

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 679

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, strike "1-814" and substitute "1-815".

AMENDMENT NO. 2

On page 5, in line 2, after "COVENANT" insert "THAT COMPLIES WITH THIS SUBTITLE".

AMENDMENT NO. 3

On page 9, after line 4, insert:

"(A) (1) THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN A REGISTRY THAT CONTAINS ALL ENVIRONMENTAL COVENANTS AND ANY AMENDMENT OR TERMINATION OF THOSE COVENANTS.

(2) THE REGISTRY MAY CONTAIN ANY OTHER INFORMATION CONCERNING ENVIRONMENTAL COVENANTS AND THE REAL PROPERTY SUBJECT TO THEM THAT THE DEPARTMENT CONSIDERS APPROPRIATE.

(3) FOR PURPOSES OF THE MARYLAND PUBLIC INFORMATION ACT, THE REGISTRY IS A PUBLIC RECORD.

(B) (1) AFTER AN ENVIRONMENTAL COVENANT OR AN AMENDMENT OR TERMINATION OF A COVENANT IS FILED IN THE REGISTRY ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION, A NOTICE OF THE COVENANT, AMENDMENT, OR TERMINATION THAT MEETS THE REQUIREMENTS OF PARAGRAPH (2) OF THIS SUBSECTION MAY BE RECORDED IN THE LAND RECORDS IN LIEU OF RECORDING THE ENTIRE COVENANT.

(Over)

(2) A NOTICE SHALL CONTAIN:

(I) A LEGALLY SUFFICIENT DESCRIPTION AND ANY AVAILABLE STREET ADDRESS OF THE REAL PROPERTY SUBJECT TO THE COVENANT;

(II) THE NAME AND ADDRESS OF THE OWNER OF THE FEE SIMPLE INTEREST IN THE REAL PROPERTY, THE DEPARTMENT, AND THE HOLDER IF OTHER THAN THE DEPARTMENT;

(III) A STATEMENT THAT THE COVENANT, AMENDMENT, OR TERMINATION IS AVAILABLE IN A REGISTRY AT THE DEPARTMENT, INCLUDING THE METHOD OF ANY ELECTRONIC ACCESS; AND

(IV) A STATEMENT THAT THE NOTICE IS NOTIFICATION OF AN ENVIRONMENTAL COVENANT EXECUTED PURSUANT TO THIS SUBTITLE.

(C) A STATEMENT IN SUBSTANTIALLY THE FOLLOWING FORM, EXECUTED WITH THE SAME FORMALITIES AS A DEED IN THE STATE, SATISFIES THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION:

“1. THIS NOTICE IS FILED IN THE LAND RECORDS OF (POLITICAL SUBDIVISION) OF (NAME OF JURISDICTION IN WHICH THE REAL PROPERTY IS LOCATED) PURSUANT TO § 1-811 OF THE ENVIRONMENT ARTICLE;

2. THIS NOTICE AND THE COVENANT, AMENDMENT, OR TERMINATION TO WHICH IT REFERS MAY IMPOSE SIGNIFICANT OBLIGATIONS WITH RESPECT TO THE PROPERTY DESCRIBED BELOW.

3. A LEGAL DESCRIPTION OF THE PROPERTY IS ATTACHED AS EXHIBIT A TO THIS NOTICE. THE ADDRESS OF THE PROPERTY THAT IS SUBJECT TO THE ENVIRONMENTAL COVENANT IS (INSERT ADDRESS OF PROPERTY OR STATE THAT THE ADDRESS IS NOT AVAILABLE).

4. THE NAME AND ADDRESS OF THE OWNER OF THE FEE SIMPLE INTEREST IN THE REAL PROPERTY ON THE DATE OF THIS NOTICE IS (NAME OF

CURRENT OWNER OF THE PROPERTY AND THE OWNER'S CURRENT ADDRESS AS SHOWN ON THE TAX RECORDS OF THE JURISDICTION IN WHICH THE PROPERTY IS LOCATED).

5. THE ENVIRONMENTAL COVENANT, AMENDMENT, OR TERMINATION WAS SIGNED BY (NAME AND ADDRESS OF THE SIGNING AGENCY).

6. THE ENVIRONMENTAL COVENANT, AMENDMENT, OR TERMINATION WAS FILED IN THE REGISTRY ON (DATE OF FILING).

7. THE FULL TEXT OF THE COVENANT, AMENDMENT, OR TERMINATION AND ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT OF THE ENVIRONMENT IS ON FILE AND AVAILABLE FOR INSPECTION AND COPYING IN THE REGISTRY MAINTAINED FOR THAT PURPOSE BY THE DEPARTMENT."

1-812.";

in line 12, strike "1-812." and substitute "1-813."; in line 16, strike "1-813." and substitute "1-814."; and in line 19, strike "1-814." and substitute "1-815.".