



August 27, 2021

**COMMUNICATION REGARDING THE CDC AGENCY ORDER AND
LANDLORD/TENANT ACTIONS**

CDC Agency Order

On August 26, 2021, the Supreme Court of the United States upheld a lower court's finding that the Center for Disease Control (CDC) Agency Order providing an affirmative defense regarding certain evictions was unconstitutional. As a result, the CDC Agency Order affirmative defense will no longer be recognized by the District Court effective immediately.

Any judgments based upon the CDC Agency Order affirmative defense that were previously reserved will be entered by the Court without request from any party. Upon the filing of a request for a warrant of restitution for a case in which a reserved judgment has been entered, the clerk will set the request for a hearing within 21 days with notice to all parties. If the warrant for restitution is ordered by the court, the clerk will mail the order to all parties to the action.

The landlord has a continuing duty to inform the court of any payments made by the tenant while the case is pending or is reserved. A tenant has the right to prevent the eviction by paying the amount that the court determined to be due in the judgment for possession. If a tenant has made payments since the court made its determination but the landlord does not agree, the tenant should file a motion with the court and the court will determine the proper amount. However, if the court has ordered possession without the right of redemption, a tenant may not remain on the premises, unless the tenant and the landlord agree in writing that the tenant may stay.

Additional Information

The federal government has authorized billions of dollars to assist landlords and tenants with rental assistance as the result of the COVID-19 pandemic. State and local government programs are processing applications for these federal funds every day. Both landlords and tenants are strongly encouraged to contact their state and local governments to determine what resources may be available. The Maryland Judiciary's Help Centers are prepared to assist and are staffed by trained attorneys. The Help Centers services are **free**. The Help Centers will assist with connecting the parties to the entities providing this financial assistance and can assist with filling out the required application. Additional free legal services may be available in your jurisdiction through non-profits or rent programs. For more information, please call 410-260-1392 or visit <https://mdcourts.gov/selfhelp>.