§6004. Commencement of action

1. Summons and complaint; service. The process of forcible entry and detainer must be commenced and service made in the same manner as other civil actions, except that if at least 3 good faith efforts on 3 different days have been made to serve the defendant, service may be accomplished by both mailing the summons and complaint by first-class mail to the defendant's last known address and leaving the summons and complaint at the defendant's last and usual place of abode. If service has been made by mailing and posting the summons and complaint, the plaintiff shall file with the court an affidavit demonstrating that compliance with the requirement of service has occurred. When the plaintiff lives out of the State and a recognizance is required of the plaintiff, any person may recognize in the plaintiff's behalf and is personally liable.
[PL 2021, c. 316, §1 (NEW).]

2. Form notice. If the defendant is a residential tenant, the plaintiff shall attach to the summons and complaint that is served on the defendant as provided in subsection 1 a one-page to 2-page form notice provided by the judicial branch in consultation with other resources and posted on the publicly accessible website of the judicial branch, written in language that is plain and readily understandable by the general public, that contains at a minimum the following:

A. A description of the court procedure to be followed in the case, including a clear explanation of the process that must be followed before a tenant is required to vacate a rental unit; [PL 2021, c. 316, §1 (NEW).]

B. A statement that failure to appear at any scheduled status conference or hearing may result in the entry of judgment in favor of the landlord, which would require the tenant to leave the rental unit; [PL 2021, c. 316, §1 (NEW).]

C. A list of rental assistance programs available to residential tenants; [PL 2021, c. 316, §1 (NEW).]

D. A list of resources that provide legal information and representation available to residential tenants; [PL 2021, c. 316, §1 (NEW).]

E. A list of resources that provide housing counseling available to residential tenants; [PL 2021, c. 316, §1 (NEW).]

F. A statement that either party may request, or the court may at any time refer the parties to, mediation on any issue; and [PL 2021, c. 316, §1 (NEW).]

G. A court-approved form to request mediation. [PL 2021, c. 316, §1 (NEW).]
[PL 2021, c. 316, §1 (NEW).]

3. Notice of counsel. If the court has been advised that an attorney is available to represent tenants in actions of forcible entry and detainer on a day that the court is planning to hold hearings on actions of forcible entry and detainer, the court shall announce the availability of that attorney prior to the commencement of proceedings for actions of forcible entry and detainer on that day. Failure of the court to comply with the requirements of this subsection is not grounds for dismissal of the action or to set aside or appeal any judgment entered against the tenant.
[PL 2023, c. 379, §2 (NEW).]

SECTION HISTORY

PL 2013, c. 135, §1 (RPR). PL 2015, c. 22, §1 (AMD). PL 2021, c. 316, §1 (RPR). PL 2023, c. 379, §2 (AMD).

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