

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

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This video explores how landlords can use the rent court process in Maryland. This video is about rent court for residential properties only – houses or apartments. If your case is about commercial property, talk to a lawyer.

We will cover what happens before, during, and after the court process. First, we will define terms that are commonly heard during the rent court process. We will go over important events that must happen before you go to 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 a 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 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 tenants, please see the video [Rent Court for Tenants](#).

Frequently-used Terms

Before we begin, let's review some terms you may hear at court:

A **landlord** is a person or business that owns and leases housing to other people. In rent court, a landlord may be represented by an agent. Note that the landlord may be represented by a property agent who is not a lawyer.

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

A **rent ledger** is a written record of rent money paid by the tenant that you must maintain. A ledger should include the date, amount paid, method of payment and any outstanding balance. Enter every payment into the rent ledger.

Service or **Service of Process** means how tenants are notified that a case has been filed with the court. In rent court, the Sheriff or the court mails a copy of the court notice to the tenant. The Sheriff or Constable will also post a copy of the notice on the door of the home. You may also request service in person in some circumstances if you are seeking a monetary judgement.

Tenants may have a **right of redemption**. This is the right to redeem the property and cancel an eviction by paying all rent due, plus costs, before the sheriff comes to execute the eviction. This is sometimes called “pay and stay.” We’ll discuss later when tenants have this right.

You may also hear the term **warrant of restitution**. If the judge finds that the tenant owes rent at the Failure to Pay Rent hearing, the landlord may ask the court to grant a warrant of restitution to request that the court authorize an eviction. If the rent is not paid and the judge signs the warrant, it is forwarded to the Sheriff’s Department to schedule an eviction date. Even if a warrant of restitution has been issued, the tenant may have the right to stay in

some instances, if he or she pays full rent before the eviction. This will be discussed in detail later.

Finally you 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. If your property was built before 1978, you must register the units with the Maryland Department of the Environment (MDE) and distribute 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 the court. What can you do if your tenant doesn't pay his or her rent? First, read through your lease agreement and double check when the rent is due. Often, rent is due on the 1st of the month, but this is not always the case. Some lease agreements may allow for a grace period or specify some other date on which rent is due. Next, check to make sure you have met all of the legal requirements to rent residential property in your area. Do you need a rental license? What about a lead certificate? If you are unsure, talk to a lawyer or check with the local government agency that deals with landlord-tenant affairs.

Next, talk to the tenant and ask him or her to pay. You may want to find out why the tenant has not paid the rent. If there are problems with the property, such as leaks or other repairs that need to be completed, fix them. Keep careful records documenting work you do on the

property. If the tenant requests repairs or upgrades that you believe are unnecessary, consider mediation to see if you and your tenant can come to an agreement. The District Court and local community mediation centers offer free mediation for landlords and tenants. Trained, neutral mediators may help you and the tenant work out an agreement. You do not have to wait for court to mediate. See mdcourts.gov/macro for more information on mediation in Maryland.

If you cannot resolve the problems with the tenant, you may file a case with the court. This case is called a “Failure to Pay Rent” case. We will explore this process in the next section. There are other kinds of cases you can file to evict a tenant. If you are not sure which kind of case to file, talk to a lawyer.

Preparing to Go to Court

If you cannot work it out with the tenant, you may file a case with the court. Use Form DC-CV-82, the “Failure to Pay Rent” Form. Be sure your paperwork is in order. Gather your rent ledger and rental license. If your property requires a lead certificate, gather that as well. You will also need the lease agreement and any other paperwork or agreements that you have made with the tenant. If you are required to have a license or certificate, you must fill in the license numbers on the form. Fill out the form and pay the fee. File the case in the county where the property is located. You must pay a filing fee when submitting your documents to the court.

In Court

On the trial date, you or your representative must appear in court. As the landlord, you can have a property agent or lawyer appear in court on your behalf. If either party fails to appear, the court may dismiss the case, enter a judgment or postpone the trial. If the tenant pays all of the rent before the court hearing, dismiss the case. The notice of dismissal form is available online or from the clerk's office. In most counties, you may call the clerk and cancel the case. If the tenant pays part of the rent, you can still move forward with the case. Be sure to update the judge on the correct amount due at the hearing.

You must bring all documents to court. For instance, bring a ledger showing the history of the tenant's payments and credits. Bring any license you are required to have, and, if required, the lead certificate. You should also bring any other paperwork or agreements relating to the property. If you see the tenant before the hearing, you may speak with him or her to determine if you can work out an agreement. If the tenant pays, you may dismiss the case when it is called. If you work out a payment plan, get it in writing.

Rent court moves very fast. There are many cases all scheduled at the same time. Be prepared. Know exactly how much rent is due before the hearing. The judge will not have time to wait while you do the math. Consider observing rent court before your hearing date. Court rooms are open to the public. If you are nervous or unsure about the process, you may hire a lawyer or an agent to represent you at the hearing.

After Court

If you disagree with the judge's decision, you may file an appeal within four business days. The tenant may also appeal. The tenant may have to post a bond to prevent an eviction

from moving forward while the appeal is pending. If you have questions about appeals, talk to a lawyer.

If you won the case and the judge entered a judgment against the tenant, you must wait four business days to take the next steps. On the fifth business day, if the tenant still has not paid, and no appeal has been filed, you may file a Petition for Warrant of Restitution, Form DC-CV-081. The form is available in the clerk's office. It must be filed within 60 days of the date the judgment for possession was entered. There is usually no court fee to file the petition for the warrant, but check with the clerk. Some counties do charge a fee. The Sheriff charges a fee that you must pay when you file the petition.

After you file, the petition goes to the judge who will review and, if appropriate, sign the Warrant of Restitution. Once signed, that document gives you the right to evict the tenant. The court forwards the warrant to the Sheriff's Department which will contact you to schedule the eviction. This may take days, or weeks, depending on the location of your rental property and how busy the Sheriff's Department is.

In most Maryland counties, landlords are not responsible for notifying the tenant of the time of eviction. Check with local law to find out what you need to do. However, it may be wise to notify the tenant to give him or her the opportunity to remove personal property before the eviction. The Sheriff must be present during the eviction. The eviction must take place within 60 days after the court signs the Warrant of Restitution.

If the tenant offers to pay all rent and monies due, the law requires that you accept the money, even if you still want to evict the tenant. This is called the "right to redeem the

premises.” If the tenant pays the total amount that the judge found due, including fees and court costs, you must cancel the eviction by notifying the Sheriff.

The tenant loses the right to redeem the property -- or “pay and stay” -- if there have been more than three rent judgments against him or her during the 12 months before the eviction action. In Baltimore City, the limit is four rent judgments. You must ask the court to foreclose the tenant’s right of redemption when you complete the Failure to Pay Rent Form, DC-CV-082.

Remember, you should review the lease before taking any action. Consider mediation to work out rent payment issues. Eviction must be done through the courts, and “service” or notice of the court action, will be sent to the tenant by mail and by posting on the front door. Failure to Pay Rent court cases move quickly, so all documents, including receipts showing rent paid, must be in order before court. 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.