

COVID-19 Emergency Orders Affecting Real Estate Maryland

Last updated August 3, 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.
<https://governor.maryland.gov/wp-content/uploads/2020/04/Evictions-Repossessions-Foreclosure-AMENDED-4.3.20.pdf>

LANDLORD/TENANT ENFORCEMENT LIMITATIONS

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

- Residential and commercial evictions are prohibited until after the state of emergency is terminated.
<https://governor.maryland.gov/wp-content/uploads/2020/04/Evictions-Repossessions-Foreclosure-AMENDED-4.3.20.pdf>

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

State of Emergency:

The Governor of Maryland has issued a Declaration of a State of Emergency and Existence of Catastrophic Health Emergency effective as of March 5, 2020. This Declaration was last renewed on July 1, 2020 and remains in effect until further notice.

<https://governor.maryland.gov/wp-content/uploads/2020/03/Proclamation-COVID-19.pdf>

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

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

<https://governor.maryland.gov/wp-content/uploads/2020/06/4th-Renewal-of-State-of-Emergency-6.3.20.pdf>

https://governor.maryland.gov/wp-content/uploads/2020/07/2107_001.pdf

https://governor.maryland.gov/wp-content/uploads/2020/07/2143_001.pdf

State of Maryland Orders

August 3, 2020

- The July 29 order is amended and restated to clarify that political subdivisions may not issue more restrictive orders requiring schools to close or modify their operations.

<https://governor.maryland.gov/wp-content/uploads/2020/08/2020-08-03-11-08.pdf>

July 29, 2020

- The June 10 order is amended and restated to allow for the reopening of religious facilities, retail businesses, organizations, establishments and facilities in the State of Maryland to reopen subject to a 50% maximum occupancy cap and any applicable Local Orders and Secretary's directives. Salons, barber shops, tattoo parlors, tannings salons, massage parlors and nail salons may remain open provided services are provided by appointment only, the establishment does not exceed 50% maximum occupancy, and the establishment must disinfect the service area after each customer. The order also provides certain restrictions applicable to indoor and outdoor recreation establishments; foodservice establishments, fitness centers, casinos and racetracks, and other businesses.

<https://governor.maryland.gov/wp-content/uploads/2020/07/Gatherings-10th-AMENDED-7.29.20.pdf>

June 10, 2020

- The June 3 order is amended and restated to allow the reopening of additional businesses and facilities, subject to local regulation and any directives that may be issued by the Secretary of Health.

<https://governor.maryland.gov/wp-content/uploads/2020/06/Gatherings-NINTH-AMENDED-6.10.20.pdf>

June 3, 2020

- The May 27 order is amended and restated to allow the reopening of additional businesses and facilities, subject to local regulation. As of 5:00 p.m. on June 5, 2020, businesses and facilities not explicitly closed or limited by the order may reopen.

<https://governor.maryland.gov/wp-content/uploads/2020/06/Gatherings-EIGHTH-AMENDED-6.3.20.pdf>

May 27, 2020

- The May 13 order is amended and restated to allow the reopening of additional businesses and facilities, subject to local regulation.

<https://governor.maryland.gov/wp-content/uploads/2020/05/Gatherings-7th-AMENDED-5.27.20.pdf>

May 13, 2020

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

<https://governor.maryland.gov/wp-content/uploads/2020/05/Gatherings-SIXTH-AMENDED-5.13.20.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>

City of Baltimore Orders

July 22, 2020

- The Mayor of Baltimore issued an order prohibiting indoor service at Baltimore bars and restaurants and establishing certain operating requirements for outdoor service. This order shall take effect July 24, 2020 at 5:00 p.m. and shall remain in effect until after termination of the state of emergency and proclamation of the catastrophic health emergency has been rescinded, or until rescinded, amended, superseded or revised by additional orders.

<https://www.baltimorecity.gov/sites/default/files/EO%207-22-2020.pdf>

June 19, 2020

- The Mayor of Baltimore announced that Baltimore will enter Phase II of reopening at 5:00 p.m. on Friday, June 19, 2020. additional businesses and services may resume operating in Baltimore subject to certain capacity and safety restrictions.

<https://mayor.baltimorecity.gov/news/press-releases/2020-06-22-mayor-bernard-c-%E2%80%9Cjack%E2%80%9D-young-announces-baltimore-city-will-enter>

June 12, 2020

- The Mayor of Baltimore announced that nonessential retail businesses may reopen beginning at 5:00 p.m. on June 12, 2020, subject to 50% occupancy limits.

<https://mayor.baltimorecity.gov/news/press-releases/2020-06-12-mayor-bernard-c-%E2%80%9Cjack%E2%80%9D-young-announces-reopening-retail-businesses>

June 5, 2020

- The Mayor of Baltimore announced that Baltimore will enter Phase 1 of reopening on June 8, 2020. Under Phase 1, additional businesses and services may resume operations in Baltimore subject to certain conditions.

<https://mayor.baltimorecity.gov/news/press-releases/2020-06-05-mayor-bernard-c-%E2%80%9Cjack%E2%80%9D-young-announces-baltimore-city-will-enter>

May 26, 2020

- The Mayor of Baltimore issued an order permitting retail businesses to reopen provided the same only offer curbside and walkup pickup service.

<https://mayor.baltimorecity.gov/sites/default/files/05292020130713-0001.pdf>

May 15, 2020

- 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>

Montgomery County Orders

June 15, 2020

- The Montgomery County Executive has announced that the County will enter Phase 2 of reopening on Friday June 19, 2020 at 5:00 p.m.

https://www2.montgomerycountymd.gov/mcgportalapps/Press_Detail.aspx?Item_ID=25449

May 28, 2020

- The Montgomery County Executive has announced that the County will move to Phase I of reopening on June 1, 2020.

<https://montgomerycountymd.gov/exec/Resources/Files/orders/070-20.pdf>

May 15, 2020

- 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>

Prince George's County Orders**July 31, 2020**

- The Health Officer of Prince George's County issued an order limiting gatherings to a maximum of 50 people unless specifically otherwise specified in the June 25, 2020 order.

<https://www.princegeorgescountymd.gov/ArchiveCenter/ViewFile/Item/3263>

June 25, 2020

- The County Executive issued an order moving Prince George's County into a full Phase 2 reopening effective June 29, 2020. Under modified Phase 2, additional businesses and services may reopen, subject to certain conditions.

<https://www.princegeorgescountymd.gov/ArchiveCenter/ViewFile/Item/3239>

June 11, 2020

- The County Executive issued an order moving Prince George's County into a modified Phase 2 reopening effective June 15, 2020. Under modified Phase 2, additional businesses and services may reopen, subject to certain conditions.

<https://www.princegeorgescountymd.gov/ArchiveCenter/ViewFile/Item/3237>

May 28, 2020

- The County Executive issued an order rescinding the May 14, 2020 Stay-at-Home Order effective June 1, 2020 at 5:00pm and permitting conditional reopening of certain businesses and facilities.

<https://www.princegeorgescountymd.gov/ArchiveCenter/ViewFile/Item/3221>

May 14, 2020

- 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>

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>

- The Court of Appeals of Maryland has established a phased reopening of the state court system. Under Phase I, in effect through June 5, 2020, the courts are only hearing certain emergency and urgent matters. Under Phase II, in effect from 5:00 pm on June 5, 2020 through July 19, 2020, the Court of Appeals and Court of Special Appeals will be fully operational and the District Courts may hear landlord and tenant disputes relating to emergency breach of lease involving threats or injury to people or property and emergency wrongful detainer actions. Under Phase III, in effect from July 20, 2020 through August 30, 2020, District Courts may hear landlord and tenant disputes relating to rent escrow actions, tenant holding over actions, and warrants of restitution. Under Phase IV, in effect from August 31, 2020 through October 4, 2020, District Courts may hear landlord and tenant disputes related to failure to pay rent cases. Under Phase V, in effect from October 5, 2020 forward, all courts are fully operational.

<https://www.courts.state.md.us/sites/default/files/admin-orders/20200522progressiveresumptionoffullfunctionofjudiciaryoperations.pdf>

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/mgawebsite/legislation/details/sb0678?ys=2019rs>
