
By: **Delegates Rosenberg, Sossi, and Holmes**
Introduced and read first time: January 29, 2004
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property - Eminent Domain - Moving, Relocation, and**
3 **Reestablishment Expenses**

4 FOR the purpose of repealing the monetary maximum for payments to displaced
5 persons for actual reasonable reestablishment expenses; and generally relating
6 to payments for moving, relocation, and reestablishment expenses for displaced
7 persons.

8 BY repealing and reenacting, with amendments,
9 Article - Real Property
10 Section 12-205
11 Annotated Code of Maryland
12 (2003 Replacement Volume and 2003 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Real Property**

16 12-205.

17 (a) Whenever a program or project undertaken by a displacing agency will
18 result in the displacement of any person, the displacing agency shall make a payment
19 to the displaced person, on proper application as approved by the displacing agency
20 for:

21 (1) Actual reasonable expenses in moving himself, his family, business,
22 farm operation, or other personal property;

23 (2) Actual direct loss of tangible personal property as a result of moving
24 or discontinuing a business or farm operation, but not exceeding an amount equal to
25 the reasonable expenses that would have been required to relocate the personal
26 property, as determined by the agency;

27 (3) Actual reasonable expenses in searching for a replacement business
28 or farm; and

1 (4) Actual reasonable expenses necessary to reestablish a displaced
2 farm, nonprofit organization, or small business at its new site as determined by the
3 displacing agency[, but not to exceed \$10,000].

4 (b) Any displaced person eligible for payments under subsection (a) of this
5 section, who is displaced from a dwelling and who elects to accept the payments
6 authorized by this subsection in lieu of the payments authorized by subsection (a) of
7 this section, may receive a moving expense allowance, determined according to a
8 schedule established by the lead agency.

9 (c) (1) Any displaced person eligible for payments under subsection (a) of
10 this section who is displaced from the person's place of business or farm operation and
11 who is eligible under criteria established by the lead agency may elect to accept the
12 payment authorized by this subsection in lieu of the payment authorized by
13 subsection (a) of this section.

14 (2) Such payment shall consist of a fixed payment in an amount to be
15 determined according to criteria established by the lead agency[, except that such
16 payment may not be less than \$1,000 nor more than \$20,000 or the amount provided
17 under the federal Uniform Relocation Assistance Act, whichever is greater].

18 (3) A person whose sole business at the displacement dwelling is the
19 rental of such property to others shall not qualify for a payment under this
20 subsection.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
22 effect October 1, 2004.