

In a letter by Professor Russell R. Reno on behalf of the Section on Real Property, Planning and Zoning of the Maryland State Bar Association, which is attached herewith and should be considered part of this message, the Section of the Bar Association has urged that I veto House Bill 112 because of its inadvertent effect upon commercial leases. Other attorneys on behalf of various local bar associations have similarly requested that the bill be vetoed.

For the above reasons, I believe that House Bill 112 must be vetoed.

Sincerely,

/s/ MARVIN MANDEL,  
Governor.

Letter from State Bar Association on House Bill 112

April 13, 1970.

The Honorable Marvin Mandel  
Office of the Governor  
State House  
Annapolis, Maryland 21404

Dear Governor Mandel:

I am writing you as vice-chairman of the Section on Real Property, Planning and Zoning of the Maryland State Bar Association charged with acting as liaison member of the Committee on Laws of the Association.

It is the recommendation of the Section Council that House Bill #112 also known as Pre Filed Bill #92 be vetoed because of the ambiguity that may result as to its effect on commercial leases in excess of fifteen years. This bill was introduced for the purpose of reducing the five-year redemption period in cases of redeemable ground rent leases on residential property to three years. The bill as enacted repeals the present Section 104 of Article 21 of the Maryland Code and re-enacts its provisions with the word "three" substituted for the word "five." Unfortunately Section 108 of Article 21 of the Maryland Code, which exempts business leases exceeding fifteen years from this redemption statute, does not refer to Section 108 by that description but refers to Chapter 485 of the Acts of 1884, Chapter 395 of the Acts of 1888 and Chapter 207 of the Acts of 1900. These are the legislative acts which constitute the present Section 104 of Article 21 of the Maryland Code. The effect of this bill will be to repeal these original acts and substitute a new chapter reference to the Acts of 1970. As a result Section 108 of Article 21 will literally appear to be an exception to legislative acts that have been repealed and appear to have no application to the new Act of 1970. This raises the question as to whether commercial leases exceeding fifteen years will become redeemable at 6% after July 1, 1970.

To avoid this ambiguity the Section Council recommends that the bill be vetoed at this time and that in the 1971 legislative session both Sections 104 and 108 be repealed and re-enacted as one single section, so as to make the present Section 108 an exception to Section 104 as re-enacted.