

## **Rule 14-II. Redemption of Tenancy**

(a) In any case in which the Court, following a trial on the merits, has entered a judgment for possession in favor of the plaintiff based upon the defendant's nonpayment of rent, the Court shall determine and, in the presence of the parties, shall state on the record the amount of money that the defendant must pay to the plaintiff, as of that time, to redeem the tenancy and avoid eviction. The Court shall advise the parties that the amount of money that the defendant must pay to avoid eviction will increase as additional rents become due and, if applicable, as the plaintiff incurs additional court costs.

(b) In any other case in which a judgment for possession is entered in favor of the plaintiff based upon the defendant's nonpayment of rent, the Court may, at any time at or after the entry of judgment, determine and, in the presence of the parties, state on the record the amount of money that the defendant must pay to the plaintiff, as of that time, to redeem the tenancy and avoid eviction. The Court shall advise the parties that the amount of money that the defendant must pay to avoid eviction will increase as additional rents become due and, if applicable, as the plaintiff incurs additional court costs.

(c) In any case in which a default against a defendant has been entered pursuant to Rule 11 or a judgment for possession has been entered in favor of the plaintiff based upon the defendant's nonpayment of rent and in which the Court has not set the redemption amount on the record pursuant to section (a) or (b), the plaintiff, unless the Court rules otherwise, shall file a Notice to Tenant of Payment Required to Avoid Eviction, in the form prescribed in Landlord and Tenant Form 6, within five days, excluding Saturdays, Sundays, and legal holidays, of the date on which the default or judgment was entered. However, if a judgment has been stayed pursuant to a consent judgment agreement or otherwise, the five-day period for the filing of a Notice to Tenant of Payment Required to Avoid Eviction shall not begin to run until the stay has been lifted. The Clerk shall promptly mail a copy of the Notice to Tenant of Payment Required to Avoid Eviction to the defendant and shall make an entry in the record indicating the date and time of mailing.

(d) A plaintiff who fails to file a Notice to Tenant of Payment Required to Avoid Eviction within five days of the entry of a default or judgment for possession against a defendant shall not be permitted to file the notice late except with leave of Court after a hearing. A plaintiff who wishes to file such notice late shall file an Application seeking leave of Court. The plaintiff shall attach to the Application a copy of the Notice and an affidavit by the plaintiff justifying a finding of excusable neglect or good cause. The Application also shall inform the defendant of the hearing date and the defendant's opportunity to be heard on the Application. A copy of the Application, Notice, and affidavit shall be served on the defendant. The hearing shall be set by the plaintiff for no earlier than the fifth day after service on the defendant of the Application, Notice, and affidavit, whether service is by hand or by mail. At the hearing, the judge shall determine whether the plaintiff has established that the failure to file the Notice timely was due to the plaintiff's excusable neglect or that there is otherwise good cause why the plaintiff should be permitted to file the Notice late.

(e) A defendant who wishes to challenge the redemption amount set forth in a Notice to Tenant of Payment Required to Avoid Eviction that has been filed by the plaintiff may

file an Application to Reduce Payment Required to Avoid Eviction, in the form prescribed in Landlord and Tenant Form 7. The defendant shall serve the Application to Reduce Payment Required to Avoid Eviction upon the plaintiff and shall set the application for a hearing not less than five days after service of the application on the plaintiff, whether service is by hand or by mail. However, if the defendant also has filed an application for a stay of execution of a writ of restitution pursuant to Rule 16(c), the defendant's Application to Reduce Payment Required to Avoid Eviction may be heard together with the application for a stay of execution.

(f) A judgment for possession entered in favor of the plaintiff based upon the defendant's nonpayment of rent shall be stayed permanently in any case in which the defendant, prior to the completion of an eviction, has paid to the plaintiff the full amount of money necessary to redeem the tenancy and avoid eviction.