

Commission on Landlord and Tenant Affairs (COLTA)
Chapter 6.24

Administrative Regulations

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Forms

Proposed: Sara Anne Daines (signed October 31, 2006) /s/
Director, Housing and Community Development

Approved: Barbara B. Matthews (signed November 1, 2006) /s/
City Manager

- Attachment 1 Registration of a Tenant Association
- Attachment 2 COLTA Fact Sheet
- Attachment 3 COLTA Complaint Form
- Attachment 4 Response to COLTA Complaint Form
- Attachment 5 Certificate of Service
- Attachment 6 Notice of Emergency Public Hearing
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- Attachment 8 Subpoena and Subpoena Duces Tecum
- Attachment 9 Certificate of Subpoena Service
- Attachment 10 City Registration of a Tenant Association

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Director, Housing and Community Development

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City Manager

**COMMISSION ON LANDLORD-TENANT AFFAIRS (COLTA)
REGULATIONS**

Pursuant to Chapter 6.24 of the Takoma Park Code, the following Regulations are hereby promulgated and are to be used in coordination with Chapter 6.24 of the Takoma Park Code, Commission on Landlord and Tenant Affairs.

§10 Administration (6.24.040)

1. Election of Officers

The Commission on Landlord and Tenant Affairs (“COLTA”) shall elect a Chair and Vice-Chair. COLTA may choose to hold these elections by voice vote. Officers are elected to serve by a majority of votes cast. If the Chair is unable to complete his/her term, the Vice-Chair shall become Acting Chair until a new Chair is elected

2. Commissioner Responsibilities

- a. Subsequent to appointment by the City Council, each member of COLTA (“Commissioner”) shall disclose any financial, managerial, or ownership interest in any rental unit to COLTA’s Executive Director or his/her designee.
- b. Each Commissioner shall serve on a COLTA Hearing Panel (“Hearing Panel”), attend assigned hearings, and be available as a substitute as necessary should a scheduled Commissioner be unable to serve. Each Commissioner shall attend other COLTA meetings as notified. If a Commissioner is unable to attend an assigned hearing or COLTA meeting, he/she shall promptly notify the COLTA Executive Director or his/her designee of the planned absence. Failure of a Commissioner to attend three (3) consecutive scheduled hearings or COLTA meetings may result in the Executive Director or his/her designee’s recommendation to the City Council that the Commissioner be removed from COLTA.
- c. Each Commissioner shall report any change of address to the City of Takoma Park’s Department of Housing and Community Development (“Department”) at least fourteen (14) days prior to relocation. If the change of address results in the Commissioner being ineligible to continue service on COLTA, the affected Commissioner shall cease to be an active member of COLTA at the time of the change of address.
- d. Each Commissioner shall recuse him/herself from participation in any matter in which
 - i. the Commissioner or his/her family member has a financial, business, or personal

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interest; or

- ii. the Commissioner is prohibited from participating pursuant to § 3.04.070(A) of the Ethics Chapter of the Takoma Park Code; or
- iii. the Commissioner believes that he/she cannot act fairly and impartially.

3. *Business Meetings*

- a. The Chair or his/her designee shall preside at all business meetings of COLTA.
- b. The Department will record and maintain the minutes of the meeting as a record of the business conducted by COLTA. In accordance with the Maryland Open Meetings Act and the Public Information Act, all COLTA records, including agendas and minutes of all business meetings and complaint files will be maintained by the Department and shall be made available for public review upon request. If a request for review of COLTA's records will require extensive search or preparation time, the Department shall require payment of applicable fees before locating or preparing the responsive records.
- c. On the vote of a majority of the Commissioners who are present at a business meeting, COLTA may meet in closed session or adjourn the public session of a business meeting for any purpose permitted by Section 10-508 of the State Government Article of the annotated Code of Maryland. COLTA may also meet in closed session to carry out quasi-judicial functions.
- d. The Department shall prepare a written report pertaining to COLTA activities for presentation to the City Council on an annual basis.

§20 Filing and Processing of COLTA Complaints and Counter Complaints (6.24.060)

- 1. COLTA Complaints ("Complaints") shall be submitted in writing and shall be signed and dated. Complaints filed by a registered tenant association must be signed by an officer of the tenant association and accompanied by a written "Authorization of Representation" (Attachment 1) which identifies each tenant on whose behalf the Complaint is filed. Said Authorization must be signed by each tenant represented in the Complaint. Only one tenant per rental unit is required to sign the complaint form or the tenant association authorization form. The Department shall confirm that the tenant association is registered before docketing a Complaint.
- 2. Complaints must be filed by mailing, faxing, or hand delivering the Complaint to the Department at 7500 Maple Avenue, Takoma Park, MD 20912. No fee shall be charged for

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filing a Complaint.

3. The “COLTA Fact Sheet” (Attachment 2) shall be provided to the “Complainant” (the person or entity filing the Complaint) and the “Respondent” (the person(s) or entity against whom the complaint is being filed) at the time the Complaint is filed.
4. Complainants should use COLTA’s “Complaint Form” (Attachment 3), but no Complaint shall be dismissed because it was submitted on an improper form as long as the Complainant signs and dates the Complaint and clearly states the substance of the Complaint. The Complainant will be required to transfer the complaint to the Complaint Form and sign the completed Complaint Form before a case number will be assigned by the Department.
5. For the purposes of determining whether a Complaint is timely filed pursuant to Section 6.24.060 of the Takoma Park Code, the Complaint shall be deemed to be filed on the date the original Complaint is filed if the Complainant transfers the Complaint to a Complaint Form within seven (7) days of filing the original Complaint.
6. The Complainant should submit all documents and identify, in writing, any tangible evidence he/she intends to present to COLTA in support of the Complaint at the time the Complaint is filed. Such documentation should include the lease for the rental unit at issue in the Complaint and may include housing inspection reports, correspondence between the parties, correspondence with contractors, invoices, receipts, photographs and other relevant material. Only photographs printed on photographic paper will be accepted; photocopies and plain paper prints of photographs will not be accepted.
7. Except as provided in §70 of these Regulations regarding subpoenas, if the Complainant does not submit all documents and written descriptions of all tangible evidence at the time the Complaint is filed, he/she must do so within fifteen (15) days of filing the Complaint. Failure to identify tangible evidence or file documents within fifteen (15) days of filing a Complaint shall result in the exclusion of such evidence unless the Presiding Commissioner allows the evidence to be admitted under Subsection 14, below.
8. The Complaint Form shall be date stamped by the Department, assigned a case number and entered into the case log on the date it is received. When a Complainant files a Complaint without using the Complaint Form, the date of filing of the original Complaint shall be recorded on the Complaint Form.
9. A Complaint Form that does not state a claim or seeks a remedy that falls within COLTA’s jurisdiction or authority may be returned by the Department to the person or entity filing the Complaint, with a letter stating the reason the Complaint Form was returned prior to it being docketed and assigned a case number.

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10. The Department shall forward, by first-class mail, a copy of the docketed Complaint Form and all supporting documentation to the Respondent within two(2) days of its receipt of the Complaint Form.
11. The Respondent shall file a sworn written response to the Complaint within twenty (20) days after the Complaint Form has been mailed by the Department. The response shall indicate whether the Respondent intends to defend against the Complaint and shall contain a brief statement of facts indicating the Respondent's ground(s) of defense (Attachment 4).
12. Except as provided in §70 of the regulations regarding subpoenas, the Respondent must submit all documents it intends to present as evidence with their response, including photographs, and must identify any tangible evidence intended to be presented at the hearing. Only photographs printed on photographic paper will be accepted; photocopies and plain paper prints of photographs will not be accepted. Failure to file a timely response shall constitute a waiver of the Respondent's right to present evidence or argument in defense of the Complaint. Failure to identify tangible evidence or to file documents with a response shall result in the exclusion of such evidence unless the Presiding Commissioner allows the evidence under subsection 14, below. The response shall be filed with the Department.
13. Respondent shall send a copy of their response to the Complaint and all relevant documentation to the Complainant at the time the response is sent to COLTA. A "Certificate of Service" (Attachment 5) shall be submitted by the Respondent to COLTA and will be included as part of the response. If an attorney or tenant association has been designated by either the Complainant or the Respondent as their representative, service shall be made upon the designated representative.
14. Counter Complaints
 - a. If the Respondent has grounds for a Complaint against the Complainant, the Respondent may file a Counter Complaint with COLTA. The procedures applicable to the filing of and processing of Complaints apply to Counter Complaints.
 - b. The Department shall consolidate for hearing and decision, the proceedings regarding a Complaint and Counter Complaint if the Counter Complaint is filed within the time to file a response to the original Complaint. The Department may consolidate the proceedings when the Counter Complaint is not timely filed if the consolidation would not delay the resolution of the initial Complaint.
 - c. Counter Complainants must also file a response to the Complaint to preserve their right to defend against the Complaint.

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- d. If a Respondent files a Counter Complaint within the time to file their response to the original Complaint, all factual averments, documents, and identifications of tangible evidence made in support of the response and the Counter Complaint shall be deemed to be incorporated into both pleadings without specific reference thereto.

15. COLTA may allow for the late submission of documents obtained as a result of a subpoena. (See §70 - Subpoenas)

16. The Presiding Commissioner shall allow the parties to present at the hearing, evidence not timely submitted to COLTA upon showing of good cause. Good cause shall include, but shall not be limited to, situations where the evidence did not exist at the time it was required to be submitted or where the party was unable to obtain the evidence despite documented good faith efforts to do.

§30 Emergency Hearings

1. Complaints alleging a pending eviction, threat of eviction, or notice to vacate shall be scheduled for an Emergency Hearing if the Department determines that irreparable harm may result if the Complaint is not resolved on an emergency basis.
2. For Emergency Hearings, the Respondent is not required to file a written response.
3. If the Department determines that a Complaint constitutes an emergency, an Emergency Hearing shall be scheduled for the earliest possible date. In such circumstances the fourteen (14) days notice of hearing requirement is waived. The hearing notice shall clearly indicate that the hearing is being scheduled pursuant to an emergency (Attachment 6).

§40 Dismissal of a COLTA Complaint or Counter Complaint

1. COLTA may, upon the motion of a party or its own motion, dismiss a Complaint or Counter Complaint before a hearing for one or more of the following reasons:
 - a. lack of jurisdiction over the person or subject matter of the Complaint or Counter Complaint;
 - b. failure to state a claim upon which relief can be granted;
 - c. failure to join a necessary person as a party to the Complaint or Counter Complaint; or
 - d. Complainant's failure to provide requested complaint information/documentation.

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2. The dismissal of a Complaint or Counter Complaint shall be made by Hearing Panel convened to hear the Complaint or Counter Complaint by a majority of the Commissioners serving on the Hearing Panel and shall be issued in writing.
3. COLTA may afford the Complainant ten (10) days to explain in writing why the Complaint or Counter Complaint should not be dismissed or to amend the Complaint or Counter Complaint.

§50 Consolidation of COLTA Complaints

1. Similarly situated persons, including tenants who reside in the same rental facility, may combine their allegations into a single Complaint.
2. COLTA may consolidate two or more Complaints where they contain identical or similar issues or where they involve the same rental unit or rental facility.
3. COLTA may also separate consolidated Complaints if it determines that the claims are not sufficiently similar for a hearing and adjudication or that consolidation would adversely affect the interests of the parties.

§60 Hearing - Notice Requirements

1. If a Complaint remains unresolved following conflict resolutions efforts by the Department, the Department will either schedule the Complaint for a hearing or recommend that COLTA dismiss the Complaint.
2. Upon the Department's referral of a Complaint to COLTA for a hearing, all parties shall be sent by regular first-class mail at least fourteen (14) days prior to the scheduled hearing, advance notice of the hearing date and location (Attachment 7). The fourteen (14) day notice requirement shall not apply in cases of an Emergency Hearing (See §30 Emergency Hearings).

§70 Hearing - Subpoenas

1. A party may request that COLTA issue a subpoena requiring the attendance and testimony of witnesses or the production of documents at the hearing. Such a request shall be issued to COLTA in writing using the "COLTA Subpoena Request Form" (Attachment 8) no later than ten (10) days prior to the scheduled hearing date.
2. The Presiding Commissioner and/or the COLTA Executive Director shall issue a subpoena

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according to the request, on the same day of its receipt unless COLTA rules that the subpoena requires irrelevant and/or prejudicial evidence. If a request for a subpoena is denied, COLTA shall issue a written ruling denying the request.

3. A party who receives a subpoena from COLTA shall be responsible for serving the subpoena upon the party whose attendance is required or who is in possession of the required documents no later than forty-eight (48) hours before the start of the hearing. The party serving the subpoena must certify to COLTA at the hearing that the subpoena was served by submitting a "Certification of Subpoena Service" (Attachment 9).

§80 Representation Before a COLTA Hearing

1. A party may represent her/himself at a hearing.
2. Tenant(s) in a proceeding before a Hearing Panel may be represented by a registered tenant association if the tenant signs an "Authorization of Representation" designating the tenant association as his/her representative. The tenant association must be registered with the Department (Attachment 10).
3. A party may be represented by a licensed attorney:-
4. A property agent may attend a hearing, testify, and present evidence and argument on behalf of a landlord.
5. If a party to a hearing is incapable, because of a communication barrier or physical or mental incapacity, to present their case, a family member or friend may interpret or speak for the party. Such individuals should make known to COLTA their intent to interpret/speak for the party no less than ten (10) days before the scheduled hearing date. A party requiring an interpreter may request that COLTA provide an interpreter if the request is made to COLTA no less than ten (10) days before the scheduled hearing date. COLTA may provide a foreign language interpreter at its discretion and shall inform the requesting party of its decision at least five (5) days before the scheduled hearing date.

§90 COLTA Hearing Procedures

1. A Hearing Panel, consisting of three (3) Commissioners will be scheduled to hear and adjudicate a Complaint. One Commissioner will be appointed the Presiding Commissioner and shall have the authority to conduct the hearing in an equitable and expeditious manner, to regulate the course of the hearing, and to maintain order.

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2. The Presiding Commissioner shall have the authority to issue subpoenas and rule on motions filed by any party, before, during, or after a hearing.
3. Hearings shall be conducted in the following order, unless the Presiding Commissioner rules otherwise:
 - a. The making of an oath by each party and witness present who intends to testify. The oath shall be "Do you swear or affirm under the penalties of perjury that the testimony you shall give will be the truth, the whole truth, and nothing but the truth?"
 - b. The presentation of evidence, including the testimony of witnesses shall be made first by the Complainant(s), then by the Respondent(s). Each witness may be cross-examined by the opposing party after their initial testimony.
 - c. Rebuttal testimony by the Complainant(s).
 - d. Closing statement by the Complainant(s).
 - e. Closing statement by the Respondent(s).
4. Evidence presented at a hearing is limited to documents timely submitted to COLTA by the parties, additional documents submitted late for good cause, tangible evidence timely identified by the parties, documents produced pursuant to subpoena, testimony from the parties and witnesses previously identified by the parties, and documents and testimony presented by Code Enforcement Officials or Department staff.
5. The Hearing Panel may ask questions of any party or witness and enter its own evidence.
6. The Presiding Commissioner shall have the right to exclude all testimony and documentary evidence that the Presiding Commissioner deems to be irrelevant, immaterial, repetitious, or unduly prejudicial to any party.
7. The Presiding Commissioner may order the production of evidence and the appearance of witnesses whose testimony would be relevant and material. The Presiding Commissioner may hold the record open to enable parties to submit additional evidence if justice requires.
8. The Presiding Commissioner shall prohibit any party from testifying to any matter regarding prior settlement efforts, and shall disregard any such testimony attempted regarding settlement in its decision.

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§100 Computation of Time

1. All calendar days shall be counted when computing any time period specified in these Regulations. If the date an act to be completed falls on a Saturday, Sunday, or legal holiday, that act must be completed the following business day.
2. Three (3) days' mailing time shall be added to the prescribed time period for taking action in response to a document served by one party upon another party when service is made by mail. No time shall be added to the prescribed time period for taking action in response to a notice, order, or other document issued by the Department or COLTA to a party by mail.

§110 Motions

1. The following motions may be filed by either party and are permitted for a matter that will be heard before the Hearing Panel. Motions shall be accompanied by a "Certificate of Service" (Attachment 5) showing that the opposing party was served with a copy of the motion.
 - a. Motion For Continuance: Such a motion may be filed with COLTA by either party no less than ten (10) days before the scheduled hearing date and must include the basis for the request (work schedule, conflicting court appearance of party or attorney). Motions for a Continuance must include documentation substantiating the basis for the request, such as a letter from the party's employer or court documentation.
 - b. Emergency Motion for Continuance: Such a motion shall be permitted only for documented medical or personal emergencies and shall be submitted via fax to (301)270-4568 or hand delivered to the Department along with supporting documentation as early as possible before the hearing.
 - c. Motion to Dismiss: Such a motion must accompany the Respondent's response to the original complaint and be based on a ground(s) described in §40 of these Regulations.
 - d. Motion for Recusal: A motion for recusal requesting that an assigned Commissioner not be allowed to sit for a hearing, shall clearly state the reason(s) in support of such motion. Such a motion must be submitted to COLTA within five (5) days of learning of the alleged grounds for the recusal. COLTA shall rule on the motion within ten (10) days of receiving the recusal motion.
2. Any party may file a response in opposition to a motion within five (5) days after service of the motion.
3. The Presiding Commissioner of the Hearing Panel scheduled to hear a Complaint shall rule

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on all motions. His/her decision shall be binding and immediately conveyed to the parties by the Department and further notice of the decision shall be sent by regular first-class mail to all parties in the COLTA complaint.

§120 Ex-Parte Communications

1. Parties to a hearing and their representatives shall not communicate with Commissioners serving on the Hearing Panel regarding any substantive or procedural issues relating to the hearing except in writing through the Department or during the hearing. Parties shall serve upon the opposing party, copies of all written communications with the Hearing Panel. This prohibition begins upon the filing of the Complaint and extends until the time for filing a petition for judicial review expires with no petition having been filed or until the conclusion of the judicial review process.
2. Any prohibited communications between a party to a hearing and a Commissioner shall be reported to COLTA by the Commissioner, and a description of the communication placed in the case file and mailed to the opposing party.
3. If COLTA determines that a prohibited communications has occurred, COLTA may take any action necessary to prevent prejudice to the opposing party. COLTA may require the party making the prohibited communication to show cause, either orally or in writing, why their claim or interest in the proceeding should not be dismissed, denied or otherwise adversely affected.

§130 Complaint Record

1. The record of a Complaint shall consist of the following and shall be maintained by the Department and available for public review in accordance with the Maryland Open Records Act:
 - a. The “COLTA Complaint Form” (Attachment 3), “Authorization of Representation” (Attachment 1), “Response to COLTA Complaint” (Attachment 4), and all documents admitted as evidence;
 - b. Rental license files, property maintenance records, code enforcement reports and other
 - c. related documents available from City records of which COLTA took notice;
 - d. “Hearing Notice” (Attachment 6 or 7);
 - e. Subpoenas and proofs of service (Attachments 8);

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- f. Any interim orders;
- g. Descriptions of any ex-parte communications;
- h. Tape recordings or transcripts of a hearing;
- i. The Opinion and Order issued by COLTA; and
- j. Any other case related documents filed with COLTA.

§140 Final Opinions and Orders (6.24.120)

1. Each Opinion and Order shall be joined by at least two (2) members of the Hearing Panel.
2. If a member of the Hearing Panel files a written dissent from the final Opinion and Order of the majority of the Hearing Panel or if a Hearing Panel is unable to reach a decision, no final Opinion and Order may be issued by the Hearing Panel, and the Complaint shall be referred to the full Commission for a decision in accordance with Section 6.24.110 of the Takoma Park Code.
3. Following a hearing, COLTA's final Opinion and Order and the Complaint Record shall be compiled and available to the public for inspection and copying within five (5) days following the issuance of a final Opinion and Order. The Department shall retain in the official case record, the original signed decision and a list of the names and addresses of all persons to whom a copy of the final Opinion and Order was mailed, and a certificate of mailing, with the date of mailing, signed by the individual who mailed the decision. The Department may charge copying costs for duplication of any file.
4. Opinions and Orders shall become effective when signed by COLTA, unless stated otherwise in the Order.

§150 Interim Orders (6.24.100)

1. If a Hearing Panel, prior to or after conducting a hearing on a Complaint, finds that an actual or constructive eviction would likely occur prior to the issuance of a final Opinion and Order, the Hearing Panel may issue an Interim Order requiring or prohibiting specific action by one or more of the parties as necessary to prevent such eviction.
2. An Interim Order may be issued pursuant to the vote of a majority of the Hearing Panel in accordance with Section 6.24.100 of the Takoma Park Code. A dissent by a member of the Hearing Panel member shall not prevent the issuance or stay the effectiveness of an Interim

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Order.

3. If the Hearing Panel finds that a violation which is detrimental to health and safety exists in the rental unit(s), an Interim Order may require the landlord to immediately repair the violation.
4. An Interim Order shall be in writing and signed by a majority of the members of the Hearing Panel and may be issued at any time subsequent to a hearing and prior to the issuance of a final Opinion and Order, and shall be effective upon issuance.

§160 Reconsideration and Appeals (6.24.130)

Appeals of decisions of COLTA shall be governed by Title 7, Chapter 200 (Judicial Review of Administrative Agency Decisions) of the Maryland Rules, as amended.

Forms Referenced in Regulations

- Attachment 1 - Registration of a Tenant Association.
- Attachment 2 - COLTA Fact Sheet
- Attachment 3 - COLTA Complaint Form
- Attachment 4 - Response to COLTA Complaint Form
- Attachment 5 - Certificate of Service
- Attachment 6 - Notice of Emergency Public Hearing
- Attachment 7 - Notice of Public Hearing
- Attachment 8 - Subpoena and Subpoena Duces Tecum
- Attachment 9 - Certificate of Subpoena Service
- Attachment 10 - City Registration of a Tenant Association

NOTE: Attachments are adopted by reference and will be attached to and made part of this Administrative Regulation.

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Director, Housing and Community Development

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City Manager

Attachment 1 - Registration of a Tenant Association

Date: _____

City of Takoma Park
Office on Landlord-Tenant Affairs
7500 Maple Avenue
Takoma Park, Md. 20912

Re: Formation and Registration of Tenant Association

Dear Sir/Madam:

Please be advised that the tenants residing at the rental facility referenced below have formed a tenant association and wish to register this association with the City of Takoma Park Maryland. Our membership represents tenants in at least one-third (1/3) of the occupied rental units in the rental facility as required by Takoma Park Code.

Name of Tenant Association: _____

Address of Rental Facility: _____

Effective Date: _____

The following individuals have agreed to serve as President, Vice- President, Secretary, and Treasurer (an optional officer) of the tenant association.

	Name	Address and Apartment #	Phone number/e-mail
President:	_____	_____	_____
Vice President:	_____	_____	_____
Secretary:	_____	_____	_____
Treasurer:	_____	_____	_____

Attached are the signatures of the tenants (person who has either signed a lease for his/her apartment or is the responsible party) who are a part of the association. If there is any change in this information, we will advise the City of this change. A copy of this notice has been provided to the owner of the property.

Sincerely,

President

REGISTRATION OF TENANT ASSOCIATION

Name of Tenant Association: _____

By signing this form, you agree that you are the lease holder/responsible party of your apartment and that you want to be a part of the above referenced tenant association.

<u>Name of Tenant</u>	<u>Address and Apartment#</u>	<u>Phone and e-mail</u>
_____ Signature	_____ Apartment # _____	_____
_____ Name (Printed)		
_____ Signature	_____ Apartment # _____	_____
_____ Name (Printed)		
_____ Signature	_____ Apartment # _____	_____
_____ Name (Printed)		
_____ Signature	_____ Apartment # _____	_____
_____ Name (Printed)		
_____ Signature	_____ Apartment # _____	_____
_____ Name (Printed)		
_____ Signature	_____ Apartment # _____	_____
_____ Name (Printed)		
_____ Signature	_____ Apartment # _____	_____
_____ Name (Printed)		

FACT SHEET
Commission on Landlord and Tenant Affairs (COLTA)

The Commission on Landlord and Tenant Affairs (“COLTA”) is a quasi-judicial body created by the Takoma Park City Council to resolve landlord-tenant disputes. COLTA hears cases and issues written Opinions and Orders on a variety of complaints. Formal complaints are filed with the Office on Landlord-Tenant Affairs and are heard by COLTA **only** after parties exhaust the avenues of redress offered through the Office on Landlord and Tenant Affairs. COLTA also renders Preliminary Administrative Decision on rent increase petitions filed by landlords seeking to charge rents above the City’s maximum legal rent level.

COLTA’s administrative functions are performed by an Executive Director and a Rents Analyst. COLTA is an independent body distinct from the Office on Landlord and Tenant Affairs but there is coordination between the Executive Director and the Office on Landlord and Tenant Affairs for the transfer of unresolved disputes.

COLTA Hearings

COLTA hearings are relatively informal and parties to complaints usually represent themselves. However, parties must comply with certain rules and procedures to insure that hearings run smoothly.

Pleadings, Documents, Evidence

Copies of all pleadings, documents and evidence submitted to COLTA after the complaint is filed must be mailed or delivered by the filing party to the opposing party prior to or at the same time that the originals are filed with COLTA. Parties must also attach certificates of service to the COLTA filings and the certificates must indicate what has been serviced, the date, person serviced, and the address where the opposing was served.

All documents and/or other evidence that a party intends to rely on in proving his/her case must be received by the Office on Landlord and Tenant Affairs at least five (5) days before the scheduled hearing. Any documents and/or other evidence that is not submitted prior to the hearing may be included in the case file at the discretion of COLTA.

If documents and/or evidence will be offered during the hearing, please have a total of five (5) copies of the documents must be available to submit to COLTA.

Subpoenas

A party may request a subpoena for the production of documents relevant to issues in the case or to compel an individual to attend a scheduled hearing as a witness. A subpoena is not necessary if an individual will freely attend the hearing. Subpoenas are required for Montgomery County Code Enforcement Officers and Landlord and Tenant staff to appear and testify.

A subpoena request must be filed in writing with the Office on Landlord and Tenant Affairs at least five (5) days before the hearing. After a subpoena is issued, the party requesting the subpoena (or other appropriate adult) must serve the subpoena on the person identified in the subpoena no later than 48 hours prior to the start of the scheduled hearing.

Postponements

A request (motion) to reschedule a hearing date must be submitted in writing to COLTA at least five (5) days before the scheduled hearing. The motion must state a good cause showing why the hearing should be rescheduled. The party requesting the postponement must also contact the opposing party to determine his/her position on the postponement and the position must be set forth in the motion. Finally, the motion must recommend an alternative hearing date (hearings are usually held on the first and third Tuesdays of each month at 7:00pm).

Hearing Location

Hearings are held in the Takoma Park Community Center, 7500 Maple Avenue, Takoma Park, Maryland. On the evening of the hearing, parties can enter the building through the front or side entrance. Parking is available in the front and back of the building. There is a receptionist at the front of the building who will direct you to the assigned hearing room.

Prohibited Communications

Ex parte communications with COLTA Commissioners regarding the merits of a case are prohibited. No party, individual representing a party, or witness may have oral or written communications with a Commissioner from the time that a complaint or petition is filed and until the time that the Commission has issued its written decision.

COLTA Final Decisions/Appeals and Transcripts

COLTA attempts to issue written Opinions and Orders on complaints within one (1) month after hearings. Parties adversely affected by a final Opinion and Order may appeal the decision to the appropriate Circuit Court within 30 days of the Opinion and Order. State law, however, requires parties who appeal COLTA decisions to pay for the cost of transcribing the audio hearing tapes. Therefore, the City of Takoma Park requires appellants to pay a 100% deposit on the estimated cost of the transcript before the City will have the audio tape (official hearing record) transcribed. The audio tape of a hearing may be secured by paying \$5.00 to the City Finance Office and giving the paid receipt to the Landlord-Tenant office. Staff will arrange to have the tape copied. Please allow 10-14 days for this process.

Landlord-Tenant Relations Law, Regulations and Procedures

A copy of Takoma Park's Landlord-Tenant Relations Law (Chapter 6.16) and the Commission on Landlord and Tenant Affairs (Chapter 6.24) is available on line at www.takomaparkmd.gov or can be obtained by calling 301. 891.7119.

Revised 4/2006

**City of Takoma Park Maryland
Commission on Landlord and Tenant Affairs
COLTA COMPLAINT FORM**

Case No.	_____
Date Filed:	_____

A. COMPLAINT INFORMATION

Are you a Landlord or Tenant (Please check one) I am a tenant _____ I am a landlord _____

Complainant's Name _____

Current Address _____

Telephone Phone Home _____ Work _____ Cell _____

Email Address: _____

Do (did) you have a written lease? Yes _____ No _____ (If YES, please attach a copy)

Date you moved in _____ Current rent \$ _____

B. NATURE OF COMPLAINT (Please check all relevant issues)

____ Security Deposit; ____ Notice to Vacate; ____ Rent Increase; ____ Condition of Property;
____ Lease Agreement; ____ Other _____

C. RENTAL PROPERTY (Please identify the address of the property referenced in the complaint)

Street Address _____ Apt _____

Name of Owner or Agent _____

Mailing Address _____

Telephone Phone: Home _____ Work _____ Cell _____

Email Address: _____

D. TYPE OF COMPLAINT (Please complete only those sections that pertain to your complaint)

1. Security Deposit

Date vacated apartment _____

Amount of Security Deposit \$_____ Amount Returned \$_____

Date you received letter from landlord regarding your security deposit _____

2. Notice to Vacate

Date written Notice to Vacate received _____ Termination Date _____

Reason stated in Notice to Vacate _____

Do you believe this notice is due to retaliation? Yes ____ No ____

If YES, please explain: _____

3. Rent Increase

Date of notice of rent increase _____ Date of previous rent increase _____

Proposed rent increase \$_____ Effective date of proposed rent increase _____

4. Condition of Apartment or Rental Facility

What is the condition of your apartment or rental facility?

Date condition started: _____

Date landlord notified of the condition: _____ (Please attach copy of your letter)

What action did the landlord take after being notified of the condition of your apartment or the rental facility: _____

Have you filed the complaint with Montgomery County Code Enforcement? Yes ____ No____

If YES, when did you file the complaint? _____

5. Lease Agreement

Effective Date of Lease: _____

Has the landlord / tenant violated the terms of the Lease? Yes ____ No ____

If so which section(s) of the lease: _____

State what action(s) could be taken that will resolve your complaint: _____

E.SUMMARY OF COMPLAINT

Please summarize your complaint. Be brief but give important information related to your complaint. (e.g dates, actions, why you believe your rights have been violated). Additional sheets may be attached. Original photos may be included with your complaint if appropriate.

I hereby certify under penalties of perjury that the statements made on this form and in the attached documents are true and complete to the best of my knowledge, information and belief.

Signature of Complainant Date

Mail or deliver the original complaint form and copies of relevant documents to:

City of Takoma Park Maryland
Office on Landlord and Tenant Affairs
7500 Maple Avenue, Takoma Park, MD20912

Questions can be directed to the Office on Landlord and Tenant Affairs at (301) 891-7215.

**City of Takoma Park
Commission on Landlord and Tenant Affairs
RESPONSE TO COLTA COMPLAINT**

COLTA Case Name _____
COLTA Case Number _____

City regulations require you to file a sworn written response to the above referenced complaint within twenty (20) days after the COLTA Complaint Form has been mailed by the City of Takoma Park. Please respond to each of the allegation(s) claimed on the accompanying Complaint Form. Attach copies of relevant documents and mail your response to the Complainant and to the Office on Landlord and Tenant Affairs, 7500 Maple Avenue, Takoma Park, Md. 20912. A “Certificate of Service to the Complainant,” a copy of which is enclosed, must be attached to your response. Please include additional sheets if necessary to respond to the complaint.

I hereby certify under penalties of perjury that the statements made on this form and in the attached documents are true and complete to the best of my knowledge, information and belief.

Signature of Respondent Date

Mail or deliver the original complaint form and copies of relevant documents to:
City of Takoma Park Maryland
Office on Landlord and Tenant Affairs
7500 Maple Avenue, Takoma Park, MD20912

Questions can be directed to the Office on Landlord and Tenant Affairs at (301) 891-7215.

**City of Takoma Park Maryland
Commission on Landlord and Tenant Affairs
CERTIFICATE OF SERVICE**

In the Matter of:

COLTA Case Name: _____

COLTA Case Number: _____

I certify under penalty of perjury that on the _____ day of _____, 20____,
I served a copy of the following documents:

1) _____ 4) _____

2) _____ 5) _____

3) _____ 6) _____

TO: _____
Name of person receiving document(s)

AT: _____
Street Address of person receiving document(s)

City, State, ZIP

Service was by (please check all that apply)

_____ First class mail _____ Personal Delivery

_____ Posting _____ Certified Mail, Return Receipt Requested

Signature of Certifier

Name of Certifier (Please Print)

This Certificate of Service must be accompanied by a copy of the document(s) served. Deliver or mail completed form to the Commission on Landlord and Tenant Affairs, Attn: Housing and Community Development Department, 7500 Maple Avenue, Takoma Park, MD 20912.

**City of Takoma Park Maryland
Commission on Landlord and Tenant Affairs
NOTICE OF EMERGENCY PUBLIC HEARING**

_____)
Complainant)
)
vs.) COLTA Case No. _____
)
_____)
Respondent)

In accordance with the provisions of Section 6.24.070 of the Takoma Park Code and Rule §30 of the Commission’s Administrative Regulations, the Commission on Landlord and Tenant Affairs will conduct an emergency public hearing on the above-cited matter.

Hearing Date: _____

Hearing Time: _____

Place: Takoma Park Community Center, Room _____
7500 Maple Avenue
Takoma Park, MD 20912

Commissioners: _____, Presiding

Rule §30 of the Commission’s Administrative Regulations define an “emergency” as a case filed before the Commission where there is a pending action for eviction, a threat of eviction, a complaint of a notice to vacate based on retaliatory action, or any other action where irreparable harm is claimed.

Date

For The Commission

**City of Takoma Park Maryland
Commission on Landlord and Tenant Affairs
NOTICE OF PUBLIC HEARING**

_____)
 Complainant)
)
 vs.) COLTA Case No. _____
)
 _____)
 Respondent)

In accordance with the provisions of Section 6.24.070 of the Takoma Park Code and Rule §60 of the Commission’s Regulations, the Commission on Landlord and Tenant Affairs will conduct a public hearing on the above-cited matter.

Hearing Date: _____

Hearing Time: _____

Place: Takoma Park Community Center, Room _____
7500 Maple Avenue
Takoma Park, MD 20912

Commissioners: _____, Presiding

The Complainant(s), Respondent(s) and any interested parties shall submit any additional relevant written materials and documents, not previously submitted to the Commission on Landlord and Tenant Affairs no later than **5:00 pm** on _____ (five (5) days prior to hearing date). The Commission may not consider documents submitted after this date.

Date

For The Commission

City of Takoma Park Maryland
Commission on Landlord and Tenant Affairs
SUBPOENA AND SUBPOENA DUCES TECUM (Documents)

)	
Complainant)	
)	
vs.)	COLTA Case No. _____
)	
)	
Respondent)	

To: _____

We command you, pursuant to Rule §60 of the Administrative Regulations of the Commission on Landlord and Tenant Affairs, to appear and attend before the Commission on Landlord and Tenant Affairs, or a duly-constituted panel thereof, at _____ p.m. on the _____ day of _____, 20____, located in Room _____ at the Takoma Park Community Center, 7500 Maple Avenue, Takoma Park, Md. 20912, to testify, give evidence in the above-captioned matter, and to bring with you and produce the following items. (Please attach additional sheets if necessary.):

1. _____
2. _____
3. _____
4. _____

Requested by: _____
 (Signature of Party or Representative)

 (Print Name of Party or Representative)

 (Address of Party or Representative)

 (Telephone of Party or Representative)

Dated: _____

 Chair - Commission on Landlord-Tenant Affairs

**City of Takoma Park Maryland
Commission on Landlord and Tenant Affairs
CERTIFICATE OF SUBPOENA SERVICE**

In the Matter of:

COLTA Case Name: _____
COLTA Case Number: _____

I certify under penalty of perjury that on the _____ day of _____, 20____,
I served a copy of the attached Subpoena and Subpoena Duces Tecum:

TO: _____
Name of person receiving document(s)

AT: _____
Street Address of person receiving document(s)

City, State, ZIP

Service was by (please check all that apply)

_____ First class mail _____ Personal Delivery
_____ Posting _____ Certified Mail, Return Receipt Requested

Signature of Certifier

Name of Certifier (Please Print)

This Certificate of Subpoena Service must be accompanied by a copy of the documents served on the above identified individual. Deliver or mail completed form to the Commission on Landlord and Tenant Affairs (COLTA), Attn: Housing and Community Development Department, 7500 Maple Avenue, Takoma Park, MD 20912.

Attachment 10 - City Registration of Tenant Association

Date: _____

_____, President
 _____ Tenant Association

Takoma Park, MD 20912

RE: Notification of City Registration of Tenant Association

Name of Tenant Association: _____

Address of Rental Facility: _____

Date of Request for Registration: _____

Dear _____:

Congratulations on the formation of the _____ Tenants Association!

A determination was made during the review of your request for registration of your new tenants association that your membership includes a minimum of one third of all of the occupied rental units in the property and as such complies with the requirements of the Takoma Park Code. The association has been duly registered.

Please let me know how we can be of assistance to you. The City of Takoma Park's Office on Landlord and Tenant Affairs offers a variety of services that may be of interest to your membership. To learn more about your rights as tenants and the services available through the City of Takoma Park, please contact me at 301.891.7222 to schedule a time when a representative of our office can meet with you to discuss how we can assist your association.

We look forward to working with you.

Sincerely,

Linda Walker
 Manager, Office of Landlord and Tenant Affairs