

HB0031/762710/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 31
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Rental Assistance Programs” and substitute “**Special Funds – Prohibited Lease Provisions**”; in line 5, strike “equally”; in line 6, strike “rental assistance programs” and substitute “special funds”; in line 8, after “proceedings” insert “under certain circumstances; prohibiting a landlord from including in a residential lease a provision that provides that a tenant is responsible for, or requires a tenant to agree to be responsible for, payment of a certain surcharge under certain circumstances; prohibiting a landlord from seeking a certain surcharge under certain circumstances in the landlord’s written complaint to repossess residential property filed in the District Court; establishing the Rental Assistance Special Fund as a special, nonlapsing fund; specifying the purpose of the Fund, requiring the Maryland Department of Housing and Community Development to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; requiring interest earnings of the Fund to be credited to the Fund; exempting the Fund from a certain provision of law requiring interest earnings on State money to accrue to the General Fund of the State; defining a certain term”; in the same line, after the first “to” insert “court”; in the same line, strike “rental assistance”; in line 9, strike “programs” and substitute “special funds”; and after line 14, insert:

“BY repealing and reenacting, with amendments,

Article - Real Property

Section 8–208(d)(7) and (8) and 8–401(b)(1)

Annotated Code of Maryland

(2015 Replacement Volume and 2020 Supplement)

(Over)

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BY adding to

Article - Real Property
Section 8-208(d)(9) and 8-217
Annotated Code of Maryland
(2015 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,

Article - Real Property
Section 8-401(a)
Annotated Code of Maryland
(2015 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,

Article - State Finance and Procurement
Section 6-226(a)(2)(i)
Annotated Code of Maryland
(2015 Replacement Volume and 2020 Supplement)
(As enacted by Chapter 20 of the Acts of the General Assembly of 2020 and
Chapters 4, 8, 25, 28, 33, and 36 of the Acts of the General Assembly of
2021)

BY repealing and reenacting, with amendments,

Article - State Finance and Procurement
Section 6-226(a)(2)(ii)128. and 129.
Annotated Code of Maryland
(2015 Replacement Volume and 2020 Supplement)
(As enacted by Chapter 20 of the Acts of the General Assembly of 2020 and
Chapters 4, 8, 25, 28, 33, and 36 of the Acts of the General Assembly of
2021)

BY adding to

Article - State Finance and Procurement

Section 6–226(a)(2)(ii)130.
Annotated Code of Maryland
(2015 Replacement Volume and 2020 Supplement)
(As enacted by Chapter 20 of the Acts of the General Assembly of 2020 and
Chapters 4, 8, 25, 28, 33, and 36 of the Acts of the General Assembly of
2021)”.

AMENDMENT NO. 2

On page 2, in line 1, strike “**EQUALLY**”; strike beginning with “**AND**” in line 2 down through “**STATE**” in line 3; in line 9, strike “; and” and substitute “**WHICH SHALL BE DEPOSITED AS FOLLOWS:**”

A. \$30 INTO THE RENTAL ASSISTANCE SPECIAL FUND;

B. \$30 INTO THE RIGHT TO COUNSEL IN EVICTIONS SPECIAL FUND; AND

C. \$8 INTO THE MARYLAND LEGAL SERVICES CORPORATION FUND ESTABLISHED UNDER § 11–401 OF THE HUMAN SERVICES ARTICLE; OR”;

in line 10, strike “\$18” and substitute “**\$28**”; in the same line, strike “; and” and substitute “**WHICH SHALL BE DEPOSITED INTO THE MARYLAND LEGAL SERVICES CORPORATION FUND ESTABLISHED UNDER § 11–402 OF THE HUMAN SERVICES ARTICLE; AND**”

(II) IF ASSESSED UNDER ITEM (I)1 OF THIS PARAGRAPH, SHALL BE ASSESSED AGAINST A LANDLORD AND MAY NOT BE AWARDED OR

ASSIGNED BY THE DISTRICT COURT AS A FEE OR COST AGAINST A RESIDENTIAL TENANT FOR THE FIRST THREE SURCHARGES ASSESSED IN A YEAR.”;

and strike in their entirety lines 11 through 15, inclusive.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 8 through 10, inclusive; in line 11, strike the brackets; in the same line, strike “(6)”; and after line 12, insert:

“Article – Real Property

8–208.

(d) A landlord may not use a lease or form of lease containing any provision that:

(7) Is against public policy and void pursuant to § 8–105 of this title;
[or]

(8) Permits a landlord to commence an eviction proceeding or issue a notice to quit solely as retaliation against any tenant for planning, organizing, or joining a tenant organization with the purpose of negotiating collectively with the landlord; OR

(9) PROVIDES THAT A TENANT IS, OR REQUIRES A TENANT TO AGREE TO BE, RESPONSIBLE FOR THE FIRST THREE PAYMENTS OF A FILING SURCHARGE ASSESSED IN A YEAR AGAINST THE LANDLORD BY THE DISTRICT COURT UNDER § 7–301(C)(2)(I)1 OF THE COURTS ARTICLE.

8–217.

(A) IN THIS SECTION, "FUND" MEANS THE RENTAL ASSISTANCE SPECIAL FUND.

(B) THERE IS A RENTAL ASSISTANCE SPECIAL FUND.

(C) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDING TO NONPROFIT ORGANIZATIONS THAT WORK IN THE AREA OF RENT ASSISTANCE TO PAY THE BACK RENT FOR INDIVIDUALS FACING A POTENTIAL RESIDENTIAL RENTAL PROPERTY EVICTION.

(D) THE MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT SHALL ADMINISTER THE FUND.

(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(F) THE FUND CONSISTS OF:

(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND; AND

(3) INTEREST EARNINGS OF THE FUND.

(G) THE FUND MAY BE USED ONLY FOR RENTAL ASSISTANCE AND PAYING BACK RENT FOR INDIVIDUALS FACING A POTENTIAL RESIDENTIAL RENTAL PROPERTY EVICTION.

(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

(I) EXPENDITURES FROM THE FUND MAY ONLY BE MADE IN ACCORDANCE WITH THE STATE BUDGET.

(J) MONEY EXPENDED FROM THE FUND FOR THE ASSISTANCE DESCRIBED UNDER SUBSECTION (G) OF THIS SECTION IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR THE ASSISTANCE.

8-401.

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

(b) (1) Whenever any landlord shall desire to repossess any premises to which the landlord is entitled under the provisions of subsection (a) of this section, the landlord or the landlord's duly qualified agent or attorney shall file the landlord's written complaint under oath or affirmation, in the District Court of the county wherein the property is situated:

(i) Describing in general terms the property sought to be repossessed;

(ii) Setting forth the name of each tenant to whom the property is rented or any assignee or subtenant;

(iii) Stating the amount of rent and any late fees due and unpaid, less the amount of any utility bills, fees, or security deposits paid by a tenant under § 7-309 of the Public Utilities Article;

(iv) Requesting to repossess the premises and, if requested by the landlord, a judgment for the amount of rent due, costs, **EXCLUDING THE FIRST THREE SURCHARGES ASSESSED IN A YEAR AGAINST THE LANDLORD UNDER § 7-301(C)(2)(I)1 OF THE COURTS ARTICLE**, and any late fees, less the amount of any utility bills, fees, or security deposits paid by a tenant under § 7-309 of the Public Utilities Article;

(v) If applicable, stating that, to the best of the landlord's knowledge, the tenant is deceased, intestate, and without next of kin; and

(vi) If the property to be repossessed is an affected property as defined in § 6-801 of the Environment Article, stating that the landlord has registered the affected property as required under § 6-811 of the Environment Article and renewed the registration as required under § 6-812 of the Environment Article and:

1. A. If the current tenant moved into the property on or after February 24, 1996, stating the inspection certificate number for the inspection conducted for the current tenancy as required under § 6-815(c) of the Environment Article; or

B. On or after February 24, 2006, stating the inspection certificate number for the inspection conducted for the current tenancy as required under § 6-815(c), § 6-817(b), or § 6-819(f) of the Environment Article; or

(Over)

2. Stating that the owner is unable to provide an inspection certificate number because:

A. The owner has requested that the tenant allow the owner access to the property to perform the work required under Title 6, Subtitle 8 of the Environment Article;

B. The owner has offered to relocate the tenant in order to allow the owner to perform work if the work will disturb the paint on the interior surfaces of the property and to pay the reasonable expenses the tenant would incur directly related to the relocation; and

C. The tenant has refused to allow access to the owner or refused to vacate the property in order for the owner to perform the required work.

Article – State Finance and Procurement

6–226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

128. the Michael Erin Busch Sports Fund; [and]

129. the Coordinated Community Supports Partnership
Fund; AND

130. THE RENTAL ASSISTANCE SPECIAL FUND.”.