

The District Court for Harford County, Maryland



Landlord Tenant

Differentiated Case Management (DCM) Plan

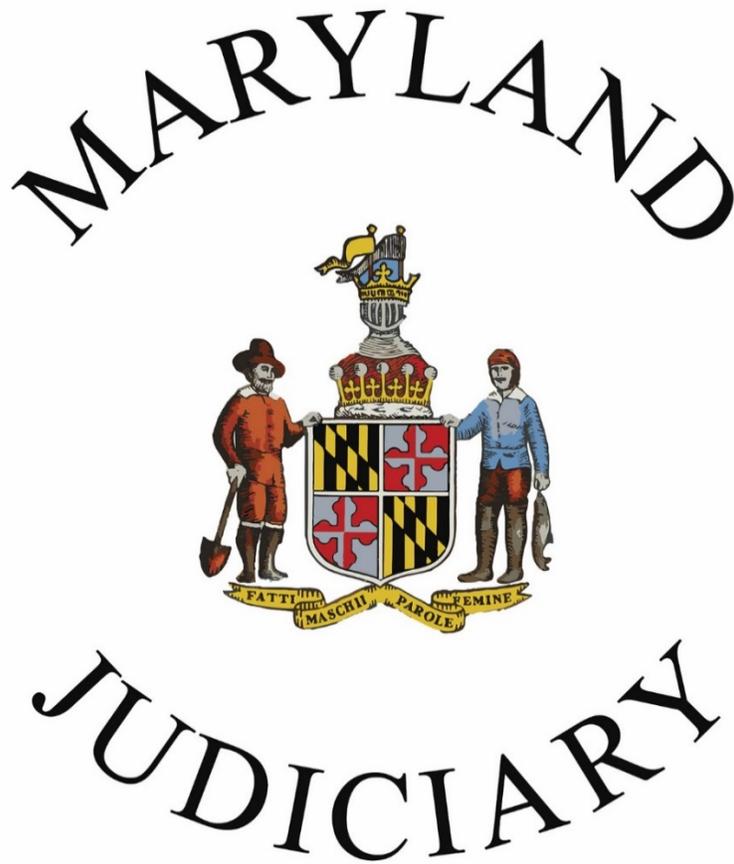


Table of Contents

Landlord Tenant Cases.....	1
Track 1 – Landlord Cases.....	2
Eviction Process.....	9
Track 2 – Tenant Cases	12
Harford County District Court and the Community	17
Forms.....	17

Landlord Tenant Cases

Cases classified as landlord tenant claims can only be filed in District Court, regardless of the amount in dispute (Courts and Judicial Proceedings Article § 4-401). The types of landlord tenant actions in the District Court are the following:

Landlord Cases

- a) Failure to pay rent/summary ejectment (Real Property Article § 8-401) – tenant owes back rent). For mobile homes, please reference Real Property Article § 8A-1601.
- b) Tenant holding over (Real Property Article § 8-402) – tenant refuses to leave the property after receiving proper notice to vacate. For mobile homes, please reference Real Property Article § 8A-1702.
- c) Breach of lease (Real Property Article § 8-402.1) – tenant is violating the lease
- d) Wrongful detainer (Real Property Article § 14-132) – occupant-not tenant refuses to leave
- e) Grantor in possession (Real Property Article § 14-109) – occupant-grantor refuses to leave after delivery of the deed to the property
- f) Distress for rent (Real Property Article § 8-301 to 8-332) – levy goods for unpaid rent more than three months in arrears)

Tenant Cases

- a) Petition in action of rent escrow or for injunction:
 - 1) Rent escrow (Real Property Article § 8-211) – property defects or housing code violations
 - 2) Injunction (Real Property Article § 8-204) – landlord fails to control

disturbances at the rental property

- 3) Injunction – landlord enters the rental property without legal authority
- b) Return of security deposit (Real Property Article § 8-203) – This is not tracked as a landlord tenant case but is filed as a separate civil small or large claim case

How much time a landlord tenant case should take to get resolved

The Real Property Article sets out specific time frames for trial dates for each of these proceedings. Most landlord tenant cases are disposed of within 30 days of filing. Rent escrow actions typically take longer, as there may be multiple hearings before a final resolution is reached.

Track 1 – Landlord Cases

File a Case

The following steps are required to file a case:

- a) **File a complaint**, using the complaint form associated with action. You must use the carbonless multi-part forms available at any District Court location. Please print or type clearly and make sure all copies are legible:

Tenant owes back rent (Failure to pay rent/summary ejectment)

[Failure to Pay Rent/Landlord's Complaint for Repossession of Rented Property](#) (DC-CV-082)

Tenant owes back rent at mobile home park (Failure to pay rent/summary ejectment)

[Failure to Pay Rent/Park Owner's Complaint for Repossession of Rented Property](#) (DC-CV-082 MH)

Tenant refuses to leave the property after receiving proper notice to vacate.

[Complaint and Summons Against Tenant Holding Over](#) (DC-CV-080)

You must submit a copy of the written notice to vacate that you sent to the tenant. You will also need to provide a copy of the notice for each defendant.

Tenant is violating the lease

[Complaint and Summons Against Tenant in Breach of Lease](#) (DC-CV-085)

You must submit a copy of the written notice of violation that you sent to the tenant. You will also need to provide a copy of the notice for each defendant.

Occupant-not tenant refused to leave

[Complaint for Wrongful Detainer](#) (DC-CV-089)

Occupant-grantor refuses to leave after delivery of the deed to the property

[Complaint for Grantor in Possession](#) (DC-CV-109)

Levy goods for unpaid rent more than three months in arrears

[Petition in Levy for Distress](#) (DC-DV-86)

- b) **File a Request for Service** for each defendant, using the Request for Service form (DC-CV-2). You must use the carbonless multi-part form available at any District Court location. Please print or type clearly and make sure all copies are legible. The Request for Service form IS NOT filed for failure to pay rent/summary ejectment cases.
- c) **Pay the filing and service fees.** Check the [District Court's Cost Schedule](#) (DCA 109) for fees

The plaintiff will pay the filing fee by check or money order to the clerk's office. The check or money order should be made payable to District Court. If the filing fee is paid in person, payment by credit/debit card or cash is available.

The sheriff's fee must be paid via check or money order and cannot be waived. In Harford County, the check or money order should be made payable to the Harford County Sheriff's Office.

Filing fees may be waived by the court, based on the following conditions:

- 1) Filing by the plaintiff of the [Request for Waiver of Prepaid Costs](#) (CC-DC-089); and/or
- 2) Representation by a legal aid lawyer; [Statement in Support of Waiver of Prepaid Costs by Clerk](#) (CC-DC-088)

If the court does not grant the request to waive prepaid costs, the plaintiff has 10 days (Md. Rule § 1-325(e)) to pay the filing and other required fees (prepaid costs). If the unwaived prepaid costs are not paid in full within the time allowed, the pleading or paper shall be deemed to have been withdrawn.

- d) **Notify the other party (defendant).** Upon the filing of the complaint, the clerk shall forward a copy of the complaint and request for service to the Sheriff's office. The Sheriff's office will serve the tenant by posting a copy of the complaint to the tenant's property and a copy will also be mailed via first-class mail. Personal service (Md. Rule § 3-121) upon the tenant is not required unless a money judgment is sought (Real Property Article § 8-401).
- e) **Proof of Service.** After service to the defendant, the sheriff must complete the proof of service section and return the white copy of the Request for Service (DC-CV-2) form showing the defendant has been served. If the court does not receive proof of service, the plaintiff may not be able to present their case on the trial date.

Lead Paint (Environment Article § 6-801 to 6-852)

Only pre-1978 residential rental properties/units ("affected properties") are regulated by Maryland's Reduction of Lead Risk in Housing Act. Owner-occupied properties/units are not regulated. Affected properties that are MDE-certified lead-free or limited lead-free are

exempt from Maryland's lead paint law. Affected properties owned or operated by federal, state, or local government or by a public, quasi-public, or municipal corporation are also exempt, provided the affected properties are subject to standards at least as strict as the standards established by Maryland's lead paint law.

Owners are required to register their affected properties with MDE and to renew the registration thereafter before December 31st of each year. The registration requirement was effective on January 1, 1996 for rental properties/units constructed before 1950 and effective on January 1, 2015 for rental properties/units constructed after 1949 and before 1978.

Owners can register and renew their registration for their affected properties in accordance with §§ 6-811 and 6-812 of the Environment Article by using MDE's Lead Rental Property Registration and Renewal Online System ("MDE's Lead Registry Online System"). MDE's Lead Registry online system is located at: www.mde.maryland.gov/leadregistration.

The Servicemembers Civil Relief Act

In any action against a tenant, federal law requires you to provide, in the paperwork that you file, specific facts regarding whether each tenant is in the military. One source for obtaining this information is the Dept. of Defense Manpower Data Center: https://scra.dmdc.osd.mil/single_record.xhtml. Further information about the Servicemembers Civil Relief Act can be found on the courts website at: <http://mdcourts.gov/reference/scra.html>. *Filing a false military service affidavit is a criminal offense punishable by not more than one year incarceration and a fine not to exceed one thousand dollars.*

Personal Identifiers

It is the responsibility of the filer to redact personal identifiers, prior to submitting a filing with the Court. Filers include anyone filing documents with the Court, including police officers, the state's attorney, criminal complainants, landlords, petitioners, and others. The

filer does not have to be a party to a case, and may include federal courts, military personnel, or relatives to a party in a case.

Per Md. Rule § 1-322.1, unless otherwise required by law or permitted by court order, the following personal identifier information shall not be included in any electronic or paper filing with a court:

- a) an individual's social security number, taxpayer identification number; or
- b) the numeric or alphabetic characters of a financial or medical account identifier.”

The rule also states that unless otherwise provided by law or court order, this Rule does not apply to the following:

- a) a financial account identifier that identifies the property allegedly subject to forfeiture in a forfeiture proceeding;
- b) the record of an administrative agency proceeding.

Postponements

A postponement will only be granted for good cause shown or by consent of the parties and scheduled on the next available date. A postponement can be requested using the [Motion for Postponement](#) (CC-DC-070).

Notice of Intention to Defend

There is no notice of intention to defend in landlord tenant cases.

Alternative Dispute Resolution

Forms of alternative dispute resolution (ADR) are informal, formal, and court-sponsored or initiated. If a case has been filed, all forms of ADR may involve the court, if the parties choose to seek a court order or judgment that is enforceable. In Harford County, mediators are available in court on Fridays at 8:30 a.m.

Legal Representation

In failure to pay rent/summary ejection, a landlord can be represented in court by an attorney, property management or agent (Business Occupations and Professions Article § 10-206(b)). A tenant can only be represented by an attorney. The same applies to other summary ejection proceedings of tenant holding over and breach of lease as long amount in controversy is less than \$5,000.

Discovery (Md. Rule § 3-711)

There is no discovery permitted in any landlord cases EXCEPT for breach of lease actions.

Trial

These cases are considered by the court to be contested, and the case shall proceed to the scheduled trial date. There must be a hearing on the record and the landlord must appear. If the landlord does not appear, the case will be dismissed. The defendant may choose to contest a complaint filed against them by appearing at the hearing. If the tenant does not appear for the hearing after proper service, the court may enter a default judgment.

At trial, both parties should be prepared to present any witnesses, evidence or exhibits to prove or defend against a claim. Any electronic evidence such as text messages, e-mails or digital photographs should be printed out in advance of trial.

Time – The trial date will be set as follows:

The trial date shall be set within 16 days of the filing date:

Failure to pay rent/summary ejection

The trial date will be set within 14-21 days of the filing date:

Tenant holding over

Breach of lease

Wrongful detainer

Grantor in possession

Distress for rent

In Harford County, landlord tenant matters are set on Fridays at 8:30 a.m. and 10:30 a.m.

Judgment

The judgment for possession is entered by the clerk following a trial. The judgment date for summary ejectment/failure to pay rent is the date the judge signs the disposition section on the failure to pay rent form. For the other landlord tenant cases, the date of the judgment is the date the clerk enters the judgment on the electronic case management system docket (Md. Rule § 3-601(e)). If a money judgment is requested with the proper service, the clerk shall also enter a money judgment. If a monetary judgment is awarded on a failure to pay rent/summary ejectment, the landlord must pay the filing fee to be recorded, and it will be processed as a new civil case. Types of judgments included: default, consent and trial judgments.

Post-Judgment

Appeal periods range from 2 days to 10 days, depending on the case type. On appeal, if the amount in controversy is \$5,000 or less, the District Court case will be retried in the circuit court. If the amount in controversy is over \$5,000, the case will be an appeal on the record and a transcript is required.

Money Judgment Enforcement

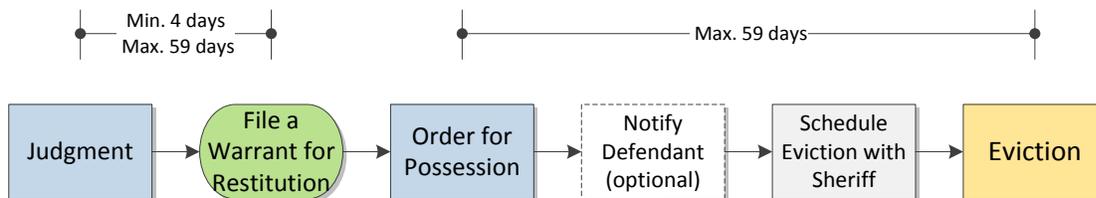
After the court issues a monetary judgment in a summary ejectment and it is entered into the record by the clerk, the landlord must fill out a Request form (DC-001) and pay filing fee to have the judgment recorded, both parties will receive a copy of the judgment by first-class mail. The court will not collect the money owed to the prevailing party. To begin an enforcement action, the prevailing party will have to complete and file more forms with the

court, pay the required filing fees and appear in court for additional hearings. The prevailing party usually must wait 10 days (Md. Rule § 3-632) before they can take further legal action to enforce the judgment. Once the waiting period passes, there are three different ways a creditor can collect on the judgment:

- a) Garnishing the other person's wages;
- b) Garnishing the other person's bank account;
- c) Seizing the other person's personal property or real estate;

The prevailing party must file documents with the court and provide the other party with copies of all motions or correspondence filed with the court in order to garnish or seize money or property. If the other person does not have a job, a bank account, real estate or other significant property, it may be difficult to collect on the judgment. See the linked brochure, [Post-Judgment Collection](#) (DC-CV-060BR), for a detailed description of enforcement procedures. In Harford County, a landlord must give a tenant 24 hours notice of an eviction.

Eviction Process



File a Petition-for Warrant of Restitution

The following steps are required to initiate eviction. To gain possession of rental property, the landlord must file a petition for warrant of restitution at least 5 days and no more than 60 days (Real Property Article § 8-401) after the summary ejection judgment has been entered. In other landlord cases, the landlord may file the petition for warrant of restitution immediately.

- a) **File a petition**, using the [Petition for Warrant of Restitution](#) (DC-CV-081), with the court.
- b) **No filing fee is required.**
- c) **Pay the service fee.** Check the [District Court's Cost Schedule](#) (DCA 109) for fees.

The sheriff's fee must be paid via check or money order and cannot be waived. In Harford County, the check or money order should be made payable to the Harford County Sheriff's Office

- d) **Notification to the other party (defendant).** The clerk will mail a copy of the petition to the landlord and tenant via first-class mail. The landlord is not responsible for notifying the tenant of the date or time of eviction. However, it makes sense to do so as it gives the tenant the chance to remove personal property before the eviction.
- e) **No Proof of Service is required.** The court does not require notification of the defendant or proof of service.

Schedule Eviction with Sheriff

It is the landlord's responsibility to schedule the eviction with the sheriff.

Eviction

The sheriff must be present during the eviction. The eviction must take place within 60 days after the court orders the warrant of restitution (Real Property Article § 8-401). The eviction cannot take place on a Sunday or holiday. The administrative judge may stay the eviction from day to day in the event of severe weather conditions. Once property is removed from the premises, the tenant is responsible for its safety.

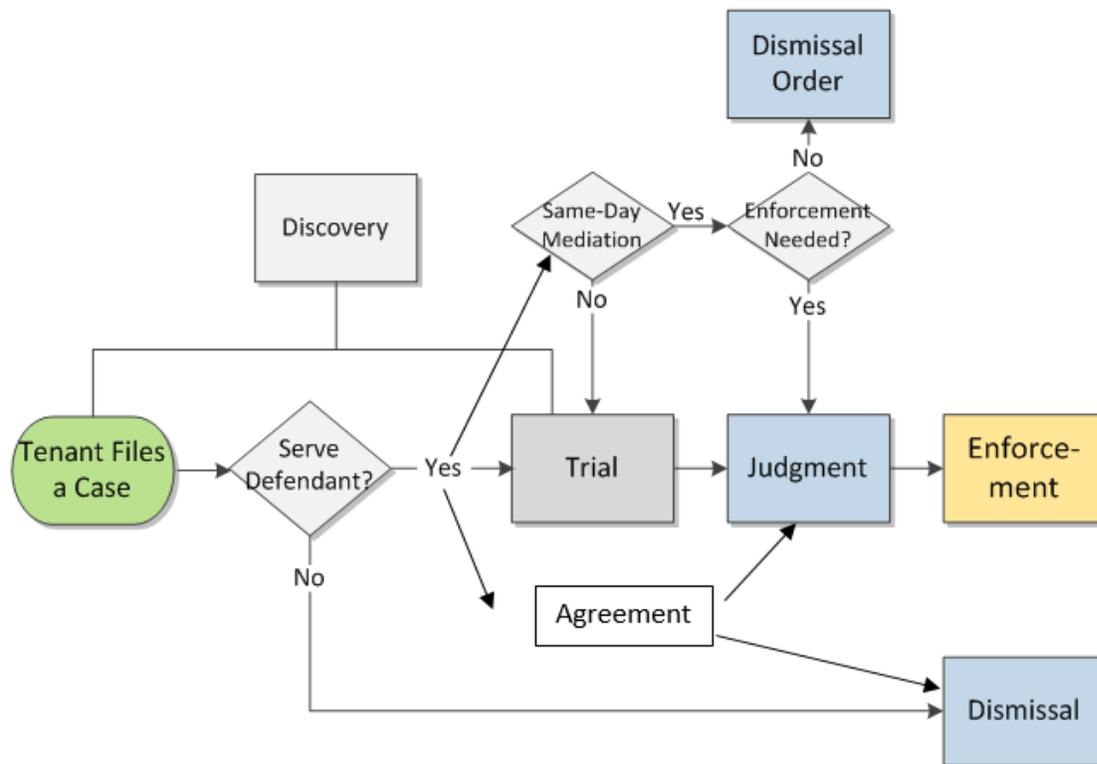
Stay of Eviction

A stay of eviction may be considered by the Court under the following conditions:

- a) Landlord consents;
- b) Tenant files bankruptcy*;
- c) An appeal has been filed by the tenant and the tenant has paid the appeal bond set by the judge; and
- d) The court may, upon presentation of a certificate signed by a physician certifying that surrender of the premises within the 4-day period after trial would endanger the health or life of the tenant or any other occupant of the premises, extend the time for surrender of the premises as justice may require but not more than 15 days after the trial. (Real Property Article § 8-401)

*Bankruptcy stays an eviction until the landlord attends the bankruptcy hearing and asks the federal bankruptcy court to lift the stay.

Track 2 – Tenant Cases



File a Case

The following steps are required to file a case:

- a) **File a complaint**, using the [Petition in Action of Rent Escrow/Injunction](#) (DC-CV-083) with the court.
- b) **File a Request for Service**, using the Request for Service form (DC-CV-2) if you are requesting service by sheriff or private process. You must use the carbonless multi-part form available at any District Court location. Please print or type clearly and make sure all copies are legible.
- c) **Pay the filing fee and service fee, if applicable**. Check the [District Court's Cost Schedule](#) (DCA 109) for fees.

The plaintiff will pay the filing fee by check or money order to the clerk's office. The check or money order should be made payable to District Court. If the filing fee is paid in person, payment by credit/debit card or cash is available.

The sheriff's fee must be paid via check or money order and cannot be waived. In Harford County, the check or money order should be made payable to the Harford County Sheriff's Office.

- 1) Filing fees may be waived by the court, based on the following conditions:
 - 2) Filing by the plaintiff of the [Request for Waiver of Prepaid Costs](#) (CC-DC-089); and/or
 - 3) Representation by a civil legal aid lawyer; [Statement in Support of Waiver of Prepaid Costs by Clerk](#) (CC-DC-088)
- d) **Notify the other party (Defendant).** The plaintiff is required to attempt to notify the defendant that a petition has been filed against the defendant. The clerk will issue the petition to officially notify the defendant that a petition has been filed. The petition must be served on the defendant within 5 days of the trial date. After the time limit has expired, the summons is no longer valid, unless renewed by the plaintiff. The following documents must be delivered to the defendant: original petition and any supporting documentation submitted with the petition. There are four legal ways to deliver these documents to the defendant: 1) Certified mail; 2) private process; 3) constable (Baltimore County service only; and 4) sheriff. The clerk will mail a copy of the petition to the plaintiff via first-class mail.
- e) **Proof of Service.** After service to the defendant, the plaintiff/process server or sheriff must complete the proof of service section and return the white copy of the Request for Service (DC-CV-2) form showing the defendant has been served. If the court does not receive proof of service, the plaintiff may not be able to present their case on the trial date.

Personal Identifiers

It is the responsibility of the filer to redact personal identifiers prior to submitting a filing with the Court. Filers include anyone filing documents with the Court, including police officers, the state's attorney, criminal complainants, landlords, petitioners, and others. The filer does not have to be a party to a case, and may include federal courts, military personnel, or relatives to a party in a case.

Per Md. Rule § 1-322.1, unless otherwise required by law or permitted by court order, the following personal identifier information shall not be included in any electronic or paper filing with a court:

- a) an individual's social security number, taxpayer identification number; or
- b) the numeric or alphabetic characters of a financial or medical account identifier.”

The rule also states that unless otherwise provided by law or court order, this rule does not apply to the following:

- a) a financial account identifier that identifies the property allegedly subject to forfeiture in a forfeiture proceeding;
- b) the record of an administrative agency proceeding.

Postponements

A postponement will only be granted for good cause shown or by consent of the parties and scheduled on the next available date. A postponement can be requested using the [Motion for Postponement](#) (CC-DC-070).

Notice of Intention to Defend

There is no notice of intention to defend in landlord tenant cases.

Alternative Dispute Resolution

Forms of alternative dispute resolution (ADR) are informal, formal, and court-sponsored or initiated. If a case has been filed, all forms of ADR may involve the court, if the parties choose to seek a court order or judgment that is enforceable. In Harford County, mediators are available in court on Fridays at 8:30 a.m.

Legal Representation

In rent escrow cases, a landlord can be represented in court by an attorney, property management or agent. A tenant can only be represented by an attorney. (Business Occupations and Professions Article § 10-206(b)).

Discovery (Md. Rule § 3-711)

There is no discovery permitted in any tenant cases EXCEPT for rent escrow actions.

Trial

These cases are considered by the court to be contested, and the case shall proceed to the scheduled trial date. There must be a hearing on the record and the defendant/landlord must appear. If the tenant/plaintiff does not appear, the case will be dismissed.

Rent escrow may be established at any time by the presiding judge upon appropriate findings. Once established, the tenant/plaintiff may be required to pay an amount of rent into escrow by the date ordered. Failing to pay rent into escrow may result in the case being dismissed. The presiding judge will schedule a future hearing for disbursement of escrow funds pending correction of all violations and/or the parties reach an acceptable resolution.

In the event of a consolidated failure to pay rent case with rent escrow case, the court shall adjudicate the failure to pay rent case or if unable to rule, set the case back in for a hearing before the rent court.

At trial, both parties should be prepared to present any witnesses, evidence or exhibits to prove or defend against a claim. Any electronic evidence such as text messages, e-mails or digital photographs should be printed out in advance of trial.

Time – *The trial date will be set within 14-21 days of the filing date.*

Disbursement of Rent Escrow Funds

Upon abatement of all violations, the court may terminate the lease, shall disburse all remaining funds in escrow as appropriate and close out the rent escrow case.

Do You Need a Court Interpreter or Other Special Accommodation?

The Maryland Judiciary provides court interpreters for hearings and proceedings conducted in court, as well as certain court-related services and events, at no cost, for individuals who are parties or witnesses in court proceedings.

Only court-appointed interpreters can serve as official interpreters in the courtroom. Your family or friends cannot serve as official court interpreters. You may have your family members or friends help you to communicate with the court staff outside the courtroom.

You should request an interpreter for your hearing 30 days before the court date, if possible.

Fill out a [Request for Spoken Language Interpreter](#) (CC-DC-041). If requesting a sign language interpreter or other special accommodation, use the [Request for Accommodation for Person with Disability](#) (CC-DC-049). You can also ask your attorney to fill out the form for you.

Submit the form to the clerk's office of the courthouse where your hearing is scheduled by mail or in person.

If you are a party in the case, you only need to submit a single interpreter request form. Once the court receives your first timely request, the court will assign an interpreter for all

proceedings at which you are expected to appear. Other interested persons (victims and witnesses) must submit a new interpreter request form for each proceeding.

Harford County District Court and the Community

Location:

Bel Air District Court Multi Service Center
 District Court of Maryland
 2 S. Bond Street, Suite 100
 Bel Air, MD 21014
 Monday – Friday, 8:30 a.m. – 4:30 p.m.
 410-836-4545

The clerk’s office and the courtrooms are located on the first floor of the multi service center.

The following are resources available in the community to help with resolving a dispute.

Alternative Dispute Resolution	866-940-1729
BNI (resource for landlords and tenants)	800-487-6007
Legal Aid	410-836-7772
Maryland Courts Self-Help Center	410-260-1392
People’s Law Library	https://www.peoples-law.org/
U.S. Bankruptcy Court – Greenbelt	301-344-8018
Harford County Community Mediation Center	410-638-4807
Harford County Sheriff’s Office (to schedule evictions)	410-836-5469
Harford County Housing Agency	410-638-3045

Forms

The landlord tenant forms (except for rent escrow) are not printable and you must obtain the carbonless multi-part form available at any District Court location. Forms are available for bulk purchase from our headquarters in Annapolis. [Purchase Order - Civil Forms](#)

The following are brochures that explain the various landlord tenant cases.

DC-CV-82BR [Landlord and Tenant Brochure](#)

DC-CV-82TBR [Tenant and Landlord Brochure](#)

The following forms are needed to initiate a landlord/tenant case and define the characteristics of each type of action and track.

Landlord Cases

DC-CV-80 [Complaint and Summons Against Tenant Holding Over](#)

DC-CV-82 [Failure to Pay Rent/Landlord's Complaint for Repossession of Rented Property](#)

DC-CV-82BRFS [Failure to Pay Rent Fact Sheet](#)

DC-CV-82MH [Failure to Pay Rent/Park Owner's Complaint for Repossession of Rented Property](#)

DC-CV-85 [Complaint and Summons Against Tenant in Breach of Lease](#)

DC-CV-86 [Petition for Levy in Distress](#)

DC-CV-89 [Complaint for Wrongful Detainer](#)

DC-CV-109 [Complaint for Grantor in Possession](#)

DC-CV-081 [Petition for Warrant of Restitution](#)

Tenant Cases

DC-CV-002 Request for Service (a link to the form is not available)

DC-CV-083 [Petition in Action of Rent Escrow or For Injunction](#)

All Case Types

DCA-109 [District Court's Cost Schedule](#)

CC-DC-088 [Statement in Support of Waiver of Prepaid Costs by Clerk](#)

CC-DC-089 [Request for Waiver of Prepaid Costs](#)

CC-DC-090 [Request for Final Waiver of Open Costs](#)

The following form may be used to request a change in a scheduled hearing or trial at the District Court.

CC-DC-070 [Motion for Postponement](#)

The following brochure, available from the Maryland Attorney General's office, is helpful for both landlords and tenants [Landlords and Tenants Tips on Avoiding Disputes](#).

A growing amount of content on the Maryland Judiciary's web site is now available in languages other than English. The non-English pages provide forms, brochures, and other helpful information about the Maryland Courts. The materials are available in Spanish, French, Russian, Korean and Chinese. <http://www.mdcourts.gov/courtlanguage/index.html>.

The following forms can be used to request a court interpreter or other special accommodation.

CC-DC-041 [Request for Spoken Language Interpreter](#)

CC-DC-049 [Request for Accommodation for Person with Disability](#)