



Providing Affordable Rent Court Agent Services for Landlords, Property Managers and Management Companies

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DISCLAIMER

We are not attorneys and do not offer legal advice. The content contained herein is provided for informational purposes only. If you have specific legal questions or need legal advice, please consult an attorney. As a Maryland property owner, it is your responsibility to know Landlord-Tenant law and issues.

MONTGOMERY COUNTY RENT COURT PROCEDURES

Landlord/Agent files a Failure to Pay Rent form with the District Court of Montgomery County, MD. This form will state the amount of rent due and request a judgment for possession of the property, and/or rent due including late fees and any previous awarded court costs.

Landlord must certify that the property is registered with the Maryland Department of Environment (MDE) and has a current lead certificate (certificate number must be listed on the Failure to Pay) if applicable.

The District Court will issue a hearing date. The Sheriff's office will serve a summons to the tenant to appear in court via mail and in person (or by posting if unable to serve in person).

The Landlord may request on the Failure to Pay Rent all rents due as of the hearing date if the hearing is not held on or before the fifth business day after the action is filed (aka "Future Rent").

If the tenant fails to appear, a default judgment for possession will likely be entered. If the Landlord fails to appear, then the action will be dismissed. Either party has 4 days to appeal the decision.

If no appeal is filed and the tenant has not satisfied the judgment, the Landlord may file a Warrant of Restitution (also called a “Writ” or “Eviction Notice”). Once the Eviction Notice is signed by the Judge, it will be forwarded to the Sheriff’s office for processing. The Landlord and Tenant will receive a copy via mail.

The Landlord will need to contact the Sheriff’s office to schedule the eviction date and time. Once the eviction is scheduled, the Sheriff *may* post a red/white notice on the tenant’s door. Even if this notice is not posted, the eviction will still proceed.

The Landlord is responsible for removing the belongings of the tenant (or hiring an eviction company) and placing them on the nearest public right-of-way. Please note that an eviction CANNOT take place without the presence of the Sheriff. Landlords should NOT enter the property until the Sheriff arrives or your eviction could be cancelled.

The tenant has up until the date of eviction to satisfy the Judgment including court costs. Payment must be in the form of cash, money order or certified check. The tenant should get a receipt for this payment and confirm with the Sheriff's office that the eviction has been cancelled.

If a tenant has 3 prior judgments in a 12 month period, prior to filing the 4th Failure to Pay Rent action, the Landlord can request a Judgment Absolute, With No Right of Redemption. If a judgment is entered with No Right of Redemption, even if the tenant satisfies the judgment amount, the Landlord can still evict the tenant.

IMPORTANT CONTACTS

Montgomery County District Court Clerk

301-279-1555

Montgomery County Sheriff's Office

240-777-7130

Montgomery County Landlord-Tenant Affairs

240-777-3609

Montgomery County Housing Code Enforcement

240-777-3785

IMPORTANT CONTACTS

Maryland Department of Environment

410-537-4199

Montgomery County Rental Licenses

240-777-3799

For more information please view the Montgomery County
Landlord/Tenant Handbook Published by the Department of
Housing and Community Affairs

http://www.montgomerycountymd.gov/content/dhca/housing/landload_T/pdf/handbook2008rev1.pdf

*Information contained herein courtesy of www.montgomerycountymd.gov and the Department of Housing and Community Affairs.