

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 1030

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “to” insert “apply to”; in line 5, strike “amount” and substitute “amount, certain back rents, if required,”; in line 6, strike “issue” and substitute “post a certain notice on its website for a certain period of time before issuing”; in line 9, after “located;” insert “providing that recordation of the certificate conclusively vests a certain fee simple title in the tenant;”; in line 10, after “by” insert “filing a claim,”; in the same line, strike “documentation” and substitute “documentation,”; and in line 11, after “Department;” insert “providing a procedure for resolving certain disputes over the amount of payment of a certain redemption; limiting the liability of the Department to the payment of a certain redemption amount and back rent;”.

AMENDMENT NO. 2

On page 2, in line 14, strike “ISSUANCE OF” and substitute “APPLICATION FOR”; in the same line, strike “CERTIFICATE”; and in line 24, after “RENTS” insert “REDEEMED IN ACCORDANCE WITH § 8-110 OF THE REAL PROPERTY ARTICLE”.

On page 4, in line 1, after “REQUESTED,” insert “AND BY FIRST-CLASS MAIL”; in line 35, strike “IF A” and substitute “A”; and in the same line, after “TENANT” insert “WHO”.

On pages 4 and 5, strike beginning with “AND” in line 36 on page 4 down through “TENANT” in line 1 on page 5.

On page 5, in line 1, after “MAY” insert “APPLY TO THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION TO”; in line 6, after the semicolon insert “AND”; in line 8, strike “; AND” and substitute a period; after line 8, insert:

“(3) (I) ON RECEIPT OF THE ITEMS STATED IN PARAGRAPH (2) OF THIS SUBSECTION, THE DEPARTMENT SHALL POST NOTICE ON ITS WEBSITE THAT

(Over)

APPLICATION HAS BEEN MADE TO REDEEM THE GROUND RENT.

(II) THE NOTICE SHALL REMAIN POSTED FOR AT LEAST 90 DAYS.

(4) NO EARLIER THAN 90 DAYS AFTER THE APPLICATION HAS BEEN POSTED AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE TENANT SHALL PROVIDE TO THE DEPARTMENT:";

in line 9, strike "(III)" and substitute "(I)"; in the same line, after "AMOUNT" insert "AND UP TO 3 YEARS' BACK RENT TO THE EXTENT REQUIRED UNDER THIS SECTION AND § 8-111.1 OF THIS SUBTITLE,";

in line 10, after "DEPARTMENT" insert "; AND

(II) AN AFFIDAVIT MADE BY THE TENANT, IN THE FORM ADOPTED BY THE DEPARTMENT, CERTIFYING THAT:

1. THE TENANT HAS NOT RECEIVED A BILL FOR GROUND RENT DUE OR OTHER COMMUNICATION FROM THE LANDLORD REGARDING THE GROUND RENT DURING THE 3 YEARS IMMEDIATELY BEFORE THE FILING OF THE DOCUMENTATION REQUIRED FOR THE ISSUANCE OF A REDEMPTION CERTIFICATE UNDER THIS SUBSECTION; OR

2. THE LAST PAYMENT FOR GROUND RENT WAS MADE TO THE LANDLORD IDENTIFIED IN THE AFFIDAVIT AND SENT TO THE SAME ADDRESS WHERE THE NOTICE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION WAS SENT.

(5) AT ANY TIME, THE TENANT MAY SUBMIT TO THE DEPARTMENT NOTICE THAT THE TENANT IS NO LONGER SEEKING REDEMPTION UNDER THIS SUBSECTION";

in lines 11, 14, 17, 23, 27, 29, and 31, strike "(3)", "(4)", "(5)", "(6)", "(7)", "(8)", and "(9)", respectively, and substitute "(6)", "(7)", "(8)", "(11)", "(12)", "(13)", and "(14)", respectively; in line 12, after "AMOUNT" insert "AND 3 YEARS' BACK RENT TO THE EXTENT REQUIRED UNDER THIS SECTION AND § 8-111.1 OF THIS SUBTITLE"; in the same line, strike "REQUIRED UNDER THIS SUBSECTION"; in line 14, after "EFFECTIVE" insert "TO CONCLUSIVELY VEST A FEE SIMPLE TITLE IN THE TENANT, FREE AND CLEAR OF

ANY AND ALL RIGHT, TITLE, OR INTEREST OF THE LANDLORD, ANY LIEN OF A CREDITOR OF THE LANDLORD, AND ANY PERSON CLAIMING BY, THROUGH, OR UNDER THE LANDLORD"; in line 17, after "LANDLORD" insert ", ANY CREDITOR OF THE LANDLORD, OR ANY OTHER PERSON CLAIMING BY, THROUGH, OR UNDER THE LANDLORD"; in the same line, after "MAY" insert "FILE A CLAIM WITH THE DEPARTMENT IN ORDER TO"; in the same line, after "COLLECT" insert "ALL, OR ANY PORTION OF,"; in the same line, after "AMOUNT" insert "AND 3 YEARS' BACK RENT TO THE EXTENT REQUIRED UNDER THIS SECTION AND § 8-111.1 OF THIS SUBTITLE"; in line 20, strike "LANDLORD'S OWNERSHIP" and substitute "CLAIMANT'S"; and after line 22, insert:

"(9) IN THE EVENT OF A DISPUTE REGARDING THE PAYMENT BY THE DEPARTMENT TO ANY PERSON OF ALL OR ANY PORTION OF THE COLLECTED REDEMPTION AMOUNT AND UP TO 3 YEARS' BACK RENT TO THE EXTENT REQUIRED BY THIS SECTION AND § 8-111.1 OF THIS SUBTITLE, THE DEPARTMENT MAY:

(I) FILE AN INTERPLEADER ACTION IN THE CIRCUIT COURT OF THE COUNTY WHERE THE PROPERTY IS LOCATED; OR

(II) REIMBURSE THE LANDLORD FROM THE FUND ESTABLISHED IN § 1-203.3 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.

(10) THE DEPARTMENT IS NOT LIABLE FOR ANY SUM RECEIVED BY THE DEPARTMENT THAT EXCEEDS THE SUM OF:

(I) THE REDEMPTION AMOUNT; AND

(II) UP TO 3 YEARS' BACK RENT TO THE EXTENT REQUIRED BY THIS SECTION AND § 8-111.1 OF THIS SUBTITLE."