

HB0177/860212/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 177

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after “date;” insert “requiring the Department to prepare a certain Deed of Redemption that contains certain information; establishing the cost of recording a Deed of Redemption; requiring the clerk to forward a copy of a recorded Deed of Redemption to the Department;”; in line 12, after “effect;” insert “requiring the Department, on request of a ground lease holder or leasehold tenant, to cause to be filed in the land records of the county in which a certain ground lease extinguishment certificate was filed, a certain notice that the extinguishment has been invalidated by a certain court decision and that the underlying leasehold interest remains in full force and effect; providing for the construction of this Act;”; in line 16, strike “8-711,”; and in line 22, strike “and 8-703” and substitute “8-703, and 8-711”.

On page 2, in line 6, after “8-707” insert “, 8-710,”.

AMENDMENT NO. 2

On page 6, in line 10, strike “**SEEKING A MONEY JUDGMENT FOR THE AMOUNT OF ANY GROUND RENT DUE**” and substitute “**TO ENFORCE ANY RIGHTS THE GROUND LEASE HOLDER MAY HAVE UNDER THE GROUND LEASE**”.

AMENDMENT NO. 3

On page 7, after line 27, insert:

8-710.

(A) THE DEPARTMENT SHALL PREPARE A ONE-PAGE DEED OF REDEMPTION THAT CONTAINS THE FOLLOWING INFORMATION:

(Over)

(1) THE ADDRESS AND TAX IDENTIFICATION NUMBER OF THE PROPERTY FOR WHICH THE GROUND LEASE WAS CREATED;

(2) THE NAME AND ADDRESS OF THE GROUND LEASE HOLDER;

(3) THE NAME AND ADDRESS OF THE LEASEHOLD TENANT;

(4) THE AMOUNT OF THE GROUND RENT INSTALLMENTS;

(5) THE AMOUNT OF THE REDEMPTION;

(6) A STATEMENT FROM THE SELLER GIVING A SPECIAL WARRANTY DEED;

(7) AN ACKNOWLEDGEMENT UNDER § 4-204 OF THIS ARTICLE;
AND

(8) (I) THE LIBER AND FOLIO INFORMATION FOR THE CURRENT GROUND RENT DEED OF RECORD; OR

(II) A STATEMENT UNDER OATH THAT THE CURRENT GROUND RENT OWNER HAS COLLECTED THE GROUND RENT FOR MORE THAN 20 YEARS WITHOUT PROTEST OR DISPUTE FROM ANY PERSON.

(B) (1) THE FEE FOR RECORDING A DEED OF REDEMPTION IS \$10.

(2) NO TAXES, STAMPS, RECORDING FEES, OR OTHER CHARGES MAY BE COLLECTED FOR RECORDING A DEED OF REDEMPTION OTHER THAN THE FEE STATED IN PARAGRAPH (1) OF THIS SUBSECTION.

(3) THE CLERK OF THE COUNTY IN WHICH THE DEED OF REDEMPTION IS RECORDED SHALL FORWARD A COPY OF THE DEED OF REDEMPTION TO THE DEPARTMENT.”;

in line 28, strike the brackets; and in the same line, strike “8-710.”.

AMENDMENT NO. 4

On page 9, after line 21, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That, if a ground lease extinguishment certificate issued under § 8-708 of the Real Property Article, as it existed immediately before the effective date of this Act, was filed in the land records, on request of the ground lease holder or the leasehold tenant, the State Department of Assessments and Taxation shall cause to be filed in the land records of the appropriate county a notice that states “The Certificate of Ground Lease Extinguishment, recorded (insert the appropriate month, day, and year) has been invalidated by the Maryland Court of Appeals pursuant to its holding in Muskin v. State Department of Assessments and Taxation, 422 Md. 544 (2011) and the underlying leasehold interest remains in full force and effect unless otherwise redeemed under applicable Maryland law.”.

AMENDMENT NO. 5

On page 9, before line 22, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That this Act may not be construed to prohibit a ground lease holder who registers a ground lease under § 8-704 of the Real Property Article, as enacted by Section 1 of this Act, after the effective date of this Act from collecting ground rent payments or taking any other action to enforce any rights under the ground lease, subject to § 8-111.1 of the Real Property Article, after the ground lease is registered.”;

(Over)

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and in line 22, strike “3.” and substitute “5.”.