



# Rent Escrow Part 2: The Rent Escrow Process

Tenants may use rent escrow to force landlords to repair serious or dangerous conditions in the property. If approved by the court, tenants pay rent into an escrow account until a landlord makes repairs. If you have questions, get help. 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](https://mdcourts.gov/helpcenter).



## 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](https://mdcourts.gov/courtforms). There is a [fee to file](#).
- Once the paperwork is accepted, the court will set a hearing date. Notice must be personally served on the landlord or their resident agent.
- In some counties, the escrow account is not opened until the case is reviewed by the judge at the hearing. In other counties, the tenant must pay into the escrow account at the time they file the case.

## What Happens at the Hearing?

- 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.
- Tenants must prove the existence of a serious and substantial health or safety condition. Pictures are one way a tenant may do this.
- The tenant must prove that the landlord had notice of the problem and did not make the repair within a reasonable time. The court generally considers 30 days a reasonable amount of time for a landlord to make repairs. Tenants should bring copies of the written notice they provided to the landlord about the property condition.
- If a tenant incurred expenses as a result of the condition, they should bring proof. For example, if you have no heat and you bought a space heater, bring a copy of the receipt.
- If the tenant called a housing inspector about the dangerous condition, speak to a lawyer about how to get the inspector to come to court to testify.



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- 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**

- After hearing the evidence, the judge may order a range of actions, including:
  - Order the tenant to pay into escrow;
  - Reduce rent due to the landlord to an amount that is reasonable given the condition of the property;
  - Distribute money in the escrow account to the landlord, tenant, or a third party tasked with making repairs;
  - Order the landlord to make repairs;
  - End the lease; or
  - Dismiss the case.
- In cases where an escrow account has been opened and the landlord was ordered to make repairs, the court will usually set a follow-up hearing.