

COVID-19 Emergency Orders Affecting Real Estate Maryland

Last updated May 18, 2020

MORTGAGE ENFORCEMENT LIMITATIONS

April 3, 2020 – Order of the Governor of the State of Maryland

- No residential foreclosures can be initiated until after the state of emergency is terminated. Residential and commercial evictions are prohibited.
<https://governor.maryland.gov/wp-content/uploads/2020/04/Evictions-Repossessions-Foreclosure-AMENDED-4.3.20.pdf>

March 25, 2020 – Court of Appeals of Maryland Administrative Order

- Residential foreclosures, evictions and other ejectments are suspended. 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 are stayed and new actions related to the same are stayed upon filing. An exception is available where the parties can demonstrate that a delay of a residential foreclosure will place an undue burden on the defendant.
<https://www.courts.state.md.us/sites/default/files/admin-orders/20200325suspensionofforeclosuresevictions.pdf>

LANDLORD/TENANT ENFORCEMENT LIMITATIONS

April 3, 2020 – Order of the Governor of the State of Maryland

- Residential and commercial evictions are prohibited.
<https://governor.maryland.gov/wp-content/uploads/2020/04/Evictions-Repossessions-Foreclosure-AMENDED-4.3.20.pdf>

March 25, 2020 – Court of Appeals of Maryland Administrative Order

- Residential evictions are suspended. Residential eviction matters pending in the District Court of Maryland and all pending residential eviction orders are stayed. New actions for residential eviction are stayed upon filing.

<https://www.courts.state.md.us/sites/default/files/admin-orders/20200325suspensionofforeclosuresevictions.pdf>

NON-ESSENTIAL BUSINESS RESTRICTIONS / STAY-AT-HOME ORDERS

May 15, 2020 – Office of the Mayor of Baltimore

- An order to stay at home was issued for the City of Baltimore that will remain in effect until after the termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded.

<https://mayor.baltimorecity.gov/sites/default/files/05152020155718-0001.pdf>

May 15, 2020 – Office of the County Executive of Montgomery County

- An order to stay at home was issued for Montgomery County that will remain in effect until further notice.

<https://montgomerycountymd.gov/exec/Resources/Files/067-20.pdf>

May 14, 2020 – Office of the Governor of the State of Maryland

- The May 6 order is amended and restated to allow the reopening of certain businesses and facilities, subject to local regulation.

May 14, 2020 – Office of the Prince George's County Executive

- An Order to stay at home was issued for Prince George's County that will remain in effect until June 1, 2020.

<https://www.princegeorgescountymd.gov/ArchiveCenter/ViewFile/Item/3212>

May 6, 2020 – Office of the Governor of the State of Maryland

- The state of emergency originally declared on March 5 is renewed.

<https://governor.maryland.gov/wp-content/uploads/2020/05/3rd-Renewal-of-State-of-Emergency-5.6.20.pdf>

May 6, 2020 – Office of the Governor of the State of Maryland

- The March 23 order prohibiting large gatherings and the March 30 stay at home order are amended and restated.

<https://governor.maryland.gov/wp-content/uploads/2020/05/Gatherings-FIFTH-AMENDED-5.6.20.pdf>

April 5, 2020 – Office of the Governor of the State of Maryland

- Authority to control and close unsafe facilities is delegated to local health officials.

<https://governor.maryland.gov/wp-content/uploads/2020/04/Delegation-to-County-Health-Officials-4.5.20.pdf>

March 30, 2020 – Office of the Governor of the State of Maryland

- An Order to stay at home was issued that will remain in effect until after termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded, or until rescinded, superseded, amended, or revised by additional orders.

<https://governor.maryland.gov/wp-content/uploads/2020/03/Gatherings-FOURTH-AMENDED-3.30.20.pdf>

March 23, 2020 – Order of the Governor of the State of Maryland

- Gatherings of more than 10 people are prohibited and non-essential businesses are closed.

<https://governor.maryland.gov/wp-content/uploads/2020/03/Gatherings-THIRD-AMENDED-3.23.20.pdf>

COURT ACCESS /JUDICIAL PROCESS LIMITATIONS

State

- See following links for information about COVID-19 related orders applicable to proceedings in state courts:

<https://www.courts.state.md.us/coronavirusupdate>

<https://www.courts.state.md.us/coronavirusorders>

<https://www.courts.state.md.us/coronaviruslocationupdates>

Local: Local orders preempted by statewide order.

Federal

- See following links for information about COVID-19 related orders applicable to proceedings in Federal courts:

<https://www.uscourts.gov/news/2020/03/12/judiciary-preparedness-coronavirus-covid-19>

<https://www.uscourts.gov/about-federal-courts/court-website-links/court-orders-and-updates-during-covid19-pandemic>

RECORDING/FILING OFFICE LIMITATIONS

- Below is a link to relevant information about recording offices prepared by the American Land Title Association.

<https://www.alta.org/business-tools/county-status.cfm?state=MD>

- Below are links to relevant information about filing offices prepared by CT Corporation System and Corporation Service Company

<https://ct.wolterskluwer.com/covid-19-status?v=794331>

<https://www.cscglobal.com/blog/covid-19-state-closings/>

REMOTE NOTARIZATION

April 10, 2020 – Order of the Governor of the State of Maryland

- Wills, powers of attorney, and advance directives can be signed electronically and witnessed remotely by video conference.

<https://governor.maryland.gov/wp-content/uploads/2020/04/Remote-Witnessing-4.10.20.pdf>

March 31, 2020 – Fannie Mae Lender Letter (LL-2020-03)

- Fannie Mae allows Lenders to sell loans with remotely notarized loan documents from states where remote notarization is currently authorized (listed in a table in the letter), subject to terms and conditions listed in the letter.

<https://singlefamily.fanniemae.com/media/22316/display>

March 31, 2020 – Freddie Mac Selling Guidance Related to COVID-19

- Freddie Mac allows Sellers to sell Mortgages to Freddie Mac where remote notarization was properly used in a state that currently allows remote notarization (listed in an attachment to the guidance). Freddie Mac provided specific requirements for qualifying Remote Online Notarization.

<https://guide.freddiemac.com/app/guide/bulletin/2020-8>

March 30, 2020 – Order of the Governor of the State of Maryland

- The in-person requirement for notarizing documents is temporarily waived until the termination of the state of emergency. Remote notarization using a communication technology with both audio and video is permitted.

<https://governor.maryland.gov/2020/03/30/as-covid-19-crisis-escalates-in-capital-region-governor-hogan-issues-stay-at-home-order-effective-tonight/>

<https://governor.maryland.gov/wp-content/uploads/2020/03/Remote-Notarizations-3.30.20.pdf>

- Additionally, Maryland enacted legislation that will become effective October 1, 2020 allowing remote notarization.

<http://mgaleg.maryland.gov/mgaweb/legislation/details/sb0678?ys=2019rs>