

City of Takoma Park Maryland
Commission on Landlord-Tenant Affairs (COLTA)

YOUR COLTA HEARING

What to expect and how to prepare for your hearing



**City of Takoma Park Maryland
Housing and Community Development
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THE COMMISSION ON LANDLORD-TENANT AFFAIRS (COLTA)

The Commission on Landlord-Tenant Affairs (COLTA) is responsible for hearing and formally ruling on disputes between Takoma Park landlords and tenants. Its members, volunteers from the community, are appointed by the Takoma Park City Council. The Commission, and its Executive Director, work closely with the City's Landlord-Tenant Affairs Office.

The Landlord-Tenant Affairs Office accepts complaints on behalf of COLTA. The Office investigates each complaint, and, if the matter cannot be resolved, forwards the complaint to COLTA for a hearing.

COLTA complaints may be filed for any number of reasons. A tenant for example, may file a complaint against his or her landlord for failing to return a security deposit or if repairs are not made in a timely manner. A complaint may be filed against a tenant if he or she has failed to comply with the terms of their lease.

This brochure has been created to provide you with information on the hearing process and offers recommendations on how to prepare for your COLTA hearing. If you have any questions about the hearing process, please contact the City of Takoma Park's Landlord-Tenant Affairs Office at 301.891.7119. Our offices, located in the Takoma Park Municipal Building at 7500 Maple Avenue, Takoma Park, MD 20912, are open between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday.

THE COLTA HEARING

A COLTA hearing is somewhat like a trial but less formal. There is no judge or jury. You will be speaking to a panel of three COLTA Commissioners, one of whom will be designated as the presiding or lead Commissioner. They will listen to your presentation and may ask questions. All three Commissioners will decide your case.

The hearing is a fact-finding process. Decisions are based solely on the record and the information you present at the hearing. Everything that is important to your case should be presented at the hearing.

COLTA's Executive Director will be present to facilitate the hearing and assist the Commissioners. The Executive Director will not present your case for you.

The Complainant - the person filing the complaint - and the Respondent - the person against whom the complaint was filed - will be present at the hearing. Each may bring witnesses with them to testify.

The hearing is open to the public so anyone can come and listen.

The hearing is recorded. This tape serves as the official record of the hearing. Transcripts of the hearing, a written record of everything that is said at the hearing, are available upon request for a fee. The cost of the transcript varies and is based on the length of the hearing. Transcripts are generally only required if COLTA's decision is appealed to the Circuit Court. An audio tape of the hearing can be made available for a small fee.

COLTA hearings are typically scheduled for 7:00 p.m. on the first and third Tuesdays of each month and are held in the Council Chambers at the Takoma Park Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

PREPARING FOR THE HEARING

- Two to three weeks prior to your scheduled hearing you will receive a packet from the Landlord-Tenant Affairs Office which includes a public hearing notice and copies of the exhibits which will be provided to the Commissioners. Included in the exhibits will be a copy of your complaint, a copy of your lease and other relevant documents that have been submitted by both the Complainant and the Respondent.
- Review the exhibits carefully and use them to prepare your testimony for the hearing. Make note of any additional documents you would like to present. Identify any witnesses you would like to call to the hearing to testify in your behalf.

- Following your review of the hearing exhibits, you may wish to ask COLTA to issue a subpoena on your behalf, which would require a witness or witnesses to attend the hearing or the submission of specific documents. Your request for a subpoena must be submitted in writing and received by the Landlord-Tenant Affairs Office at least five (5) working days before your scheduled hearing. You will be responsible for serving or delivering the subpoenas to the witnesses you identified and to the individual(s) in possession of a requested document(s). The subpoenas must be served at least 24 hours before the start of the scheduled hearing.
- If you would like to view the hearing room, receive an overview of how the hearing will be conducted or practice your testimony, please contact the Landlord-Tenant Affairs Office at least a week before your scheduled hearing. While the Staff cannot advise you on any legal questions relating to your hearing, they can assist you in fine tuning your testimony and helping you feel more comfortable about the hearing process and procedures.
- Finally, it is suggested that you review the “Hearing Dos and Don’ts” section of this brochure as your final step in preparing for your hearing.

PRESENTING YOUR CASE

- Know your case. Stay focused on the subject of the dispute. Know all relevant dates and case details. If you use witnesses, be sure to discuss the case with them before the hearing. Make sure they are prepared. Witnesses will only answer questions that you pose to them. They may be asked to answer questions from the opposing party and the Commissioners.
- Present your case clearly. Limit your presentations and questions to the subject of the dispute. Try not to repeat yourself. Avoid discussing unrelated issues. Have a list of important points that you want to make and stick with those points.
- If you are uncomfortable communicating in English, bring someone with you to the COLTA hearing who can interpret for you. If you are unable to locate a translator, please contact the Landlord-Tenant Affairs Office for assistance.
- If you have a disability which may prevent you from fully participating in the hearing, please contact the Landlord-Tenant Affairs Office for assistance.
- Refer to all of the materials you submitted to COLTA for the hearing. Be sure to explain how the documents support your position. Refer to the documents by the assigned exhibit number located on the right-hand corner of the page.

HEARING DOS AND DON'TS

- **DO be on time** for your hearing - show consideration for others involved in the hearing.
- **DO present the facts** - feelings, unsubstantiated opinions, and discussions of other tenants' problems are usually not an important part of a case.
- **DO write a list** of points you want to make and questions you want to ask your witnesses.
- **DO be sure to cover of all the information that is important to your case** - COLTA will consider the evidence you present, fairly and completely.
- **DO subpoena witnesses and documents** that will help you present your case.
- **DON'T talk about issues** that aren't important to your case.
- **DON'T ramble** - make concise statements that are supported by documents.
- **DON'T guess or speculate** - give answers that indicate what you know are facts.
- **DON'T let emotion interfere with your presentation** - calmly state your facts, ask your questions and rely on the Commission to fairly weigh the evidence that is presented.

COLTA HEARING PROCEDURES

You can expect the following to happen during your hearing:

- **Introductions and swearing in** - Both the Complainant (the person filing the complaint) and the Respondent (the person against whom the complaint was filed) and their witnesses will be introduced and sworn in.
- **Complainant's Case** - If you are the Complainant you will be asked to present your case first. You will tell your story by offering testimony, referring to exhibits and calling witnesses to speak on your behalf.

To get the facts from your witnesses on the record, you are expected to ask them questions. The questions you ask can be general such as "Tell the Commission what you know about this complaint," or more specific, such as "Did you take pictures of the Complainant's apartment on February 10?" Questions to witnesses should be limited to facts about the complaint. You may find it helpful to write down the questions you will ask before the hearing. Always be sure to tell your witness before the hearing what

questions you will ask. Once a witness has given testimony, he or she may be cross-examined by the Respondent and may also be questioned by the Commissioners. When there is more than one witness, each witness will go through the same process.

- **Respondent's Case** - Following the end of the Complainant's presentation, if you are the Respondent, you will have the opportunity to present your case by offering testimony, referring to exhibits and by calling witnesses who will speak on your behalf. The process will be the same as it is for the Complainant's witnesses.
- **Rebuttal** - Both parties have an opportunity to rebut or present evidence that opposes something that was previously said. You may tell the Commission panel that you disagree with a statement that was presented by someone else and offer the evidence or ask your witness questions to show your position on the issue. Both parties may recall or ask more questions of witnesses who had previously testified, to clarify issues.
- **Closing Arguments** - At this point in the hearing, you will have the opportunity to summarize the evidence you have presented, emphasizing the information that supports your position. You should tell the Commission panel why you believe it should decide in your favor.
- **COLTA Decision** - You will not know the Commission's decision on the day of the hearing. A written decision - an Opinion and Order - will be sent to you in the mail approximately 30 days after the hearing.
- **Appeal of COLTA Decision** - You can appeal COLTA's decision. If you do not agree with the Opinion and Order issued by COLTA, you must file your appeal with the Circuit Court for Montgomery County within thirty (30) days of receiving the decision.