

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL NO. 31  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 3 through 6, inclusive, and substitute:

“FOR the purpose of requiring a plaintiff in an action to foreclose a right of redemption to send certain written notices of the proceeding in a certain manner to certain tenants of the property that is subject to the action; providing that the failure of a tenant to receive a certain notice does not invalidate a tax sale under certain circumstances; requiring the plaintiff in an action to foreclose a right of redemption to give tenants of the property certain written notice in a certain manner of the plaintiff’s intention to possess the property and that the tenant must vacate the property; prohibiting the plaintiff from executing on a writ for possession of the property for a certain period following the issuance of the judgment foreclosing the right of redemption; and generally relating to notice to tenants of a property subject to an action to foreclose a right of redemption.”.

AMENDMENT NO. 2

On page 2, in lines 26 and 27, strike “EACH TENANT OF THE SUBJECT PROPERTY AND” and substitute “:

1.”;

and in line 31, after “address” insert “; AND

2. EACH TENANT OF THE SUBJECT PROPERTY WHOSE IDENTITY IS KNOWN TO THE PLAINTIFF, AT THE TENANT'S LAST REASONABLY ASCERTAINABLE ADDRESS”.

On page 3, after line 5, insert:

(Over)

“(IV) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SUBSECTION, THE PLAINTIFF SHALL SEND WRITTEN NOTICE OF THE PROCEEDING TO ANY TENANT OF THE SUBJECT PROPERTY WHOSE OCCUPANCY OF THE PROPERTY IS REASONABLY ASCERTAINABLE BY THE PLAINTIFF, WHETHER OR NOT THE TENANT’S IDENTITY IS KNOWN:

1. BY FIRST-CLASS MAIL, POSTAGE PREPAID, BEARING A POSTMARK FROM THE UNITED STATES POSTAL SERVICE ADDRESSED TO THE TENANT BY NAME IF THE IDENTITY OF THE TENANT IS KNOWN TO THE PLAINTIFF, AND ADDRESSED TO “OCCUPANT” IF THE IDENTITY OF THE TENANT IS NOT KNOWN;

2. TO EACH SEPARATELY LEASED AREA OF THE PROPERTY THAT THE PLAINTIFF CAN REASONABLY ASCERTAIN IS OCCUPIED;

3. IN AN ENVELOPE PROMINENTLY MARKED ON THE OUTSIDE WITH THE FOLLOWING PHRASE “NOTICE OF ACTION TO FORECLOSE”; AND

4. ACCOMPANIED BY A COPY OF THE COMPLAINT.

(V) A NOTICE TO TENANTS UNDER THIS PARAGRAPH SHALL INCLUDE THE FOLLOWING STATEMENT IN CONSPICUOUS, BOLD-FACED PRINT:

“IF THE UNPAID TAXES, TOGETHER WITH COSTS AND EXPENSES, ARE NOT PAID, THE COURT MAY ENTER A JUDGMENT FORECLOSING THE RIGHT OF REDEMPTION THAT WOULD TERMINATE YOUR LEASE AND RIGHT TO OCCUPY THE PROPERTY. YOU HAVE THE RIGHT TO PAY THE UNPAID TAXES, TOGETHER WITH COSTS AND EXPENSES, AND AVOID LEASE TERMINATION AND EVICTION. A JUDGMENT FORECLOSING THE RIGHT OF REDEMPTION COULD BE ENTERED WITHIN THE NEXT 90 DAYS AND AT THAT TIME YOU COULD BE EVICTED OR REQUIRED TO VACATE THE PROPERTY.”;

in line 7, after “interest” insert “OR A TENANT”; and after line 8, insert:

“(6) FURTHER NOTICE OF THE PROCEEDING SHALL BE REQUIRED BY POSTING OF THE PROPERTY IN ACCORDANCE WITH APPLICABLE MARYLAND RULES OF PROCEDURE.

(7) (I) SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, AFTER ISSUANCE OF THE JUDGMENT FORECLOSING RIGHT OF REDEMPTION AND AT LEAST 30 DAYS BEFORE TAKING POSSESSION OF THE PROPERTY, THE PLAINTIFF SHALL GIVE ANY TENANT OF THE PROPERTY WRITTEN NOTICE OF THE PLAINTIFF'S INTENTION TO OBTAIN POSSESSION OF THE PROPERTY AND THAT THE TENANT MUST VACATE THE PROPERTY WITHIN 30 DAYS AFTER THE NOTICE.

(II) DURING THE 30-DAY PERIOD IMMEDIATELY FOLLOWING ISSUANCE OF THE JUDGMENT FORECLOSING THE RIGHT OF REDEMPTION, THE PLAINTIFF MAY APPLY FOR, PROCESS, AND OBTAIN, BUT NOT EXECUTE UPON A WRIT FOR POSSESSION OF THE PROPERTY.

(III) THE NOTICE SHALL BE SENT:

1. BY FIRST-CLASS MAIL, POSTAGE PREPAID, BEARING A POSTMARK FROM THE UNITED STATES POSTAL SERVICE ADDRESSED TO THE TENANT BY NAME IF THE IDENTITY OF THE TENANT IS KNOWN TO THE PLAINTIFF, AND ADDRESSED TO "OCCUPANT" IF THE IDENTITY OF THE TENANT IS NOT KNOWN;

2. TO EACH SEPARATELY LEASED AREA OF THE PROPERTY THAT THE PLAINTIFF CAN REASONABLY ASCERTAIN IS OCCUPIED; AND

3. IN AN ENVELOPE PROMINENTLY MARKED ON THE OUTSIDE WITH THE FOLLOWING PHRASE "NOTICE OF TAKING POSSESSION OF PROPERTY".