

Information for Landlords

About Housing Cases and COVID-19



The COVID-19 State of Emergency has changed how housing cases are handled by the District Court. This flyer has some general information about what has changed.

Can I have a tenant evicted?

Yes, evictions may now take place. The statewide pause on evictions was lifted on July 25, 2020. There are some limitations listed on the reverse side of this flier.

Are the courts holding hearings on new eviction cases?

Starting April 26, 2021, the Maryland Courts moved to Phase V of the reopening plan. During Phase V, courts will continue to hold hearings in eviction cases. Cases which were pending may proceed to a hearing. The court will set hearings on newly filed cases.

What happens in cases that already had a hearing?

Cases where a hearing was held and judgment for possession was entered in favor of the landlord may proceed to eviction. You may file a Warrant of Restitution if within the time set by law.

Will my hearing be held in person or remotely?

Most hearings will be in person. Some courts may schedule your hearing by videoconference or by telephone. Check your hearing notice carefully. If you're not sure whether to appear in person, call the clerk's office.

If your hearing is supposed to be in person, you can ask to participate by phone or video. To do so complete and submit a Motion for Remote Proceeding or to Appear Remotely. Download the form at mdcourts.gov/courtforms or pick up a copy from the clerk's office.

More information about remote hearings is available at: mdcourts.gov/legalhelp/remotehearing

FOUR TYPES OF EVICTION CASES

Failure to Pay Rent – A landlord may file if a tenant is behind on rent.

Tenant Holding Over – A landlord may file this case when a tenant's lease has expired. The landlord must first give the tenant written notice that they want to end the tenancy. The length of the notice depends on the lease and local law in your county.

Breach of Lease – This case is used when a tenant is being accused of not following the written lease. The landlord must first give the tenant a written notice identifying the lease violation and asking the tenant to leave. The court will only evict a tenant for breach of lease for serious violations of the lease.

Wrongful Detainer – A Wrongful Detainer is filed to seek an eviction when there is no landlord and tenant relationship at all. This means the people involved never signed a lease or made rental payments. Wrongful Detainer is commonly used to evict friends, family, or other house guests who have no legal right to live in the property.

Read more at peoples-law.org.

Will the court handle Failure to Pay Rent cases differently?

Yes. New laws and Executive Orders may affect your Failure to Pay Rent case.

The Governor's Executive Order

Governor Hogan issued an Executive Order stating that if a tenant can show through documentation or other evidence that they suffered a substantial loss of income related to COVID, the court cannot award the landlord possession of the property. Tenants can raise this as a defense in **both Failure to Pay Rent and Breach of Lease** cases. The judge will review the tenant's evidence of lost income. This defense is available to both commercial and residential tenants.

CDC Agency Order

The Centers for Disease Control issued an Order which limits evictions in Failure to Pay Rent cases where the tenant provided the landlord a Declaration. The order was revised on August 3, 2021 and will only apply to certain counties experiencing high rates of COVID-19. Read more at: mdcourts.gov/legalhelp/housinglandlords

What happens when the orders expire?

Once judgments reserved by the Governor's Order or the CDC Order expire, the court, without a request from any party, may enter judgment for possession. Landlords may then file a warrant of restitution. The District Court may set a hearing in cases where judgment was reserved. Landlords must continue to inform the court if payments are made while the case is pending, or judgment is reserved.

Where can I get help?

Mortgage Help - Call the Maryland HOPE hotline at 1-877-462-7555 to find a state-approved nonprofit agency that can provide individual guidance to homeowners facing foreclosure. Read more about foreclosure at: www.dllr.state.md.us/finance/consumers/frmortgagecovid.shtml

Legal Help - Talk with a lawyer for free at the Maryland Court Help Center. Call 410-260-1392 or chat online at mdcourts.gov/helpcenter. Lawyers at the Help Center can give you advice. They may also refer you to where you may find representation. The Maryland Court Help Center can help only non-business landlords. They cannot help you if you are already represented by a lawyer.

Rent Payment Assistance Programs –

Programs for tenants and landlords that help with unpaid rent may be available. More info at mdcourts.gov/renthelp.

DEFINITIONS

Rent Escrow - Rent escrow is a case that a tenant can file against their landlord. The tenant must show the court that there is a health or safety problem in the property. The tenant must also prove that the landlord knew about the problem but failed to fix it. The court may order the tenant to pay their rent to the court instead of to the landlord until the problem is resolved. At the end of the case, the judge will decide who will get the rent money being held by the court. The judge may also decide to end a lease early.

Warrant of Restitution - A warrant of restitution is a type of court order. It tells the sheriff or constable to go to a property and carry out an eviction. Filing out and filing a warrant of restitution is a landlord's next step after being awarded a judgment. In Failure to Pay Rent cases, the landlord must wait four (4) business days after the hearing before they can file a warrant.

Once the landlord files a warrant, a judge will review it. If everything is correct, they will sign it, and a copy will be forwarded to the local sheriff or constables office. The landlord may then contact the sheriff or constable to schedule an eviction.

