

HB0702/600219/1

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 702

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Holmes” and substitute “Delegates Holmes, Parrott, Angel, Proctor, Anderton, Barve, Beidle, Cassilly, Clark, Flanagan, Folden, Fraser-Hidalgo, Frush, Healey, Jalisi, Lafferty, McCray, McMillan, Robinson, Stein, and Wivell”; in line 7, after “circumstances;” insert “requiring a secured party to send a copy of a certain petition to certain persons under certain circumstances;”; and strike beginning with “order” in line 9 down through “circumstances” in line 15 and substitute “grant a certain petition for leave to file an action for immediate foreclosure under certain circumstances; providing that, if a court grants a certain petition, certain foreclosure process provisions do not apply to an action to foreclose residential property found to be vacant and abandoned under certain circumstances; requiring a secured party to serve certain foreclosure documents in a certain manner under certain circumstances; requiring the Commissioner of Financial Regulation to adopt certain regulations; requiring a challenge to a certain finding regarding residential property being vacant and abandoned to be filed within a certain period of time; requiring a secured party to comply with certain foreclosure process provisions if a certain challenge is upheld”.

AMENDMENT NO. 2

On page 3, in line 14, after “**(2)**” insert “**ON FILING A PETITION UNDER THIS SECTION, THE SECURED PARTY SHALL SEND A COPY OF THE PETITION TO THE MORTGAGOR’S OR GRANTOR’S LAST KNOWN ADDRESS AND THE RECORD OWNER OF THE PROPERTY BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, AND FIRST-CLASS MAIL.**”

(3)”.

(Over)

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AMENDMENT NO. 3

On page 4, strike beginning with the colon in line 22 down through “**THE**” in line 23 and substitute “**THE**”; in line 23, strike “**OR**”; and strike in their entirety lines 24 through 29, inclusive, and substitute:

“(9) TWO OR MORE CITATIONS HAVE BEEN ISSUED BY A COUNTY OR MUNICIPAL CORPORATION AGAINST THE PROPERTY FOR FAILURE TO MAINTAIN THE PROPERTY AND A HEALTH AND SAFETY ISSUE EXISTS THAT HAS NOT BEEN RECTIFIED;”.

On pages 4 and 5, strike in their entirety the lines beginning with line 30 on page 4 through line 2 on page 5, inclusive, and substitute:

“(10) THE PROPERTY HAS BEEN CONDEMNED BY A COUNTY OR MUNICIPAL CORPORATION; OR”.

AMENDMENT NO. 4

On page 5, strike in their entirety lines 4 through 10, inclusive; in line 11, strike “**(F)**” and substitute “**(E) (1)**”; in line 14, strike the colon and substitute “**GRANT THE PETITION.**”; and strike in their entirety lines 15 through 25, inclusive, and substitute:

“(2) EXCEPT AS PROVIDED UNDER SUBSECTION (F) OF THIS SECTION, IF THE COURT GRANTS THE PETITION UNDER PARAGRAPH (1) OF THIS SUBSECTION, § 7-105.1 OF THIS SUBTITLE DOES NOT APPLY TO AN ACTION TO FORECLOSE A MORTGAGE OR DEED OF TRUST ON THE RESIDENTIAL PROPERTY THAT IS FOUND TO BE VACANT AND ABANDONED.

(F) (1) A SECURED PARTY FILING AN ORDER TO DOCKET OR COMPLAINT TO FORECLOSE BASED ON A PETITION GRANTED BY A COURT UNDER

SUBSECTION (E)(1) OF THIS SECTION SHALL SERVE THE FORECLOSURE DOCUMENTS, ACCOMPANIED BY THE DOCUMENT REQUIRED UNDER PARAGRAPH (4) OF THIS SUBSECTION, BY:

(I) PERSONAL DELIVERY OF THE PAPERS TO THE MORTGAGOR OR GRANTOR; OR

(II) LEAVING THE PAPERS WITH A RESIDENT OF SUITABLE AGE AND DISCRETION AT THE MORTGAGOR'S OR GRANTOR'S DWELLING HOUSE OR USUAL PLACE OF ABODE.

(2) IF AT LEAST TWO GOOD FAITH EFFORTS ON DIFFERENT DAYS TO SERVE THE MORTGAGOR OR GRANTOR UNDER PARAGRAPH (1) OF THIS SUBSECTION HAVE NOT SUCCEEDED, THE SECURED PARTY MAY EFFECT SERVICE BY:

(I) FILING AN AFFIDAVIT WITH THE COURT DESCRIBING THE GOOD FAITH EFFORTS TO SERVE THE MORTGAGOR OR GRANTOR; AND

(II) 1. MAILING A COPY OF ALL THE DOCUMENTS REQUIRED TO BE SERVED UNDER PARAGRAPH (1) OF THIS SUBSECTION BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, AND FIRST-CLASS MAIL TO THE MORTGAGOR'S OR GRANTOR'S LAST KNOWN ADDRESS AND, IF DIFFERENT, TO THE ADDRESS OF THE RESIDENTIAL PROPERTY SUBJECT TO THE MORTGAGE OR DEED OF TRUST; AND

2. POSTING A COPY OF ALL THE DOCUMENTS REQUIRED TO BE SERVED UNDER PARAGRAPH (1) OF THIS SUBSECTION IN A

(Over)

CONSPICUOUS PLACE ON THE RESIDENTIAL PROPERTY SUBJECT TO THE MORTGAGE OR DEED OF TRUST.

(3) THE INDIVIDUAL MAKING SERVICE OF DOCUMENTS UNDER THIS SUBSECTION SHALL FILE PROOF OF SERVICE WITH THE COURT IN ACCORDANCE WITH THE MARYLAND RULES.

(4) THE SERVICE OF DOCUMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE ACCOMPANIED BY A SEPARATE, CLEARLY MARKED NOTICE, IN THE FORM PRESCRIBED BY REGULATIONS ADOPTED BY THE COMMISSIONER OF FINANCIAL REGULATION, THAT STATES:

(I) THE SIGNIFICANCE OF THE ORDER TO DOCKET OR COMPLAINT TO FORECLOSE; AND

(II) THE RIGHT OF A RECORD OWNER OR OCCUPANT OF THE PROPERTY TO CHALLENGE THE FINDING THAT THE RESIDENTIAL PROPERTY IS VACANT AND ABANDONED.

(5) (I) A CHALLENGE TO THE FINDING THAT THE RESIDENTIAL PROPERTY IS VACANT AND ABANDONED SHALL BE FILED WITH THE COURT IN THE FORECLOSURE PROCEEDING NOT LATER THAN 20 DAYS AFTER SERVICE IS MADE UNDER THIS SUBSECTION.

(II) IF A TIMELY FILED CHALLENGE UNDER THIS SUBSECTION IS UPHeld, THE SECURED PARTY SHALL COMPLY WITH THE REQUIREMENTS OF § 7-105.1 OF THIS SUBTITLE.”.