

SB0100/673128/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 100

(First Reading File Bill)

On page 4, strike beginning with “UNDER” in line 10 down through “ACTION” in line 20 and substitute “TO REPOSSESS UNDER § 8-402.1(A)(1)(I)2B OF THIS SUBTITLE”; in lines 21 and 32, strike “(C)” and “(D)”, respectively, and substitute “(B)” and “(C)”, respectively; strike beginning with “(1)” in line 21 down through “ON” in line 22 and substitute “ON”; in line 25, strike “AND DEMONSTRATE” and substitute “WITH SUPPORTING FACTS IN THE FORM PRESCRIBED BY THE JUDICIARY”; in lines 26 and 28, strike “(I)” and “(II)”, respectively, and substitute “(1)” and “(2)”, respectively; in line 27, strike “OR”; in line 29, after “REQUIREMENTS” insert “; OR”

(3) UNLICENSED FOR REASONS DESCRIBED UNDER SUBSECTION (C)(1)(III), (IV), OR (V) OF THIS SECTION;

strike in their entirety lines 30 and 31; and strike beginning with “TO” in line 32 down through “COURT” in line 33 and substitute “BY A PREPONDERANCE OF THE EVIDENCE”.

On page 5, strike beginning with “LICENSED” in line 1 down through “REQUIREMENTS” in line 2 and substitute “:

(I) LICENSED IN COMPLIANCE WITH APPLICABLE LOCAL RENTAL LICENSING REQUIREMENTS;

(II) EXEMPT FROM APPLICABLE LOCAL RENTAL LICENSING REQUIREMENTS;

(III) NOT LICENSED IN COMPLIANCE WITH APPLICABLE LOCAL RENTAL LICENSING REQUIREMENTS BECAUSE OF A WRONGFUL ACT OF THE TENANT, REGARDLESS OF INTENTION, THAT CAUSED THE LICENSING AUTHORITY TO SUSPEND, REVOKE, OR REFUSE TO GRANT OR RENEW THE RENTAL LICENSE;

(IV) NOT LICENSED IN COMPLIANCE WITH APPLICABLE LOCAL RENTAL LICENSING REQUIREMENTS BECAUSE AN ADMINISTRATIVE ERROR OR OMISSION BY THE LICENSING AUTHORITY CAUSED THE LICENSING AUTHORITY TO SUSPEND, REVOKE OR REFUSE TO GRANT OR RENEW THE RENTAL LICENSE; OR

(V) PART OF A MULTI-UNIT PROPERTY NOT LICENSED IN COMPLIANCE WITH LOCAL RENTAL LICENSING REQUIREMENTS BECAUSE OF A CONDITION AFFECTING ANOTHER UNIT IN THE MULTI-UNIT PROPERTY AND WHERE:

1. THERE IS ONE LICENSE FOR MULTIPLE UNITS;
2. THE PROPERTY LISTED IN THE WRITTEN COMPLAINT AND THE SURROUNDING COMMON AREAS:
 - A. SATISFY THE INSPECTION REQUIREMENTS OF THE LOCAL LICENSING AUTHORITY; AND
 - B. ARE FREE OF DEFECTS THAT THREATEN THE LIFE, HEALTH, OR SAFETY OF THE TENANT; AND

3. THE LANDLORD HAS TAKEN ALL NECESSARY STEPS TO OBTAIN OR RENEW THE RENTAL LICENSE FOR THE PROPERTY BUT IS UNABLE TO OBTAIN OR RENEW THE LICENSE DUE TO A CONDITION AFFECTING ANOTHER UNIT NOT SUBJECT TO THE EVICTION ACTION ON THE MULTI-UNIT RENTAL LICENSE.

(2) THE COURT SHALL GRANT ONE POSTPONEMENT IN THE EVENT THAT A PARTY SEEKS ADDITIONAL EVIDENCE RELATED TO THE ASSERTION IN PARAGRAPH (1) OF THIS SUBSECTION’;

and in line 3, strike “**(2)**” and substitute “**(3)**”.