

SENATE BILL 512

N1, C5

EMERGENCY BILL

9lr1685

By: **Senators Ellis, Augustine, Bailey, Beidle, Benson, Carozza, Carter, Elfreth, Feldman, Ferguson, Griffith, Guzzone, Hayes, Hester, Jennings, Kagan, King, Klausmeier, Kramer, Lam, Lee, McCray, Miller, Nathan–Pulliam, Patterson, Peters, Pinsky, Reilly, Rosapepe, Smith, Waldstreicher, Washington, West, Young, Zirkin, and Zucker**

Introduced and read first time: February 4, 2019

Assigned to: Finance and Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Government Shutdowns – Employees – Protections**

3 FOR the purpose of prohibiting a public service company from terminating electric or gas
4 service to certain residential customers for nonpayment on certain days; authorizing
5 the Public Service Commission to adopt certain regulations; requiring a certain court
6 to stay certain proceedings for the foreclosure or repossession of certain residential
7 property for a certain period of time under certain circumstances; defining a certain
8 term; making this Act an emergency measure; and generally relating to protections
9 for government employees subject to a government shutdown.

10 BY adding to

11 Article – Public Utilities

12 Section 7–307.4

13 Annotated Code of Maryland

14 (2010 Replacement Volume and 2018 Supplement)

15 BY repealing and reenacting, without amendments,

16 Article – Real Property

17 Section 7–105.1(a)(1) and (8) and 8–401(a)

18 Annotated Code of Maryland

19 (2015 Replacement Volume and 2018 Supplement)

20 BY adding to

21 Article – Real Property

22 Section 7–105.1(b–1) and 8–401(b–1)

23 Annotated Code of Maryland

24 (2015 Replacement Volume and 2018 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Public Utilities**

4 **7–307.4.**

5 (A) IN THIS SECTION, “ELIGIBLE RESIDENTIAL CUSTOMER” MEANS A
6 RESIDENTIAL ELECTRIC OR GAS CUSTOMER WHO IS:

7 (1) EMPLOYED BY THE FEDERAL OR STATE GOVERNMENT OR A LOCAL
8 GOVERNMENT IN THE STATE; AND

9 (2) FURLOUGHED FROM WORK BECAUSE OF A GOVERNMENT
10 SHUTDOWN, REGARDLESS OF WHETHER THE EMPLOYEE IS REQUIRED TO REPORT
11 TO WORK DURING THE FURLOUGH.

12 (B) A PUBLIC SERVICE COMPANY MAY NOT TERMINATE ELECTRIC OR GAS
13 SERVICE TO AN ELIGIBLE RESIDENTIAL CUSTOMER FOR NONPAYMENT ON A DAY
14 THAT THE FURLOUGH IS IN EFFECT OR FOR 7 DAYS AFTER THE FURLOUGH HAS
15 ENDED.

16 (C) THE COMMISSION MAY ADOPT REGULATIONS TO IMPLEMENT THIS
17 SECTION.

18 **Article – Real Property**

19 **7–105.1.**

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

21 (8) “Owner–occupied residential property” means residential property in
22 which at least one unit is occupied by an individual who:

23 (i) Has an ownership interest in the property; and

24 (ii) Uses the property as the individual’s primary residence.

25 (B–1) (1) THIS SUBSECTION APPLIES ONLY TO AN ACTION FOR THE
26 FORECLOSURE OF A MORTGAGE OR DEED OF TRUST ON AN OWNER–OCCUPIED
27 RESIDENTIAL PROPERTY.

28 (2) NOTWITHSTANDING ANY OTHER LAW, THE COURT SHALL STAY
29 THE PROCEEDINGS IF THE DEFENDANT PRESENTS EVIDENCE SATISFACTORY TO THE

1 COURT THAT THE DEFENDANT IS:

2 (I) AN EMPLOYEE OF THE FEDERAL OR STATE GOVERNMENT
3 OR AN EMPLOYEE OF A LOCAL GOVERNMENT IN THE STATE; AND

4 (II) CURRENTLY FURLOUGHED FROM WORK BECAUSE OF A
5 GOVERNMENT SHUTDOWN, REGARDLESS OF WHETHER THE EMPLOYEE IS REQUIRED
6 TO REPORT TO WORK DURING THE FURLOUGH.

7 (3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A
8 STAY UNDER THIS SUBSECTION SHALL BE GRANTED FOR A TIME THAT THE COURT
9 CONSIDERS REASONABLE.

10 (II) A STAY UNDER THIS SUBSECTION MAY NOT BE GRANTED
11 FOR A PERIOD THAT ENDS MORE THAN 30 DAYS AFTER THE END OF THE
12 GOVERNMENT SHUTDOWN WITHOUT A SHOWING OF SUFFICIENT CAUSE BY A PARTY
13 TO THE ACTION.

14 8-401.

15 (a) Whenever the tenant or tenants fail to pay the rent when due and payable, it
16 shall be lawful for the landlord to have again and repossess the premises.

17 (B-1) (1) THIS SUBSECTION APPLIES ONLY TO AN ACTION FOR THE
18 REPOSSESSION OF RESIDENTIAL PROPERTY.

19 (2) NOTWITHSTANDING ANY OTHER LAW, THE COURT SHALL STAY
20 THE PROCEEDING IF THE TENANT OR AN OCCUPANT OF THE PROPERTY THAT IS THE
21 SUBJECT OF THE PROCEEDING PRESENTS EVIDENCE SATISFACTORY TO THE COURT
22 THAT THE OCCUPANT:

23 (I) USES THE PROPERTY AS THE INDIVIDUAL'S PRIMARY
24 RESIDENCE;

25 (II) IS AN EMPLOYEE OF THE FEDERAL OR STATE GOVERNMENT
26 OR AN EMPLOYEE OF A LOCAL GOVERNMENT IN THE STATE; AND

27 (III) IS CURRENTLY FURLOUGHED FROM WORK BECAUSE OF A
28 GOVERNMENT SHUTDOWN, REGARDLESS OF WHETHER THE EMPLOYEE IS REQUIRED
29 TO REPORT TO WORK DURING THE FURLOUGH.

30 (3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A
31 STAY UNDER THIS SUBSECTION SHALL BE GRANTED FOR A TIME THAT THE COURT
32 CONSIDERS REASONABLE.

1 **(II) A STAY UNDER THIS SUBSECTION MAY NOT BE GRANTED**
2 **FOR A PERIOD THAT ENDS MORE THAN 30 DAYS AFTER THE END OF THE**
3 **GOVERNMENT SHUTDOWN WITHOUT A SHOWING OF SUFFICIENT CAUSE BY A PARTY**
4 **TO THE ACTION.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
6 measure, is necessary for the immediate preservation of the public health or safety, has
7 been passed by a yea and nay vote supported by three-fifths of all the members elected to
8 each of the two Houses of the General Assembly, and shall take effect from the date it is
9 enacted.