

HOUSE BILL 385

F2, C8, C9

2lr0367
CF SB 560

By: **Delegates Lehman, Bagnall, B. Barnes, Guyton, Johnson, Landis,
Pena-Melnyk, Rogers, Ruth, Saab, and Terrasa**

Introduced and read first time: January 19, 2022

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2022

CHAPTER _____

1 AN ACT concerning

2 **Maryland Economic Development Corporation – Student Housing**
3 ~~**Requirements – Leases and Health or Safety Emergencies – Applications and**~~
4 **Occupancy Agreements**

5 FOR the purpose of requiring certain ~~residential leases between the Maryland Economic~~
6 ~~Development Corporation and certain students living in student housing owned by~~
7 ~~the Corporation to be presented in a certain manner and include a certain notice;~~
8 ~~requiring the Corporation to give certain notice and abide by certain protocols~~
9 ~~regarding University System of Maryland students living in student housing owned~~
10 ~~by the Corporation if the University closes the institution or center the student~~
11 ~~attends due to a health or safety emergency~~ institutions of higher education to
12 provide certain information to students who are applying to be a resident of certain
13 types of student housing; requiring an occupancy agreement between a student and
14 the Maryland Economic Development Corporation to include certain information;
15 and generally relating to the Maryland Economic Development Corporation and
16 requirements for student housing.

17 BY renumbering

18 Article – Economic Development

19 Section 10–131 and 10–132, respectively

20 to be Section ~~10–133 and 10–134~~, 10–132 and 10–133, respectively

21 Annotated Code of Maryland

22 (2018 Replacement Volume and 2021 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



BY adding to
Article – Economic Development
Section 10–131 ~~and 10–132~~
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That Section(s) 10–131 and 10–132, respectively, of Article – Economic Development of the
Annotated Code of Maryland be renumbered to be Section(s) ~~10–133 and 10–134~~, 10–132
and 10–133, respectively.

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

Article – Economic Development

10–131.

(A) (1) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.

(2) “CORPORATION STUDENT HOUSING PROJECT” MEANS HOUSING
THAT IS:

(I) A RESIDENCE HALL, DORMITORY, OR OTHER HOUSING
UNITS ESTABLISHED UNDER THIS SUBTITLE;

(II) OWNED OR OPERATED BY THE CORPORATION; AND

(III) ON LAND LEASED BY THE CORPORATION FROM THE
UNIVERSITY SYSTEM OF MARYLAND.

(3) “OCCUPANCY AGREEMENT” MEANS A LEASE, LICENSE, OR
HOUSING CONTRACT FOR ANY CORPORATION STUDENT HOUSING PROJECT.

~~(B) A RESIDENTIAL LEASE BETWEEN THE CORPORATION AND A STUDENT~~
~~LIVING IN A CORPORATION STUDENT HOUSING PROJECT SHALL:~~

~~(1) HAVE AT LEAST ONE CONSPICUOUS REFERENCE TO THE~~
~~CORPORATION ON THE SIGNATURE PAGE; AND~~

~~(2) MAKE EACH REFERENCE TO THE CORPORATION IN BOLD TYPE~~
~~AND OTHERWISE EMPHASIZED.~~

~~(C) THE CORPORATION SHALL INCLUDE AN ADDITIONAL NOTICE WITH A CORPORATION STUDENT HOUSING PROJECT RESIDENTIAL LEASE THAT:~~

~~(1) STATES THAT THE CORPORATION IS THE LANDLORD OF THE CORPORATION STUDENT HOUSING PROJECT; AND~~

~~(2) PROVIDES CONTACT INFORMATION FOR THE MANAGEMENT COMPANY OF THE CORPORATION STUDENT HOUSING PROJECT.~~

~~10-132.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) "CENTER" HAS THE MEANING STATED IN § 12-101 OF THE EDUCATION ARTICLE.~~

~~(3) "CONSTITUENT INSTITUTION" HAS THE MEANING STATED IN § 12-101 OF THE EDUCATION ARTICLE.~~

~~(4) "CORPORATION STUDENT HOUSING PROJECT" HAS THE MEANING STATED IN § 10-131 OF THIS SUBTITLE.~~

~~(5) "HEALTH OR SAFETY EMERGENCY" MEANS AN IMMINENT THREAT OR OCCURRENCE OF SEVERE OR WIDESPREAD LOSS OF LIFE, INJURY, OR OTHER HEALTH IMPACTS, PROPERTY DAMAGE OR DESTRUCTION, SOCIAL OR ECONOMIC DISRUPTION, OR ENVIRONMENTAL DEGRADATION FROM NATURAL, TECHNOLOGICAL, OR HUMAN MADE CAUSES.~~

~~(6) "STUDENT RESIDENT" MEANS A STUDENT WHO:~~

~~(I) IS ENROLLED AT A CONSTITUENT INSTITUTION OR A CENTER; AND~~

~~(II) ENTERS INTO A RESIDENTIAL LEASE WITH THE CORPORATION TO LIVE IN A CORPORATION STUDENT HOUSING PROJECT.~~

~~(B) THIS SECTION APPLIES ONLY TO A CORPORATION STUDENT HOUSING PROJECT AT A CONSTITUENT INSTITUTION OR A CENTER.~~

~~(C) IF THE UNIVERSITY SYSTEM OF MARYLAND CLOSES A CONSTITUENT INSTITUTION OR A CENTER DUE TO A HEALTH OR SAFETY EMERGENCY, THE CORPORATION SHALL:~~

~~(1) GIVE STUDENT RESIDENTS THE SAME NOTICE TO VACATE THAT IS GIVEN TO A RESIDENT OF STUDENT HOUSING OWNED BY THE CONSTITUENT INSTITUTION OR CENTER; AND~~

~~(2) ABIDE BY THE SAME LEASE RELEASE PROTOCOLS THAT ARE IN PLACE FOR A RESIDENT OF STUDENT HOUSING OWNED BY THE CONSTITUENT INSTITUTION OR CENTER.~~

(B) (1) AN INSTITUTION OF HIGHER EDUCATION THAT LEASES LAND TO THE CORPORATION FOR THE PURPOSE OF PROVIDING STUDENT HOUSING SHALL PROVIDE THE FOLLOWING INFORMATION WHEN A STUDENT APPLIES TO BE A RESIDENT OF EITHER A CORPORATION STUDENT HOUSING PROJECT OR A RESIDENCE HALL THAT IS OWNED BY THE INSTITUTION OF HIGHER EDUCATION:

(I) THE NAMES OF ALL RESIDENCES THAT A STUDENT MAY OCCUPY;

(II) AN INDICATION OF THOSE RESIDENCES THAT ARE CORPORATION STUDENT HOUSING PROJECTS; AND

(III) IN PLAIN LANGUAGE, A DIFFERENTIATION OF THE IMPLICATIONS OF THE FOLLOWING REQUIRED OCCUPANCY AGREEMENT PROVISIONS FOR STUDENTS LIVING IN CORPORATION STUDENT HOUSING PROJECTS COMPARED TO STUDENTS LIVING IN RESIDENCE HALLS THAT ARE OWNED BY THE INSTITUTION OF HIGHER EDUCATION:

1. TERMINATION;

2. FORCE MAJEURE;

3. PARTIES TO THE AGREEMENT; AND

4. START AND END DATES TO THE OCCUPANCY PERIOD.

(2) THE INFORMATION REQUIRED UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION SHALL INCLUDE A STATEMENT THAT:

(I) CORPORATION STUDENT HOUSING PROJECTS ARE NOT OWNED OR OPERATED BY THE INSTITUTION OF HIGHER EDUCATION;

(II) THE OCCUPANCY AGREEMENT THAT IS REQUIRED PRIOR TO TAKING POSSESSION OF A UNIT IN A CORPORATION STUDENT HOUSING PROJECT IS AN AGREEMENT BETWEEN THE CORPORATION AND THE STUDENT AND NOT BETWEEN THE STUDENT AND THE INSTITUTION OF HIGHER EDUCATION; AND

1 (III) EXPLAINS THE STUDENT'S LIABILITY FOR RENTAL
2 PAYMENTS IF THE STUDENT VOLUNTARILY OR INVOLUNTARILY VACATES THE
3 CORPORATION STUDENT HOUSING PROJECT.

4 (C) (1) AN OCCUPANCY AGREEMENT BETWEEN THE CORPORATION AND
5 A STUDENT LIVING IN A CORPORATION STUDENT HOUSING PROJECT SHALL:

6 (I) INDICATE EACH REFERENCE TO THE CORPORATION IN
7 BOLD TYPE;

8 (II) STATE THAT THE CORPORATION IS THE OWNER OF THE
9 CORPORATION STUDENT HOUSING PROJECT;

10 (III) PROVIDE CONTACT INFORMATION FOR THE MANAGEMENT
11 COMPANY OF THE CORPORATION STUDENT HOUSING PROJECT; AND

12 (IV) IN PLAIN LANGUAGE, PROVIDE A DIFFERENTIATION OF THE
13 IMPLICATIONS OF THE FOLLOWING REQUIRED OCCUPANCY AGREEMENT
14 PROVISIONS FOR STUDENTS LIVING IN CORPORATION STUDENT HOUSING
15 PROJECTS COMPARED TO STUDENTS LIVING IN RESIDENCE HALLS THAT ARE OWNED
16 BY THE INSTITUTION OF HIGHER EDUCATION:

17 1. TERMINATION;

18 2. FORCE MAJEURE;

19 3. PARTIES TO THE AGREEMENT; AND

20 4. START AND END DATES TO THE OCCUPANCY PERIOD.

21 (2) THE INFORMATION REQUIRED UNDER PARAGRAPH (1)(IV) OF
22 THIS SUBSECTION SHALL INCLUDE A STATEMENT THAT:

23 (I) CORPORATION STUDENT HOUSING PROJECTS ARE NOT
24 OWNED OR OPERATED BY THE INSTITUTION OF HIGHER EDUCATION;

25 (II) THE OCCUPANCY AGREEMENT THAT IS REQUIRED PRIOR TO
26 TAKING POSSESSION OF A UNIT IN A CORPORATION STUDENT HOUSING PROJECT IS
27 AN AGREEMENT BETWEEN THE CORPORATION AND THE STUDENT AND NOT
28 BETWEEN THE STUDENT AND THE INSTITUTION OF HIGHER EDUCATION; AND

**(III) EXPLAINS THE STUDENT'S LIABILITY FOR RENTAL
PAYMENTS IF THE STUDENT VOLUNTARILY OR INVOLUNTARILY VACATES THE
CORPORATION STUDENT HOUSING PROJECT.**

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any student-housing contracts entered into by the Maryland Economic Development Corporation before the effective date of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.