

(D) AFTER AN AGENCY HEARING, IF THE SECRETARY OF STATE DETERMINES THAT AN OWNER HAS VIOLATED SUBSECTION (B) OF THIS SECTION WITHIN 270 180 DAYS PRIOR TO FILING AN APPLICATION FOR REGISTRATION, THE SECRETARY OF STATE SHALL REJECT THE APPLICATION FOR REGISTRATION FILED BY THE OWNER.

(E) AFTER A PUBLIC OFFERING STATEMENT HAS BEEN REGISTERED, IF THE SECRETARY OF STATE DETERMINES THAT AN OWNER HAS VIOLATED SUBSECTION (B) OF THIS SECTION DURING THE 12-MONTH PERIOD PRIOR TO THE TIME UNITS ARE OFFERED FOR SALE, THE SECRETARY OF STATE SHALL REVOKE THE REGISTRATION.

(F) IN DETERMINING WHETHER AN OWNER HAS VIOLATED SUBSECTION (B) OF THIS SECTION, THE SECRETARY OF STATE SHALL CONSIDER:

(1) (I) WHETHER THE TERMINATION WAS DUE TO THE NONPAYMENT OF RENT;

(II) WHETHER THE TERMINATION WAS DUE TO A BREACH OF THE LEASE; OR

(III) WHETHER THE OWNER INTENDED AT THE TIME OF TERMINATION TO CONVERT THE RESIDENTIAL FACILITY TO A CONDOMINIUM; AND

(2) ANY OTHER FACTORS AS THE SECRETARY OF STATE DEEMS APPROPRIATE.

(G) IF AN APPLICATION FOR REGISTRATION IS REJECTED BY THE SECRETARY OF STATE PURSUANT TO SUBSECTION (D) OF THIS SECTION, OR IF A REGISTRATION IS REVOKED BY THE SECRETARY OF STATE PURSUANT TO SUBSECTION (E) OF THIS SECTION, THE SECRETARY OF STATE MAY NOT ACCEPT THE APPLICATION OR REINSTATE THE REGISTRATION UNLESS AND UNTIL THE OWNER HAS TENDERED TO EVERY TENANT WHOSE LEASE WAS TERMINATED IN VIOLATION OF SUBSECTION (A) OF THIS SECTION THE GREATER-OF:

~~{1}--5--PERCENT--OF--THE--FAIR--MARKET--VALUE--OF--THE DWELLING-UNIT-FROM-WHICH-THE-TENANT-WAS-VACATED;-OR~~

~~{2}--\$3,500 AN AWARD FOR REASONABLE EXPENSES.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1987.

Approved June 2, 1987.
