

IN THE SIXTH DISTRICT COURT OF MARYLAND FOR MONTGOMERY COUNTY

**ADMINISTRATIVE ORDER**

*(Protocol for Suspended Judgments for Possession/Repossession)*

**WHEREAS**, Governor Lawrence J. Hogan, Jr has declared the State of Maryland to be under a state of emergency by that certain Proclamation dated March 5, 2020, and

**WHEREAS**, in furtherance of the state of emergency proclaimed by the Governor on March 5, 2020, the Governor has enacted numerous executive orders in relation thereto, and

**WHEREAS**, Executive Order Number 20-04-03-01 dated April 3, 2020 prohibits any Court of this State from entering a judgment for possession against a tenant under certain circumstances for so long as the state of emergency is in effect, and

**WHEREAS**, this Administrative Order shall prescribe the protocol to be followed by this Court in implementing Executive Order Number 20-04-03-01 as to the entry of judgment for possession or the suspension thereof in the applicable cases,

**NOW, THEREFORE**, it is this 1<sup>st</sup> day of September 2020, by the District Court of Maryland for Montgomery County

**ORDERED**, that upon a tenant complying with the criteria set forth Executive Order Number 20-04-03-01 paragraph V and upon the Court's finding that the statutory remedy of judgment for possession/repossession is presently suspended as described above, the presiding judge shall proceed as follows:

**1. Breach of lease actions filed pursuant to RP 8-402.1**

- Adjudicate the merits of the claim in accordance with RP 8-402.1(b) and all applicable laws, and
- Properly record said findings on the judgment sheet, and
- Declare that the entry of **judgment for possession is reserved** by the Court until such time as the entry is not prohibited by Executive Order Number 20-04-03-01.

**2. Failure to pay rent action filed pursuant to RP 8-401**

- Determine any amount of any rent due and owing under the complaint, and
- Properly record the amount determined on the disposition section of the complaint, and
- Declare that the entry of **judgment for possession is reserved** by the Court until such time as the entry is not prohibited by Executive Order 20-04-03-01, and it is further

**ORDERED**, the presiding judge shall write "JFP Reserved" or similar notation on the court's judgment or disposition sheet to confirm and commemorate that the judgment for possession is reserved for further ruling until such time as the entry is not prohibited by Executive Order

Number 20-04-03-01 or by other action by the Executive Department of The State of Maryland, and it is further

**ORDERED**, that upon termination of the state of emergency and rescission of catastrophic health emergency or other applicable action by the Executive Department of The State of Maryland, this Court shall promptly and without request from any party, enter each judgment for possession that was reserved by this Court pursuant to Executive Order Number 20-04-03-01, and it is further

**ORDERED**, notice of the entry of judgment for possession pursuant to RP 8-401 or 8-402.1 will be provided by this Court in the following manner:

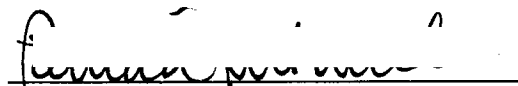
- Posting in the second-floor public lobby of the District Court located at 191 E. Jefferson Street, Rockville Maryland a list of the cases in which judgment for possession was entered pursuant to this Administrative Order;
- Posting will be sequential by **case number as cases are maintained by case number and not by names of parties.**
- Posting shall include the case number and date of the judgment for possession/repossession; and it is further

**ORDERED**, that in accordance with RP 8-401(d) upon entry of any [previously reserved] judgment of possession/repossession a tenant must comply with said judgment within 4 days. Should a tenant fail to comply, the landlord may pursue possession/repossession of the subject property in the manner and time periods authorized by RP 8-401 and subject to any credit due the tenant for rent paid, and it is further

**ORDERED**, that upon entry of judgment for possession pursuant to RP 8-402.1, the landlord may pursue all further legal remedies authorized by law, including without limitation remedies provided for in RP -402.1.

**PROVIDED HOWEVER**, that this Order is not intended to prohibit other aspects of the relevant judicial proceedings or protocols that are allowed by law and that are not restricted by the Executive Order Number 20-04-03-01.

**IT IS SO ORDERED.**



Patricia L. Mitchell, Administrative Judge