

**HB0852/685860/1**

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 852

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 18, after “Department;” insert “prohibiting county or municipal governments from being required to pay any costs of the Program;”; in line 22, after “applications;” insert “requiring the Ombudsman to cancel the enrollment of a homeowner in the Program under certain circumstances; requiring the Ombudsman to send a certain notice to a homeowner whose enrollment in the Program is cancelled; providing that a homeowner’s enrollment in the Program ends on a certain date;”; in lines 23 and 27, in each instance, after “county” insert “or municipal corporation”; and in line 29, after “Department;” insert “requiring the Department to retain a lien on the dwelling of a homeowner whose enrollment in the Program is cancelled but prohibiting the Department from enforcing the lien until the ownership of the dwelling is transferred;”.

On page 2, in line 22, after “persons;” insert “prohibiting a homeowner or any interested party in a homeowner’s dwelling from raising a certain defense to an in rem foreclosure action by the Department or taking any legal action against the Department on a certain basis; providing that the Department is not liable for any environmental or other violation related to the dwelling of a homeowner enrolled or formerly enrolled in the Program unless the Department purchases the dwelling in a certain manner;”; strike beginning with “altering” in line 23 down through “Fund;” in line 27; in line 31, after “Fund;” insert “requiring the Governor to include in the annual budget bill an appropriation of a certain amount to the Fund for certain fiscal years;”; in the same line, after “used;” insert “prohibiting the Fund from being used for certain expenses of the office of the State Tax Sale Ombudsman;”; strike beginning with “prohibiting” in line 34 down through “Program;” in line 35; in line 39, after “the” insert “delayed”; and strike beginning with the second “providing” in line 39 down through “Act;” in line 40.

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On page 3, after line 6, insert:

“BY repealing and reenacting, with amendments,  
Article - Tax - Property  
Section 14-812(b)  
Annotated Code of Maryland  
(2019 Replacement Volume and 2020 Supplement)”;

in line 14, strike “6–226(a)(2)(ii)122. and 123.” and substitute “6–226(a)(2)(ii)127. and 128.”; in line 19, strike “6–226(a)(2)(ii)124.” and substitute “6–226(a)(2)(ii)129.”; and strike in their entirety lines 22 through 26, inclusive.

On page 3, after line 16, insert:

“(As enacted by Chapter 20 of the Acts of the General Assembly of 2020 and Chapters 4, 8, 25, 28, 33, and 36 of the Acts of the General Assembly of 2021)”.

AMENDMENT NO. 2

On page 5, in line 21, in each instance, strike “**WOULD**” and substitute “**COULD**”.

On page 7, in line 23, after “**COUNTY**” insert “**OR MUNICIPAL**”; and in line 24, strike “**HOMEOWNER PROTECTION**”.

On page 8, in lines 11, 14, 23, and 28, in each instance, after “**COUNTY**” insert “**OR MUNICIPAL CORPORATION**”.

AMENDMENT NO. 3

On page 8, after line 7, insert:

“(D) THE OMBUDSMAN SHALL CANCEL THE ENROLLMENT OF A HOMEOWNER IN THE PROGRAM IF:

(1) THE HOMEOWNER SUBMITS A REQUEST TO THE OMBUDSMAN TO WITHDRAW FROM THE PROGRAM;

(2) THE HOMEOWNER SUBMITTED FALSE INFORMATION IN THE HOMEOWNER’S APPLICATION FOR ENROLLMENT IN THE PROGRAM; OR

(3) THE OMBUDSMAN DETERMINES THAT THE HOMEOWNER IS NOT ACTING IN GOOD FAITH TO PAY THE TAXES DUE.

(E) IF THE OMBUDSMAN CANCELS THE ENROLLMENT OF A HOMEOWNER IN THE PROGRAM, THE OMBUDSMAN SHALL SEND A NOTICE OF THE CANCELLATION TO THE HOMEOWNER THAT INCLUDES THE REASONS FOR CANCELLATION.

(F) A HOMEOWNER’S ENROLLMENT IN THE PROGRAM ENDS ON THE EARLIEST OF:

(1) THE DATE THE HOMEOWNER PAYS THE FULL AMOUNT OF THE TAXES OWED TO THE DEPARTMENT;

(2) THE DATE THAT IS 3 YEARS AFTER THE DATE THE HOMEOWNER FIRST ENROLLED IN THE PROGRAM; OR

(3) THE DATE THE HOMEOWNER’S ENROLLMENT IN THE PROGRAM IS CANCELED UNDER SUBSECTION (D) OF THIS SECTION.”.

On page 9, in line 3, strike “OR ENTITY”; after line 3, insert:

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“(E) IF A HOMEOWNER’S ENROLLMENT IN THE PROGRAM IS CANCELED UNDER § 14–886(D) OF THIS PART, THE DEPARTMENT SHALL RETAIN A LIEN ON THE HOMEOWNER’S DWELLING FOR THE TAXES OWED TO THE DEPARTMENT BUT MAY NOT INITIATE ANY COLLECTION EFFORTS OR OTHERWISE ACT TO ENFORCE THE LIEN UNTIL OWNERSHIP OF THE DWELLING IS TRANSFERRED.”.

On page 10, in lines 25 and 28, in each instance, after “HOMEOWNER” insert “FORMERLY”.

AMENDMENT NO. 4

On page 13, after line 32, insert:

“(S) A HOMEOWNER OR ANY INTERESTED PARTY IN A HOMEOWNER’S DWELLING MAY NOT:

(1) RAISE AS A DEFENSE TO A FORECLOSURE ACTION UNDER THIS SECTION THAT THE DEPARTMENT FAILED TO MAKE SUFFICIENT EFFORTS TO ASSIST THE HOMEOWNER UNDER § 14–888(A) AND (B) OF THIS SUBTITLE OR SUBSECTION (C) OF THIS SECTION; OR

(2) TAKE ANY LEGAL ACTION AGAINST THE DEPARTMENT ON THE BASIS THAT THE DEPARTMENT FAILED TO MAKE SUFFICIENT EFFORTS TO ASSIST THE HOMEOWNER UNDER § 14–888(A) AND (B) OF THIS SUBTITLE OR SUBSECTION (C) OF THIS SECTION.

(T) THE DEPARTMENT IS NOT LIABLE FOR ANY ENVIRONMENTAL OR OTHER VIOLATION RELATED TO THE DWELLING OF A HOMEOWNER ENROLLED OR FORMERLY ENROLLED IN THE PROGRAM UNLESS THE DEPARTMENT PURCHASES THE DWELLING UNDER SUBSECTION (N)(3) OF THIS SECTION.”.

AMENDMENT NO. 5

On pages 14 through 16, strike in their entirety the lines beginning with line 1 on page 14 through line 22 on page 16, inclusive.

On page 16, in lines 27 and 28, strike “**HOMEOWNER PROTECTION**”.

On page 17, strike in their entirety lines 4 through 7, inclusive; in lines 8, 9, and 10, strike “**(3)**”, “**(4)**”, and “**(5)**”, respectively, and substitute “**(1)**”, “**(2)**”, and “**(3)**”, respectively; after line 11, insert:

**“(G) FOR EACH OF FISCAL YEARS 2023, 2024, AND 2025, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$750,000 TO THE FUND.”;**

in lines 12, 14, 18, and 20, strike “**(G)**”, “**(H)**”, “**(I)**”, and “**(J)**”, respectively, and substitute “**(H) (1)**”, “**(I)**”, “**(J)**”, and “**(K)**”, respectively; in line 13, strike “**HOMEOWNER PROTECTION**”; after line 13, insert:

**“(2) THE FUND MAY NOT BE USED FOR ANY EXPENSES OF THE OFFICE OF THE STATE TAX SALE OMBUDSMAN THAT ARE NOT DIRECTLY RELATED TO THE PROGRAM.”;**

in line 21, strike “**HOMEOWNER PROTECTION**”; and after line 21, insert:

**“Article – State Finance and Procurement**

6–226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by

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the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

127. the Michael Erin Busch Sports Fund; [and]

128. the Coordinated Community Supports Partnership Fund; AND

**129. THE HOMEOWNER PROTECTION FUND.**

AMENDMENT NO. 6

On page 17, in line 22, strike “3.” and substitute “2.”; in the same line, strike “2021” and substitute “2022”; in line 24, strike “2022” and substitute “2023”; in line 25, strike “estimated” and substitute “expected”; in line 26, strike “2” and substitute “1”; in line 28, strike “4.” and substitute “3.”; in line 29, strike “January” and substitute “July”; and strike line 30 in its entirety.

On page 18, strike line 1 in its entirety; in line 2, strike “6.” and substitute “4.”; in line 3, strike “Sections 4 and 5” and substitute “Section 3”; and in the same line, strike “2021” and substitute “2022”.