

RESIDENTIAL EVICTION IN MARYLAND: INFORMATION FOR TENANTS

Eviction is a complicated process, and the COVID pandemic has made it even more difficult to understand the eviction process, your rights, and your responsibilities. This information is designed to help you, the tenant, understand some basic information about residential evictions in Maryland:

- *Can I be evicted from my home during the pandemic?*
- *How has the pandemic affected evictions?*
- *What are my rights as a tenant?*
- *Is there anything I can do to prevent or postpone an eviction?*
- *Where can I get help?*

CAN I BE EVICTED FROM MY HOME DURING THE PANDEMIC?

Yes. Maryland law allows residential evictions. Furthermore, courts are holding hearings in eviction cases. These hearings will most likely be in person, but some may be conducted by video conferencing or telephone. If you are unsure of how your hearing will take place, call the court listed on your notice and ask for the Clerk of the Court.

HOW HAS THE PANDEMIC AFFECTED EVICTIONS?

The COVID pandemic temporarily changed the way courts handle “Failure to Pay Rent” eviction cases. The Governor of Maryland issued an Executive Order (which will expire on August 15, 2021) stating that if you can show evidence that you suffered a significant loss of income due to the pandemic, and could not pay your rent, the landlord cannot evict you for nonpayment.

The Centers for Disease Control and Prevention (CDC) also issued an order preventing evictions (until July 31, 2021) if you are able to meet certain criteria (such as annual income and what efforts you made to pay your rent). To qualify, you must complete the CDC Declaration form and provide a copy to your landlord and the judge.

If the court accepts your defense that you were unable to pay your rent due to the pandemic, these orders may temporarily prevent your eviction, but you will still owe all the rent that is due to the landlord.

Landlords can evict you for reasons other than failure to pay rent, including if you refuse to move out when your lease expires (Tenant Holding Over) and for violating the provisions of your lease (Breach of Lease).

WHAT ARE MY RIGHTS AS A TENANT?

Eviction is a legal procedure. The landlord cannot just tell you that you have to move, change your locks, cut off your utilities, or put your belongings out on the street. Your landlord can file a failure to pay rent action in court as soon as your rent due date has passed and you have not paid the rent. The landlord does not have to give you advance notice of unpaid rent in a failure to pay rent case. A landlord cannot evict you simply because you have filed a complaint or a lawsuit against the landlord, or because you have joined a tenants’ association.

If your rental unit has a health or safety concern that the landlord has failed to fix, you may be entitled to file a rent escrow case against your landlord. If the judge determines there is a serious enough risk to health or safety, the court will order you to pay your rent directly to the court until the landlord fixes these problems.

IS THERE ANYTHING I CAN DO TO PREVENT OR POSTPONE AN EVICTION?

If you are unable to pay your rent, you may wish to talk to your landlord about a payment plan. If you are unable to agree to a payment plan, ask if your landlord will agree that you can stay in your home until a specific date. Make sure you get any agreements you make with your landlord *in writing*.

Most failure to pay rent evictions can be stopped by paying the rent that is owed. If you are unable to pay the rent, or need rent assistance, seek help. A list of rent assistance resources appears below.

If your landlord files an eviction lawsuit against you, be sure to respond to any requests from the court and attend all the scheduled hearings. This is your only opportunity to present any evidence or defend yourself against the eviction. If you fail to respond to the court or appear for court hearings, it is likely the judge will rule in favor of the landlord and you will be evicted.

WHERE CAN I GET HELP?

If you are unable to pay rent and believe you may be evicted, you may wish to seek financial help.

- Maryland Emergency Rental Assistance Call Center: 877-546-5595 or dhcd.maryland.gov/Pages/EvictionPrevention/default.aspx. (This site also has links to local/county rental assistance programs.)
- 2-1-1 Maryland: Call 2-1-1 and the staff will connect you with rental assistance (also available online at search.211md.org).
- Contact your local or county government to ask if it has a rental assistance program.

If your landlord files an eviction lawsuit against you, you will have to go to court. If you need a lawyer, one of these organizations may be able to help you find one.

- Maryland Legal Aid (free legal help): www.mdlab.org
- Civil Justice (free and low-cost legal help): 410-706-0174 or civiljusticenetwork.org
- Disability Rights Maryland (free and low-cost legal help): 410-727-6352 or disabilityrightsmd.org
- (In Baltimore City) Public Justice Center (free and low-cost legal help): 410-625-9409 or publicjustice.org
- (In Baltimore City) Pro Bono Resource Center of Maryland (advice and same-day representation in rent court): 443-703-3053 or www.probonomd.org
- The People's Law Library of Maryland (free and low-cost legal directory): www.peoples-law.org/directory
- Maryland State Bar Association: 800-492-1964 or www.msba.org/for-the-public/lawyer-referral-information

If you plan on representing yourself in court, the Maryland Court Self-Help Center may be able to help you prepare your case: 410-260-1392 or mdcourts.gov/helpcenter. (To watch a video about the Self-Help Centers, click www.youtube.com/watch?v=5tfdnCuVnEo.)

OTHER RESOURCES

Maryland Access to Justice Commission: 443-703-3037 or www.mdaccesstojustice.org/covid-eviction

Maryland Legal Services Corporation: <https://www.mlsc.org/news-resources/find-legal-help/>

Howard County Office of Consumer Protection: 410-313-6420 or www.howardcountymd.gov/consumer

Montgomery County Office of Consumer Protection: 240-777-3636 or www.montgomerycountymd.gov/ocp/

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