

Article - Real Property

[Previous][Next]

§8–118.

(a) In an action under § 8-401, § 8-402, or § 8-402.1 of this title in which a party demands a jury trial, the District Court immediately shall enter an order directing the tenant or anyone holding under the tenant to pay all rents as they come due during the pendency of the action, as prescribed in subsection (b) of this section. The order shall require the rent to be paid as and when due under the lease starting with the next rent due date after the action was filed.

(b) The District Court shall order that the rents be paid:

(1) Into the registry of an escrow account of:

(i) The clerk of the circuit court; or

(ii) If directed by the District Court, an administrative agency of the county which is empowered by local law to hold rents in escrow pending investigation and disposition of complaints by tenants; or

(2) To the landlord if both the tenant and landlord agree or at the discretion of the District Court.

(c) (1) In an action under § 8-401, § 8-402, or § 8-402.1 of this title, if the tenant or anyone holding under the tenant fails to pay rent as it comes due pursuant to the terms of the order, the circuit court, on motion of the landlord and certification of the clerk, the landlord, or agency of the status of the delinquent account, shall conduct a hearing within 30 days.

(2) The District Court's escrow order and the clerk's certification are presumed to be valid.

(3) The tenant may dispute the validity or terms of the District Court's escrow order or raise any other defense to the tenant's alleged noncompliance with the order.

(4) If the circuit court determines that the failure to pay is without legal justification, the court may treat the tenant's demand for jury trial as waived, and can either immediately conduct a nonjury trial or set the matter for a future nonjury trial on the merits of the landlord's claim.

(d) Upon final disposition of the action, the circuit court shall order distribution of the rent escrow account in accordance with the judgment. If no judgment is entered, the circuit court shall order distribution to the party entitled to the rent escrow account after hearing.

[Previous][Next]