



The **Eviction Process** in Howard County

A TENANT'S GUIDE

If you are behind in your rent and facing eviction,
HERE IS WHAT YOU NEED TO KNOW.



A Tenant's Guide to the Eviction Process in Howard County

IF YOU ARE BEHIND IN YOUR RENT

Talk to your landlord to inquire if you can negotiate a payment plan. Getting ahead of your past due rent is the best option.

IF YOU ARE NOT ABLE TO PAY YOUR RENT

You may contact the Community Action Council to see if you are eligible for assistance by calling 410-313-6440 or online at www.cac-hc.org.

Steps a Landlord is Required to Take to Begin an Eviction Process

In order to evict you for failure to pay rent, a landlord must take legal action. The landlord files a Failure to Pay Rent form with the District Court of Maryland for Howard County. The landlord may file this form any time after the rent due date. **The District Court of Maryland for Howard County is located at 3451 Courthouse Drive, Ellicott City.**

After the landlord has initiated a failure to pay rent action, you will receive a formal notice of this action by being served with a summons. You will be served when the sheriff mails copies of the legal papers to you and posts them on the property.

Either you or the landlord may try a less formal way to resolve a failure to pay rent. The District Court's Alternative Dispute Resolution Program (ADR) offers mediation free of charge. Mediation is a voluntary process through which people in conflict resolve their dispute with the help of a neutral 3rd party and is often successful at resolving disputes between landlords and tenants. A trained mediator will work with both sides to try to arrive at a mutually agreeable solution. If mediation is not successful, the landlord may still seek a decision by the court. If your landlord has already initiated action in District Court, you can contact the District Court Alternative Dispute Resolution (ADR) Office at 410-260-1676 prior to your trial date.

Even if you are behind in your rent payment, Maryland state law forbids property owners from taking certain actions such as:

- changing the property's locks so you cannot gain entry;
- turning off essential utilities such as the water, heat or electricity; and/or
- making threats to evict you

District Court of Maryland for Howard County

Your case will be scheduled for a hearing in the District Court approximately seven days after the landlord files the Failure to Pay Rent form. A hearing will be scheduled for a specific time (for example 9:00 a.m.) and you will receive notice of the hearing. You should appear in court at the scheduled time, but you may need to wait in the courtroom until your case is called.

If you want to postpone the case, you must send a letter to the District Court's clerk's office before the trial date. You must mail a copy of the request to the landlord. If you do not receive notice from the court that the case has been postponed, you must appear in court at the scheduled time and date.

If you would like to have an interpreter with you in court or if you need a reasonable accommodation under the Americans with Disability Act, you should contact the court before the hearing.

Eviction Court Hearing

When your case is called, the judge will usually ask the plaintiff – the landlord – to speak first. The landlord will explain his or her side of the case and present any relevant evidence.

The judge will then ask you, the defendant, for your response. At this time, you can explain your point of view and present any evidence. You should bring to court all documents or other evidence to support your claim or defense. For example, you may choose to bring the lease, accounting records, cancelled checks, receipts, photographs, or other documents or items that show what you are trying to prove. If you have paid your rent in cash, the landlord is required to give you a receipt.

You may also raise serious repair problems with the rental property that you have notified the landlord about and given the landlord a reasonable amount of time (no more than 30 days) to fix. Serious repair problems would be conditions and defects that constitute a fire hazard or a serious and substantial threat to your life, health or safety, including, but not limited to: (1) lack of heat, light, electricity, or hot or cold water, except where you are responsible for their payment and the lack thereof is the direct result of your failure to pay, (2) lack of adequate sewage disposal, (3) rodents in two or more dwelling units, (4) structural defect which presents a serious and substantial threat to physical safety, or (5) a condition which presents a health or fire hazard to the dwelling unit.

You may also tell the court that the landlord has brought this action to retaliate against you because you have taken certain actions, such as:

- You (or your lawyer acting on your behalf) have provided written or actual notice of a good faith complaint (to the landlord or any public agency against the landlord) about an alleged violation of the lease, violation of law, or condition on the leased premises that is a substantial threat to your health or safety.
- You (or your lawyer acting on your behalf) have filed a lawsuit against the landlord or testified or participated in a lawsuit involving the landlord.
- You have participated in a tenants' organization.

If either party fails to appear in court, the court may dismiss the case, issue a judgment, or postpone the trial. If your landlord appears but you do not, the judge may rule on the case of the landlord and enter a judgment against you.

After hearing both parties, the court may enter judgment in favor of you or the landlord or it may schedule another hearing if more information is needed. If the court enters a judgment in favor of the landlord it is called a judgment for possession. After the court enters judgment for possession, you no longer have the right to live in the property.

After the Hearing

You may file an appeal within four business days from the date of the Judge's decision by filing form DC-CV-037 with the clerk of the District Court and pay the required appeal costs. Saturday, Sunday, or any legal holiday is not counted as part of the four-day time period. The filing of an appeal does not automatically stop the eviction process.

If you do not pay the full amount the court has determined that you owe, the landlord may file a Petition for Warrant of Restitution (DC-CV-081). A warrant of restitution is a type of court order. It tells the sheriff to go to a property and carry out an eviction. The landlord must wait four business days after receiving a judgment for possession before they can file for a warrant of restitution.

If your eviction is for failure to pay rent, you can avoid eviction if you pay the full amount the court decided was due, plus court costs, before the eviction takes place. Payments to the landlord must be by cash, certified check, or money order.

The court may determine that because of the number of rent judgments that you have had in the past 12 months (three times in a 12-month period), you no longer have the right to avoid eviction by paying the full amount that you owe. If the court has taken this action, then the Warrant of Restitution will have a checkmark on the boxes that read "Without Right of Redemption" and "The judgment for possession may not be redeemed."

Once the landlord files the petition for the warrant of restitution, a judge will review it. If everything is correct, they will sign it, and a copy will be forwarded to the sheriff. A warrant of restitution is generally valid for 60 days from the date of issue. An eviction may be conducted any time within the window.

Sheriff's Office Eviction Process

The Sheriff's Office contacts the landlord after receipt of the Warrant of Restitution to schedule a mutually agreeable date and time for the eviction, which usually takes place within two weeks. The Sheriff's Office then posts a notice on the tenant's door with the date and time the eviction will be carried out. For questions about your eviction, contact the Sheriff's Office Landlord & Tenant Section at 410-313-4222 or online at howardcountymd.gov/sheriffs-office/landlord-tenant-section.

Eviction cannot take place on a Saturday, Sunday or holiday. Evictions are conducted during court business hours so that any issues which arise during an eviction may be addressed immediately. If you have made some payments to the landlord, have receipts to prove it. If you are able to pay the balance of what you owe, but you and the landlord disagree as to the amount, the court will determine the proper amount.

An eviction is only legal if a Deputy Sheriff is present. The deputy's sole responsibility is to keep the peace. The landlord is responsible for providing an adequate number of movers and exercising reasonable care in removing your property.

You are permitted to remain on-scene until all your property is removed, so long as you are not hindering the eviction. All your personal property, except that which may pose a public safety threat, will be placed on the curb of the nearest public roadway. Once there, it is your responsibility to keep your property safe. Failure to remove your evicted property from a county right-of-way within 48 hours will result in removal by the Howard County Department of Public Works because it is considered to be abandoned.

ADDITIONAL RESOURCES

FOR LEGAL ASSISTANCE

Howard County Legal Aid

PHONE 410-480-1057

WEBSITE <https://www.mdlab.org/contact-us/>

District Court Self-Help Center

PHONE 410-260-1392

WEBSITE www.courts.state.md.us/helpcenter/inperson/dc

IF YOU BECOME HOMELESS AND NEED ASSISTANCE

Grassroots

PHONE 410-531-6006

WEBSITE www.grassrootscrisis.org/

FOR GENERAL CONSUMER AND LANDLORD TENANT INFORMATION

Howard County Office of Consumer Protection

PHONE 410-313-6420 (voice/relay)

EMAIL consumer@howardcountymd.gov

WEBSITE www.howardcountymd.gov/consumer



We've Got You Covered!



Howard County

Office of Consumer Protection

- Provides information on consumer rights and responsibilities
- Mediates disputes between consumers and merchants
- Investigates allegations of unfair or deceptive practices
- Licenses solicitors, peddlers and tow companies
- Handles landlord-tenant disputes
- Issues scam alerts and offers tips to avoid identity theft
- Provides presentations to community groups, faith organizations and businesses.



The Office of Consumer Protection (OCP) is a division of the Howard County Department of Community Resources and Services. The OCP helps protect Howard County consumers by mediating disputes, taking enforcement action, providing tips on how to avoid scams, and make smart purchasing decisions.



The Consumer Protection Advisory Board works with the OCP to educate and protect Howard County consumers. Board members provide feedback and recommendations on OCP's programs, alert OCP to problems and concerns they witness in their communities and assist in educating county residents on the services that OCP provides.

The Board submits an annual report to the County Executive and County Council. The Consumer Protection Advisory Board is governed by Section 17.402 of the Howard County Code.

9830 Patuxent Woods Drive
Columbia, MD 21046

PHONE 410-313-6420 (VOICE/RELAY)

FAX 410-313-6453

EMAIL consumer@howardcountymd.gov

WEBSITE www.howardcountymd.gov/consumer

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