

The court may dismiss an escrow case if the tenant has caused the problem or if the tenant is refusing to allow the landlord access to fix the problem.

Unfortunately, if you have more than 5 Failure To Pay Rent judgements in a 12 month period against you, you may not be able to file escrow-But please don't let this deter you, especially if you are living in deplorable conditions. You can always check at the self-help center at the courthouse to figure out how many judgements you have.

The Landlord's Time to Repair

-Before withholding rent, a tenant must notify the landlord about the problems in the unit and allow a reasonable time for the landlord to make repairs. The best way give notice to the landlord is to do so in writing, so you have proof.

-Once the landlord receives notice, the law gives them a reasonable amount of time to make repairs. Usually, the court will consider it unreasonable for a landlord to take more than 30 days to make repairs once they are made aware of the problem.

-A county or city housing inspector may give the landlord a shorter deadline to make repairs. If so, the court may consider the housing inspector's deadline to be reasonable.

Rent Escrow Part 2: The Rent Escrow Process

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 at 501 E Fayette St. The form is available at the clerk's office or online at mdcourts.gov/courtforms. There is a \$36 fee to file-You may ask to have this fee waived with from CC-DC-098

-Once the paperwork is accepted, the court will set a hearing date. Notice must be personally served on the landlord or their resident agent, so make sure you use the right address on the Escrow Form for your rental office or landlord.

-In most Baltimore City cases. the escrow account is not opened until the case is reviewed by the judge at the hearing.

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. PLEASE make sure you take pictures/videos of these conditions to bring to court as evidence. Present these to the Judge during your case.

-The tenant must prove that the landlord had notice of the problem and didn't 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 and receipts.

-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.

-The landlord may win if they can show that the tenant or tenant's guest caused the condition in the rental property.

-The landlord may also win if the tenant didn't allow the landlord or the landlord's representative access to 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
- 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.

Legal Resources:

-There is a Maryland Self-Help line with attorneys on the line who can give you legal advice and can assist with questions you may have at 410-260-1392.

-Depending on your situation, you may be able to get free legal advice and/or representation from one of these:

Public Justice Center

Phone: 410-625-9409 Web: bitly/pjc.md

PJC is a legal nonprofit organization that can provide advice or representation in some cases

Maryland Legal Aid

Phone: 410-951-7777 Web: bit.ly/md_lab

MDLA provides representation to tenants in rent court and brief advice for tenants who need help filling out forms or wish to represent themselves in court. Especially helpful for section 8

Disability Rights Maryland

Phone: 410-727-6352 Web: bit.ly/dr_md

Disability Rights MD may represent Maryland residents who have disability and a legal issue

Pro Bono Resource Center

Phone: 443-703-3053 Web: bit.ly/pbrc.md

PBRC provides free client services for income-qualifying tenants who have been sued by their landlord in Baltimore City or Baltimore County

Baltimore City District Court Self-Help Center

501 E Fayette St. 3rd Floor Monday-Friday 8:30am-4:30pm

-The walk in center has an attorney who can assist you in filing rent escrow, check if there are any failure to pay rent judgments against you, and verify if your landlord has the right to file against you. PLEASE KEEP IN MIND THE ATTORNEY IN THE WALK IN CENTER CAN'T REPRESENT YOU.

Forms:

MD COURT FORM SEARCH:

mdcourts.gov/courtforms

ESCROW FORM: Search for Form DC-CV-083

COST WAIVER FORM: Search for Form CC-DC-089



Rent Escrow:

What to Know and How to File

Rent Escrow Part 1: What is Rent Escrow?

Tenants can 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.

What is Rent Escrow?

-Maryland law requires landlords to fix conditions that are a serious threat to the life, health, or safety of their tenants.

-When a landlord fails in this duty, a tenant may file a rent escrow case with the District Court.

-Tenants may also raise rent escrow as a defense to a failure to pay rent case.

-In a rent escrow case, a tenant is usually required to pay rent directly to the court. The court will hold the tenant's money until the conclusion of the case.

-When the case ends, the court may give the money to the landlord, may give it back to the tenant, or may split it between both parties. The court may also end a lease early or allow it to continue until it expires.

What Problems May Qualify?

Examples of serious conditions that may qualify include: (note: this list is not exhaustive, other conditions may count.)

- no heat in the winter
- no electricity
- no running water
- rodent infestation
- mold
- bedbugs
- sewage back up
- lead paint
- structural defects
- fire hazards.