

DC METRO COVID-19 LEGISLATION/REGULATIONS IMPACTING LANDLORDS, JUDICIAL ACTIONS, AND GOVERNMENT OPERATIONS

Statewide	DC	MD	VA
Status of Emergency Period	Continuing until July 24, 2020, with authorization to extend 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	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).	New and pending residential eviction proceedings stayed until July 25, 2020 (Maryland Constitution, Article IV, Section 18). Until the state of emergency is terminated, no judgement/warrant for possession/ repossession of residential 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.	The moratorium on evictions, foreclosure proceedings, and debt collection proceedings expired on June 29, 2020, and has not been reinstated. Governor Northam has sought to have the moratorium reinstated, but the Virginia Supreme Court declined.
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

Statewide	DC	MD	VA
Mortgage Relief: Residential Commercial	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).	N/A	Virginia has set up a fund to provide mortgage payment relief for eligible households.
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 (ii) August 31, 2020, for failure to pay rent cases. All others: the time from March 16 to July 20, 2020 (when courts reopened) is not counted, and the deadline is extended an additional 15 days after July 20, 2020 (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 during the period of judicial emergency, set as March 16 through May 17, 2020. 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 (Bill 18-20).	Residential rent increases prohibited during the state of emergency and 90 days after it is terminated (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 (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.	Evictions and foreclosures of residential property prohibited during the state of emergency and 90 days after it is terminated (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 (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 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>

Local Jurisdictions	Montgomery County, MD	Prince George’s County, MD	Arlington County, VA	Fairfax County, VA
Zoning Applications	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.	Board of Appeals and Office of the Zoning Hearing Examiner – New applications are currently not being accepted until further notice.	Board of Zoning Appeals meetings 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	As of June 10, 2020, the Board of Zoning Appeals meetings are open to the public and will be meeting electronically until further notice. Video testimony may be submitted. 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.
Planning Applications	Planning Headquarters were closed to the public through July 2020. All development applications can be submitted online through ePlans .	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.	Development and Building plans must be ePlan .	Building plan reviews will continue as normal, and plan reviewers will be available for questions and consultation by telephone. 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.

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Virtual Hearings	<p data-bbox="430 245 808 318">Planning Board – Meetings being held remotely.</p> <p data-bbox="430 354 808 427">County Council – Meetings being held remotely.</p> <p data-bbox="430 462 808 1003">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 continued or held remotely.</p> <p data-bbox="430 1039 808 1193">Board of Appeals – Until further notice, all scheduled hearings and work sessions are being held remotely.</p>	<p data-bbox="825 245 1203 318">Planning Board – Meetings being held remotely.</p> <p data-bbox="825 354 1203 1019">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 will continue to be live-streamed.</p> <p data-bbox="825 1055 1203 1299">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 data-bbox="825 1334 1203 1576">Board of Appeals – All scheduled public meetings of the Board of Appeals are hereby postponed pursuant to CR-10-2020 until the statewide emergency is lifted.</p>	<p data-bbox="1220 245 1598 318">Planning Commission – Meetings being held remotely.</p> <p data-bbox="1220 354 1598 686">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 data-bbox="1220 722 1598 795">Board of Zoning Appeals – Meetings being held remotely.</p>	<p data-bbox="1614 245 1992 318">Planning Commission – Meetings being held remotely.</p> <p data-bbox="1614 354 1992 812">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 data-bbox="1614 847 1992 920">Board of Zoning Appeals – Meetings being held remotely.</p>