

Information for Tenants About Housing Cases and COVID-19



The COVID-19 State of Emergency has changed how housing cases are handled by the District Court. This flyer has some general information about what has changed.

Can I be 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. You will receive a notice that your landlord has filed an eviction case. That notice will contain a hearing date. At the hearing, a judge will decide whether or not to order an eviction.

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 or pick up a copy from the clerk's office.

Will the court handle Failure to Pay Rent cases differently?

Yes. New laws and Executive Orders may affect your Failure to Pay Rent case.

Governor Hogan'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.

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.

The CDC Agency Order

For residential tenants, the Centers for Disease Control and Prevention (CDC) issued an order that says a landlord cannot evict you before December 31, 2020, if you give the landlord a declaration. The declaration must state information about your loss of income and challenges finding alternative housing. If your landlord files a Failure to Pay Rent case, you may present a copy of the Declaration you gave your landlord to the court, as a defense. Read more at: mdcourts.gov/legalhelp/housingtenants

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

The Order will not 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.

The Federal CARES Act

Prior to August 24, 2020, landlords were required to inform the court if the property they rent to you was covered by the CARES Act. If they did not let the court know by including a required form, then their case may be dismissed.

If the property is covered by the CARES Act, your landlord must also give you a 30-day written notice on or before the day they file a Failure to Pay Rent complaint. The notice cannot be given before July 25, 2020. A judge may dismiss a case if the landlord did not give you proper notice.

Can I still file Rent Escrow?

Yes, you may file rent escrow or raise it as a defense in a Failure to Pay Rent case. Hearings on Rent Escrow cases may depend on whether inspection practices are being conducted.

Where can I get help?

Paying Rent – Call 2-1-1 Maryland if you need financial help to pay your rent. Their staff may refer you to places that help with rental payments and may also refer you to assistance with food, utilities, temporary housing, job training, and other services. Simply dial 211 on your phone or visit their website, 211md.org.

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. They may also refer you to where you may find representation or rental assistance resources.

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. 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.

