

SENATE BILL 877

P5

EMERGENCY BILL

3lr0622

By: **The President (By Request – Department of Legislative Services)**

Introduced and read first time: February 6, 2023

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Annual Curative Bill**

3 FOR the purpose of generally curing previous Acts of the General Assembly with possible
4 title defects; and generally repealing and reenacting without amendments certain
5 Acts of the General Assembly that may be subject to possible title defects in order to
6 validate those Acts.

7 BY repealing and reenacting, without amendments,
8 Article – Real Property
9 Section 8–909
10 Annotated Code of Maryland
11 (2015 Replacement Volume and 2022 Supplement)
12 (As enacted by Chapter 40 of the Acts of the General Assembly of 2022)

13 BY repealing and reenacting, without amendments,
14 Article – Transportation
15 Section 16–301(q)
16 Annotated Code of Maryland
17 (2020 Replacement Volume and 2022 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
19 That the Laws of Maryland read as follows:

20 **Article – Real Property**

21 8–909.

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

23 (b) The purpose of the Fund is to provide funding to fully implement access to
24 legal representation in evictions and other related proceedings in the State.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(c) MLSC shall administer the Fund.

(d) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(2) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(e) The Fund consists of:

(1) Money received by the Division of Consumer Protection in the Office of the Attorney General from any final settlement or agreement with or judgment against a party relating to an investigation or enforcement of the Maryland Consumer Protection Act for an unfair, abusive, or deceptive trade practice for rental residential property, excluding any restitution and the costs of the action the Attorney General is entitled to recover;

(2) Money appropriated in the State budget to the Fund;

(3) Money distributed to the Fund under § 17–317 of the Commercial Law Article;

(4) Interest earnings of the Fund; and

(5) Any other money from any other source accepted for the benefit of the 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.

(g) (1) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any interest earnings of the Fund shall be credited to the Fund.

(h) (1) Expenditures from the Fund may be made only in accordance with the State budget.

(2) For fiscal year 2024, the Governor shall include in the annual budget bill an appropriation of \$14,000,000 from the Fund to MLSC.

(i) Money expended from the Fund is supplemental to and is not intended to take the place of funding that otherwise would be appropriated for civil legal services from any other source.

DRAFTER'S NOTE:

Error: Function paragraph of bill being cured failed to indicate that § 8–909 of the Real Property Article was being amended.

Occurred: Chapter 40 (Senate Bill 662) of the Acts of 2022.

Article – Transportation

16–301.

(q) A person may not engage in any fraudulent or dishonest conduct in the examination or testing process for the issuance or renewal of a driver's license or moped operator's permit, including for the driver skills examination, the driver knowledge test, or any required vision or medical examinations.

DRAFTER'S NOTE:

Error: Function paragraph of bill being cured failed to indicate that § 16–301(q) of the Transportation Article was being amended.

Occurred: Chapters 567 and 568 (House Bill 206 and Senate Bill 465) of the Acts of 2022.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.