

HB0691/223026/1

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 691
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after the semicolon insert “adding certain mold hazards to the list of dangerous conditions and defects for which a tenant may obtain relief under the State’s rent escrow statute;”; strike beginning with “or” in line 6 down through “organization” in line 7 and substitute “serving as the lead petitioner for a group of tenants”; in line 9, strike “, group of tenants, or tenants’ organization”; in the same line, strike “money”; strike beginning with “tenant” in line 11 down through “organization” in line 12 and substitute “tenant, a tenant serving as the lead petitioner for a group of tenants, or a group of tenants”; in line 13, strike “are preempted by the provisions of this Act” and substitute “preempt certain provisions of this Act”; and in line 17, strike “and 8–211.1”.

AMENDMENT NO. 2

On page 3, in line 3, strike “or”; in line 5, after “unit” insert “**; OR**”

(6) THE EXISTENCE OF MOLD IN A DWELLING UNIT THAT PRESENTS A SERIOUS AND SUBSTANTIAL THREAT TO THE HEALTH OF THE OCCUPANTS”.

AMENDMENT NO. 3

On page 3, in line 19, strike the second set of brackets; in the same line, strike “A”; in line 20, strike the comma; in the same line, strike “A GROUP OF”; and strike beginning with the second “OR” in line 20 down through “SECTION,” in line 21.

On page 4, strike beginning with “THE” in line 16 down through “(3)” in line 24 and substitute “**A TENANT SERVING AS THE LEAD PETITIONER AND JOINED BY ONE**”

OR MORE TENANTS MAY BRING AN ACTION UNDER SUBSECTION (H)(1) OF THIS SECTION.

(2);

in line 28, strike “(4)” and substitute “(3)”; strike beginning with “TENANTS” in line 28 down through “AS” in line 29; and in line 31, strike “OR EXISTED”.

On page 5, in line 7, strike “(5)” and substitute “(4)”; in line 12, strike “AND” and substitute a comma; in line 13, after “CLAIM” insert “, AND STATE WHETHER THE TENANT REQUESTS TO PAY INTO THE COURT THE AMOUNT OF RENT REQUIRED BY THE LEASE OR, IF MODIFIED UNDER SUBSECTION (M) OF THIS SECTION, THE MODIFIED AMOUNT”; strike beginning with “Whether” in line 29 down through “ORGANIZATION” in line 30 and substitute “THE FOLLOWING PARTIES”; and in line 31, after “section” insert “:

(I) A TENANT ACTING AS THE SOLE PETITIONER, WHETHER THE ISSUE OF RENT ESCROW OR WARRANTY OF HABITABILITY IS RAISED AFFIRMATIVELY OR DEFENSIVELY; AND

(II) A TENANT ACTING AS THE LEAD PETITIONER IN AN ACTION UNDER SUBSECTION (I) OF THIS SECTION THAT RAISES THE ISSUE OF RENT ESCROW AFFIRMATIVELY”.

On pages 5 and 6, strike beginning with the first comma in line 33 on page 5 down through “ORGANIZATION” in line 1 on page 6 and substitute “OR LEAD PETITIONER”.

On page 6, in line 15, after “SUBSECTION” insert “(M) OR”; in line 16, strike “, into court,” and substitute “OR LEAD PETITIONER”; and in line 17, after “lease” insert “INTO THE COURT”.

**HB0691/223026/01 Environment and Transportation Committee
Amendments to HB 691
Page 3 of 5**

On page 7, in line 11, after “tenant” insert “, THE LEAD PETITIONER, OR THE GROUP OF TENANTS”; in line 26, after “tenant” insert “OR THE LEAD PETITIONER”; in line 29, after “tenant” insert “, THE LEAD PETITIONER, OR MEMBERS OF THE GROUP OF TENANTS IN AN ACTION UNDER SUBSECTION (I) OF THIS SECTION OTHER THAN THE LEAD PETITIONER THAT HAVE PAID INTO ESCROW”; in the same line, strike the fourth “the” and substitute “ANY”; and in line 32, after “tenant” insert “, THE LEAD PETITIONER, OR ANY MEMBER OF THE GROUP OF TENANTS IN AN ACTION UNDER SUBSECTION (I) OF THIS SECTION OTHER THAN THE LEAD PETITIONER”.

AMENDMENT NO. 4

On page 4, in line 10, strike “MONEY”; and in line 11, strike “AND” and substitute “OR”.

On page 5, strike beginning with “A” in line 25 down through the period in line 28.

On page 6, in line 2, strike the brackets; in the same line, strike the colon; in line 3, strike “(I) A”; strike beginning with the semicolon in line 4 down through “COMPANY” in line 8; and strike beginning with “IF” in line 9 down through “COSTS” in line 11 and substitute “A COURT MAY AWARD REASONABLE ATTORNEY’S FEES, EXPENSES, AND COSTS TO A TENANT, LEAD PETITIONER, OR GROUP OF TENANTS IF A COURT ORDERS ANY RELIEF TO THOSE PARTIES UNDER THIS SECTION”.

AMENDMENT NO. 5

On page 5, after line 13, insert:

“(5) (I) THE COURT SHALL ESTABLISH SEPARATE ESCROW ACCOUNTS FOR EACH TENANT WHO JOINS THE ACTION.

(Over)

(II) ANY FUNDS PAID BY A TENANT TO THE COURT SHALL BE CREDITED TO THE TENANT'S INDIVIDUAL ESCROW ACCOUNT.

(III) A TENANT WHO JOINS A RENT ESCROW ACTION INITIATED UNDER THIS SUBSECTION AND WHO DOES NOT PAY RENT INTO THE COURT MAY NOT RAISE THE RENT ESCROW ACTION AS A DEFENSE UNDER SUBSECTION (H)(3) OF THIS SECTION.

(IV) THE FAILURE OF A TENANT PARTICIPATING IN A GROUP ACTION FOR RENT ESCROW UNDER THIS SUBSECTION TO PAY INTO THE TENANT'S INDIVIDUAL ESCROW ACCOUNT MAY NOT LIMIT THE RIGHTS OR REMEDIES AVAILABLE TO ANY OTHER TENANT PARTICIPATING UNDER THE SAME GROUP ACTION UNDER THIS SECTION.

AMENDMENT NO. 6

On page 8, in line 3, strike “**THIS**” and substitute “**EXCEPT AS PROVIDED IN § 8-211.1(E) OF THIS SUBTITLE, THIS**”; in line 5, after “**SECTION**” insert “**EXCEPT**”; in line 6, strike “**IS MORE STRINGENT OR**”; in the same line, after “**PROVIDES**” insert “**MORE PROTECTION OR**”; and strike in their entirety lines 8 through 33, inclusive.

AMENDMENT NO. 7

On page 5, in line 19, strike “**POST A NOTICE**” as substitute “**NOTIFY TENANTS**”; and in the same line, after “**PROPERTY**” insert “**IN A MANNER DETERMINED BY THE COURT**”.

AMENDMENT NO. 8

On page 5, in line 14, after “**(6)**” insert “**(1)**”; and after line 16, insert:

“(II) IF THE LEAD PETITIONER IN AN ACTION ESTABLISHED UNDER THIS SUBSECTION REQUESTS TO LEAVE THE ACTION PRIOR TO ENTRY OF A JUDGMENT UNDER THIS SUBSECTION, THE COURT MAY APPOINT ANOTHER TENANT WHO HAS JOINED THE ACTION TO SERVE AS THE LEAD PETITIONER.

(III) THE COURT MAY REMOVE THE LEAD PETITIONER IN AN ACTION ESTABLISHED UNDER THIS SUBSECTION AND APPOINT ANOTHER TENANT WHO HAS JOINED THE ACTION TO SERVE IN THIS ROLE IF:

1. THE LEAD PETITIONER FAILS TO FUND THE RENT ESCROW ACCOUNT ESTABLISHED FOR THE LEAD PETITIONER; OR

2. THE COURT OTHERWISE DETERMINES IT IS IN THE INTEREST OF JUSTICE TO REMOVE THE LEAD PETITIONER.”.

AMENDMENT NO. 9

On page 5, strike beginning with “ON” in line 4 down through “OR” in line 5; and in line 25, after “(9)” insert “NOTHING IN THIS SECTION MAY BE CONSTRUED TO AUTHORIZE:

(I) THE LEAD PETITIONER TO REPRESENT THE INTERESTS OF ANY OTHER TENANT THAT MAY JOIN AN ACTION UNDER THIS SUBSECTION; OR

(II) THE LEAD PETITIONER TO ENGAGE IN THE PRACTICE OF LAW, UNLESS THE LEAD PETITIONER IS AUTHORIZED TO DO SO UNDER § 10-206 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.”.