

Chapter 20

(House Bill 571)

AN ACT concerning

Access to Counsel in Evictions Special Fund – Alteration

FOR the purpose of altering the contents of the Access to Counsel in Evictions Special Fund to include money received by the Division of Consumer Protection in the Office of the Attorney General from a final settlement, an agreement, or a judgment relating to a certain investigation or enforcement of the Maryland Consumer Protection Act, ~~excluding money received by the aggrieved party~~ restitution and certain costs the Attorney General is entitled to recover; and generally relating to the Access to Counsel in Evictions Special Fund.

BY repealing and reenacting, without amendments,
Article – Real Property
Section 8–903 and 8–909(a) and (b)
Annotated Code of Maryland
(2015 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 8–909(e)
Annotated Code of Maryland
(2015 Replacement Volume and 2021 Supplement)

Preamble

WHEREAS, The Cigarette Restitution Fund receives all revenues received by the State from any source resulting, directly or indirectly, from any judgment against or settlement with tobacco product manufacturers, tobacco research associations, or any other person in the tobacco industry relating to litigation, administrative proceedings, or any other claims made or prosecuted by the State to recover damages for violations of State law; and

WHEREAS, The Opioid Restitution Fund receives all revenues received by the State from any source resulting, directly or indirectly, from any judgment against or settlement with opioid manufacturers, opioid research associations, or any other person in the opioid industry, relating to any claims made or prosecuted by the State to recover damages for violations of State law; ~~and~~

~~WHEREAS, An administrative law judge has found that violations of the consumer protection law by Westminster Management and the company JK2 were “widespread and numerous”, with a final order by the Consumer Protection Division pending; now, therefore,~~

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

Article – Real Property

8–903.

(a) There is an Access to Counsel in Evictions Program administered by MLSC.

(b) The purpose of the Program is to organize and direct services and resources in order to provide all covered individuals in the State with access to legal representation as required under this subtitle.

8–909.

(a) There is an Access to Counsel in Evictions Special Fund.

(b) The purpose of the Fund is to provide funding to fully implement access to legal representation in evictions and other related proceedings in the State.

(e) The Fund consists of:

(1) **MONEY RECEIVED BY THE DIVISION OF CONSUMER PROTECTION IN THE OFFICE OF THE ATTORNEY GENERAL FROM ANY FINAL SETTLEMENT OR AGREEMENT WITH OR JUDGMENT AGAINST A PARTY RELATING TO AN INVESTIGATION OR ENFORCEMENT OF THE MARYLAND CONSUMER PROTECTION ACT FOR AN UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICE FOR RENTAL RESIDENTIAL PROPERTY, EXCLUDING ANY ~~MONEY RECEIVED BY THE AGGRIEVED PARTY RESTITUTION~~ AND THE COSTS OF THE ACTION THE ATTORNEY GENERAL IS ENTITLED TO RECOVER;**

(2) Money appropriated in the State budget to the Fund;

[(2)] (3) Interest earnings of the Fund; and

[(3)] (4) Any other money from any other source accepted for the benefit of the Fund.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 9, 2022.