

# CONSUMER'S EDGE

CONSUMER PROTECTION DIVISION, MARYLAND OFFICE OF THE ATTORNEY GENERAL

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## EVICITION: GET THE FACTS

**“My landlord says he’s going to evict me tomorrow if I don’t pay the rent...Can he do that? What can I do? Where will I go?”**

The prospect of being forced out of your home and having your belongings put on the street is frightening. However, it’s important to understand what an eviction is (and is not) and what a landlord can and can’t do.



Eviction is a legal process. The landlord can’t just tell you that you have to move or throw out your belongings. To evict you, a landlord must go to District Court to get a judgment against you. If they get one, the court will issue an order of eviction and a sheriff will make you leave the home. A landlord who moves a tenant’s belongings out of the home, changes the locks, or cuts off utilities without a court order may be criminally prosecuted and liable for damages. If this happens, tenants should call the police and an attorney or legal services organization.

A “notice to vacate” from your landlord is not a court order. This is the written notice that a landlord must give you at least one month before your lease ends if they want you to move out at the end of the lease. If you do not move out, your landlord must go to court to try to evict you.

### Reasons for Eviction

A landlord cannot evict you simply because you have filed a complaint or a lawsuit against them or have joined a tenant’s association. This is called a “retaliatory eviction,” and you may be able to stop an eviction by showing the court that your landlord is evicting you for one of these reasons.

A landlord *can* evict you for:

- **Non-payment of rent.** Your landlord can begin the eviction process as soon as your rent due date has passed and you have not paid the rent. In most instances, you can stop the eviction any time before the sheriff actually comes to evict you by paying the landlord the rent that is owed.
- **Withholding rent.** Never try to force a landlord to make repairs to your home by withholding the rent. The landlord can evict you for non-payment of rent. Instead, go to your District Court and ask to file a rent escrow complaint. A judge may allow you to pay your rent into an escrow account if your landlord fails to repair serious or dangerous defects, such as a lack of adequate heat or a condition that presents a fire hazard. The judge may return the money to you as compensation or appoint an administrator to ensure that the repairs are made.
- **Holding over.** If you do not move out when your lease has ended, your landlord may evict you for “holding over.” The landlord must prove that they gave you proper notice (at least one month’s advance written notice) of the ending of your lease.
- **Breach of lease.** A landlord may also evict you for breaking some part of your lease (for example, by having more people living in the home than the lease permits). Before going to court, the landlord must give you one month’s advance written notice ending the lease or, if the breach presents a “clear



and imminent danger,” 14 days’ notice. The landlord will have to prove that you violated your lease and that the violation was a serious one.

In addition, the state’s attorney, the county attorney, or community associations may bring an eviction action against tenants involved in illegal drug activities.

### The Summons and Hearing

If your landlord begins an eviction proceeding, you will receive an official summons to attend a hearing. The summons may be served on you in person, but most often it’s mailed and/or posted on the rental property. Don’t ignore it. **Go to the hearing and be on time!** If you don’t show up, the landlord will probably win.

The hearing gives you the chance to tell your side of the story. For example, you may be able to prove that you did pay the rent, or that you tried to pay the rent but the landlord wouldn’t accept it, or that the landlord didn’t give you a month’s written notice that you had violated your lease and had to move out.

If the judge finds the landlord’s case more convincing, they will rule in favor of the landlord. Within five working days, the landlord can file for a court order for the eviction, called a “warrant of restitution,” and arrange for a sheriff to oversee the eviction.

You may appeal an eviction judgment. The appeal must be made within four days of the date of judgment in non-payment of rent cases and 10 days in breach of lease or holding over cases. You may have to post a bond to cover the rent while waiting for the circuit court to decide the appeal.

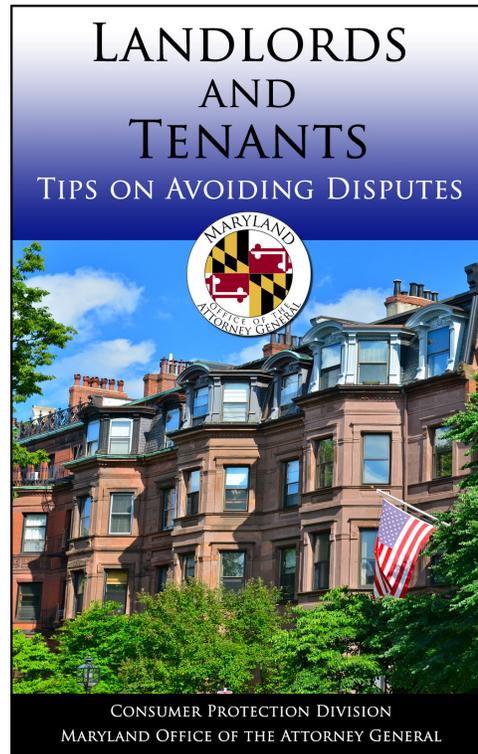
### The Actual Eviction

On the date of an eviction, the sheriff will come to the rental unit to order the tenant and everyone inside to leave. The landlord or the landlord’s employees can then remove all property from the unit and put it on the public right-of-way while the sheriff supervises. Once the property is moved from the unit, it’s the former

tenant’s responsibility. Some cities and counties have specific guidelines for how the property is handled.

### Sources of Assistance

You may wish to have a lawyer help you during an eviction process. Maryland Legal Aid offers free legal services to people with limited incomes. To find the office nearest you, visit [www.mdlab.org](http://www.mdlab.org).



If an eviction would leave you homeless, you may be eligible for help from an eviction prevention program offered by a non-profit housing assistance group or your local government. Contact your local Department of Social Services for more information.

### Landlord-Tenant Booklet

For more information about landlord and tenant laws and rights in Maryland, get a copy of the Attorney General’s booklet “Landlords and Tenants: Tips on Avoiding Disputes” by calling 410-528-8662 (toll-free in Maryland: 1-888-743-0023) or by visiting [www.marylandattorneygeneral.gov](http://www.marylandattorneygeneral.gov).

## HOW TO CONTACT US

### Consumer Protection Division

200 St. Paul Place, 16th Fl., Baltimore, MD 21202

- **General Consumer Complaints:** 410-528-8662  
Toll-free: 1-888-743-0023 TDD: 410-576-6372  
En español: 410-230-1712  
9 a.m. to 3 p.m. Monday-Friday  
[www.marylandattorneygeneral.gov/Pages/CPD/](http://www.marylandattorneygeneral.gov/Pages/CPD/)
- **Health Consumer Complaints:** 410-528-1840  
Toll-free: 1-877-261-8807 TDD: 410-576-6372  
9 a.m. to 4:30 p.m. Monday-Friday  
[www.marylandcares.org](http://www.marylandcares.org)
- **For information on branch offices** in Largo, Salisbury, Hagerstown, and a full list of offices across Maryland, visit: [www.marylandattorneygeneral.gov/Pages/contactus.aspx](http://www.marylandattorneygeneral.gov/Pages/contactus.aspx)

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