



Best Practices for Showings of Rental Properties

Revised April 18, 2020

Governor Hogan has issued several Executive Orders intended to reduce the spread of the COVID-19 virus and protect the health and safety of Marylanders. On March 16, 2020, the Governor issued an Order temporarily suspending a landlord's remedies under Sections 8-401 (non-payment of rent) and 8-402.1 (breach of a lease) where the tenant could demonstrate that they had suffered a substantial loss of income resulting from COVID-19, such as job loss or reduction in hours. This initial Order was limited to residential tenancies.

On April 3, 2020, in recognition that loss of income due to COVID-19 could affect the ability of some businesses to pay their rent and recognizing that some Maryland residents would become unable to pay their mortgage or rent, the Governor issued another Executive Order. The April 3 Executive Order continued the temporary suspension of a landlord's remedies, discussed above, and broadened the scope to include commercial as well as residential evictions; to prohibit repossessions of "chattel homes," meaning mobile homes, trailers, houseboats and similar property used as a residence; and to suspend the initiation of residential foreclosures by suspending the operation of the Notice of Intent to Foreclose Electronic System.

The Maryland Department of Housing and Community Development (DHCD), part of the Executive Branch, has also issued guidance for tenants and property managers. This guidance outlines some best practices for landlords, tenants, and property managers concerning hygiene and sanitation within individual housing units and in common areas. [Click here](#) to review the DHCD Guidance.

In addition to the Executive Branch, the Judiciary has also taken actions, which may have an impact on rental properties. The Maryland Constitution grants the Chief Judge of the Court of Appeals the authority to exercise emergency powers concerning the Judicial Branch of the State. Consistent with that authority, Chief Judge Barbera issued an Administrative Order, implementing restricted operations for courts in Maryland, to protect the health and safety of Maryland residents and Judiciary personnel. The Administrative Order identified certain proceedings, such as domestic violence proceedings, bail reviews/bench warrants, quarantine and isolation violations, and body attachments, as "emergency matters." Eviction and foreclosure proceedings are not classified as "emergency matters" under the Administrative Order. While Chief Judge Barbera's initial Administrative Order was scheduled to expire on May 1, 2020, a subsequent Administrative Order (issued on April 14, 2020) extends the deadline to June 5, 2020. Accordingly, every court in the State of Maryland is prohibited from considering any commercial or residential eviction proceedings until at least June 5, 2020.

The following guidelines outline procedures that will allow us to continue to do business in a way that is mindful of the unique risks we are all facing. It is **our** responsibility to follow these guidelines so that our

clients and we are protected. If we cannot adopt these safe practices, the industry may face additional restrictions or even a complete prohibition on providing real estate services.

Consistent with Maryland REALTORS®' previous guidance, real estate licensees engaged in rental transactions will limit personal interactions to the greatest extent possible and engage in-person only when necessary, and follow these strict protocols:

- In-person activities must be by appointment only.
- No more than three (3) people, including the agent, may be at a property at any one time.
- Those three persons must strictly follow physical distancing guidelines established by the Centers for Disease Control and Prevention (CDC) by remaining at least six feet apart at all times.
- To the extent possible, and particularly where social distancing may be difficult, those three persons should wear face masks or face coverings consistent with CDC guidance and in the spirit of Governor Hogan's April 15, 2020 Executive Order.

In addition to the general guidance set forth above, we offer the following advice, specific to rental property transactions. Licensees representing a landlord, property managers, and owners should:

1. Consult with their attorney about the specific lease terms affecting the rights of the licensee, property manager, or owner to show the unit, and the specific local laws and directives from public health officers that impact those rights.
2. Conduct virtual showings and create virtual tours to the maximum extent possible. This could include asking the current tenant to provide video or photos of the unit that can be downloaded and made accessible to a prospective tenant.
3. If an in-person showing is necessary, and a tenant currently resides in the property, discuss with your tenant acceptable ways to show the property. With no court access to enforce legal rights, landlords and tenants must reach safe and reasonable accommodations when possible.
4. In a commercial transaction, if an in-person showing is necessary and the property is currently tenant-occupied, discuss with the tenant acceptable ways to show the property, such as limiting showings to hours when no employees/occupants are present. All individuals who will be present during the showing should be aware of and comply with State and/or Local Executive Orders requiring the wearing of face masks or face coverings. Licensees should bear in mind that with no court access to enforce legal rights, landlords and tenants must reach safe and reasonable accommodations when possible.
5. If conducting an in-person showing, no more than three (3) people, including the property manager or owner, may be at an occupied property at any one time unless the space is not large enough to comply with social distancing guidelines established by the CDC. The CDC requires individuals to remain at least six feet apart at all times. All individuals who will be present during the showing should be aware of and comply with State and/or Local Executive Orders requiring the wearing of face masks or face coverings.
6. If a current tenant agrees to an in-person showing, ensure that prospective tenants touch as few elements of the unit as possible. Leave doors and cabinets open, leave lights on, and limit time in the unit as much as possible. All individuals who will be present during the showing should be

aware of and comply with State and/or Local Executive Orders requiring the wearing of face masks or face coverings. Any in-depth conversations about the unit, building, amenities neighborhood, etc., should be conducted outside of the unit and virtually if possible.

Updated information about COVID-19 is available from the [Centers for Disease Control and Prevention](#) and from the [Maryland Department of Health's COVID-19 Information Portal](#). If you have specific questions about health concerns related to COVID-19, you should consult with a health professional.

Maryland REALTORS® will continue to provide updates on our [website](#) and through social media as we get new information.