



August 4, 2021

COMMUNICATION REGARDING THE CDC AGENCY ORDER AND
LANDLORD/TENANT ACTIONS

CDC Agency Order

On August 3, 2021, the Centers for Disease Control (CDC) issued a new agency order providing an affirmative defense regarding certain evictions. The order will be in effect until October 3, 2021, and applies to counties experiencing substantial or high COVID-19 transmission rates. The CDC order can be found here: <https://www.cdc.gov/coronavirus/2019-ncov/communication/Signed-CDC-Eviction-Order.pdf>

As of the date of this communication, the following counties in Maryland, according to the CDC, are experiencing substantial or high COVID-19 transmission rates: Anne Arundel County, Baltimore City, Calvert County, Caroline County, Cecil County, Charles County, Dorchester County, Frederick County, Harford County, Prince George's County, St. Mary's County, Washington County, Wicomico County and Worcester County. The transmission rate may change in each county and each court will be monitoring the status on a daily basis. The CDC data tracker can be found here: <https://covid.cdc.gov/covid-data-tracker/#county-view>

This defense, if applicable, and if raised in a county that is experiencing substantial or high COVID-19 transmission rates, may be raised by motion or at trial in any residential failure to pay rent case that may have been initiated prior to September 4, 2020, but is not completed up to and including October 3, 2021. If a tenant is successful in asserting this defense, the court will determine the merits of the case and/or the amount that is due for possession but will reserve entry of judgment until such time as the judgment is not prohibited by the CDC agency order. Upon expiration or inapplicability of the CDC agency order, the court, without request from any party, will enter each judgment for possession that was reserved by the court. The clerk will mail a copy of the judgment for possession to all parties to the action.

Cases where a reserved judgment was entered as a judgment for possession between August 1, 2021 and August 3, 2021, are stayed for as long as those counties are subject to the new CDC agency order.

The landlord has a continuing duty to inform the court of any payments made by the tenant while the case is pending or is reserved. Upon the filing of a request for a warrant of restitution for a case in which a reserved judgment is entered in a county that is not subject to the new CDC agency order, the clerk will set the request for a hearing within 21 days with notice to all parties. If the warrant for restitution is ordered by the court, the clerk will mail the order to all parties to the action.

A tenant has the right to prevent the eviction by paying the amount that the court determined to be due in the judgment for possession. If a tenant has made payments since the court made its determination but the landlord does not agree, the tenant should file a motion with the court and the court will determine the proper amount. However, if the court has ordered possession without the right of redemption, a tenant may not remain on the premises, unless the tenant and the landlord agree in writing that the tenant may stay.

Additional Information

Maryland Governor Larry Hogan's Executive Order on evictions will remain in effect until August 15, 2021, unless further extended by the Governor and can be found here: <https://governor.maryland.gov/covid-19-pandemic-orders-and-guidance/>

Upon expiration of the Governor's Executive Order, any judgments reserved per the executive order will be entered by the court without request from any party. The clerk will mail a copy of the judgment for possession to all parties to the action. Upon the filing of a request for a warrant of restitution for a case in which a reserved judgment is entered based on the Governor's executive order, the clerk will set the request for a hearing within 21 days with notice to all parties. If the warrant for restitution is ordered by the court, the clerk will mail the order to all parties to the action.

There are government programs available that may be able to assist both landlords and tenants with rental assistance. Both landlords and tenants are strongly encouraged to contact their state and local governments to determine what resources may be available. The Maryland Judiciary's Help Centers may be able to help and are staffed by trained attorneys and provide brief free legal advice on all civil matters, including questions regarding landlord/tenant proceedings. For more information, please call 410-260-1392 or visit <https://mdcourts.gov/selfhelp>.