

# 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.

### 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. On August 31, the court began holding hearings on Failure to Pay Rent cases.

### 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](https://mdcourts.gov/courtforms) or pick up a copy from the clerk's office.

### Will the court handle Failure to Pay Rent cases differently?

Yes. The federal CARES Act, the CDC Agency Order, and Executive Order of the Maryland Governor may affect your Failure to Pay Rent case.

### The Federal CARES Act

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

1. The CARES Act applies to certain properties that are defined as 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.
2. The court required all landlords to file a **Declaration of Compliance** form for all Failure to Pay Rent cases filed through August 25, 2020. The clerk should not have accepted Failure to Pay Rent cases filed without this form.
3. If your property is a "covered dwelling" under the CARES Act, the CARES Act requires that you give your tenant a 30-day notice to vacate on or before the day you file Failure to Pay Rent. This notice could not be given any earlier than July 25, 2020. A judge will review the 30-day notice at your hearing.

## 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](https://peoples-law.org).

## 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 and Prevention (CDC) issued an [order](#) that says you cannot evict a tenant before December 31, 2020, if the tenant gives you a declaration that they meet certain conditions. The conditions are very specific and may only apply to certain circumstances. Read more about what a tenant must do in order to seek protection from eviction at: [mdcourts.gov/legalhelp/housinglandlords](http://mdcourts.gov/legalhelp/housinglandlords). Tenants may present a copy of the declaration as a defense in a Failure to Pay Rent case.

If a court accepts a defense based on the Governor's Order or the CDC's Order, the tenant **may still owe rent** and applicable late charges. Once the Orders expire the court may issue a judgment for possession in favor of the landlord if appropriate. Landlords must keep the court informed about any payments the tenant has made.

Neither Order will stop landlords from evicting tenants who break the law, threaten the health or safety of others, damage property, or violate other terms of the lease other than paying rent.

## 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](http://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](http://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.

## 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 carryout an eviction. Filling 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.

