



# Real Property Section

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**To:** Environment and Transportation Committee (House)

**From:** Legislative Committee of the Real Property Section Counsel

**Date:** January 27, 2023 [Hearing Date January 31, 2023]

**Subject:** **HB 92 – Ground Leases - Collection of Rent, Interest, Fees, and Other Expenses - Registration Requirements**

**Position:** **Technical Comments**

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The Real Property Section Counsel of the Maryland State Bar Association (MSBA) offers **technical comments to House Bill 92 – Ground Leases - Collection of Rent, Interest, Fees, and Other Expenses - Registration Requirements.**

The proposed addition to Real Property Article, Section 8-703(b) [page 2, line 6] states “A ground lease or amendment is not registered until the ground lease or amendment is posted on the online registry.” Section 8-707(A)(1) [page 2, line 13] prohibits a ground lease owner from taking any action to collect rents, etc. until the rent is registered, that is, until it is *posted*. Unless the lease or amendment is posted promptly upon receipt by the Department, loss could be suffered by the owner of the rent. We suggest that the filing be effective the earlier of (i) the posting or (ii) five (5) business days after receipt by the Department.