
By: **Delegate McIntosh**

Introduced and read first time: February 7, 2005

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Uniform Environmental Covenants Act**

3 FOR the purpose of enacting the Uniform Environmental Covenants Act; establishing
4 requirements to govern the creation, applicability, maintenance, and
5 enforcement of an environmental covenant; establishing the rights and duties
6 arising from an environmental covenant; making this Act severable; and
7 generally relating to environmental covenants.

8 BY adding to

9 Article - Environment

10 Section 1-801 through 1-814, inclusive, to be under the new subtitle "Subtitle 8.

11 Maryland Uniform Environmental Covenants Act"

12 Annotated Code of Maryland

13 (1996 Replacement Volume and 2004 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Environment**

17 **SUBTITLE 8. MARYLAND UNIFORM ENVIRONMENTAL COVENANTS ACT.**

18 1-801.

19 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS

20 INDICATED.

21 (B) "ACTIVITY AND USE LIMITATION" MEANS A RESTRICTION OR OBLIGATION

22 CREATED UNDER THIS SUBTITLE WITH RESPECT TO REAL PROPERTY.

23 (C) "AGENCY" MEANS THE DEPARTMENT OR ANY OTHER STATE OR FEDERAL

24 AGENCY THAT DETERMINES OR APPROVES THE ENVIRONMENTAL RESPONSE

25 PROJECT PURSUANT TO WHICH AN ENVIRONMENTAL COVENANT IS CREATED.

1 (D) "COMMON INTEREST COMMUNITY" MEANS A CONDOMINIUM,
2 COOPERATIVE, OR OTHER REAL PROPERTY WITH RESPECT TO WHICH A PERSON, BY
3 VIRTUE OF THE PERSON'S OWNERSHIP OF A PARCEL OF REAL PROPERTY, IS
4 OBLIGATED TO PAY PROPERTY TAXES OR INSURANCE PREMIUMS, OR FOR
5 MAINTENANCE, OR IMPROVEMENT OF OTHER REAL PROPERTY DESCRIBED IN A
6 RECORDED COVENANT THAT CREATES THE COMMON INTEREST COMMUNITY.

7 (E) "ENVIRONMENTAL COVENANT" MEANS A SERVITUDE ARISING UNDER AN
8 ENVIRONMENTAL RESPONSE PROJECT THAT IMPOSES ACTIVITY AND USE
9 LIMITATIONS.

10 (F) "ENVIRONMENTAL RESPONSE PROJECT" MEANS A PLAN OR WORK
11 PERFORMED FOR ENVIRONMENTAL REMEDIATION OF REAL PROPERTY THAT IS
12 CONDUCTED:

13 (1) UNDER A FEDERAL OR STATE PROGRAM GOVERNING
14 ENVIRONMENTAL REMEDIATION OF REAL PROPERTY, INCLUDING TITLE 7, SUBTITLE
15 5 OF THIS ARTICLE; OR

16 (2) INCIDENT TO CLOSURE OF A SOLID OR HAZARDOUS WASTE
17 MANAGEMENT UNIT, IF THE CLOSURE IS CONDUCTED WITH APPROVAL OF AN
18 AGENCY.

19 (G) "HOLDER" MEANS THE GRANTEE OF AN ENVIRONMENTAL COVENANT.

20 (H) "PERSON" MEANS AN INDIVIDUAL, CORPORATION, BUSINESS TRUST,
21 ESTATE, TRUST, PARTNERSHIP, LIMITED LIABILITY COMPANY, ASSOCIATION, JOINT
22 VENTURE, PUBLIC CORPORATION, GOVERNMENT, GOVERNMENTAL SUBDIVISION,
23 AGENCY, OR INSTRUMENTALITY, OR ANY OTHER LEGAL OR COMMERCIAL ENTITY.

24 (I) "RECORD", WHEN USED AS A NOUN, MEANS INFORMATION THAT IS
25 INSCRIBED ON A TANGIBLE MEDIUM OR THAT IS STORED IN AN ELECTRONIC OR
26 OTHER MEDIUM AND IS RETRIEVABLE IN PERCEIVABLE FORM.

27 (J) "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT OF
28 COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, OR ANY TERRITORY
29 OR INSULAR POSSESSION SUBJECT TO THE JURISDICTION OF THE UNITED STATES.

30 1-802.

31 (A) AN ENVIRONMENTAL COVENANT SHALL:

32 (1) STATE THAT THE INSTRUMENT IS AN ENVIRONMENTAL COVENANT
33 EXECUTED PURSUANT TO THIS SUBTITLE;

34 (2) CONTAIN A LEGALLY SUFFICIENT DESCRIPTION OF THE REAL
35 PROPERTY SUBJECT TO THE COVENANT;

36 (3) DESCRIBE THE ACTIVITY AND USE LIMITATIONS ON THE REAL
37 PROPERTY;

1 (4) IDENTIFY EVERY HOLDER;

2 (5) BE SIGNED BY THE AGENCY AND EVERY HOLDER;

3 (6) UNLESS EXCEPTED BY THE AGENCY, BE SIGNED BY EVERY OWNER
4 OF THE FEE SIMPLE OF THE REAL PROPERTY SUBJECT TO THE COVENANT; AND

5 (7) IDENTIFY THE NAME AND LOCATION OF ANY ADMINISTRATIVE
6 RECORD FOR THE ENVIRONMENTAL RESPONSE PROJECT REFLECTED IN THE
7 ENVIRONMENTAL COVENANT.

8 (B) IN ADDITION TO THE INFORMATION REQUIRED UNDER SUBSECTION (A)
9 OF THIS SECTION, AN ENVIRONMENTAL COVENANT MAY CONTAIN OTHER
10 INFORMATION, RESTRICTIONS, AND REQUIREMENTS AGREED TO BY THE PERSONS
11 WHO SIGNED IT, INCLUDING ANY:

12 (1) REQUIREMENTS FOR NOTICE FOLLOWING TRANSFER OF A
13 SPECIFIED INTEREST IN, OR CONCERNING PROPOSED CHANGES IN USE OF,
14 APPLICATIONS FOR BUILDING PERMITS OR PROPOSALS FOR ANY SITE WORK
15 AFFECTING THE CONTAMINATION ON THE PROPERTY SUBJECT TO THE COVENANT;

16 (2) REQUIREMENTS FOR PERIODIC REPORTING DESCRIBING
17 COMPLIANCE WITH THE COVENANT;

18 (3) RIGHTS OF ACCESS TO THE PROPERTY GRANTED IN CONNECTION
19 WITH IMPLEMENTATION OR ENFORCEMENT OF THE COVENANT;

20 (4) BRIEF NARRATIVE DESCRIPTIONS OF THE CONTAMINATION AND
21 REMEDY, INCLUDING THE CONTAMINANTS OF CONCERN, THE PATHWAYS OF
22 EXPOSURE, LIMITS ON EXPOSURE, AND THE LOCATION AND EXTENT OF THE
23 CONTAMINATION;

24 (5) LIMITATIONS ON AMENDMENT OR TERMINATION OF THE COVENANT
25 IN ADDITION TO THOSE PROVIDED UNDER §§ 1-808 AND 1-809 OF THIS SUBTITLE; AND

26 (6) RIGHTS OF THE HOLDER IN ADDITION TO THE HOLDER'S RIGHT TO
27 ENFORCE THE COVENANT UNDER § 1-810 OF THIS SUBTITLE.

28 (C) IN ADDITION TO OTHER CONDITIONS FOR THE AGENCY'S APPROVAL OF AN
29 ENVIRONMENTAL COVENANT, THE AGENCY MAY REQUIRE THOSE PERSONS
30 SPECIFIED BY THE AGENCY WHO HAVE INTERESTS IN THE REAL PROPERTY TO SIGN
31 THE COVENANT.

32 1-803.

33 (A) (1) ANY PERSON, INCLUDING A PERSON THAT OWNS AN INTEREST IN
34 THE REAL PROPERTY, THE AGENCY, OR A MUNICIPALITY OR OTHER UNIT OF LOCAL
35 GOVERNMENT, MAY BE A HOLDER OF AN ENVIRONMENTAL COVENANT.

1 (2) AN ENVIRONMENTAL COVENANT MAY IDENTIFY MORE THAN ONE
2 HOLDER.

3 (B) (1) THE INTEREST OF A HOLDER OF AN ENVIRONMENTAL COVENANT IS
4 AN INTEREST IN REAL PROPERTY.

5 (2) A RIGHT OF AN AGENCY UNDER THIS SUBTITLE OR UNDER AN
6 ENVIRONMENTAL COVENANT, OTHER THAN A RIGHT AS A HOLDER, IS NOT AN
7 INTEREST IN REAL PROPERTY.

8 (C) (1) AN AGENCY IS BOUND BY ANY OBLIGATION IT ASSUMES IN AN
9 ENVIRONMENTAL COVENANT, BUT AN AGENCY DOES NOT ASSUME OBLIGATIONS
10 MERELY BY SIGNING AN ENVIRONMENTAL COVENANT.

11 (2) ANY PERSON OTHER THAN AN AGENCY THAT SIGNS AN
12 ENVIRONMENTAL COVENANT IS BOUND BY THE OBLIGATIONS THE PERSON
13 ASSUMES IN THE COVENANT, BUT SIGNING THE COVENANT DOES NOT CHANGE
14 OBLIGATIONS, RIGHTS, OR PROTECTIONS GRANTED OR IMPOSED UNDER LAW OTHER
15 THAN THIS SUBTITLE EXCEPT AS PROVIDED IN THE COVENANT.

16 (D) (1) THE PROVISIONS OF THIS SUBSECTION APPLY TO INTERESTS IN
17 REAL PROPERTY IN EXISTENCE AT THE TIME AN ENVIRONMENTAL COVENANT IS
18 CREATED OR AMENDED.

19 (2) AN INTEREST THAT HAS PRIORITY UNDER OTHER LAW IS NOT
20 AFFECTED BY AN ENVIRONMENTAL COVENANT UNLESS THE PERSON THAT OWNS
21 THE INTEREST SUBORDINATES THAT INTEREST TO THE COVENANT.

22 (3) A PERSON THAT OWNS AN INTEREST THAT HAS PRIORITY UNDER
23 OTHER LAW IS NOT REQUIRED UNDER THIS SUBTITLE TO SUBORDINATE THAT
24 INTEREST TO AN ENVIRONMENTAL COVENANT OR TO AGREE TO BE BOUND BY THE
25 COVENANT.

26 (4) (I) A SUBORDINATION AGREEMENT MAY BE CONTAINED IN AN
27 ENVIRONMENTAL COVENANT COVERING REAL PROPERTY OR IN A SEPARATE
28 RECORD.

29 (II) IF THE ENVIRONMENTAL COVENANT COVERS COMMONLY
30 OWNED PROPERTY IN A COMMON INTEREST COMMUNITY, THE RECORD MAY BE
31 SIGNED BY ANY PERSON AUTHORIZED BY THE GOVERNING BOARD OF THE OWNERS'
32 ASSOCIATION.

33 (5) AN AGREEMENT BY A PERSON TO SUBORDINATE AN INTEREST THAT
34 HAS PRIORITY UNDER OTHER LAW TO AN ENVIRONMENTAL COVENANT AFFECTS
35 THE PRIORITY OF THAT PERSON'S INTEREST BUT DOES NOT BY ITSELF IMPOSE ANY
36 AFFIRMATIVE OBLIGATION ON THE PERSON WITH RESPECT TO THE
37 ENVIRONMENTAL COVENANT.

1 1-804.

2 (A) AN ENVIRONMENTAL COVENANT RUNS WITH THE LAND.

3 (B) AN ENVIRONMENTAL COVENANT THAT IS OTHERWISE EFFECTIVE IS
4 VALID AND ENFORCEABLE EVEN IF:

5 (1) IT IS NOT APPURTENANT TO AN INTEREST IN REAL PROPERTY;

6 (2) IT CAN BE OR HAS BEEN ASSIGNED TO A PERSON OTHER THAN THE
7 ORIGINAL HOLDER;

8 (3) IT IS NOT OF A CHARACTER THAT HAS BEEN RECOGNIZED
9 TRADITIONALLY AT COMMON LAW;

10 (4) IT IMPOSES A NEGATIVE BURDEN;

11 (5) IT IMPOSES AN AFFIRMATIVE OBLIGATION ON A PERSON HAVING AN
12 INTEREST IN THE REAL PROPERTY OR ON THE HOLDER;

13 (6) THE BENEFIT OR BURDEN DOES NOT TOUCH OR CONCERN REAL
14 PROPERTY;

15 (7) THERE IS NO PRIVITY OF ESTATE OR CONTRACT;

16 (8) THE HOLDER DIES, CEASES TO EXIST, RESIGNS, OR IS REPLACED; OR

17 (9) THE OWNER OF AN INTEREST SUBJECT TO THE ENVIRONMENTAL
18 COVENANT AND THE HOLDER ARE THE SAME PERSON.

19 (C) AN INSTRUMENT THAT CREATES RESTRICTIONS OR OBLIGATIONS WITH
20 RESPECT TO REAL PROPERTY THAT WOULD QUALIFY AS ACTIVITY AND USE
21 LIMITATIONS EXCEPT FOR THE FACT THAT THE INSTRUMENT WAS RECORDED
22 BEFORE OCTOBER 1, 2005, IS NOT INVALID OR UNENFORCEABLE BECAUSE OF ANY OF
23 THE LIMITATIONS ON ENFORCEMENT OF INTERESTS DESCRIBED IN SUBSECTION (B)
24 OF THIS SECTION OR BECAUSE IT WAS IDENTIFIED AS AN EASEMENT, SERVITUDE,
25 DEED RESTRICTION, OR OTHER INTEREST. THIS SUBTITLE DOES NOT APPLY IN ANY
26 OTHER RESPECT TO SUCH AN INSTRUMENT.

27 (D) THIS SUBTITLE DOES NOT INVALIDATE OR RENDER UNENFORCEABLE
28 ANY INTEREST, WHETHER DESIGNATED AS AN ENVIRONMENTAL COVENANT OR
29 OTHER INTEREST, THAT IS OTHERWISE ENFORCEABLE UNDER STATE LAW.

30 1-805.

31 (A) THIS SUBTITLE DOES NOT AUTHORIZE A USE OF REAL PROPERTY THAT IS
32 OTHERWISE PROHIBITED BY ZONING, BY LAW OTHER THAN THIS SUBTITLE
33 REGULATING USE OF REAL PROPERTY, OR BY A RECORDED INSTRUMENT THAT HAS
34 PRIORITY OVER THE ENVIRONMENTAL COVENANT.

1 (B) AN ENVIRONMENTAL COVENANT MAY PROHIBIT OR RESTRICT USES OF
2 REAL PROPERTY THAT ARE AUTHORIZED BY ZONING OR BY LAW OTHER THAN THIS
3 SUBTITLE.

4 1-806.

5 (A) A COPY OF AN ENVIRONMENTAL COVENANT SHALL BE PROVIDED BY THE
6 PERSONS AND IN THE MANNER REQUIRED BY THE AGENCY TO:

7 (1) EACH PERSON THAT SIGNED THE COVENANT;

8 (2) EACH PERSON HOLDING A RECORDED INTEREST IN THE REAL
9 PROPERTY SUBJECT TO THE COVENANT;

10 (3) EACH PERSON IN POSSESSION OF THE REAL PROPERTY SUBJECT TO
11 THE COVENANT;

12 (4) EACH MUNICIPALITY OR OTHER UNIT OF LOCAL GOVERNMENT IN
13 WHICH REAL PROPERTY SUBJECT TO THE COVENANT IS LOCATED; AND

14 (5) ANY OTHER PERSON THE AGENCY REQUIRES.

15 (B) THE VALIDITY OF A COVENANT IS NOT AFFECTED BY FAILURE TO
16 PROVIDE A COPY OF THE COVENANT AS REQUIRED UNDER THIS SECTION.

17 1-807.

18 (A) (1) AN ENVIRONMENTAL COVENANT AND ANY AMENDMENT OR
19 TERMINATION OF THE COVENANT MUST BE RECORDED IN EVERY COUNTY IN WHICH
20 ANY PORTION OF THE REAL PROPERTY SUBJECT TO THE COVENANT IS LOCATED.

21 (2) FOR PURPOSES OF INDEXING, A HOLDER SHALL BE TREATED AS A
22 GRANTEE.

23 (B) EXCEPT AS OTHERWISE PROVIDED UNDER § 1-808(C) OF THIS SUBTITLE,
24 AN ENVIRONMENTAL COVENANT IS SUBJECT TO THE LAWS OF THE STATE
25 GOVERNING RECORDING AND PRIORITY OF INTERESTS IN REAL PROPERTY.

26 1-808.

27 (A) AN ENVIRONMENTAL COVENANT IS PERPETUAL UNLESS IT IS:

28 (1) BY ITS TERMS, LIMITED TO A SPECIFIC DURATION OR TERMINATED
29 BY THE OCCURRENCE OF A SPECIFIC EVENT;

30 (2) TERMINATED BY CONSENT AS PROVIDED UNDER § 1-809 OF THIS
31 SUBTITLE;

32 (3) TERMINATED UNDER SUBSECTION (B) OF THIS SECTION;

1 (4) TERMINATED BY FORECLOSURE OF AN INTEREST THAT HAS
2 PRIORITY OVER THE ENVIRONMENTAL COVENANT; OR

3 (5) TERMINATED OR MODIFIED IN AN EMINENT DOMAIN PROCEEDING,
4 IF:

5 (I) THE AGENCY THAT SIGNED THE COVENANT IS A PARTY TO THE
6 PROCEEDING;

7 (II) EACH PERSON IDENTIFIED IN § 1-809(A) AND (B) OF THIS
8 SUBTITLE ARE GIVEN NOTICE OF THE PENDENCY OF THE PROCEEDING; AND

9 (III) THE COURT DETERMINES, AFTER A HEARING, THAT THE
10 TERMINATION OR MODIFICATION WILL NOT ADVERSELY AFFECT HUMAN HEALTH
11 OR THE ENVIRONMENT.

12 (B) (1) IF THE AGENCY THAT SIGNED AN ENVIRONMENTAL COVENANT HAS
13 DETERMINED THAT THE INTENDED BENEFITS OF THE COVENANT CAN NO LONGER
14 BE REALIZED, A COURT, UNDER THE DOCTRINE OF CHANGED CIRCUMSTANCES, IN
15 AN ACTION IN WHICH ALL PERSONS IDENTIFIED § 1-809(A) AND (B) OF THIS SUBTITLE
16 HAVE BEEN GIVEN NOTICE, MAY TERMINATE THE COVENANT OR REDUCE ITS
17 BURDEN ON THE REAL PROPERTY SUBJECT TO THE COVENANT.

18 (2) THE AGENCY'S DETERMINATION OR ITS FAILURE TO MAKE A
19 DETERMINATION UPON REQUEST IS SUBJECT TO REVIEW IN ACCORDANCE WITH THE
20 ADMINISTRATIVE PROCEDURE ACT.

21 (C) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (A) AND (B) OF THIS
22 SECTION, AN ENVIRONMENTAL COVENANT MAY NOT BE EXTINGUISHED, LIMITED,
23 OR IMPAIRED THROUGH ISSUANCE OF A TAX DEED, FORECLOSURE OF A TAX LIEN, OR
24 APPLICATION OF THE DOCTRINE OF ADVERSE POSSESSION, PRESCRIPTION,
25 ABANDONMENT, WAIVER, LACK OF ENFORCEMENT, OR ACQUIESCENCE, OR A
26 SIMILAR DOCTRINE.

27 1-809.

28 (A) AN ENVIRONMENTAL COVENANT MAY BE AMENDED OR TERMINATED BY
29 CONSENT ONLY IF THE AMENDMENT OR TERMINATION IS SIGNED BY:

30 (1) THE AGENCY;

31 (2) UNLESS WAIVED BY THE AGENCY, THE CURRENT OWNER OF THE
32 FEE SIMPLE OF THE REAL PROPERTY SUBJECT TO THE COVENANT;

33 (3) EACH PERSON THAT ORIGINALLY SIGNED THE COVENANT, UNLESS:

34 (I) THE PERSON WAIVED IN A SIGNED RECORD THE RIGHT TO
35 CONSENT; OR

1 (II) A COURT FINDS THAT THE PERSON NO LONGER EXISTS OR
2 CANNOT BE LOCATED OR IDENTIFIED WITH THE EXERCISE OF REASONABLE
3 DILIGENCE; AND

4 (4) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (D)(2) OF THIS
5 SECTION, THE HOLDER.

6 (B) IF AN INTEREST IN REAL PROPERTY IS SUBJECT TO AN ENVIRONMENTAL
7 COVENANT, THE INTEREST IS NOT AFFECTED BY AN AMENDMENT OF THE
8 COVENANT UNLESS THE CURRENT OWNER OF THE INTEREST CONSENTS TO THE
9 AMENDMENT OR HAS WAIVED IN A SIGNED RECORD THE RIGHT TO CONSENT TO
10 AMENDMENTS.

11 (C) EXCEPT FOR AN ASSIGNMENT UNDERTAKEN IN ACCORDANCE WITH A
12 GOVERNMENTAL REORGANIZATION, ASSIGNMENT OF AN ENVIRONMENTAL
13 COVENANT TO A NEW HOLDER SHALL BE CONSIDERED TO BE AN AMENDMENT OF
14 THE COVENANT.

15 (D) EXCEPT AS OTHERWISE PROVIDED IN AN ENVIRONMENTAL COVENANT:

16 (1) A HOLDER MAY NOT ASSIGN ITS INTEREST WITHOUT CONSENT OF
17 THE OTHER PARTIES; AND

18 (2) A HOLDER MAY BE REMOVED AND REPLACED BY AGREEMENT OF
19 THE OTHER PARTIES SPECIFIED IN SUBSECTION (A) OF THIS SECTION.

20 (E) A COURT OF COMPETENT JURISDICTION MAY FILL A VACANCY IN THE
21 POSITION OF HOLDER.

22 1-810.

23 (A) A CIVIL ACTION FOR INJUNCTIVE OR OTHER EQUITABLE RELIEF FOR
24 VIOLATION OF AN ENVIRONMENTAL COVENANT MAY BE MAINTAINED BY:

25 (1) A PARTY TO THE COVENANT;

26 (2) THE AGENCY OR, IF IT IS NOT THE AGENCY, THE DEPARTMENT;

27 (3) ANY PERSON TO WHOM THE COVENANT EXPRESSLY GRANTS POWER
28 TO ENFORCE;

29 (4) A PERSON WHOSE INTEREST IN THE REAL PROPERTY OR WHOSE
30 COLLATERAL OR LIABILITY MAY BE AFFECTED BY THE ALLEGED VIOLATION OF THE
31 COVENANT; OR

32 (5) THE COUNTY OR MUNICIPAL CORPORATION IN WHICH THE REAL
33 PROPERTY SUBJECT TO THE COVENANT IS LOCATED.

34 (B) THIS SUBTITLE DOES NOT LIMIT THE REGULATORY AUTHORITY OF THE
35 AGENCY OR THE DEPARTMENT UNDER LAW, OTHER THAN THIS SUBTITLE, WITH
36 RESPECT TO AN ENVIRONMENTAL RESPONSE PROJECT.

1 (C) A PERSON IS NOT RESPONSIBLE FOR OR SUBJECT TO LIABILITY FOR
2 ENVIRONMENTAL REMEDIATION SOLELY BECAUSE THE PERSON HAS THE RIGHT TO
3 ENFORCE AN ENVIRONMENTAL COVENANT.

4 1-811.

5 (A) EXCEPT AS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION, THIS
6 SUBTITLE MODIFIES, LIMITS, OR SUPERSEDES THE FEDERAL ELECTRONIC
7 SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.

8 (B) THIS SUBTITLE DOES NOT MODIFY, LIMIT, OR SUPERSEDE § 7001(A) OR
9 AUTHORIZE ELECTRONIC DELIVERY OF ANY OF THE NOTICES DESCRIBED IN § 7003(B)
10 OF THE FEDERAL ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE
11 ACT.

12 1-812.

13 THIS SUBTITLE SHALL BE APPLIED AND CONSTRUED TO EFFECTUATE ITS
14 GENERAL PURPOSE TO MAKE UNIFORM THE LAW WITH RESPECT TO THE SUBJECT
15 OF THIS SUBTITLE AMONG STATES ENACTING IT.

16 1-813.

17 THIS SUBTITLE MAY BE CITED AS THE MARYLAND UNIFORM ENVIRONMENTAL
18 COVENANTS ACT.

19 1-814.

20 IF ANY PROVISION OF THIS SUBTITLE OR ITS APPLICATION TO ANY PERSON OR
21 CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY DOES NOT AFFECT OTHER
22 PROVISIONS OR APPLICATIONS OF THIS SUBTITLE WHICH CAN BE GIVEN EFFECT
23 WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE
24 PROVISIONS OF THIS SUBTITLE ARE SEVERABLE.

25 SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this
26 Act or the application thereof to any person or circumstance is held invalid for any
27 reason in a court of competent jurisdiction, the invalidity does not affect other
28 provisions or any other application of this Act which can be given effect without the
29 invalid provision or application, and for this purpose the provisions of this Act are
30 declared severable.

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be applied
32 and construed to effectuate its general purpose to make uniform the law with respect
33 to the subject of this Act among states enacting it.

34 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2005.