



July 17, 2020

## COMMUNICATION REGARDING LANDLORD/TENANT ACTIONS AND CARES ACT INFORMATION DURING PHASE III OF MARYLAND JUDICIARY'S REOPENING PLAN

Please be advised that the District Court's procedures for handling landlord/tenant case types are set forth in two (2) of the amended administrative orders issued by Maryland Court of Appeals Chief Judge Mary Ellen Barbera on June 3, 2020.

Please reference the following orders:

- [Amended Administrative Order on the Progressive Resumption of Full Function of Judiciary Operations Previously Restricted Due to the COVID-19 Emergency](#) (**the Resumption Order**)
- [Amended Administrative Order on Lifting the Suspension During the COVID-19 Emergency on Foreclosures, Evictions and Other Ejectments Involving Residences](#) (**the Evictions Order**)

Please note that landlord/tenant case type **timelines** are identified in the Exhibit attached to **the Resumption Order**. In Phase III, which is scheduled to begin Monday, July 20, 2020, and end Sunday, August 30, 2020, the District Court will begin handling rent escrow actions (provided local inspection practices are capable of being conducted), tenant holding over actions, breach of lease actions, and wrongful detainer actions. On a case-by-case basis, warrants of restitution for these actions are authorized pursuant to the Maryland Rules. In addition, **on or after Saturday, July 25, 2020**, and consistent with **the Evictions Order**, the court will begin to process warrants of restitution for failure to pay rent cases that were **pending or already authorized prior to the March 16<sup>th</sup> closure of the courts due to the COVID-19 pandemic**.

Pursuant to **the Evictions Order**, the stay for residential evictions is lifted **effective Saturday, July 25, 2020**. It will coincide with the Federal CARES Act, which limits evictions in certain instances. As such, the following procedures will be followed by the District Court of Maryland:

- a. A failure to pay rent case filed **before March 27** and **currently pending** with the court will be set for trial **on or after Monday, August 31, 2020**.
- b. **The Evictions Order** requires landlords to file a CARES Act Declaration of Compliance with the court by **Monday, July 27, 2020**, for any failure to pay rent filing made **between March 27 (the effective date of the CARES Act) and June 3 (the date of the most recent Evictions Order)** or the complaint will be dismissed without prejudice. Complaints filed **from June 4 through August**

**24** must also be accompanied by a Declaration of Compliance at the time of filing. **A Declaration of Compliance must be filed into each case.** The Declaration of Compliance can be found here: <https://mdcourts.gov/district/forms>.

- c. In Prince George’s County **only**, if the failure to pay rent case is filed pursuant to the electronic system, the Declaration of Compliance must be mailed, dropped in the drop box or filed as otherwise authorized by the Administrative Judge for Prince George’s County. If the Declaration of Compliance is not received within 10 days of the date of the electronic filing of the Complaint, the case will not be accepted.
- d. On **Tuesday, July 28, 2020, or thereafter**, a failure to pay rent complaint that was filed **between March 27 through July 24** will be dismissed without prejudice if a Declaration of Compliance has **not** been filed.
- e. On **Tuesday, July 28, 2020 or thereafter**, a failure to pay rent complaint that was made **between March 27 through July 24** in which a Declaration of Compliance was filed, but the Declaration indicates that the property is covered by the CARES Act, will be dismissed without prejudice. Such a filing violates the moratorium contained in the CARES Act.
- f. On **Tuesday, July 28, 2020 or thereafter**, a failure to pay rent complaint that was made **between March 27 through July 24** in which a Declaration of Compliance was filed, but the Declaration indicates that the property is **not** covered by the CARES Act, will be set for trial **on or after Monday, August 31, 2020**.
- g. For failure to pay rent complaints made **between July 25 through August 24**, a Declaration of Compliance **must** be filed, or the case will **not** be accepted. If the Declaration indicates the property **is** covered by the CARES Act, the landlord is required to give a 30-day notice to vacate that may be given **no earlier than Saturday, July 25, 2020**. Each judge will determine the sufficiency of the notice to vacate and judgment will not be entered unless the judge finds the notice to be sufficient.
- h. For failure to pay rent complaints **filed on or after August 25**, a Declaration of Compliance is **not** required.
- i. Maryland Governor Larry Hogan’s Executive Order on evictions issued April 3, 2020 provides:  

“Until the state of emergency is terminated [...] No court shall give any judgment for possession or repossession or warrant for restitution of possession or repossession of residential, commercial, or industrial real property, if the tenant can demonstrate to the court, through documentation or other objectively verifiable means, that the tenant suffered a Substantial Loss of Income.”

If raised, this will be treated as an affirmative defense in both failure to pay rent cases and breach of lease actions until the governor’s State of Emergency is lifted, or the Executive Order is amended. Each judge will determine the sufficiency of the evidence provided.

**REQUEST TO LANDLORDS:**

**Landlords** are requested to review failure to pay rent complaints that were **pending on March 16, 2020, or have been filed since March 16, 2020**, to determine if:

- The case is still viable;
- The case complies with the CARES Act; or
- The case will proceed to a hearing.

If the case is no longer viable or the action was not compliant with the CARES Act, **landlords** are requested to file a Line of Dismissal for the action. Landlords can file a single dismissal sheet containing the case numbers of all cases to be dismissed. These can be filed with the court by email/virtual drop box as the local jurisdiction permits. For all cases that may proceed to a hearing, **landlords** are requested to provide the court with a list of these cases.

As the District Court of Maryland resumes operations, the safety of court visitors and staff is of paramount importance. All visitors must wear a face mask or covering while inside the courthouse. Screening questions will be asked, a temperature reading will be taken, and physical distancing will be required. In addition, many courts will stagger dockets and significantly limit the number of cases that will be set on any given docket. These safety precautions will reduce the speed of court operations across the state. We thank you, in advance, for your patience and cooperation.

The District Court of Maryland continues to explore and coordinate with other state and local government agencies that are providing COVID-19 relief to tenants and/or landlords. The Maryland Judiciary's Self-Help Centers have compiled a list by county of COVID-19 resources available to both landlords and tenants. For more information, please contact the Maryland Courts Self-Help Center at 410-260-1392 or <https://mdcourts.gov/selfhelp>. In addition, both landlords and tenants are encouraged to contact their state and local governments to determine what resources may be available.