

# UNDERSTANDING YOUR RIGHTS AS A TENANT

## **THE EVICTION PROCESS**

- Landlord sends tenant a Notice of Intent to File a Complaint for Summary Ejectment (Failure to Pay Rent) 10 days before filing a complaint.
- This Notice gives the tenant 10 days to pay the amount of unpaid rent claimed before the landlord files a complaint with the court.
- If the amount of rent due listed on the Notice is not paid, a landlord may file a Failure to Pay Rent complaint in District Court.
- 4. A summons and copy of the complaint are sent via first class mail and posted on the tenant's door. The summons contains the date and time of trial.
- 5. At trial, if judgment is entered in favor of the landlord, the landlord may apply for a Warrant of Restitution four days after judgment.
- 6. The Warrant of Restitution gives the landlord the legal authority to schedule an eviction with the Sheriff or Constable.
- 7. Pay to Stay: Any time prior to actual eviction (even on the day of eviction) a tenant may pay the rent due as stated on the Warrant to stop the eviction.
- 8. A judgment for Failure to Pay Rent is only for possession of the property unless the tenant is personally served. Personal service allows the landlord to receive a money judgment for rent determined to be owed by the court at trial. If there was no personal service, a landlord may still file additional actions in civil court to recover rent owed.

## **FAQS FOR TENANTS**

# Q: Can my landlord evict me by changing the locks or putting a note on the door?

NO. It is illegal for a landlord to use self-help eviction. A landlord must go through the court process (see The Eviction Process) to evict a tenant.

#### Q: What is a rent court agent?

A rent court agent appears on behalf of some landlords in court and files the appropriate legal documents as per the rules and procedures. Rent court agents do not represent tenants and tenants are not required to speak to agents.

# Q: I am behind on my water and/or gas-electric bill. Can I be evicted for that?

NO. Being behind on utility bills is not a basis for eviction. A Failure to Pay Rent (FTPR) complaint can only contain the amount of unpaid rent and the resulting late fees.

#### Q: Do I have to appear in court on the day of my summons?

YES. Failure to appear may result in your landlord obtaining a judgment against you, which could result in eviction. The only way to raise any defenses is to appear in court. Also, by appearing in court, you may be able to work with your landlord to find an agreement that works for both of you.

### Q: What are valid defenses to a Failure to Pay Rent Complaint?

The amount owed is not accurate: If you already paid the amount (or partial amount) listed on the complaint, bring receipts or proof of payment to court with you. If you are unsure how the amount owed was calculated, you can request to see the landlord's ledger. The landlord is required by law to keep a ledger and produce it when requested.

The property is not licensed: In Baltimore City (and in certain circumstances in Baltimore County) rental housing must be properly registered and licensed. A landlord cannot obtain a judgment or evict a tenant for failing to pay rent if they are unlicensed. Even if your rental unit is unlicensed, you still must appear in court to assert this defense.

Your rental has conditions that threaten your life, health, or safety: Dangerous living conditions can be used as a valid defense to a FTPR complaint if the landlord was given notice and a reasonable time to repair the issues but failed to do so. If the court accepts this defense, you may open a Rent Escrow case and pay rent into an escrow account until the conditions are fixed.

<u>I applied for rental assistance</u>: Although not a legal defense, a pending rental assistance application may help you reach an agreement with your landlord to postpone or cancel the eviction process.