

HB0769/313021/1

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 769

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**and Simmons**” and substitute “**Simmons, Behler, Boyce, Healey, T. Morgan, and Stewart**”; in line 2, strike “**Materially Delinquent Mortgages**” and substitute “**Commencement Restrictions**”; in line 3, strike “altering certain requirements for” and substitute “establishing certain restrictions for the commencement of a foreclosure and”; strike beginning with “requiring” in line 4 down through “foreclosures” in line 8 and substitute “and generally relating to an action to foreclose a mortgage or deed of trust”; in line 12, strike the second “and” and substitute a comma; in the same line, after “(b)” insert “, and (f)”; in line 17, strike “7-105.1(e)(1)” and substitute “7-105.1(e)”; and in line 22, strike “7-105.19” and substitute “7-105.1(e-1)”.

AMENDMENT NO. 2

On page 3, in line 14, in each instance, strike the bracket; strike in their entirety lines 15 through 21, inclusive; in line 22, strike “[2.] 3.” and substitute “2.”; in line 27, strike “and”; and after line 27, insert:

“(2) Be accompanied by:

(i) The original or a certified copy of the mortgage or deed of trust;

(ii) A statement of the debt remaining due and payable supported by an affidavit of the plaintiff or the secured party or the agent or attorney of the plaintiff or secured party;

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(iii) A copy of the debt instrument accompanied by an affidavit certifying ownership of the debt instrument;

(iv) If applicable, the original or a certified copy of the assignment of the mortgage for purposes of foreclosure or the deed of appointment of a substitute trustee;

(v) If any defendant is an individual, an affidavit that is in compliance with § 521 of the Servicemembers Civil Relief Act, 50 U.S.C. App. § 501 et seq.;

(vi) If applicable, a copy of the notice of intent to foreclose;

(vii) If the secured party and mortgagor or grantor have elected to participate in prefile mediation, the report of the prefile mediation issued by the Office of Administrative Hearings;

(viii) If the secured party and the mortgagor or grantor have not elected to participate in prefile mediation, a statement that the parties have not elected to participate in prefile mediation;

(ix) In addition to any other filing fees required by law, a filing fee in the amount of \$300; and

(x) 1. If the loss mitigation analysis has been completed subject to subsection (g) of this section, a final loss mitigation affidavit in the form prescribed by regulation adopted by the Commissioner of Financial Regulation; and

2. If the loss mitigation analysis has not been completed, a preliminary loss mitigation affidavit in the form prescribed by regulation adopted by the Commissioner of Financial Regulation; AND

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(3) BE COMMENCED NOT LATER THAN 10 YEARS AFTER THE DATE OF DEFAULT CLAIMED IN THE ORDER TO DOCKET OR COMPLAINT TO FORECLOSE.

(E-1) IF A FORECLOSURE IS COMMENCED BY A SECURED PARTY THAT ACQUIRED DEBT THAT WAS IN DEFAULT FOR 5 OR MORE YEARS BEFORE THE ACQUISITION, THE SECURED PARTY SHALL PRESENT THE DOCUMENTS REQUIRED UNDER § 5-1203(B) OF THE COURTS ARTICLE WITH THE ORDER TO DOCKET OR COMPLAINT TO FORECLOSE.”.

On pages 3 through 6, strike in their entirety the lines beginning with line 28 on page 3 through line 20 on page 6, inclusive.

On page 6, in line 22, strike “January 1, 2026” and substitute “June 1, 2025”.