

Information for Landlords

About Housing Cases and COVID-19



Can I have a tenant evicted?

Yes, evictions may now take place. The statewide pause on evictions was lifted on July 25, 2020.

If you had an eviction that was pending or scheduled before the state of emergency, then the sheriff or constable may now carry out that eviction. Contact your local sheriff or constable's office to schedule the eviction.

Are the courts holding hearings on new eviction cases?

Yes. On July 20, 2020, the court started holding hearings on Breach of Lease, Tenant Holding Over, and Wrongful Detainer cases. The court is not yet holding hearings in Failure to Pay Rent cases.

When will the court consider Failure to Pay Rent cases?

Landlords may file a Failure to Pay Rent case at any time. Failure to Pay Rent cases are being set for hearings on or after August 31, 2020.

Will the court handle Failure to Pay Rent cases differently?

Yes. The federal CARES Act and Executive Orders may affect your Failure to Pay Rent case.

The Federal CARES Act

Follow these steps to comply with the CARES Act. Failure to follow the CARES Act may cause your case to be dismissed. Consult with a lawyer if you have questions.

1. Before you file a failure to pay rent case, you must check if your property is considered a "covered dwelling." This includes properties with federal backed mortgages and federally subsidized housing such as Section 8 Housing Vouchers. The CARES Act also applies to rental property if the owner received a mortgage forbearance.

FOUR TYPES OF EVICTION CASES

Failure to Pay Rent – A landlord may file if a tenant is behind on rent. In most cases, the court will give the tenant a chance to pay back the past due rent to stop the eviction.

Tenant Holding Over – A landlord may file this case when a tenant's lease has expired. It may also be used to evict a tenant who never had a lease. In both cases, 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.

2. Next you must fill out a Declaration of Compliance. On this form you must indicate if your property is a “covered dwelling” under the CARES Act. The form is required for all Failure to Pay Rent Cases until August 25, 2020. The clerk will not accept Failure to Pay Rent cases filed without this form. Copies are available in person or online at mdcourts.gov/courtforms.
3. NOTE: In Prince George’s County, landlords who file online must submit a copy of the Declaration of Compliance by mail, drop box, or as otherwise authorized by the Administrative Judge of the District Court in Prince George’s County.
4. If your property is a “covered dwelling” under the CARES Act, you must give your tenant a 30-day notice to vacate. This notice must be given before or on the same day that you file your case. It cannot be given any earlier than July 25, 2020. A judge will review the 30-day notice at your hearing.

The Governor’s Executive Order

Governor Hogan issued an Executive Order on April 3, 2020, which applies to Failure to Pay Rent and Breach of Lease Cases. So long as the state of emergency remains in effect and the order remains the same, the judge may not order an eviction of your tenant if they suffered a substantial loss of income due to the COVID-19 pandemic. The judge will review the tenant’s evidence regarding lost income at the hearing. The Governor may change this order. Refer to governor.maryland.gov/covid-19-pandemic-orders-and-guidance/ for updates.

Where can I get legal help?

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

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. Sometimes the landlord must wait a certain number of days after the hearing before they can file a warrant. You must go to a courthouse to get a copy.

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.

For more information, visit <https://www.mdcourts.gov/legalhelp/housinglandlords>.

