

Department of Legislative Services  
Maryland General Assembly  
2002 Session

FISCAL NOTE

House Bill 722  
Appropriations

(Delegate Shank)

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Agriculture - Land Preservation Easements - Kennels

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This bill allows a landowner whose land is subject to an easement under the Maryland Agricultural Land Preservation Foundation (MALPF) program to use the land for a “kennel.”

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Fiscal Summary

**State Effect:** The bill’s changes could be handled with existing budgeted resources.

**Local Effect:** None.

**Small Business Effect:** Minimal.

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Analysis

**Bill Summary:** Kennel means any building, structure, or land used, designed, or arranged for housing, boarding, breeding, or care of more than five dogs at least four months old kept or bred for hunting, sale, exhibition, or domestic use, but not including farm animals.

**Current Law:** Except under specified conditions, a landowner whose land is subject to a MALPF easement may not use the land for any commercial, industrial, or residential purpose.

**Background:** The Maryland General Assembly created MALPF in 1977 to, among other things, protect agricultural land in the State. Agricultural preservation districts are

formed when qualifying landowners sign voluntary agreements to keep their land in agricultural or woodland use for a minimum of five years. Once a district is established, the landowner is eligible to apply to sell a development rights easement on that property to MALPF. Subject to some limitations, once an easement has been sold, the property is protected from further development.

Chapter 634 of 2000 established a task force to study MALPF. One of the items the task force studied was whether the statute should be changed to allow limited, non-agricultural, commercial uses on land subject to a MALPF easement. In its August 2001 report to the Governor and the General Assembly, the task force identified several proposed allowable uses. Legislation to implement the task force's recommendations regarding commercial uses has been introduced as SB 435/HB 998. Although the task force report did not specifically mention commercial kennels, the task force report explicitly excluded veterinary services for non-farm animals such as dogs and cats.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of Agriculture (Maryland Agricultural Land Preservation Foundation), Department of Legislative Services

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