

SB0396/450612/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 396
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Remedy” and substitute “Remedies”; in line 3, strike “repealing” and substitute “applying”; in line 4, after “rent” insert “to certain property”; in line 8, after “rent” insert “on certain residential property”; and in line 15, after “application” insert “, effect,”; in the same line, after “Act;” insert “clarifying the application of certain provisions of law prohibiting the creation of certain reversionary interests under certain ground leases or subleases; providing that certain provisions of law authorizing a certain action for possession do not apply to certain actions for nonpayment of ground rent;”.

On page 2, in line 1, strike “8-402.2 and”; in line 6, strike “8-402.2” and substitute “8-402.3”; in line 11, after “Section” insert “8-402.2,”; in the same line, after “8-111.1” insert a comma; and after line 13, insert:

“BY repealing and reenacting, with amendments,

Article – Real Property

Section 8-111.2

Annotated Code of Maryland

(As enacted by Chapter 1 of the Acts of the General Assembly of 2007)”.

AMENDMENT NO. 2

On page 2, in line 17, strike the bracket; and after line 17, insert:

“(A) (1) THIS SECTION APPLIES TO PROPERTY:

(Over)

(I) LEASED FOR BUSINESS, COMMERCIAL, MANUFACTURING, MERCANTILE, OR INDUSTRIAL PURPOSES, OR ANY OTHER PURPOSE THAT IS NOT PRIMARILY RESIDENTIAL;

(II) IMPROVED OR TO BE IMPROVED BY ANY APARTMENT, CONDOMINIUM, COOPERATIVE, OR OTHER BUILDING FOR MULTIFAMILY USE OF GREATER THAN FOUR DWELLING UNITS; OR

(III) LEASED FOR DWELLINGS OR MOBILE HOMES THAT ARE ERECTED OR PLACED IN A MOBILE HOME DEVELOPMENT OR MOBILE HOME PARK.

(2) THIS SECTION DOES NOT APPLY TO RESIDENTIAL PROPERTY THAT IS OR WAS USED, INTENDED TO BE USED, OR AUTHORIZED TO BE USED FOR FOUR OR FEWER DWELLING UNITS.

On page 2 in lines 18 and 29, and on page 3 in line 21, strike “(a)”, “(b)”, and “(c)”, respectively, and substitute “**(B)**”, “**(C)**”, and “**(D)**”, respectively.

On page 3, in line 13, strike “(b)” and substitute “**(C)**”; and in line 26, before “(d)” insert an opening bracket.

On page 5, in line 16, strike “**8-402.2.**” and substitute “**8-402.3.**”.

On page 12, in line 17, strike “§ **8-402.2**” and substitute “§ **8-402.3**”; and in line 21, strike “§ **8-402.2(E)**” and substitute “§ **8-402.3(E)**”.

On pages 13 and 14, strike in their entirety the lines beginning with line 31 on page 13 through line 2 on page 14, inclusive.

On page 14, in line 8, after “RENT” insert “UNDER A GROUND LEASE ON RESIDENTIAL PROPERTY THAT IS OR WAS USED, INTENDED TO BE USED, OR AUTHORIZED TO BE USED FOR FOUR OF FEWER DWELLING UNITS”.

AMENDMENT NO. 3

On page 11, in line 10, strike “ENTRY OF THE JUDGMENT” and substitute “THE FILING OF THE STATEMENT OF LIEN IN THE LAND RECORDS”.

AMENDMENT NO. 4

On page 13, in line 11, before the third “THE” insert “:

(I) FOR A REDEEMABLE GROUND RENT,”;

in line 14, after “LEASE” insert “;AND

(II) FOR AN IRREDEEMABLE GROUND RENT, THE AMOUNT OF THE LIEN AND THE PURCHASER SHALL TAKE TITLE TO THE PROPERTY SUBJECT TO THE GROUND LEASE”;

and in line 16, after “THE” insert “REDEEMABLE”.

AMENDMENT NO. 5

On page 14, after line 2, insert:

“8-111.2.

(A) THIS SECTION DOES NOT APPLY TO PROPERTY:

(1) LEASED FOR BUSINESS, COMMERCIAL, MANUFACTURING, MERCANTILE, OR INDUSTRIAL PURPOSES, OR ANY OTHER PURPOSE THAT IS NOT PRIMARILY RESIDENTIAL;

(Over)

(2) IMPROVED OR TO BE IMPROVED BY ANY APARTMENT, CONDOMINIUM, COOPERATIVE, OR OTHER BUILDING FOR MULTIFAMILY USE OF GREATER THAN FOUR DWELLING UNITS; OR

(3) LEASED FOR DWELLINGS OR MOBILE HOMES THAT ARE ERECTED OR PLACED IN A MOBILE HOME DEVELOPMENT OR MOBILE HOME PARK.

(B) On or after January 22, 2007, the owner of a fee simple or leasehold estate in residential property that is OR WAS used, intended to be used, or authorized to be used for four or fewer dwelling units may not create a reversionary interest in the property under a ground lease or a ground sublease for a term of years renewable forever subject to the payment of a periodic ground rent.”.