

HB0774/233222/1

BY: Delegate Wivell

AMENDMENTS TO HOUSE BILL 774
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 18, after “law;” insert “authorizing the payment of a prevailing landlord’s attorney’s fees in a certain action to be paid from the Access to Counsel in Evictions Special Fund under certain circumstances;”; in line 21, strike “and” and substitute a comma; in the same line, after “8-402(c)(2)” insert “, and 8-909(f)”; and in line 26, after “(d)” insert “, 8-901(a) and (c)(2), and 8-909(a)”.

AMENDMENT NO. 2

On page 8, after line 32, insert:

“(G) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF A COURT FINDS THAT A LANDLORD HAS GOOD CAUSE NOT TO RENEW A LEASE OR TO TERMINATE HOLDOVER TENANCY UNDER A LOCAL LAW OR ORDINANCE ADOPTED UNDER THIS SECTION, THE LANDLORD’S ATTORNEY’S FEES MAY BE PAID FROM THE ACCESS TO COUNSEL IN EVICTIONS SPECIAL FUND.

(2) A LANDLORD’S ATTORNEY’S FEES MAY BE PAID FROM THE ACCESS TO COUNSEL IN EVICTIONS SPECIAL FUND ONLY IF THE LANDLORD IS A MEMBER OF A HOUSEHOLD WITH AN INCOME THAT IS NOT GREATER THAN THE SPECIFIED PERCENTAGE OF THE MEDIAN INCOME IN THE STATE FOR A COVERED INDIVIDUAL, AS DEFINED IN § 8-901 OF THIS TITLE, ADJUSTED FOR HOUSEHOLD SIZE, AS DETERMINED BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.

8-901.

(a) In this subtitle the following words have the meanings indicated.

(c) “Covered individual” means an individual who:

(2) Is a member of a household with an income that is not greater than 50% of the median income, adjusted for household size, in the State as determined by the United States Department of Health and Human Services or its successor.

8–909.

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

(f) The Fund may be used only for:

(1) Services provided by a designated organization or activity by a community group to implement the Program as provided in this subtitle, including all costs associated with required legal representation in any proceeding and any outreach and education activities;

(2) If a local jurisdiction enacts a program authorized under this subtitle, services provided by the local jurisdiction to implement access to counsel in eviction proceedings as provided for in this subtitle, including all costs associated with required legal representation in any proceeding and any outreach and education activities;

(3) Administrative expenses of MLSC; [and]

(4) Expenses related to the study and evaluation of:

(i) Services and activities provided under this subtitle; and

(ii) Funding amounts and sources necessary to fully effectuate access to counsel in eviction proceedings; AND

(5) THE PAYMENT OF ATTORNEY’S FEES UNDER § 8–402.3(G) OF THIS TITLE.”