



COMMUNICATION REGARDING RESUMING LANDLORD/TENANT ACTIONS IN THE
DISTRICT COURT
June 11, 2020

Please be advised that the District Court procedures for handling landlord tenant case types are set forth in two of the revised orders Chief Judge Barbera issued on June 3, 2020. The two orders are the *Amended Administrative Order on the Progressive Resumption of Full Function of Judiciary Operations Previously Restricted Due to the COVID-19 Emergency* (the Resumption Order) and the *Amended Administrative Order on Lifting the Suspension During the COVID-19 Emergency on Foreclosures, Evictions and Other Ejectments Involving Residences* (the Evictions Order). These Orders can be found here: <https://mdcourts.gov/coronavirusorders>.

In the Exhibit to the Resumption Order, landlord tenant case type timelines are identified. In Phase II, beginning June 5 and ending July 19, the District Court will begin handling emergency breach of lease actions involving threats or injury to people or property and emergency wrongful detainer actions. If a judgment is entered in these actions, warrants of restitution are authorized on a case-by-case basis pursuant to the Maryland Rules.

In Phase III, beginning July 20 through August 30, the District Court will begin handling rent escrow actions, provided local inspection practices are capable of being conducted, tenant holding over actions, any breach of lease action and any wrongful detainer action. Warrants of restitution associated with these actions on a cases-by-case basis are authorized pursuant to the Maryland Rules. In addition, after July 25, 2020, the court will begin to process warrants of restitution for failure to pay rent cases consistent with the *Amended Administrative Order Lifting the Suspension During the COVID-19 Emergency of Foreclosures, Evictions, and Other Ejectments Involving Residences*, filed June 3, 2020.

In Phase IV, beginning August 31 through October 4, the District Court will begin to hear Failure to Pay Rent cases as well as all other Landlord/Tenant case types.

In the Evictions Order, the stay for residential evictions is lifted effective July 25. It is timed to coincide with the Federal CARES Act which limited evictions in certain instances. Please note that the CARES Act created a moratorium against filing failure to pay rent actions for those landlords that were covered by the CARES Act. The District Court has allowed filings but has not acted on them (as opposed to a moratorium). As a result, the Evictions Order requires that landlords, by July 27, 2020, must file a CARES Act Declaration of Compliance with the court for any Failure to Pay Rent filing made between March 27 (the effective date of the CARES Act) and May 22 (the date of the first Eviction Order) or the complaint will be dismissed without prejudice. For Failure to Pay Rent Actions filed on May 23 through July 25, 2020, the Declaration of Compliance must be filed with the Complaint or the Complaint will not be accepted by the clerk. A Declaration of Compliance is not required for a Breach of Lease action, Wrongful Detainer action or Tenant Holding Over action unless any of those case types are based on an allegation of failure to pay rent. The Declaration of Compliance can be found here: <https://mdcourts.gov/district/forms>.

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Governor Hogan issued an Executive Order Regarding Evictions on April 3 that should be reviewed. That Order can be found here: <https://governor.maryland.gov/wp-content/uploads/2020/04/Evictions-Repossessions-Foreclosure-AMENDED-4.3.20.pdf>

As the District Court resumes operations, the safety of the participants and staff are of paramount importance. All participants should bring a face mask with them to court, screening questions will be asked, and social distancing will be employed. These safety precautions will necessarily result in slower court operations. A significant backlog of Landlord/Tenant actions has occurred. In addition, it is anticipated that there will be a substantial number of new cases filed when the court resumes operations. To maximize efficiency, the cooperation of all parties is requested by the Court. To that end, landlords are requested to review any Failure to Pay Rent filings that were pending on March 16, 2020 or have been filed since that date to determine if the case is still viable, if the case complies with the CARES Act and if the case will proceed to a hearing. For these actions, if the tenant has paid the rent or the action was not compliant with the CARES Act, landlords are requested to file a Line of Dismissal for the action. Landlords are requested to notify the Court with a list of the actions which are intended to proceed. Please contact the clerk of the court for the location where the action was filed for further information.

The District Court continues to explore and coordinate with other government agencies that are providing COVID-19 relief to tenants and/or landlords and hopes to provide a central resource where all this information can be accessed. Updates will be provided as soon as possible. In the meantime, both landlords and tenants are encouraged to contact their local governments to determine what resources may be available.

Your anticipated cooperation is greatly appreciated. Please be safe.