

BY: Montgomery County Delegation
(To be offered in the Montgomery County Delegation)

AMENDMENTS TO HOUSE BILL 628

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Eviction” insert “and Eviction Reporting”; in line 4, strike “a landlord from evicting a tenant from leased premises” and substitute “evictions of a tenant holding over beyond the expiration of a lease”; in line 6, strike “certain actions” and substitute “a certain action”; in the same line, after “evict;” insert “specifying that just cause is not required under certain circumstances;”; strike beginning with “making” in line 10 down through “provision;” in line 11 and substitute “requiring the Clerk of the Circuit Court of Montgomery County, subject to certain conditions, to make publically available on the Circuit Court’s website and to report to the Montgomery County Executive, the Montgomery County Council, and the members of the Montgomery County Delegation to the General Assembly annually on or before a certain date certain information on evictions in Montgomery County in the preceding calendar year; requiring the Clerk, subject to a certain condition, to report on the race and gender of certain individuals; requiring the Clerk to maintain a tenant’s privacy, including by aggregating certain information if necessary;”; in line 12, after the first “of” insert “certain provisions”; in line 16, strike “8–206.1 and”; and after line 18, insert:

“BY adding to

Article - Courts and Judicial Proceedings

Section 2-214

Annotated Code of Maryland

(2013 Replacement Volume and 2018 Supplement)”.

AMENDMENT NO. 2

(Over)

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On page 1, in line 22, strike “**8-206.1.**” and substitute “8-402.”; in line 23, strike “**(A) (1)**” and substitute “**(D) (1) (I)**”; and in the same line, strike “**SECTION**” and substitute “SUBSECTION”.

On page 2, in lines 1, 3, 5, 6, 8, 9, 14, 17, 19, 23, 26, and 28, strike “**(2)**”, “**(3)**”, “**(B)**”, “**(C)**”, “**(D)**”, “**(1)**”, “**(2)**”, “**(3)**”, “**(4)**”, “**(5)**”, “**(6)**”, and “**(7)**”, respectively, and substitute “(II)”, “(III)”, “(2)”, “(3)”, “(4)”, “(I)”, “(II)”, “(III)”, “(IV)”, “(V)”, “(VI)”, and “(VII)”, respectively; in lines 5, and 8, in each instance, strike “**SECTION**” and substitute “SUBSECTION”; in line 6, strike “**FROM LEASED PREMISES**” and substitute “UNDER THIS SECTION”; in line 8, strike “**FOR**” and substitute “EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, FOR”; in the same line, after “**IF**” insert “ANY OF THE FOLLOWING OCCURS DURING THE LEASE OR THE HOLDOVER PERIOD”; in line 13, after “**COMPLY**” insert “WITHIN 30 DAYS”; in line 14, strike “**AFTER**” and substitute “30 DAYS AFTER”; in line 18, after the first “**PREMISES**” insert “, ANOTHER AREA OF THE PROPERTY,”; in line 27, strike “**OR**”; and in line 30, after “**OCCUPIED**” insert “; OR”

(VIII) A TENANT HABITUALLY FAILS TO PAY RENT WHEN DUE AND IS NOTIFIED BY THE LANDLORD IN WRITING THAT RENT IS LATE AT LEAST FOUR TIMES IN A 12 MONTH PERIOD.

(5) JUST CAUSE IS NOT REQUIRED IF:

(I) 1. THE PROPERTY IS OWNER-OCCUPIED; AND

2. THE LANDLORD LEASES OUT ONLY A SINGLE RENTAL UNIT; OR

(II) 1. THE TENANT’S INITIAL LEASE WAS CONDITIONED ON EMPLOYMENT FOR THE LANDLORD; AND

2. THE TENANT’S EMPLOYMENT IS TERMINATED.

On page 3, in lines 1, 4, 8, and 11, strike “(E)”, “(F) (1)”, “(2)”, and “(3)”, respectively and substitute “(4)”, “(5) (I)”, “(II)”, and “(III)”, respectively; strike beginning with “SUBSECTION” in line 1 down through “SECTION” in line 2 and substitute “PARAGRAPH (4)(I) OR (II) OF THIS SUBSECTION”; strike beginning with “CERTIFIED” in line 2 down through “REQUESTED” in line 3 and substitute “FIRST-CLASS MAIL WITH A CERTIFICATE OF MAILING IN WRITING”; in line 4, strike “NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A” and substitute “A”; in line 5, after the first “TENANT” insert “UNDER THIS SECTION”; in line 9, strike “SUBSECTION (D) OF THIS SECTION” and substitute “PARAGRAPH (4) OF THIS SUBSECTION”; strike beginning with “8-402.” in line 14 down through “(3)” in line 18 and substitute “(IV)”; in line 18, after “UNDER” insert “SUBSECTION (B) OF”; in lines 19 and 20, strike “§ 8-206.1 OF THIS TITLE” and substitute “PARAGRAPH (4) OF THIS SUBSECTION”; in line 21, strike “(4)” and substitute “(V)”; after line 22, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

2-214.

(A) THIS SECTION ONLY APPLIES IN MONTGOMERY COUNTY.

(B) SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE CLERK OF THE COURT OF MONTGOMERY COUNTY SHALL, TO THE EXTENT PRACTICABLE, ON OR BEFORE JUNE 1 OF EACH YEAR, MAKE PUBLICALLY AVAILABLE ON THE CIRCUIT COURT WEBSITE AND REPORT TO THE MONTGOMERY COUNTY EXECUTIVE, THE MONTGOMERY COUNTY COUNCIL, AND, IN ACCORDANCE WITH

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§ 2-1246 OF THE STATE GOVERNMENT, THE MEMBERS OF THE MONTGOMERY COUNTY DELEGATION TO THE GENERAL ASSEMBLY:

(1) THE NUMBER OF TENANT EVICTIONS THAT OCCURRED IN THE PRECEDING YEAR;

(2) THE NUMBER OF COMPLAINTS FILED BY A LANDLORD IN THE PRECEDING CALENDAR YEAR TO REPOSSESS THE PREMISES BECAUSE:

(I) THE TENANT FAILED TO PAY RENT UNDER § 8-401 OF THE REAL PROPERTY ARTICLE;

(II) THE TENANT WAS HOLDING OVER BEYOND THE EXPIRATION OF THE LEASE UNDER § 8-402 OF THE REAL PROPERTY ARTICLE; AND

(III) THE TENANT BREACHED THE LEASE UNDER § 8-402.1 OF THE REAL PROPERTY ARTICLE;

(3) THE NUMBER OF TENANTS WHO WERE EVICTED IN THE PRECEDING CALENDAR YEAR UNDER EACH BASIS FOR JUST CAUSE LISTED UNDER § 8-402(D) OF THE REAL PROPERTY ARTICLE;

(4) THE NUMBER OF TENANTS EVICTED DURING THE PRECEDING CALENDAR YEAR WHO:

(I) RECEIVED SOCIAL SECURITY BENEFITS;

(II) RECEIVED SUPPLEMENTAL NUTRITIONAL ASSISTANCE PROGRAM BENEFITS; AND

(III) UTILIZED A PROGRAM PROVIDED BY THE HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY;

(5) THE SIZE OF EACH FAMILY EVICTED DURING THE PRECEDING CALENDAR YEAR; AND

(6) THE AGE OF EACH INDIVIDUAL EVICTED DURING THE PRECEDING CALENDAR YEAR.

(C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, FOR EACH OF THE INDIVIDUALS REPORTED IN SUBSECTION (B)(2) OF THIS SECTION, THE CLERK OF THE CIRCUIT COURT MONTGOMERY COUNTY SHALL REPORT THE INDIVIDUAL’S RACE AND GENDER.

(D) (1) IN REPORTING INFORMATION UNDER THIS SECTION, THE CLERK OF THE CIRCUIT COURT MONTGOMERY COUNTY SHALL MAINTAIN A TENANT’S PRIVACY.

(2) IF IT IS NECESSARY TO MAINTAIN TENANT PRIVACY, THE CLERK OF THE CIRCUIT COURT MONTGOMERY COUNTY SHALL AGGREGATE THE INFORMATION REPORTED UNDER THIS SECTION.”;

in lines 23 and 27, strike “2.” and “3.”, respectively, and substitute “3.” and “4.”, respectively; in line 23, after “That” insert “Section 1 of”; strike beginning with “only” in line 24 down through “Act” in line 26 and substitute”;

(1) to any residential lease in Montgomery County executed on or after October 1, 2019; and

(2) beginning on October 1, 2019, to any residential lease in Montgomery County that:

(i) was executed before October 1, 2019; and

(ii) has expired and resulted in a holdover tenancy after October 1, 2019”;

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and in line 31, after “under” insert “Section 1 of”.

On page 4, in line 1, after “under” insert “Section 1 of”; and in line 4, strike “4.” and substitute “5.”.