

HB0313/763028/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 313
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “prohibiting” in line 4 down through the semicolon in line 5; in line 10, after “record;” insert “establishing that a landlord is not liable for certain information included in a tenant screening report under certain circumstances and requiring a landlord to report certain information to a person that produces tenant screening reports;”; strike beginning with “making” in line 11 down through “Act;” in line 13; and strike in their entirety lines 15 through 28, inclusive.

On page 2, strike line 1 in its entirety.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 9 through 16, inclusive; and in line 27, after “LIST” insert “BECAUSE OF SCREENING CRITERIA”.

On page 3, in line 9, after “(4)” insert ““OUTCOME” INCLUDES A CASE:

(I) THAT WAS DISMISSED;

(II) THAT WAS CANCELED;

(III) THAT WAS REDEEMED; OR

(IV) WHERE THE TENANT PREVAILED.

(5);

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in line 15, after “**(5)**” insert “**(1)**”; in lines 15, 17, and 23, strike “**(5)**”, “**(6)**”, and “**(7)**”, respectively, and substitute “**(6)**”, “**(7)**”, and “**(8)**”, respectively; strike beginning with “**HAS**” in line 15 down through “**TITLE**” in line 16 and substitute “**MEANS AN OFFICIAL RECORD OF AN ACTIVE, PENDING, OR FINAL COURT PROCEEDING KEPT BY THE CLERK OF THE COURT OR OTHER COURT PERSONNEL.**”

(II) “RECORD” INCLUDES:

1. AN INDEX, A DOCKET ENTRY, A PETITION, A MEMORANDUM, A TRANSCRIPTION OF PROCEEDINGS, AN ELECTRONIC RECORDING, AN ORDER, AND A JUDGMENT; AND

2. ANY ELECTRONIC INFORMATION ABOUT A PROCEEDING ON A WEBSITE MAINTAINED BY THE MARYLAND JUDICIARY”;

and strike beginning with “**A**” in line 26 down through “**APPLICATION.**” in line 30.

On page 4, strike in their entirety lines 1 and 2 and substitute “**THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT SHALL CREATE A DISCLOSURE FORM**”; after line 12, insert:

“(2) BEFORE ACCEPTING AN APPLICATION FEE OR A SCREENING FEE, A LANDLORD SHALL PROVIDE THE DISCLOSURE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION TO A PROSPECTIVE TENANT.”;

in line 19, after “**NOT**” insert “**KNOWINGLY**”; in line 20, strike “**PROCEEDING OR**”; in lines 20 and 23, in each instance, strike “**AND**”; after line 20, insert:

“3. AFFIRMING THE LANDLORD DID NOT RELY ON AN UNSHIELDED RECORD THAT IS 3 YEARS OLD OR OLDER IN A TENANT SCREENING REPORT THAT DID NOT PROVIDE REASONABLY AVAILABLE INFORMATION

REGARDING THE DISPOSITION OR OUTCOME OF THE CLAIM AGAINST THE PROSPECTIVE TENANT; AND;

in line 21, strike “3.” and substitute “4.”; and in line 25, after “DETERMINATION” insert “OR INFORMATION SUFFICIENT TO ALLOW THE PROSPECTIVE TENANT TO INDEPENDENTLY OBTAIN A COPY OF THE TENANT SCREENING REPORT; AND

(III) ANY OTHER INFORMATION REQUIRED FOR ADVERSE ACTION NOTICE UNDER THE FEDERAL FAIR CREDIT REPORTING ACT”.

On page 5, in line 1, after “(D)” insert “(1)”; in lines 2, 6, 8, 10, and 13, strike “(1)”, “(2)”, “(3)”, “(4)”, and “(5)”, respectively, and substitute “(I)”, “(II)”, “(III)”, “(IV)”, and “(V)”, respectively; strike beginning with the colon in line 3 down through “A” in line 5 and substitute “A”; in lines 7, 8, 12, 14, 18, 19 and 20, and 21, in each instance, strike “PROCEEDING OR”; in line 8, strike “CONSIDER” and substitute “1. SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, RELY ON”; in line 9, after the semicolon insert “OR

2. RELY ON AN UNSHIELDED RECORD THAT IS 3 YEARS OLD OR OLDER IN A TENANT SCREENING REPORT THAT DID NOT PROVIDE REASONABLY AVAILABLE INFORMATION REGARDING THE DISPOSITION OR OUTCOME OF THE CLAIM AGAINST THE PROSPECTIVE TENANT;”;

in line 12, strike the second “OR”; in line 14, after “RECORD” insert “; OR

(VI) TAKE ADVERSE ACTION BASED SOLELY ON AN UNSHIELDED RECORD THAT DOES NOT INCLUDE REASONABLY AVAILABLE INFORMATION INDICATING THE DISPOSITION OR OUTCOME OF THE CLAIM AGAINST THE PROSPECTIVE TENANT”;

after line 14, insert:

“(2) A LANDLORD IS NOT LIABLE FOR A DETERMINATION BASED ON A SHIELDED RECORD IF:

(i) THE LANDLORD RELIED IN GOOD FAITH ON A TENANT SCREENING REPORT PRODUCED BY A THIRD PARTY; AND

(ii) THE LANDLORD DID NOT HAVE ACTUAL KNOWLEDGE THAT THE RECORD WAS SHIELDED.”;

in line 18, strike “AND”; and in line 20, after “RECORD” insert “**; AND**

(iii) FOR AN UNSHIELDED RECORD, SHALL CLEARLY AND ACCURATELY INDICATE THE DISPOSITION OR OUTCOME OF THE CLAIM AGAINST THE SUBJECT OF THE TENANT SCREENING REPORT”.

On page 6, strike beginning with “(1)” in line 4 down through “AN” in line 11 and substitute “**AN**”; after line 24, insert:

“(K) EXCEPT FOR THE PROHIBITION AGAINST THE KNOWING USE OF A SHIELDED RECORD IN REACHING A DETERMINATION UNDER SUBSECTION (D) OF THIS SECTION, THIS SECTION MAY NOT BE INTERPRETED TO PROHIBIT A LANDLORD FROM RELYING ON A LAWFULLY OBTAINED CREDIT SCORE OR CONSUMER REPORT SOLELY BECAUSE THE CREDIT SCORE OR CONSUMER REPORT MAY RELATE TO EVICTION ACTIVITY.”;

and in line 25, strike “(K)” and substitute “**(L)**”.