

HELPFUL TIPS

- **Be on time**
Being punctual and arriving on time shows consideration for all parties.
- **Be familiar with the details of your case**
Having a grasp of relevant facts and information will make your presentation more effective.
- **Present the facts in chronological order**
Presenting your case in sequence will minimize confusion.
- **Write a list of questions for witnesses and use it at the hearing**
A list will guide you in covering all of the information that you want to present.
- **Make your position and supporting evidence clear to the Commissioners**
Establish reasonable grounds based on supporting evidence for your position.
- **Be specific and thorough**
Present your case clearly and thoroughly.
- **Calmly present the facts**
Do not become emotional or accusatory.

If you have any questions concerning the hearing process, please contact the Investigator assigned to the case or call the Office of Landlord-Tenant Affairs at 240-777-0311.

This pamphlet is not legal advice but is an informative tool to help landlords and tenants understand and navigate the administrative hearing process.



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

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A GUIDE TO HELP YOU PREPARE FOR YOUR HEARING BEFORE
THE COMMISSION ON LANDLORD-TENANT AFFAIRS



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INTRODUCTION



You are involved as a party in a case before the **Commission on Landlord-Tenant Affairs (COLTA)**. You are either the Complainant (the person who filed the complaint) or the Respondent (the person against whom the complaint was filed). At the hearing, you will have an opportunity to present your complaint if you are the Complainant or defend your position if you are the Respondent. You must represent yourself OR be represented by an attorney licensed to practice law in the state of Maryland. Property owned by corporations, LLCs or Trusts MUST be represented by an attorney. If you are representing yourself, you will make your own opening and closing statements, ask questions, and call witnesses.

It is important that you understand your responsibilities as a participant and the various elements that make up a hearing before the Commission. Currently, all hearings are being held via video conferencing. If you need alternate accommodations, you must make a written request at least five full business days prior to the hearing. A video-conferencing link will be sent via email 2-5 days before the hearing

Remember, the hearing has been called to resolve a specific dispute. At all times keep in mind that it is only that dispute which will be decided. Your position and evidence supporting your position should be very clear to the Commission. Confine your testimony and your statements only to the issues.

VI. Complainant's Rebuttal Testimony (if any)

After the Respondent has presented their case, the Complainant has the opportunity to present additional testimony to refute some or all of the Respondent's evidence. This often involves calling a witness who has already testified and asking more questions to bring out facts that dispute the testimony given by the Respondent and/or their witnesses.

- Complainant's rebuttal testimony or Complainant's re-examination of witnesses.
- Cross-examination by Respondent.
- Questions by Commissioners.
- Redirect examination by Complainant.

Note: The Respondent does not present rebuttal testimony.

VII. Closing Arguments

A closing argument provides each side a final opportunity to review the evidence presented to the Commissioners, to emphasize the testimony that supports their position, and to tell the Commissioners what they believe the evidence indicates. An effective closing argument includes a statement of the decision that each party wants the Commissioners to render.

- Complainant makes a closing argument.
- Respondent makes a closing argument.
- Complainant presents final rebuttal argument (if any).

VIII. Chairperson Closing

- Concludes the public hearing and advises whether the record will remain open for the purpose of accepting additional evidence.
- Advises the parties that they will be notified in writing of the Commissioners' decision within 45 days after the record has been closed. At the discretion of the Commission, this timeline may be extended.

- Each of the parties may make a brief opening statement outlining their case and what they intend to prove.
- Either party may waive making an opening statement.
- The Respondent has the additional option of making an opening statement after the Complainant presents their case.

IV. Complainant's Case

After opening statements, the Complainant presents their case. The Complainant can present testimony, review evidence previously submitted, and call witnesses. This is the Complainant's opportunity to prove to the Commissioners why they should rule in their favor. The Respondent may cross-examine, and the Commissioners may question, the Complainant and their witnesses. The Respondent's questions must be based on the Complainant's testimony.

- Complainant will testify and Complainant's witnesses will testify.
- Respondent will have the opportunity to cross-examine each of the Complainant's witnesses regarding their testimony.
- The Commissioners may then ask questions, and the Respondent may ask follow-up questions based on the Commissioners' inquiries.

V. Respondent's Case

The Respondent can choose to make their opening statement after the Complainant's opening statement or wait until the close of the Complainant's case (when all the Complainant's witnesses have testified and have been questioned). The Respondent can now give testimony, review evidence previously submitted, and call witnesses. This is the Respondent's opportunity to prove to the Commissioners why they should rule in their favor. The Complainant may cross-examine, and the Commissioners may question the Respondent and their witnesses. The Complainant's questions must be based on the Respondent's testimony.

- Opening statement (if not made earlier).
- Respondent will testify and the Respondent's witnesses will testify.
- Complainant will have the opportunity to cross-examine the Respondent and each of the Respondent's witnesses regarding their testimony.

1. Know your case

Keep in mind the substance of the dispute. Know all relevant facts and dates. If you are seeking a money award, know the actual amount in dispute. Present your facts in chronological order to minimize confusion. The Investigator has prepared a case file that includes all documents submitted to the Office during the investigation of the complaint. All parties will receive a copy of the case file prior to the hearing which will be entered into evidence at the hearing as Commission Exhibit #1. Have the case file with you at the hearing. At least five (5) full business days prior to the hearing you must submit any relevant receipts (originals where possible), photographs, and other evidence in the case, not contained in the case file, so all parties can examine the evidence. Please refer to the page numbers circled at the bottom of each page in the case file, when referring to particular information.

2. Be brief

Come prepared to present your case clearly and concisely. Do not discuss unrelated or irrelevant issues. Stay focused on the specifics of the case.

3. Be thorough

The Commission will make its decision based on testimony and evidence presented at the hearing, so you need to give factual and thorough information and testimony. If you are submitting photographs: select only photos that are clear, not fuzzy or grainy and provide a short label to identify the subject of each photo; identify the top of the photo if the angle is not obvious; use your camera's date and time stamp feature, if possible, to verify when photos were taken; do not submit multiple photos of the same subject; and use a ruler or other indicator (for example, a coin) to give an idea of size or distance.

4. Stay focused

Do not become emotional or accusatory. A calm, factual presentation will keep the focus of the hearing on the facts, not personal opinions.

5. Request accommodations

If needed, please contact the Commission in writing through the Investigator as soon as possible, but at least five (5) full business days prior to the hearing to request any reasonable accommodations to participate. This includes, but is not limited to, request for sign language interpreters and other auxiliary aids or services. In all situations, a good faith effort (up until the time of the event will be made to provide accommodations.

THE HEARING



A hearing is like a trial, although it is less formal. You will be speaking to a panel of three Commissioners. A hearing is a fact-finding process and the Commission bases their decision solely on the record and the facts presented at the hearing, so it is important that you present your case thoroughly, submit any necessary evidence prior to the hearing and have witnesses available for the hearing.

Following is the order of presentation for the hearing and what is expected at each juncture.

I. Chairperson's Introduction and Explanation

- Introduces the hearing, states who filed the Complaint (Complainant), who it was filed against (Respondent), and the case number.
- Advises that:
 - the hearing is open to the public;
 - parties have the right to present testimony and evidence under oath; and,
 - the Commission is not bound by the strict rules of evidence applicable to a judicial proceeding.
- Introduces the Commissioners.
- Identifies the parties and all other persons who will be making statements or offering testimony.
- Administers the oath to the parties and witnesses, with right hand raised: "Do you declare and affirm under the penalties of perjury that the testimony you are about to give is true to the best of your knowledge, information and belief?"

- Introduces into evidence the contents of the case file compiled by the Office of Landlord-Tenant Affairs (either party may object). This is referred to as Commission's Exhibit 1.
- Describes the order of events that will take place during the hearing.

II. Calling Witnesses

- Both the Complainant and Respondent, as well as the Commissioners, can call witnesses.
- The Commissioners can call witnesses at any point during the hearing at their sole discretion.
- The Commissioners may ask questions, and the Complainant and Respondent may ask follow-up questions based on the Commissioners' inquiries.
- Witnesses are sworn in and promise to tell the truth. If you wish to have a witness subpoenaed, you must submit the witness' name, address and relevance of their testimony to the Investigator at least ten (10) days prior to the hearing. It is up to the discretion of the panel chair whether your witness will be subpoenaed; however, you are free to have available whatever witness you choose without benefit of a subpoena.
- The party who called the witness can ask questions during the presentation of their case. The questions can be very general or very specific. Confine your questions to facts concerning the complaint and the points you want to bring out.
- Property managers, trustees, agents, occupants and non leasehold tenants are witnesses, and cannot ask questions.
- It is helpful to prepare your questions in writing in advance. This will help you to remember all the questions you want to ask your witnesses.
- Once a witness has testified, they may be cross-examined by the other party and can be questioned by the Commissioners. If there is more than one witness, each witness will go through the same process.

III. Opening Statements

An opening statement is your opportunity to summarize your side of the story. You will be telling the Commissioners what you expect your evidence to show and how you want the Commissioners to rule. This opening statement is not testimony. Do not present your entire case, simply highlight the main points. Both sides are given an opportunity to present opening statements. Either party can waive making an opening statement.