

HB1246/773620/1

BY: Delegate McComas

AMENDMENTS TO HOUSE BILL 1246, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

Strike the Environmental Matters Committee Amendments (HB1246/120518/1) in their entirety.

AMENDMENT NO. 2

On page 1, in line 2, after the first dash insert "Task Force to Study the"; strike beginning with the second dash in line 2 down through "2011" in line 3 and substitute "Regarding Common Ownership Communities"; strike beginning with "providing" in line 4 down through "changes;" in line 18 and substitute "establishing the Task Force to Study the Priority of Liens Regarding Common Ownership Communities; specifying the membership, chair, and staff of the Task Force; specifying that a member of the Task Force may not receive compensation, but may receive reimbursement for certain expenses; requiring the Task Force to study certain issues and make certain recommendations; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act;"; in line 18, strike "liens" and substitute "the Task Force to Study the Priority of Liens Regarding Common Ownership Communities"; and strike in their entirety lines 20 through 28, inclusive.

On page 2, strike in their entirety lines 1 through 12, inclusive, and substitute:

"SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:".

AMENDMENT NO. 3

On pages 2 through 4, strike the lines beginning with line 13 on page 2 through line 17 on page 4, inclusive, and substitute:

(Over)

“(a) There is a Task Force to Study the Priority of Liens Regarding Common Ownership Communities.

(b) The Task Force consists of the following members:

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the Attorney General of Maryland, or the Attorney General’s designee;

(4) the Commissioner of Financial Regulation, or the Commissioner’s designee;

(5) the Maryland Insurance Commissioner, or the Commissioner’s designee;

(6) the Secretary of Housing and Community Development, or the Secretary’s designee;

(7) the President of the Maryland Land Title Association, or the President’s designee;

(8) the President of the American Land Title Association, or the President’s designee;

(9) the President of the Maryland Coalition of Title Insurers, or the President’s designee;

(10) the President of the Greater Baltimore Board of Realtors, or the President's designee;

(11) the President of the Maryland Association of Realtors, or the President's designee;

(12) the President of the Maryland Association of Mortgage Professionals, or the President's designee;

(13) the President of the Maryland Bankers Association, or the President's designee;

(14) the President of the Maryland Mortgage Bankers Association, or the President's designee;

(15) the President of the Maryland Bankruptcy Bar Association, or the President's designee;

(16) the President of the Home Builders Association of Maryland, or the President's designee;

(17) the President of the Maryland Homeowners' Association, or the President's designee;

(18) one member of the Real Estate Section of the Maryland State Bar Association, appointed by President of the Maryland State Bar Association; and

(19) the following members of the general public, appointed by the Governor:

(Over)

(i) one attorney or representative of a management company that represents a condominium, homeowners association, or community association; and

(ii) one representative of a debt collection company;

(c) The Task Force shall elect a chair from among its members.

(d) The Department of Housing and Community Development shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall study:

(1) the impact of altering the priority of liens so that an amount of up to 6 months of unpaid assessments and related interest and fees takes precedence over the claim of the holder of a first mortgage deed of trust on:

(i) the banking industry;

(ii) the title insurance industry;

(iii) the real estate industry;

(iv) the construction industry;

- (v) common ownership communities;
- (vi) the liability to mortgage companies; and
- (vii) the sale of real property in Maryland;

(2) the effectiveness of State legislation to alter the priority of liens on addressing the concerns of common ownership communities related to unpaid assessments including the possibility that alternative methods, including federal legislation, may more appropriately address the issue; and

(3) funding mechanisms in addition to assessments that are available to common ownership communities to pay for capital expenses in common areas.

(g) The Task Force shall make recommendations on:

(1) ways to reduce any negative impact from altering the priority of liens; and

(2) alternative methods of addressing the concerns of common ownership communities related to unpaid assessments.

(h) On or before December 31, 2012, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.”.

AMENDMENT NO. 4

On page 4, in line 18, strike “5.” and substitute “2.”; strike beginning with the second comma in line 18 down through the first comma in line 19; and in line 19, after the period insert “It shall remain effective for a period of 1 year and 7 months and, at the end of April 30, 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.