

SB0627/417672/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 627
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Manno” and substitute “, Manno, and Garagiola”; in line 22, after “program;” insert “requiring the Administration to ensure that financing authorized under this Act complies with certain provisions;”; and in line 24, after “actions;” insert “establishing a time period during which a certain person may object to a regulated sustainable energy contract; requiring that an objection made to a regulated sustainable energy contract be in writing and addressed to certain persons; prohibiting a regulated sustainable energy contract from becoming effective if certain requirements are met;”.

On page 2, in line 5, after “Act;” insert “prohibiting a lien imposed by a certain qualified contractor from taking priority over a lien, mortgage, deed of trust, or other security interest that is already attached to the property; prohibiting a party that holds a recorded mortgage or deed of trust on a certain property from being charged for any amount due on a certain regulated sustainable energy contract; requiring payment on a certain regulated sustainable energy contract to resume when the property subject to the regulated sustainable energy contract is sold or transferred to a certain person;”.

AMENDMENT NO. 2

On page 3, in line 9, after “**THAT**” insert “**:**”

(1);

and in line 10, after “**SUBTITLE**” insert “**;AND**”

(2) DOES NOT EXCEED \$30,000”.

(Over)

On page 4 in line 9 and on page 7 in line 7, strike “12-1049” and substitute “12-1029”.

On page 6, in line 5, strike “AND”; and in line 6, after “PROGRAM” insert “;AND

(3) NOTWITHSTANDING THE PROVISIONS IN THIS SUBTITLE, SHALL ENSURE THAT ANY FINANCING AUTHORIZED UNDER THIS SUBTITLE SHALL COMPLY WITH APPLICABLE PROVISIONS IN TITLE 12, SUBTITLES 1, 3, 4, 6, 9, AND 10 OF THE COMMERCIAL LAW ARTICLE”.

AMENDMENT NO. 3

On page 6, in line 11, strike “(B)” and substitute “(D)”; in line 12, after “PROPERTY” insert “EXPECTED TO BE”; strike beginning with the colon in line 13 down through “(II)” in line 17 and substitute a comma; strike beginning with “AT” in line 19 down through “EFFECTIVE” in line 20; in line 20, after “OF” insert “:

(I);

in line 20, after “THE” insert “EXPECTED”; in line 21, after “EXISTENCE” insert “AND TERMS”; in the same line, after “CONTRACT” insert “;AND

(II) THE RIGHT OF THE PARTY THAT HOLDS A RECORDED MORTGAGE OR DEED OF TRUST TO OBJECT TO THE CONTRACT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION”;

in line 22, after “(B)” insert “**(1) A PARTY THAT HOLDS A RECORDED MORTGAGE OR DEED OF TRUST ON PROPERTY THAT WOULD BE SUBJECT TO A REGULATED SUSTAINABLE ENERGY CONTRACT HAS 30 DAYS FROM RECEIPT OF THE NOTICE**

REQUIRED UNDER SUBSECTION (A)(2) OF THIS SECTION TO OBJECT TO THE CONTRACT.

(2) ANY OBJECTION TO THE CONTRACT ON THE PART OF A PARTY THAT HOLDS A RECORDED MORTGAGE OR DEED OF TRUST ON THE PROPERTY MUST BE IN WRITING AND ADDRESSED TO THE OWNER OF THE PROPERTY AND THE QUALIFIED CONTRACTOR.

(C) IF AN OBJECTION IS MADE UNDER SUBSECTION (B) OF THIS SECTION BY A PARTY THAT HOLDS A RECORDED MORTGAGE OR DEED OF TRUST ON THE PROPERTY, THE REGULATED SUSTAINABLE ENERGY CONTRACT MAY NOT BECOME EFFECTIVE AND IF EXECUTED SHALL BE VOID.

(D)”;

in line 29, after “(II)” insert “A REQUIREMENT THAT, IF THERE IS NO OBJECTION BY A PARTY THAT HOLDS A RECORDED MORTGAGE OR DEED OF TRUST, THE REGULATED SUSTAINABLE ENERGY CONTRACT BE RECORDED IN THE LAND RECORDS OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED;

(III)”;

and strike beginning with “AND” in line 29 down through “SECTION” in line 30.

On page 7, in line 1, strike “(III)” and substitute “(IV)”;

in line 19, strike “AND”;

and in line 25, after “PROPERTY” insert “; AND

(4) THE REGULATED SUSTAINABLE ENERGY CONTRACT HAS NOT BEEN OBJECTED TO UNDER § 9-20C-04(B) OF THIS SUBTITLE BY A PARTY THAT

(Over)

HOLDS A RECORDED MORTGAGE OR DEED OF TRUST ON THE PROPERTY THAT WOULD BE SUBJECT TO THE REGULATED SUSTAINABLE ENERGY CONTRACT".

On page 8, in line 3, strike "A" and substitute "SUBJECT TO § 9-20C-08 OF THIS SUBTITLE, A"; in line 14, strike "ARE" and substitute "IS"; in line 19, strike "A" and substitute "(A) (1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A"; and after line 25, insert:

"(2) A LIEN IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT TAKE PRIORITY OVER A LIEN, MORTGAGE, DEED OF TRUST, OR OTHER SECURITY INTEREST THAT IS ALREADY ATTACHED TO THE PROPERTY.

(B) IF A PROPERTY SUBJECT TO A REGULATED SUSTAINABLE ENERGY CONTRACT IS FORECLOSED UNDER TITLE 7, SUBTITLE 1 OF THE REAL PROPERTY ARTICLE, ANY DEFICIENCY DUE AS A RESULT OF A LIEN ARISING FROM THE REGULATED SUSTAINABLE ENERGY CONTRACT SHALL BE:

(1) ADDED TO THE TOTAL BALANCE DUE ON THE CONTRACT; AND

(2) SUBJECT TO PERIODIC PAYMENT AS PROVIDED IN THE CONTRACT.

(C) (1) IF A PARTY THAT HOLDS A RECORDED MORTGAGE OR DEED OF TRUST ON A PROPERTY SUBJECT TO A REGULATED SUSTAINABLE ENERGY CONTRACT ACQUIRES THE PROPERTY THROUGH FORECLOSURE, THE PARTY MAY NOT BE CHARGED FOR ANY AMOUNT DUE ON THE REGULATED SUSTAINABLE ENERGY CONTRACT.

(2) PAYMENT ON A REGULATED SUSTAINABLE ENERGY CONTRACT SHALL RESUME WHEN THE PROPERTY SUBJECT TO THE REGULATED SUSTAINABLE ENERGY CONTRACT IS SOLD OR TRANSFERRED TO A PERSON WHO IS NOT RELATED TO THE PERSON WHO HELD THE RECORDED MORTGAGE OR DEED OF TRUST WHEN THE PROPERTY WAS FORECLOSED.”.