

Final Action on Regulations

Symbol Key

- Roman type indicates text already existing at the time of the proposed action.
- *Italic type* indicates new text added at the time of proposed action.
- Single underline, italic indicates new text added at the time of final action.
- Single underline, roman indicates existing text added at the time of final action.
- ~~[[Double brackets]]~~ indicate text deleted at the time of final action.

Title 08 DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.04 Oysters

Authority: Natural Resources Article, §4-1015(a), Annotated Code of Maryland

Notice of Final Action

[22-115-F]

On November 28, 2022, the Secretary of Natural Resources adopted amendments to Regulation .11 under **COMAR 08.02.04 Oysters**. This action which was proposed for adoption in 49:15 Md. R. 742—743 (July 15, 2022) has been adopted as proposed.

Effective Date: December 26, 2022.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Title 09 MARYLAND DEPARTMENT OF LABOR

Subtitle 03 COMMISSIONER OF FINANCIAL REGULATION

09.03.12 Foreclosure Procedures for Residential Property

Authority: *Financial Institutions Article, §2-105.1*; Real Property Article, §§7-105.1, 7-105.13, and 7-105.18; Annotated Code of Maryland

Notice of Final Action

[22-015-F]

On July 22, 2022, the Commissioner of Financial Regulation adopted amendments to existing Regulations .01 and .02, amendments to and the recodification of existing Regulations .03, .04, .05, .08, .09, and .10 to be Regulations .05, .06, .08, .07, .04, and .09, respectively, the recodification of existing Regulations .06 and .07 to be Regulations .03 and .10, respectively, and new Regulations .13 and .14 under **COMAR 09.03.12 Foreclosure Procedures for Residential Property**. This action, which was proposed for adoption in 49:2 Md. R. 81—85 (January 14, 2022), has been adopted with the nonsubstantive changes shown below.

Effective Date: March 1, 2023.

Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

As a general matter, these changes do not substantively affect the benefits or burdens of any party subject to the Regulations. Rather, the changes provide additional clarity by: moving language within the proposed text to better suited locations; restating certain language to better highlight an applicable timeframe for borrowers and removing unnecessary language.

Regulation .09 I: In response to comments received, Regulation .09 I is eliminated with the language contained in Regulation .09 I moved to Regulation .04 F and .08 C. This change and the two which immediately follow relate to the same comment. The proposed text of Regulation .09 I imposed a duty of good faith and fair dealing on the secured party and its representatives in any foreclosure mediation. A commenter suggested this duty should be moved to those Regulations expressly addressing mediation. The Final Rule moves the language from the proposed text of Regulation .09 I to Regulation .04 F, which addresses prefile mediation, and Regulation .08 C, which addresses post file mediation. Other than specifying either prefile or postfile mediation, the Final Rule moved identical language from the proposed text. As such, the Final Rule does not alter the burden or benefit of any party.

Regulation .04 F: As indicated above, in response to comments received, this section is added to contain language moved from Regulation .09 I, with additional language added to refer to prefile mediation.

Regulation .08 C: As indicated above, in response to comments received, this section is added to contain language moved from Regulation .09 I, with additional language added to refer to postfile mediation.

Regulation .09 H(1)(d): In response to comments received, Regulation .09 H(1)(d) of the proposed text is eliminated from the Final Rule as unnecessary. Regulation .09 H specified the report of mediation (Report) the Office of Administrative Hearing (OAH) must file with the Court pursuant to applicable law must include three mandatory items listed in paragraphs (a)-(c) and could include one item within the OAH's discretion listed in paragraph (d). The Final Rule eliminates paragraph (d). Elimination of Regulation .09 H(1)(d) from the Final Rule does not limit what the OAH may include in the Report nor prohibit the OAH from including any information the OAH deems relevant. Further, neither consumers nor secured parties possessed any ability under the proposed text to compel or even request the OAH to include additional information in the Report. For these reasons, elimination of (d) does not alter the burden or benefit of any party.

Regulation .09 H(3): In response to comments received, the Final Rule eliminates language recognizing the Court's ability to deem all or any portion of the Report as not privileged. Specifically, the proposed text stated the content of the Report is privileged and added "unless the court deems all, or any portion thereof, otherwise." Because this language simply noted the Court's ability to override the privilege, it is eliminated as unnecessary. The elimination of this language does not