IN THE COURT OF APPEALS OF MARYLAND

AMENDED ADMINISTRATIVE ORDER LIFTING THE SUSPENSION DURING THE COVID-19 EMERGENCY OF FORECLOSURES, EVICTIONS, AND OTHER EJECTMENTS INVOLVING RESIDENCES

WHEREAS, Pursuant to the Maryland Constitution, Article IV, § 18, the Chief Judge of the Court of Appeals is granted authority as the administrative head of the Judicial Branch of the State, including the closing of courts in the State of Maryland and non-court judicial facilities; and

WHEREAS, The Court of Appeals has approved Chapter 1000 of Title 16 of the Maryland Rules of Practice and Procedure setting forth the emergency powers of the Chief Judge of the Court of Appeals; and

WHEREAS, In instances of emergency conditions, whether natural or otherwise, that significantly affect access to or the operations of one or more courts or other judicial facilities of the State or the ability of the Judiciary to operate effectively, the Chief Judge of the Court of Appeals may be required to determine the extent to which court operations or judicial functions shall continue; and

WHEREAS, Due to the outbreak of the novel coronavirus, COVID-19, and consistent with guidance issued by the Centers for Disease Control, an emergency exists that poses a threat of imminent and potentially lethal harm to individuals who may come into contact with a court or judicial facility and personnel; and

WHEREAS, the *Amended Administrative Order on the Progressive Resumption of Full Function of Judiciary Operations Previously Restricted Due to the COVID-19 Emergency*, filed June 3, 2020, *(Amended Resumption Order)*, authorizes the courts'

consideration or resolution of matters that can be addressed without a proceeding that involves testimony or argument; and

WHEREAS, Foreclosures of residential properties, foreclosures of the rights of redemption of residential properties, executions on residential real property under levy or subject to a lien, and actions for possession (ejectments) of residential properties by ground lease holders present the strong likelihood of creating undue hardship if completed during the pendency of the emergency,

NOW, THEREFORE, I, Mary Ellen Barbera, Chief Judge of the Court of Appeals and administrative head of the Judicial Branch, pursuant to the authority conferred by Article IV, § 18 of the Maryland Constitution, do hereby order this 3rd day of June 2020, as follows:

(a) All proceedings related to foreclosures of residential properties, foreclosures of the rights of redemption of residential properties after a tax sale, executions on residential real property under levy or subject to a lien, and actions for possession (ejectments) of residential properties by ground lease holders pending in the circuit courts and the District Court having been stayed by previous order, that stay shall be lifted effective July 25, 2020, pending further Order of the Chief Judge of Court of Appeals; and

(b) Residential eviction matters pending in the District Court of Maryland and all pending residential eviction orders having been stayed by previous order, that stay shall be lifted effective July 25, 2020, pending further Order of the Chief Judge of Court of Appeals; and

(c) Any Complaint for Failure to Pay Rent (DC/CV082) that is filed from the date of this order through July 25, 2020, must be accompanied by a Declaration of Compliance with the CARES Act; and

(d) Any Complaint not accompanied by such certification shall not be accepted by the clerk for filing; and

(e) A Declaration of Compliance with the CARES Act must be filed in any case that was initiated by a Complaint for Failure to Pay Rent (DC/CV082) filed between March 27, 2020 and the date of this order. Failure to file such certification by July 27, 2020, will result in the dismissal of the complaint without prejudice.

(f) The Declaration of Compliance certification shall be given in a form substantially similar to the Declaration of Compliance Form DC-CV113; and

(g) New foreclosures of residential property, foreclosures of rights of redemption of a residential property after a tax sale, actions for possession (ejectments) of residential properties by ground lease holders, executions on residential real property under levy or subject to a lien, and all other actions for possession (residential evictions) filed after the effective date of this order shall be stayed upon filing until July 25, 2020; and

(h) Consistent with the CARES Act, Section 4022(c)(2), in actions to foreclose properties not excluded by the CARES Act and motions for foreclosures orders of sale, initiated on March 18, 2020, through May 15, 2020, a certification that the property is not subject to the CARES Act shall be filed within 30 days of the issuance of this order; and

(i) If no such certification is filed, a deficiency notice under Rule 14-207.1 shall be issued and that process for remediation shall be followed; and

(j) Except for those Landlord/Tenant matters to be heard in the District Court in Phases II and III as described in the Exhibit to the *Amended Resumption Order,* the following shall apply, subject to the CARES Act:

(1) for warrants of restitution issued by the courts and in effect on March 16, 2020, or where the time remaining for the filing of a petition for a warrant of restitution based on a judgment entered was at least one day and up to sixty days on March 16, 2020, sections (d) and (e) of the *Second Revised Administrative Order on the Emergency Tolling or Suspension of Statutes of Limitations and Statutory and Rules Deadlines Related to the Initiation of Matters and Certain Statutory and Rules Deadlines in Pending Matters*, filed June 3, 2020, (*Second Revised Order on Emergency Tolling or Suspension*), shall apply;

(2) for petitions for a warrant of restitution pending or filed between March 16, 2020, and July 25, 2020, sections (h) and (i) of the *Second Revised Order on Emergency Tolling or Suspension* shall apply; and

(k) Unless prohibited by the CARES ACT or state law, notwithstanding any stay, warrants of restitution associated with emergency breaches of lease and emergency wrongful detainer actions identified in Phase II of the *Amended Resumption Order* and tenants holding over actions, non-emergency breach of lease and non-emergency wrongful detainers identified in Phase III of the *Amended Resumption Order* are to be considered by the courts on a case-by-case basis; and.

(l) To the extent that this Administrative Order conflicts with extant Administrative Orders, local judicial orders or memoranda, this Administrative Order shall prevail; and

(m) The *Administrative Order on Lifting of the Suspension During the COVID-19 Emergency of Foreclosures, Evictions, and Other Ejectments Involving Residences*, filed on May 22, 2020, shall be and hereby is rescinded; and

(n) This Administrative Order will be revised as circumstances warrant.

/s/ Mary Ellen Barbera
Mary Ellen Barbera
Chief Judge
Court of Appeals of Maryland

Filed: June 3, 2020

/s/ Suzanne C. Johnson
Suzanne C. Johnson
Clerk
Court of Appeals of Maryland

Pursuant to Maryland Uniform Electronic Legal Materials Act
(§§ 10-1601 et seq. of the State Government Article) this document
is authentic.

Suzanne Johnson
2020-06-03 15:50-04:00

Suzanne C. Johnson, Clerk