

HB1312/638776/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1312
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 44, after “to” insert “a”; and in line 45, strike “actions” and substitute “action”.

On page 3, in line 3, after “circumstances;” insert “prohibiting certain landlords, for a certain period of time, from providing a tenant a certain notice or from filing a complaint in the District Court to evict a tenant holding over; prohibiting a landlord from filing a complaint to evict a tenant holding over during a catastrophic health emergency and for a certain period of time after the expiration or termination of the catastrophic health emergency, except under certain circumstances;”; and in line 17, strike “8-1004” and substitute “8-1005”.

AMENDMENT NO. 2

On page 4, in line 1, strike “AND CENSUS TRACT”; and in line 10, strike “WEEKS” and substitute “MONTHS”.

On page 5, strike in their entirety lines 3 through 5, inclusive, and substitute:

“(C) “RENTAL ASSISTANCE” MEANS FUNDS THAT ARE APPROPRIATED BY THE STATE, A LOCAL GOVERNMENT, OR THE FEDERAL GOVERNMENT FOR A LANDLORD OR TENANT IN RESPONSE TO A CATASTROPHIC HEALTH EMERGENCY WITH THE EXCLUSIVE PURPOSE OF CURING THE TENANT’S ARREARS UNDER A RESIDENTIAL LEASE AGREEMENT.”;

in line 11, after “PROPERTY” insert “, UNDER A CLAIM OF RIGHT,”; in line 17, strike “AN EVICTION PROCEEDING” and substitute “A FAILURE TO PAY RENT”

(Over)

PROCEEDING UNDER § 8-401 OF THIS TITLE"; in lines 21 and 22, strike "AN EVICTION PROCEEDING" and substitute "A FAILURE TO PAY RENT PROCEEDING UNDER § 8-401 OF THIS TITLE"; in lines 26 and 27, strike "AN EVICTION PROCEEDING" and substitute "A FAILURE TO PAY RENT PROCEEDING UNDER § 8-401 OF THIS TITLE"; and in line 32, after "COURT" insert "BY A PREPONDERANCE OF THE EVIDENCE".

On page 6, strike in their entirety lines 6 through 14, inclusive; in line 15, strike "(D)" and substitute "(C)"; in line 17, strike "§§ 8-401 AND 8-402.1" and substitute "§ 8-401"; in line 23, after "EMERGENCY," insert "IF A TENANT HAS DEMONSTRATED A SUBSTANTIAL LOSS OF INCOME,"; in line 24, strike "A" and substitute "THE"; in line 25, strike the first "A" and substitute "THE"; and after line 28, insert:

"8-1005.

(A) THIS SECTION APPLIES ONLY DURING A CATASTROPHIC HEALTH EMERGENCY AND IF THE STATE, THE LOCAL GOVERNMENT, OR THE FEDERAL GOVERNMENT HAS ESTABLISHED A PROGRAM TO PROVIDE RENTAL ASSISTANCE IN THE JURISDICTION WHERE THE LEASED PREMISES IS LOCATED.

(B) THIS SECTION MAY NOT BE CONSTRUED TO:

(1) INTERFERE WITH OR HAVE ANY EFFECT ON THE PROVISIONS OF § 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.

(C) A LANDLORD WHO RECEIVES RENTAL ASSISTANCE TO CURE A TENANT'S ARREARS MAY NOT, WITHIN 120 DAYS AFTER THE LANDLORD RECEIVES THE RENTAL ASSISTANCE:

(1) PROVIDE THE TENANT NOTICE TO QUIT UNDER § 8-402(B) OF THIS TITLE; OR

(2) FILE A COMPLAINT IN THE DISTRICT COURT TO EVICT THE TENANT UNDER § 8-402 OF THIS TITLE.

(D) DURING A CATASTROPHIC HEALTH EMERGENCY AND WITHIN 30 DAYS AFTER THE EXPIRATION OR TERMINATION OF THE CATASTROPHIC HEALTH EMERGENCY PROCLAMATION, A LANDLORD MAY NOT FILE A COMPLAINT IN THE DISTRICT COURT TO EVICT A TENANT UNDER § 8-402 OF THIS TITLE, UNLESS:

(1) THE LANDLORD ACCEPTED RENTAL ASSISTANCE PAYMENTS TO CURE A TENANT'S ARREARS AND MORE THAN 120 DAYS HAVE PASSED AFTER THE LANDLORD RECEIVED THE RENTAL ASSISTANCE;

(2) THE LANDLORD OR THE TENANT APPLIED IN GOOD FAITH FOR RENTAL ASSISTANCE AND RECEIVED A DETERMINATION OF INELIGIBILITY TO RECEIVE RENTAL ASSISTANCE;

(3) THE TENANT REFUSED TO APPLY FOR RENTAL ASSISTANCE AND REFUSED TO COOPERATE WITH THE LANDLORD IN APPLYING FOR RENTAL ASSISTANCE;

(4) THE LANDLORD, IN GOOD FAITH, SEEKS TO RECOVER POSSESSION OF THE LEASED PREMISES FOR USE AS A PRIMARY RESIDENCE BY

(Over)

THE LANDLORD OR THE LANDLORD'S SPOUSE, CHILD, PARENT, OR GRANDPARENT;

(5) THE LANDLORD, IN GOOD FAITH, SEEKS TO PERMANENTLY REMOVE THE LEASED PREMISES FROM THE RENTAL MARKET; OR

(6) THE LANDLORD SEEKS TO UNDERTAKE SUBSTANTIAL REPAIRS OR RENOVATIONS TO THE LEASED PREMISE THAT CANNOT BE COMPLETED WHILE THE RESIDENTIAL PROPERTY IS OCCUPIED AND THE LANDLORD HAS OBTAINED ALL NECESSARY PERMITS FOR THE REPAIRS OR RENOVATIONS.”.