

WASHINGTON, D.C. METRO AREA (DC/MD/VA) COVID-19 LEGISLATION/REGULATIONS IMPACTING LANDLORDS, JUDICIAL ACTIONS, AND GOVERNMENT OPERATIONS

Updated August 2020

Statewide	DC	MD	VA
Status of Emergency Period	Continuing until October 9, 2020.	Continuing	Continuing Adopts Workplace Safety Mandate (July 15, 2020) - The text of the standard is currently being finalized and will be posted on this Department of Labor and Industry website as soon as it is available and will take immediate effect upon publication in a newspaper of general circulation, published in the City of Richmond, Virginia. More information available here.
Stage of Reopening	Stage 2 (as of June 22, 2020)	Stage 2 (as of June 5, 2020)	Phase 3 (as of July 1, 2020)
Landlord/Tenant Issues:			
Rent Freezes: Residential Commercial	During the public emergency and for 30 days thereafter, a rent increase is prohibited for (i) a residential tenant; (ii) a commercial retail tenant; or (iii) any commercial tenant with a premises that is less than 6,500 square feet (Section 406 of D.C. Act 23-328. Coronavirus Support Congressional Review Emergency Amendment Act of 2020).	N/A	There are no rent freezes for residential or commercial leases. However, Virginia has set up a fund to provide rental payment relief for eligible households.

Statewide	DC	MD	VA
Charge Late Fees: Residential Commercial	During the public emergency and for one year thereafter, a residential or commercial retail landlord shall waive any fee, interest, or penalty that arises out of an eligible tenant entering into a payment plan (Section 402).	N/A	Only if provided for in the lease.
Evictions: Residential Commercial	<p>During the public health emergency and for 60 days thereafter, no residential foreclosure may be initiated or conducted (i) under a power of sale provision contained in any deed of trust, mortgage, or other security instrument, (ii) under application to the court to foreclose any mortgage or deed of trust, or (iii) under a power of sale to enforce a lien for an assessment against a condominium unit. (Section 408);</p> <p>Additional eviction-related provisions enacted pursuant to Section 4024 of The CARES Act expired on July 25, 2020. However, the Federal Housing Finance Agency (FHFA) announced that Fannie Mae and Freddie Mac (the Enterprises) will extend their single-family moratorium on foreclosures and evictions until at least August 31, 2020. The foreclosure moratorium applies to Enterprise-backed, single-family mortgages only. As of August 6, 2020, FHFA is now mandating that multifamily property owners with government-backed loans in forbearance inform renters about the eviction protections the policy extends to them. Even in the</p>	<p>The stay on in-process residential eviction proceedings was lifted effective July 25, 2020 by a June 3 Court of Appeals of Maryland Amended Administrative Order, and has not yet been reinstated. On August 11, the Court of Appeals issued a Second Amended Administrative Order, which modifies the dates for which Declarations of Compliance must be filed in landlord-tenant actions and adds a verified Declaration of Exemption from Moratorium requirement in foreclosures.</p> <p>Until the state of emergency is terminated, the initiation of residential foreclosures has been suspended. The Commissioner of Financial Regulation of the State of Maryland has been ordered to suspend the operation of the Commissioner’s Notice of Intent to Foreclose Electronic System, and to discontinue acceptance of Notices of Intent to Foreclose until the state of emergency is terminated and the catastrophic health emergency is rescinded.</p> <p>Additionally, until the state of emergency is terminated, no judgment/warrant for possession/repossession of residential,</p>	<p>The moratorium on evictions, foreclosure proceedings, and debt collection proceedings expired on June 29, 2020, and has not been reinstated.</p> <p>Governor Northam has sought to have the moratorium reinstated, but the Virginia Supreme Court declined. Two local courts, Arlington County General District Court and Fairfax County General District Court, however, have elected to delay all eviction cases by not scheduling them for hearing.</p> <p>Additional eviction-related provisions enacted pursuant to Section 4024 of The CARES Act expired on July 25, 2020. However, the Federal Housing Finance Agency (FHFA) announced that Fannie Mae and Freddie Mac (the Enterprises) will extend their single-family moratorium on foreclosures and evictions until at least August 31, 2020. The foreclosure moratorium applies to Enterprise-backed, single-family mortgages only. As of August 6, 2020, FHFA is now mandating that multifamily property owners with government-backed loans in forbearance inform renters about the eviction protections</p>

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	<p>absence of federal, state and local laws prohibiting evictions, landlords who enter or modify their Fannie Mae or Freddie Mac mortgage forbearance must agree not to displace tenants solely for rent nonpayment. Now, they also must inform residents of this rule.</p>	<p>commercial, or industrial real property may be issued by a court if tenant can show that their failure to pay rent was the result of COVID-19 under Section 8-401 of the Real Property Article of the Maryland Code;</p> <p>Additional eviction-related provisions enacted pursuant to Section 4024 of The CARES Act expired on July 25, 2020. However, the Federal Housing Finance Agency (FHFA) announced that Fannie Mae and Freddie Mac (the Enterprises) will extend their single-family moratorium on foreclosures and evictions until at least August 31, 2020. The foreclosure moratorium applies to Enterprise-backed, single-family mortgages only.</p> <p>As of August 6, 2020, FHFA is now mandating that multifamily property owners with government-backed loans in forbearance inform renters about the eviction protections the policy extends to them. Even in the absence of federal, state and local laws prohibiting evictions, landlords who enter or modify their Fannie Mae or Freddie Mac mortgage forbearance must agree not to displace tenants solely for rent nonpayment. Now, they also must inform residents of this rule.</p>	<p>the policy extends to them. Even in the absence of federal, state, and local laws prohibiting evictions, landlords who enter or modify their Fannie Mae or Freddie Mac mortgage forbearance must agree not to displace tenants solely for rent nonpayment. Now, they also must inform residents of this rule.</p>

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Landlord Alternative Payment Plans with Tenants: Residential Commercial	During the public emergency and for one year thereafter, a residential or commercial retail landlord shall make a payment plan available to an eligible tenant for the payment of gross rent that comes due (Section 402).	N/A	N/A
TOPA Impact/ Tenant Statutory Rights	Time periods for tenants and tenant organizations to exercise rights shall be tolled until the end of the public health emergency, and for 30 days thereafter (Section 405).	N/A	N/A
Mortgage Relief: Residential Commercial	<p>During the public emergency and for 60 days thereafter, a mortgage lender of a residential or commercial loan shall grant at least a 90-day deferment of principal and interest and waive any late fee accrued (Section 401).</p> <p>On August 11, Mayor Muriel Bowser and the D.C. Housing Finance Agency announced the relaunch of the city’s mortgage assistance program, D.C. MAP.</p> <p>Additional provisions enacted pursuant to Section 4023 of The CARES Act related to federally backed mortgage loans expired on July 25, 2020.</p>	Additional provisions enacted pursuant to Section 4023 of The CARES Act related to federally backed mortgage loans expired on July 25, 2020.	<p>Virginia has set up a fund to provide mortgage payment relief for eligible households.</p> <p>Additional provisions enacted pursuant to Section 4023 of The CARES Act related to federally backed mortgage loans expired on July 25, 2020.</p>

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Judicial Orders			
Tolling Statutes of Limitations	Yes, during the period of public health emergency, subject to exceptions .	Ended (i) July 20, 2020, for tenant holdover cases, breach of lease actions, and wrongful detainers, or ends (ii) August 31, 2020, for failure to pay rent cases. All others, the time from March 16–July 20 (when courts reopen) is not counted, and the deadline is extended an additional 15 days after July 20, 2020, under Article IV - 18 .	Yes , initially, all Circuit Courts and General District Courts in the Commonwealth of Virginia suspended all statute of limitations and case-related deadlines that would otherwise have expired between during the period of judicial emergency, set as March 16 through May 17. Since, May 17 all tolling of statute of limitations and case deadlines have been lifted.
Filing Deadlines Extended	Yes, during the period of public health emergency, subject to exceptions .	An additional 15 days after tolling ended on July 20, 2020.	Yes , please see above.
Courts Open for Civil Hearings	The Civil Division will conduct remote hearings, including evidentiary hearings and bench trials, in any case where it is appropriate.	An additional 60 days after tolling ends.	Courts in Virginia re-opened on May 18, 2020, but the types of cases and trials being held and how courts are approaching proceedings (<i>i.e.</i> remote vs. in-person) varies significantly by jurisdiction.
Remote Online Notaries	Yes (effective June 8, 2020, for a period of 90 days).	Yes (effective March 3, 2020, until termination of the state of emergency).	Yes (Virginia has allowed Remote Online Notarizations since 2012).

Local Jurisdictions	Montgomery County, MD	Prince George's County, MD	Arlington County, VA	Fairfax County, VA
Stage of Reopening	Stage 2 (as of June 19, 2020)	Stage 2 (as of June 29, 2020)	Phase 3 (as of July 1, 2020)	Phase 3 (as of July 1, 2020)
Landlord/Tenant Issues:				
Rent Freezes: Residential Commercial	Residential rent increases limited to 2.6% during the state of emergency and 180 days after it is terminated, under Bill 18-20 .	Residential rent increases prohibited during the state of emergency and 90 days after it is terminated, under CB-016-2020 .	There are no rent freezes for residential or commercial leases.	There are no rent freezes for residential or commercial leases.
Charge Late Fees: Residential Commercial	Late fees may be charged if permitted under the lease.	Late fees on overdue residential rents prohibited during the state of emergency and for 90 days after it is terminated, under CB-016-2020 .	Only if provided for in the lease.	Only if provided for in the lease.
Evictions: Residential Commercial	No County moratorium but subject to Judicial Orders, Governor Hogan's Executive Orders, and the CARES Act. Montgomery County Council approved County Executive's request for \$20 Million to provide eviction protection and relief for renters.	Evictions and foreclosures of residential property prohibited during the state of emergency and 90 days after it is terminated, under CB-016-2020 .	The moratorium on evictions, foreclosure proceedings, and debt collection proceedings expired on June 29, 2020, and has not been reinstated. However, Arlington County General District Court, has elected to delay all eviction cases by not scheduling them for hearing.	The moratorium on evictions, foreclosure proceedings, and debt collection proceedings expired on June 29, 2020, and has not been reinstated. However, Fairfax County General District Court, has elected to delay all eviction cases by not scheduling them for hearing.
Landlord Alternative Payment Plans with Tenants: Residential Commercial	N/A	Landlords must offer rent payment plans with tenants that are unable to make timely rent payments due to illness, job loss, or any issue or incident related to the COVID-19 emergency, under CB-016-2020 .	N/A	N/A

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Government Operations				
Building Permits/ Inspections	<p>Department of Permitting Services (DPS) closed to public but DPS will continue to deliver services with modifications utilizing alternative business processes as outlined below:</p> <ul style="list-style-type: none"> • Online • Hard Copy (Paper) • Other (Suspended Services) <p>-DPS will no longer accept new projects via paper submission. Use DPS eBox if you are unable to submit your documents/plans through ePermits, ePlans, or email.</p> <p>-New construction inspections remain unchanged and will be performed in the same manner as in the past.</p> <p>-There is a moratorium on all inspections into existing spaces where people are living, such as assisted living facilities, daycare facilities, and the actual living units in commercial high-rises.</p>	<p>The Department of Permitting, Inspections, and Enforcement (DPIE) is closed to the public but will continue to review plans submitted electronically for permit issuance and process license applications. For customers who are unable to use online services, a dropbox is also available at the DPIE building to submit plans and payments.</p> <p>-DPIE will continue to conduct inspections as scheduled.</p>	<p>All paper applications and in-person customer service for permits issued by Inspection Services, Zoning, or Environmental Services are suspended until further notice. Building permits must be submitted online via ePlan. Mechanical, plumbing, electrical, fire, and elevator trade permits must be submitted via email. All other Inspection Services Division permits (demolition, asbestos abatement, code modifications, etc.) must be submitted via email to ISDTradePermits@arlingtonva.us.</p>	<p>All paper applications and in-person customer service for permits issued by Land Development Services (LDS), normally located at the Herry Building, are suspended until further notice. Building permits for all residential and commercial projects, including mechanical, electrical and gas permits, may be applied for, paid for, and obtained using FIDO, and inspections can be scheduled as well.</p> <p>LDS will rebuild its phone system and create an appointment calendar for virtual appointments in the coming weeks. In September, they will launch ten additional building plan types into ProjectDox separating them from the Single Family Dwelling (SFD) plan type they now use.</p> <p>Whenever LDS at the Herry Building reopens to the public, LDS will remain 100% electronic for obtaining permits and submitting plans. As a result, the building plan review</p>

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				<p>counter on the third floor will permanently close. Their second floor Information Center and supporting services will morph to support the all-electronic process with only limited in-person interactions on the first floor of the Herrity Building at publicly accessible computers. To facilitate this manner of business, LDS has introduced online consultation requests to allow direct, virtual discussion with on-duty engineers and technicians for both site and building projects.</p>
Zoning Applications	<p>The Office of Zoning and Administrative Hearings (OZAH) and Board of Appeals (BOA) will accept e-mail filings provided that a paper copy is mailed by U.S. mail and postmarked on the date of the e-mail submission.</p>	<p>Board of Appeals and Office of the Zoning Hearing Examiner – New applications are currently not being accepted until further notice.</p>	<p>Board of Zoning Appeals are open to the public and being held regularly via electronic means. Video testimony may be submitted. All BZA paper applications and in-person customer service processes are suspended. BZA applications must be submitted via email to zoningadmin@arlingtonva.us</p>	<p>As of June 10, 2020, the Board of Zoning Appeals are open to the public and will be meeting electronically until further notice. Video testimony may be submitted.</p> <p>Since the LDS/Herrity Building remains closed to the public, bins have been placed at the front of the Herrity Building for drop-off of materials and payments.</p>

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Planning Applications	<p>Planning Headquarters will be closed to the public through August 2020. All development applications can be submitted online through ePlans.</p>	<p>Planning Headquarters is closed to the public until further notice. Development applications can be filed in hardcopy via an exterior dropbox. Staff is currently testing a means for electronic plan submittal.</p>	<p>Development and Building plans must be ePlan.</p>	<p>Building plan reviews will continue as normal, and plan reviewers will be available for questions and consultation by telephone.</p> <p>Site-Related Plans and Documents: Use Fairfax County ePlans Program (ProjectDox) for site plan, minor site plan and infill lot grading plans. All other site-related plan and document types must be submitted through Fairfax County's ShareFile system. To submit documents through ShareFile, please use the ShareFile Submission Form.</p>
Virtual Hearings	<p>Planning Board – Meetings being held remotely.</p> <p>County Council – Meetings being held remotely.</p> <p>Hearing Examiner – Public hearings may be continued if OZAH cannot ensure the safety of those attending or compliance with Governor Hogan's Orders. Hearings may be held remotely with public participation. The general public and parties should check OZAH's website in advance of the public hearing to see whether the hearing will be</p>	<p>Planning Board – Meetings being held remotely.</p> <p>County Council – All necessary County Council sessions, public hearings and regular and budget committee meetings will continue to take place as determined by Council leadership and will only be accessible in person, when necessary, to Council Members and essential Council, County and/or governmental staff. All other personnel or public may access the meetings online. All meetings of the County Council</p>	<p>Planning Commission – Meetings being held remotely.</p> <p>County Board – The July County Board Meetings and upcoming work sessions will be held virtually. These meetings can be streamed live online by accessing Arlington TV's YouTube channel when meetings are in session.</p> <p>Board of Zoning Appeals – Meetings being held remotely.</p>	<p>Planning Commission – Meetings being held remotely.</p> <p>Board of Supervisors – The Board of Supervisors will be meeting electronically until further notice due to the State of Emergency caused by the COVID-19 pandemic. When meetings are held electronically, no in-person testimony will be heard, but testimony may be submitted by video, by phone, or by email.</p> <p>Board of Zoning Appeals – Meetings being held remotely.</p>

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	<p>continued or held remotely.</p> <p>Board of Appeals – Until further notice, all scheduled hearings and Worksessions are being held remotely.</p>	<p>will continue to be live-streamed.</p> <p>Hearing Examiner – All scheduled public meetings of the Board of Appeals are hereby postponed pursuant to CR-10-2020 until such time as the statewide emergency is lifted.</p> <p>Board of Appeals – All scheduled public meetings of the Board of Appeals are hereby postponed pursuant to CR-10-2020 until such time as the statewide emergency is lifted.</p>		