get caught up? If you think you can get caught up *and* have the ability to continue to pay monthly rent, talk to your landlord about a possible payment plan to get current with your rent. Make sure you understand the terms of the payment plan. If you make a partial payment, will the landlord agree to not file a case or proceed with an eviction?

If you do not have the money to pay and you do not think you will be able to get caught up, think about other options. Contact your local Department of Social Services for information

about one-time emergency rent assistance. A directory of rent assistance programs in Maryland can be found online at www.rentassistance.us/st/maryland.

Consider requesting mediation if it is available at the courthouse. In mediation, a trained neutral person, called a mediator, helps you and the other person communicate, understand each other, and reach an agreement if possible. Mediation is voluntary and confidential. It allows you and the other person to decide what works best for both of you. Maryland's District Court offers free mediation. Call 410-260-1676 for more information on free mediation through the District Court.

If you have not paid rent because you believe your landlord has not made repairs after you gave them notice, you may file a separate court action called "rent escrow." You may also raise it as a defense if your landlord files a Failure to Pay Rent case against you and the conditions rise to the level of a serious risk to life, health, and safety. For more information about rent escrow, watch the *My Laws, My Courts, My Maryland* video [Rent Escrow](#).

Preparing to Go to Court

If you can't work out an agreement with the landlord or can't come up with the money, what will happen next? If the landlord files a court case, the Sheriff or the court will mail the hearing notice to you. The Sheriff will also post a notice on the front door of your home. Failure to Pay Rent cases move very quickly. In some counties, you may have a court hearing within several days after the landlord files the court papers.

If you make any payments toward rent, get a receipt or keep a record of the payment. Bring receipts, canceled checks, or any other proof of payment to court. If you pay cash, the

landlord must give you a receipt. If you pay all of the rent and the required costs that you owe before the court date, make sure to call the court and confirm that the case has been dismissed by the landlord. If the case has not been dismissed, go to court and bring proof that you paid the rent.

Finally, consider visiting court before your hearing to watch other hearings to see what happens in rent court.

In Court

Arrive early. When you get to court, check the docket board. It will tell you the courtroom in which your case is being heard. Pay close attention. The landlord may go by a name that is different than the name familiar to you. For example, you may live in the Happy Home Apartments, but the landlord is ABC Corporation, not Happy Home. If you do not see the property where you live listed on the docket, check with the clerk. He or she can find out which court room you should be in.

If you see the landlord, you may talk to him or her before the hearing to try and resolve the issue. If you have the rent, pay by cash, certified check, or money order and get a receipt. If you pay in cash, the landlord must give you a receipt. If you and the landlord come to an agreement, get it in writing. Do not leave court, even if there is an agreement. Make sure the judge knows that you have paid the rent or reached an agreement.

When your case is called, the judge may ask you if you agree that you owe the rent. If you have not paid the rent because of repairs that need to be made, tell the judge. If you have made a full or partial payment, tell the judge. Be sure to have receipts or other proof of

payment. If you and the landlord cannot agree on the amount due or if there are other issues, there may be a trial. The judge may postpone your trial if you need additional time to obtain your receipts or other evidence. Finally, if a tenant does not appear in court on the hearing date, the landlord will probably win.

For more information about court hearings, see the *My Laws, My Courts, My Maryland* videos [Before Court: Tips for Preparing for Your Day in Court](#) and [At Court: Tips for Your Day in Court](#).

After Court

If either you or the landlord disagrees with the judge's decision, you or the landlord may file an appeal. You must file your appeal within four business days of the judgment. Use Form DC-CV-37 to file an appeal. Find the form online or at the clerk's office. There may be a fee to appeal and you may have to post a bond to stop an eviction from moving forward. If you have questions about appeals or posting a bond, talk to a lawyer or call the District Court Self Help Center.

If the judge decides that you owe the rent, he or she will enter a judgment for possession in favor of the landlord. This means that the landlord may move forward with an eviction. The landlord must wait four business days to take the next steps. On the fifth day, if you still have not paid or filed an appeal, the landlord may ask the court to sign a "Warrant of Restitution." If the judge signs the warrant, the court will forward it to the Sheriff's Department to schedule the eviction.

You have a limited right to redeem or "pay and stay" in the property. This means you may pay in full to prevent an eviction. Maryland law requires your landlord to accept the

money, even if an eviction has already been scheduled. If you pay the total amount that the judge found that you owe, including fees and court costs, this will cancel the eviction. You have the right to “pay and stay” up to three times in a 12-month period. If you live in Baltimore City, you may pay and stay up to four times. The landlord may ask the court to “foreclose your right of redemption” if you have tried to pay and stay too many times in the past 12 months. This means even if you pay the full amount due, you may still be evicted.

To avoid eviction, pay all money due, plus fees and costs, before the sheriff starts the eviction. To find out how much you owe, look at the Warrant of Restitution. Pay by cash, certified check, or money order. Don’t forget to get a receipt. Then, confirm with the sheriff that the landlord has canceled the eviction.

If you cannot pay, make plans to move your possessions and find a new place to live. You still have some time, but you should not wait to be evicted by the sheriff. In some counties, you will not be given the date of the eviction.

Let’s summarize what we’ve gone over. Remember, read your lease before taking any action. Consider using mediation to work out a payment plan with your landlord or resolve other issues. Eviction must be done through the courts, and notice of any court action will be sent by mail and posted on the front door. Failure to Pay Rent court cases move quickly. All documents, including receipts showing rent paid, must be in order before court starts. After the court makes a decision, you have the right to appeal that decision. The eviction process can start as early as five days after a court decision.

This has been a production of the Access to Justice Department of the Maryland Administrative Office of the Courts in collaboration with Maryland Legal Aid. For more information, see mdcourts.gov.