

HOUSE BILL 1006

N1

9lr2867
CF 9lr3016

By: **Delegates V. Clagett, Anderson, Beidle, Bobo, Cane, Cardin, Carr, Doory, Glenn, Healey, Holmes, Hucker, Lafferty, Manno, Niemann, Rosenberg, Stein, and Weir**

Introduced and read first time: February 13, 2009

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Community Land Trusts**

3 FOR the purpose of exempting a certain lease of residential real property from the
4 statutory right to redeem a lease, including a ground lease, by a tenant if a
5 certain community land trust is the lessor and the lease grants the lessor
6 certain preemptive rights to purchase the lessee's interest or the lease contains
7 certain restrictions on the transfer of the property; exempting a certain lease of
8 residential real property from the statutory right to convert an irredeemable
9 ground rent if a community land trust is the lessor and the lease contains
10 certain conditions; exempting a certain lease of residential real property from a
11 prohibition on creating a reversionary interest in the property under a ground
12 lease under certain conditions if a community land trust is the lessor and the
13 lease contains certain conditions; establishing that a certain ground lease or
14 ground sublease of which a community land trust is the lessor may not be
15 considered a lease or sublease subject to the payment of a periodic ground rent;
16 establishing that in a certain lease or sublease of which a community land trust
17 is the lessor a certain provision relating to the payment of a periodic ground
18 rent is unenforceable; providing that the inclusion of such a provision in the
19 lease or sublease does not affect the validity of other provisions; establishing
20 that a certain right of indemnification in a certain lease may not be considered
21 to be a provision that subjects the property to the payment of a periodic ground
22 rent; providing that such an indemnification clause is fully enforceable under
23 applicable law; providing that the right to file a lien for the nonpayment of a
24 ground rent applies to the right to file a lien for the nonpayment of a ground
25 lease holder indemnity; providing for the payment to the ground rent holder of
26 the proceeds if the subject property of the community land trust is sold at a
27 foreclosure sale; exempting a lease of residential real property from the
28 requirements of a certain registry of ground leases if a community land trust is
29 the lessor and the lease contains certain conditions; altering certain definitions;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 defining certain terms; making technical changes; and generally relating to
2 community land trusts.

3 BY repealing and reenacting, with amendments,
4 Article – Real Property
5 Section 8–110(a), (b), (c), (d), (e), and (f)(1) and (4), 8–110.1(a) and (b), 8–111.2,
6 8–402.3(a), (n), and (o), 8–701, and 8–702(b)
7 Annotated Code of Maryland
8 (2003 Replacement Volume and 2008 Supplement)

9 BY repealing and reenacting, without amendments,
10 Article – Real Property
11 Section 8–402.3(b) and (c) and 8–702(a)
12 Annotated Code of Maryland
13 (2003 Replacement Volume and 2008 Supplement)

14 BY adding to
15 Article – Real Property
16 Section 8–111.3
17 Annotated Code of Maryland
18 (2003 Replacement Volume and 2008 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Real Property**

22 8–110.

23 (a) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
24 MEANINGS INDICATED.

25 (2) “COMMUNITY LAND TRUST” MEANS AN ENTITY ORGANIZED OR
26 OPERATED TO PROVIDE OR FACILITATE THE PROVISION OF DECENT,
27 AFFORDABLE HOUSING TO LOW-INCOME INDIVIDUALS AND MODERATE-INCOME
28 INDIVIDUALS THAT IS:

29 (I) A NONPROFIT ORGANIZATION EXEMPT FROM TAXATION
30 UNDER § 501(C)(2), (3), OR (4) OF THE INTERNAL REVENUE CODE; OR

31 (II) AN AGENCY, AUTHORITY, BOARD, COMMISSION,
32 COUNCIL, OFFICE, OR OTHER UNIT OR INSTRUMENTALITY OF THE GOVERNMENT
33 OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE.

1 **(3) “LOW-INCOME INDIVIDUAL” MEANS A MEMBER OF A**
2 **HOUSEHOLD WITH A HOUSEHOLD INCOME THAT DOES NOT EXCEED 80 PERCENT**
3 **OF THE AREA MEDIAN INCOME FOR A HOUSEHOLD OF THE SAME SIZE.**

4 **(4) “MODERATE-INCOME INDIVIDUAL” MEANS A MEMBER OF A**
5 **HOUSEHOLD WITH A HOUSEHOLD INCOME THAT DOES NOT EXCEED 140**
6 **PERCENT OF THE AREA MEDIAN INCOME FOR A HOUSEHOLD OF THE SAME SIZE.**

7 **(B) (1)** This section does not apply to leases of property leased for
8 business, commercial, manufacturing, mercantile, or industrial purposes or any other
9 purpose which is not primarily residential, where the term of the lease, including all
10 renewals provided for, does not exceed 99 years. A lease of the entire property
11 improved or to be improved by any apartment, condominium, cooperative, or other
12 building for multiple-family use on the property constitutes a business and not a
13 residential purpose. The term “multiple-family use” does not apply to any duplex or
14 single-family structure converted to a multiple-dwelling unit.

15 **(2)** Except as provided in subsection (f) of this section, this section does
16 not apply to irredeemable leases executed before April 9, 1884.

17 **(3)** This section does not apply to leases of the ground or site upon
18 which dwellings or mobile homes are erected or placed in a mobile home development
19 or mobile home park.

20 **(4) THIS SECTION DOES NOT APPLY TO A LEASE OF RESIDENTIAL**
21 **PROPERTY THE LESSOR OF WHICH IS A COMMUNITY LAND TRUST IF THE LEASE:**

22 **(I) GRANTS THE LESSOR A PREEMPTIVE RIGHT TO**
23 **PURCHASE THE LESSEE’S INTEREST IN THE PROPERTY OR, IF SEPARATELY**
24 **CONVEYED, IN ANY IMPROVEMENTS ON THE PROPERTY; OR**

25 **(II) CONTAINS LANGUAGE RESTRICTING THE TRANSFER,**
26 **SUBLEASE, OR ASSIGNMENT OF THE PROPERTY WITH REGARD TO:**

27 **1. POTENTIAL TRANSFEREES, SUBLESSEES, OR**
28 **ASSIGNEES OF THE PROPERTY; AND**

29 **2. THE PRICE AT WHICH THE PROPERTY MAY BE**
30 **TRANSFERRED.**

31 **[(b)] (C) (1)** Except for apartment and cooperative leases, any reversion
32 reserved in a lease for longer than 15 years is redeemable at any time, at the option of
33 the tenant, after 30 days’ notice to the landlord. Notice shall be given by certified mail,
34 return receipt requested, and by first-class mail to the last known address of the
35 landlord.

1 (2) The reversion is redeemable:

2 (i) For a sum equal to the annual rent reserved multiplied by:

3 1. 25, which is capitalization at 4 percent, if the lease
4 was executed from April 8, 1884 to April 5, 1888, both inclusive;

5 2. 8.33, which is capitalization at 12 percent, if the lease
6 was or is created after July 1, 1982; or

7 3. 16.66, which is capitalization at 6 percent, if the lease
8 was created at any other time;

9 (ii) For a lesser sum if specified in the lease; or

10 (iii) For a sum to which the parties may agree at the time of
11 redemption.

12 [(c)] (D) If a tenant has power to redeem the reversion from a trustee or
13 other person who does not have a power of sale, the reversion nevertheless may be
14 redeemed in accordance with the procedures prescribed in the Maryland Rules.

15 [(d)] (E) Notwithstanding subsection [(b)] (C) of this section, any regulatory
16 changes made by a federal agency, instrumentality, or subsidiary, including the
17 Department of Housing and Urban Development, the Federal Housing
18 Administration, the Government National Mortgage Association, the Federal National
19 Mortgage Association, and the Veterans' Administration, shall be applicable to
20 redemption of reversions of leases for longer than 15 years.

21 [(e)] (F) (1) Before the entry of a judgment foreclosing an owner's right
22 of redemption, a reversion in a ground rent or lease for 99 years renewable forever
23 held on abandoned property in Baltimore City, as defined in § 14-817 of the Tax –
24 Property Article, may be donated to Baltimore City or, at the option of Baltimore City,
25 to an entity designated by Baltimore City.

26 (2) Valuation of the donation of a reversionary interest pursuant to
27 this subsection shall be in accordance with subsection [(b)] (C) of this section.

28 [(f)] (G) (1) (i) A tenant who has given the landlord notice in
29 accordance with subsection [(b)] (C) of this section may apply to the State Department
30 of Assessments and Taxation to redeem a ground rent as provided in this subsection.

31 (ii) When the Mayor and City Council of Baltimore City
32 condemns property that is subject to an irredeemable ground rent, the City shall
33 become the tenant of the ground rent and, after giving the landlord notice in
34 accordance with subsection [(b)] (C) of this section, may apply to the State

1 Department of Assessments and Taxation to extinguish the ground rent as provided in
2 this subsection.

3 (iii) When the Mayor and City Council of Baltimore City
4 condemns abandoned or distressed property that is subject to a redeemable ground
5 rent, the City shall become the tenant of the ground rent and, after giving the landlord
6 notice in accordance with subsection [(b)] (C) of this section, may apply to the State
7 Department of Assessments and Taxation to redeem the ground rent as provided in
8 this subsection.

9 (4) Except as provided in paragraph (5) of this subsection, no earlier
10 than 90 days after the application has been posted as provided in paragraph (3) of this
11 subsection, a tenant seeking to redeem a ground rent shall provide to the Department:

12 (i) Payment of the redemption amount and up to 3 years' back
13 rent to the extent required under this section and § 8–111.1 of this subtitle, in a form
14 satisfactory to the Department; and

15 (ii) An affidavit made by the tenant, in the form adopted by the
16 Department, certifying that:

17 1. The tenant has not received a bill for ground rent due
18 or other communication from the landlord regarding the ground rent during the 3
19 years immediately before the filing of the documentation required for the issuance of a
20 redemption certificate under this subsection; or

21 2. The last payment for ground rent was made to the
22 landlord identified in the affidavit and sent to the same address where the notice
23 required under subsection [(b)] (C) of this section was sent.

24 8–110.1.

25 (a) (1) In this section the following words have the meanings indicated.

26 (2) **“COMMUNITY LAND TRUST” HAS THE MEANING STATED IN §**
27 **8–110 OF THIS SUBTITLE.**

28 (3) **“Ground lease”** means a residential lease or sublease for a term of
29 years renewable forever subject to the payment of a periodic ground rent.

30 [(3)] (4) (i) **“Ground lease holder”** means the holder of the
31 reversionary interest under a ground lease.

32 (ii) **“Ground lease holder”** includes an agent of the ground lease
33 holder.

1 [(4)] (5) “Ground rent” means a rent issuing out of, or collectible in
2 connection with, the reversionary interest under a ground lease.

3 [(5)] (6) “Irredeemable ground rent” means a ground rent created
4 under a ground lease executed before April 9, 1884, that does not contain a provision
5 allowing the leasehold tenant to redeem the ground rent.

6 [(6)] (7) “Leasehold interest” means the tenancy in real property
7 created under a ground lease.

8 [(7)] (8) “Leasehold tenant” means the holder of the leasehold
9 interest under a ground lease.

10 [(8)] (9) “Redeemable ground rent” means a ground rent that may be
11 redeemed in accordance with this section or redeemed or extinguished in accordance
12 with § 8–110(g) of this subtitle.

13 (b) (1) This section applies to residential property that is or was used,
14 intended to be used, or authorized to be used for four or fewer dwelling units.

15 (2) This section does not apply to property:

16 (i) Leased for business, commercial, manufacturing, mercantile,
17 or industrial purposes, or any other purpose that is not primarily residential;

18 (ii) Improved or to be improved by any apartment,
19 condominium, cooperative, or other building for multifamily use of greater than four
20 dwelling units; [or]

21 (iii) Leased for dwellings or mobile homes that are erected or
22 placed in a mobile home development or mobile home park; **OR**

23 (iv) **LEASED FOR RESIDENTIAL PURPOSES IF THE LESSOR IS**
24 **A COMMUNITY LAND TRUST AND THE LEASE:**

25 1. **GRANTS THE LESSOR A PREEMPTIVE RIGHT TO**
26 **PURCHASE THE LESSEE’S INTEREST IN THE PROPERTY OR, IF SEPARATELY**
27 **CONVEYED, IN ANY IMPROVEMENTS ON THE PROPERTY; OR**

28 2. **CONTAINS LANGUAGE RESTRICTING THE**
29 **TRANSFER, SUBLEASE, OR ASSIGNMENT OF THE PROPERTY WITH REGARD TO:**

30 A. **POTENTIAL TRANSFEREES, SUBLESSEES, OR**
31 **ASSIGNEES OF THE PROPERTY; AND**

1 **B. THE PRICE AT WHICH THE PROPERTY MAY BE**
2 **TRANSFERRED.**

3 8-111.2.

4 (a) **IN THIS SECTION, “COMMUNITY LAND TRUST” HAS THE MEANING**
5 **STATED IN § 8-110 OF THIS SUBTITLE.**

6 **(B)** This section does not apply to property:

7 (1) Leased for business, commercial, manufacturing, mercantile, or
8 industrial purposes, or any other purpose that is not primarily residential;

9 (2) Improved or to be improved by any apartment, condominium,
10 cooperative, or other building for multifamily use of greater than four dwelling units;
11 [or]

12 (3) Leased for dwellings or mobile homes that are erected or placed in
13 a mobile home development or mobile home park; **OR**

14 (4) **LEASED FOR RESIDENTIAL PURPOSES IF THE LESSOR IS A**
15 **COMMUNITY LAND TRUST AND THE LEASE:**

16 **(I) GRANTS THE LESSOR A PREEMPTIVE RIGHT TO**
17 **PURCHASE THE LESSEE’S INTEREST IN THE PROPERTY OR, IF SEPARATELY**
18 **CONVEYED, IN ANY IMPROVEMENTS ON THE PROPERTY; OR**

19 **(II) CONTAINS LANGUAGE RESTRICTING THE TRANSFER,**
20 **SUBLEASE, OR ASSIGNMENT OF THE PROPERTY WITH REGARD TO:**

21 **1. POTENTIAL TRANSFEREES, SUBLESSEES, OR**
22 **ASSIGNEES OF THE PROPERTY; AND**

23 **2. THE PRICE AT WHICH THE PROPERTY MAY BE**
24 **TRANSFERRED.**

25 [(b)] **(C)** On or after January 22, 2007, the owner of a fee simple or
26 leasehold estate in residential property that is or was used, intended to be used, or
27 authorized to be used for four or fewer dwelling units may not create a reversionary
28 interest in the property under a ground lease or a ground sublease for a term of years
29 renewable forever subject to the payment of a periodic ground rent.

30 **8-111.3.**

1 (A) **IN THIS SECTION, “COMMUNITY LAND TRUST” HAS THE MEANING**
2 **STATED IN § 8–110 OF THIS SUBTITLE.**

3 (B) **THIS SECTION APPLIES TO A GROUND LEASE OR GROUND SUBLEASE**
4 **OF WHICH A COMMUNITY LAND TRUST IS THE LESSOR OR SUBLESSOR.**

5 (C) (1) **A GROUND LEASE OR GROUND SUBLEASE UNDER THIS**
6 **SECTION IS NOT CONSIDERED TO BE A LEASE OR SUBLEASE SUBJECT TO THE**
7 **PAYMENT OF A PERIODIC GROUND RENT.**

8 (2) **ANY PROVISION OF A LEASE OR SUBLEASE UNDER THIS**
9 **SECTION THAT PURPORTS TO SUBJECT THE PROPERTY TO THE PAYMENT OF A**
10 **PERIODIC GROUND RENT IS UNENFORCEABLE.**

11 (3) **THE INCLUSION OF A PROVISION DESCRIBED IN PARAGRAPH**
12 **(2) OF THIS SUBSECTION IN A GROUND LEASE OR GROUND SUBLEASE DOES NOT**
13 **AFFECT THE VALIDITY OF ANY OTHER PROVISION IN THE GROUND LEASE OR**
14 **GROUND SUBLEASE.**

15 (D) **A PROVISION IN A GROUND LEASE OR GROUND SUBLEASE THAT**
16 **PROVIDES FOR THE INDEMNIFICATION OF THE LESSOR OR SUBLESSOR FOR THE**
17 **PAYMENT OF PROPERTY TAXES, PUBLIC OR PRIVATE ASSESSMENTS, UTILITY**
18 **CHARGES, OR ANY OTHER COSTS IMPOSED ON OR CHARGED TO THE GROUND**
19 **LEASE HOLDER THAT, IN THE ABSENCE OF A GROUND LEASE, WOULD HAVE**
20 **BEEN IMPOSED ON OR CHARGED TO THE LEASEHOLD TENANT IF THE**
21 **LEASEHOLD TENANT HELD THE PROPERTY IN FEE SIMPLE:**

22 (1) **MAY NOT BE CONSIDERED TO BE A PROVISION SUBJECTING**
23 **THE PROPERTY TO THE PAYMENT OF A PERIODIC GROUND RENT; AND**

24 (2) **IS FULLY ENFORCEABLE UNDER APPLICABLE LAW.**

25 8–402.3.

26 (a) (1) **In this section the following words have the meanings indicated.**

27 (2) **“COMMUNITY LAND TRUST” HAS THE MEANING STATED IN §**
28 **8–110 OF THIS TITLE.**

29 (3) **“Ground lease” means a residential lease or sublease for a term of**
30 **years:**

31 (I) **[renewable] RENEWABLE forever subject to the payment of**
32 **a periodic ground rent; OR**

1 **(II) IN WHICH THE LESSOR OR SUBLESSOR IS A COMMUNITY**
2 **LAND TRUST.**

3 [[3]] **(4)** (i) “Ground lease holder” means the holder of the
4 reversionary interest under a ground lease.

5 (ii) “Ground lease holder” includes an agent of the ground lease
6 holder.

7 **(5) “GROUND LEASE HOLDER INDEMNITY” MEANS AN AMOUNT OF**
8 **MONEY ISSUING OUT OF, OR COLLECTIBLE IN CONNECTION WITH, A PROVISION**
9 **IN A GROUND LEASE HELD BY A COMMUNITY LAND TRUST THAT PROVIDES FOR**
10 **THE LEASEHOLD TENANT TO INDEMNIFY THE GROUND LEASE HOLDER FOR:**

11 **(I) PROPERTY TAXES;**

12 **(II) PUBLIC OR PRIVATE ASSESSMENTS;**

13 **(III) UTILITY CHARGES; OR**

14 **(IV) ANY OTHER COSTS IMPOSED ON OR CHARGED TO THE**
15 **GROUND LEASE HOLDER THAT, IN THE ABSENCE OF A GROUND LEASE, WOULD**
16 **HAVE BEEN IMPOSED ON OR CHARGED TO THE LEASEHOLD TENANT IF THE**
17 **LEASEHOLD TENANT HELD THE PROPERTY IN FEE SIMPLE.**

18 [[4]] **(6)** **(I)** “Ground rent” means a rent issuing out of, or
19 collectible in connection with, the reversionary interest under a ground lease.

20 **(II) EXCEPT AS OTHERWISE PROVIDED, “GROUND RENT”**
21 **INCLUDES GROUND RENT HOLDER INDEMNITY.**

22 [[5]] **(7)** “Leasehold interest” means the tenancy in real property
23 created under a ground lease.

24 [[6]] **(8)** “Leasehold tenant” means the holder of the leasehold
25 interest under a ground lease.

26 [[7]] **(9)** “Property” means property subject to a ground lease against
27 which a lien is intended to be imposed under this section.

28 (b) (1) This section applies to residential property that is or was used,
29 intended to be used, or authorized to be used for four or fewer dwelling units.

30 (2) This section does not apply to property:

1 (i) Leased for business, commercial, manufacturing, mercantile,
2 or industrial purposes, or any other purpose that is not primarily residential;

3 (ii) Improved or to be improved by any apartment,
4 condominium, cooperative, or other building for multifamily use of greater than four
5 dwelling units; or

6 (iii) Leased for dwellings or mobile homes that are erected or
7 placed in a mobile home development or mobile home park.

8 (c) (1) Notwithstanding any provision of a ground lease giving the ground
9 lease holder the right to reenter, the establishment of a lien under this section is the
10 remedy for nonpayment of a ground rent.

11 (2) This section does not affect the right of a ground lease holder to
12 bring a civil action against the leasehold tenant seeking a money judgment for the
13 amount of the past due ground rent.

14 (n) (1) A lien under this section may be enforced and foreclosed by the
15 party who obtained the lien in the same manner and subject to the same
16 requirements, as the foreclosure of a mortgage or deed of trust containing neither a
17 power of sale nor an assent to decree.

18 (2) A foreclosure sale may not be made if, at any time before the sale,
19 the lien is satisfied and the costs of giving notice of the sale are paid.

20 (3) If the property subject to the lien is sold at a foreclosure sale, the
21 ground lease holder shall be paid out of the proceeds of the sale:

22 (i) For a redeemable ground rent **BUT NOT FOR A GROUND**
23 **RENT HOLDER INDEMNITY**, the amount of the lien and the redemption amount
24 under § 8–110(b)(2) of this title and the purchaser shall take title to the property free
25 and clear of the ground lease; and

26 (ii) For an irredeemable ground rent **OR FOR A GROUND RENT**
27 **HOLDER INDEMNITY**, the amount of the lien and the purchaser shall take title to the
28 property subject to the ground lease.

29 (o) If the lienholder cannot be located, the lien may be satisfied and the
30 redeemable ground rent, **BUT NOT A GROUND RENT HOLDER INDEMNITY, MAY BE**
31 redeemed in accordance with § 8–110(g) of this title by paying the amount of the lien
32 and the amount set forth in § 8–110(g)(4) of this title.

33 8–701.

34 (a) In this subtitle the following words have the meanings indicated.

1 (b) **“COMMUNITY LAND TRUST” HAS THE MEANING STATED IN § 8-110**
2 **OF THIS TITLE.**

3 (c) “Department” means the State Department of Assessments and Taxation.

4 [(c)] (D) “Current ground rent deed of record” means the document that
5 vests title to the reversionary interest in the current ground lease holder.

6 [(d)] (E) “Ground lease” means a residential lease or sublease for a term of
7 years renewable forever subject to the payment of a periodic ground rent.

8 [(e)] (F) (1) “Ground lease holder” means the holder of the reversionary
9 interest under a ground lease.

10 (2) “Ground lease holder” includes an agent of the ground lease holder.

11 [(f)] (G) “Ground rent” means a rent issuing out of, or collectible in
12 connection with, the reversionary interest under a ground lease.

13 [(g)] (H) “Leasehold interest” means the tenancy in real property created
14 under a ground lease.

15 [(h)] (I) “Leasehold tenant” means the holder of the leasehold interest
16 under a ground lease.

17 8-702.

18 (a) This subtitle applies to residential property that was or is used, intended
19 to be used, or authorized to be used for four or fewer dwelling units.

20 (b) This subtitle does not apply to property:

21 (1) Leased for business, commercial, manufacturing, mercantile, or
22 industrial purposes, or any other purpose that is not primarily residential;

23 (2) Improved or to be improved by any apartment, condominium,
24 cooperative, or other building for multifamily use of greater than four dwelling units;
25 [or]

26 (3) Leased for dwellings or mobile homes that are erected or placed in
27 a mobile home development or mobile home park; **OR**

28 (4) **LEASED FOR RESIDENTIAL PURPOSES IF THE LESSOR IS A**
29 **COMMUNITY LAND TRUST AND THE LEASE:**

1 **(I) GRANTS THE LESSOR A PREEMPTIVE RIGHT TO**
2 **PURCHASE THE LESSEE'S INTEREST IN THE PROPERTY OR, IF SEPARATELY**
3 **CONVEYED, IN ANY IMPROVEMENTS ON THE PROPERTY; OR**

4 **(II) CONTAINS LANGUAGE RESTRICTING THE TRANSFER,**
5 **SUBLEASE, OR ASSIGNMENT OF THE PROPERTY WITH REGARD TO:**

6 **1. POTENTIAL TRANSFEREES, SUBLESSEES, OR**
7 **ASSIGNEES OF THE PROPERTY; AND**

8 **2. THE PRICE AT WHICH THE PROPERTY MAY BE**
9 **TRANSFERRED, SUBLET, OR ASSIGNED.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2009.