

HB1312/892718/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1312

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**COVID-19 Eviction and Housing Relief Act of 2021**” and substitute “**Landlord and Tenant – Eviction Actions – Catastrophic Health Emergencies**”; strike beginning with “Department” in line 3 down through “constables,” in line 4 and substitute “Maryland Judiciary”; and in line 6, after “actions;” insert “requiring the Maryland Judiciary to report to the Governor and the General Assembly on or before a certain date;”.

On pages 1 and 2, strike beginning with “requiring” in line 6 on page 1 down through “Act;” in line 34 on page 2 and substitute “establishing that a substantial loss of income due to a declared catastrophic health emergency is an affirmative defense to certain eviction actions under certain circumstances; prohibiting a court from entering a judgment for possession or repossession, or warrant for restitution of possession or repossession against a tenant if the tenant can demonstrate a substantial loss of income under certain circumstances; prohibiting a landlord from increasing the rent payment of a tenant or charging a tenant certain fees during a catastrophic health emergency under certain circumstances; defining certain terms; providing for the application of this Act; providing for the construction of certain provisions of this Act;”; and in line 35, strike “residential evictions” and substitute “eviction actions and catastrophic health emergencies”.

On page 2, strike beginning with “BY” in line 36 down through “Supplement)” in line 41; and in line 44, strike “7-114, 8-401(b-2), 8-406, 8-407, and 8A-1101(c)” and substitute “8-901 to be under the new subtitle “Subtitle 9. Eviction Data and Reporting Requirements”; and 8-1001 through 8-1004 to be under the new subtitle “Subtitle 10. Catastrophic Health Emergencies and Residential Leases””.

(Over)

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On page 3, strike in their entirety lines 2 through 6, inclusive.

AMENDMENT NO. 2

On page 3, in line 9, strike “Article – Housing and Community Development” and substitute “Article – Real Property”; after line 9, insert:

“SUBTITLE 9. EVICTION DATA AND REPORTING REQUIREMENTS.”;

in line 10, strike “~~2-302.~~” and substitute “8-901.”; in line 15, strike “THE REAL PROPERTY ARTICLE” and substitute “THIS ARTICLE”; in line 16, after “PREMISES” insert “IN BALTIMORE CITY AND IN EACH COUNTY OF THE STATE”; strike beginning with “DEPARTMENT” in line 20 down through “PROPERTY,” in line 23 and substitute “MARYLAND JUDICIARY”; in line 24, after “PUBLISH” insert “THE EVICTION DATA EVERY 2 WEEKS”; in the same line, strike “DEPARTMENT’S” and substitute “MARYLAND JUDICIARY’S”; in the same line, strike “, EVICTION DATA”; in line 25, strike “DEPARTMENT” and substitute “MARYLAND JUDICIARY”; and strike beginning with the colon in line 25 on page 3 down through “WEBSITE” in line 30 and substitute “REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE EVICTION DATA ON OR BEFORE AUGUST 31 EACH YEAR WITH THE FIRST REPORT DUE ON OR BEFORE AUGUST 31, 2022”.

AMENDMENT NO. 3

On page 4, after line 5, insert:

“SUBTITLE 10. CATASTROPHIC HEALTH EMERGENCIES AND RESIDENTIAL LEASES.

8-1001.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “CATASTROPHIC HEALTH EMERGENCY” HAS THE MEANING STATED IN §14-3A-01 OF THE PUBLIC SAFETY ARTICLE.

(C) “EVICT” MEANS TO TAKE ANY ACTION, JUDICIAL OR NONJUDICIAL, TO INITIATE, MAINTAIN, OR ENFORCE THE REMOVAL OF A TENANT FROM RESIDENTIAL PROPERTY.

(D) “SUBSTANTIAL LOSS OF INCOME” MEANS A SUBSTANTIAL LOSS OF INCOME RESULTING FROM A CATASTROPHIC HEALTH EMERGENCY PROCLAMATION, INCLUDING A SUBSTANTIAL LOSS OF INCOME DUE TO JOB LOSS, REDUCTION IN COMPENSATED HOURS OF WORK, CLOSURE OF PLACE OF EMPLOYMENT, OR THE NEED TO MISS WORK TO CARE FOR A HOME-BOUND, SCHOOL-AGE CHILD.

(E) “TENANT” INCLUDES ANY INDIVIDUAL OCCUPYING LAND OR PROPERTY RENTED FROM A LANDLORD.

8-1002.

THIS SUBTITLE APPLIES ONLY TO RESIDENTIAL LEASES.

8-1003.

(A) (1) A TENANT MAY RAISE A SUBSTANTIAL LOSS OF INCOME AS AN AFFIRMATIVE DEFENSE IN AN EVICTION PROCEEDING DURING A CATASTROPHIC HEALTH EMERGENCY.

(Over)

(2) IF THE CATASTROPHIC HEALTH EMERGENCY HAS BEEN DECLARED FOR 60-179 CONSECUTIVE DAYS, THE TENANT MAY RAISE A SUBSTANTIAL LOSS OF INCOME AS AN AFFIRMATIVE DEFENSE IN AN EVICTION PROCEEDING FOR UP TO 3 MONTHS FOLLOWING THE CATASTROPHIC HEALTH EMERGENCY.

(3) IF THE CATASTROPHIC HEALTH EMERGENCY HAS BEEN DECLARED FOR 180 CONSECUTIVE DAYS OR LONGER, THE TENANT MAY RAISE A SUBSTANTIAL LOSS OF INCOME AS AN AFFIRMATIVE DEFENSE IN AN EVICTION PROCEEDING FOR UP TO 6 MONTHS FOLLOWING THE CATASTROPHIC HEALTH EMERGENCY.

(B) NOTWITHSTANDING § 8-401 OF THIS TITLE, A COURT MAY NOT ISSUE ANY JUDGMENT FOR POSSESSION OR REPOSSESSION, OR WARRANT FOR RESTITUTION OF POSSESSION OR REPOSSESSION OF RESIDENTIAL PROPERTY, IF A TENANT CAN DEMONSTRATE TO THE COURT, THROUGH DOCUMENTATION OR OTHER OBJECTIVELY VERIFIABLE MEANS, THAT:

(1) THE TENANT HAS SUFFERED A SUBSTANTIAL LOSS OF INCOME;
AND

(2) DUE TO THE SUBSTANTIAL LOSS OF INCOME, THE TENANT IS UNABLE TO PAY RENT OR UTILITY FEES OR WILL BE HOMELESS IF THE TENANT IS EVICTED.

(C) NOTWITHSTANDING § 8-402.1 OF THIS TITLE, A COURT MAY NOT ISSUE ANY JUDGMENT FOR POSSESSION OR REPOSSESSION, OR WARRANT FOR RESTITUTION OF POSSESSION OR REPOSSESSION OF RESIDENTIAL PROPERTY, IF

THE TENANT CAN DEMONSTRATE TO THE COURT, THROUGH DOCUMENTATION OR OTHER OBJECTIVELY VERIFIABLE MEANS, THAT:

(1) THE TENANT HAS SUFFERED A SUBSTANTIAL LOSS OF INCOME;
AND

(2) THE ALLEGED BREACH OF LEASE WAS CAUSED BY OR RELATED TO THE TENANT'S SUBSTANTIAL LOSS OF INCOME.

(D) THIS SECTION MAY NOT BE CONSTRUED TO:

(1) INTERFERE WITH OR HAVE ANY EFFECT ON THE PROVISIONS OF §§ 8-401 AND 8-402.1 OF THIS TITLE, EXCEPT AS SPECIFICALLY PROVIDED IN THIS SECTION; OR

(2) RELIEVE ANY PERSON OF ANY OBLIGATION TO MAKE PAYMENTS OR TO COMPLY WITH ANY OTHER OBLIGATION THAT THE PERSON MAY HAVE UNDER A LEASE.

8-1004.

DURING A CATASTROPHIC HEALTH EMERGENCY, A LANDLORD MAY NOT:

(1) INCREASE THE RENT PAYMENT OF A TENANT; OR

(2) CHARGE A TENANT A FINE OR FEE FOR THE NONPAYMENT OR LATE PAYMENT OF RENT, INCLUDING LATE FEES, ADMINISTRATIVE FEES RELATED TO RENT, COLLECTION FEES, COURT COSTS NOT AWARDED BY A COURT, OR LIQUIDATED OR OTHER DAMAGES FOR NONPAYMENT OR LATE PAYMENT OF RENT.”.

(Over)

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AMENDMENT NO. 4

On pages 3 through 21, strike in their entirety the lines beginning with line 31 on page 3 through line 11 on page 21, inclusive.

On page 21, in line 12, strike “17.” and substitute “2.”; and strike beginning with “except” in line 15 down through “Act,” in line 16.