
By: **Delegate McIntosh**

Introduced and read first time: February 7, 2005

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2005

CHAPTER_____

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~~ 1-815, inclusive, to be under the new subtitle

11 "Subtitle 8. 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.

1 (B) "ACTIVITY AND USE LIMITATION" MEANS A RESTRICTION OR OBLIGATION
2 CREATED UNDER THIS SUBTITLE WITH RESPECT TO REAL PROPERTY.

3 (C) "AGENCY" MEANS THE DEPARTMENT OR ANY OTHER STATE OR FEDERAL
4 AGENCY THAT DETERMINES OR APPROVES THE ENVIRONMENTAL RESPONSE
5 PROJECT PURSUANT TO WHICH AN ENVIRONMENTAL COVENANT IS CREATED.

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

12 (E) "ENVIRONMENTAL COVENANT" MEANS A SERVITUDE ARISING UNDER AN
13 ENVIRONMENTAL RESPONSE PROJECT THAT IMPOSES ACTIVITY AND USE
14 LIMITATIONS.

15 (F) "ENVIRONMENTAL RESPONSE PROJECT" MEANS A PLAN OR WORK
16 PERFORMED FOR ENVIRONMENTAL REMEDIATION OF REAL PROPERTY THAT IS
17 CONDUCTED:

18 (1) UNDER A FEDERAL OR STATE PROGRAM GOVERNING
19 ENVIRONMENTAL REMEDIATION OF REAL PROPERTY, INCLUDING TITLE 7, SUBTITLE
20 5 OF THIS ARTICLE; OR

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

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

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

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

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

35 1-802.

36 (A) AN ENVIRONMENTAL COVENANT SHALL:

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

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

5 (3) DESCRIBE THE ACTIVITY AND USE LIMITATIONS ON THE REAL
6 PROPERTY;

7 (4) IDENTIFY EVERY HOLDER;

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

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

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

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

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

22 (2) REQUIREMENTS FOR PERIODIC REPORTING DESCRIBING
23 COMPLIANCE WITH THE COVENANT;

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

26 (4) BRIEF NARRATIVE DESCRIPTIONS OF THE CONTAMINATION AND
27 REMEDY, INCLUDING THE CONTAMINANTS OF CONCERN, THE PATHWAYS OF
28 EXPOSURE, LIMITS ON EXPOSURE, AND THE LOCATION AND EXTENT OF THE
29 CONTAMINATION;

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

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

34 (C) IN ADDITION TO OTHER CONDITIONS FOR THE AGENCY'S APPROVAL OF AN
35 ENVIRONMENTAL COVENANT, THE AGENCY MAY REQUIRE THOSE PERSONS

1 SPECIFIED BY THE AGENCY WHO HAVE INTERESTS IN THE REAL PROPERTY TO SIGN
2 THE COVENANT.

3 1-803.

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

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

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

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

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

17 (2) ANY PERSON OTHER THAN AN AGENCY THAT SIGNS AN
18 ENVIRONMENTAL COVENANT IS BOUND BY THE OBLIGATIONS THE PERSON
19 ASSUMES IN THE COVENANT, BUT SIGNING THE COVENANT DOES NOT CHANGE
20 OBLIGATIONS, RIGHTS, OR PROTECTIONS GRANTED OR IMPOSED UNDER LAW OTHER
21 THAN THIS SUBTITLE EXCEPT AS PROVIDED IN THE COVENANT.

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

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

28 (3) A PERSON THAT OWNS AN INTEREST THAT HAS PRIORITY UNDER
29 OTHER LAW IS NOT REQUIRED UNDER THIS SUBTITLE TO SUBORDINATE THAT
30 INTEREST TO AN ENVIRONMENTAL COVENANT OR TO AGREE TO BE BOUND BY THE
31 COVENANT.

32 (4) (I) A SUBORDINATION AGREEMENT MAY BE CONTAINED IN AN
33 ENVIRONMENTAL COVENANT COVERING REAL PROPERTY OR IN A SEPARATE
34 RECORD.

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

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

6 1-804.

7 (A) AN ENVIRONMENTAL COVENANT THAT COMPLIES WITH THIS SUBTITLE
8 RUNS WITH THE LAND.

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

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

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

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

16 (4) IT IMPOSES A NEGATIVE BURDEN;

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

19 (6) THE BENEFIT OR BURDEN DOES NOT TOUCH OR CONCERN REAL
20 PROPERTY;

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

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

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

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

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

1 1-805.

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

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

9 1-806.

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

12 (1) EACH PERSON THAT SIGNED THE COVENANT;

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

15 (3) EACH PERSON IN POSSESSION OF THE REAL PROPERTY SUBJECT TO
16 THE COVENANT;

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

19 (5) ANY OTHER PERSON THE AGENCY REQUIRES.

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

22 1-807.

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

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

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

31 1-808.

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

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

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

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

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

6 (5) TERMINATED OR MODIFIED IN AN EMINENT DOMAIN PROCEEDING,
7 IF:

8 (I) THE AGENCY THAT SIGNED THE COVENANT IS A PARTY TO THE
9 PROCEEDING;

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

12 (III) THE COURT DETERMINES, AFTER A HEARING, THAT THE
13 TERMINATION OR MODIFICATION WILL NOT ADVERSELY AFFECT HUMAN HEALTH
14 OR THE ENVIRONMENT.

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

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

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

30 1-809.

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

33 (1) THE AGENCY;

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

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

1 (I) THE PERSON WAIVED IN A SIGNED RECORD THE RIGHT TO
2 CONSENT; OR

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

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

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

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

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

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

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

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

24 1-810.

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

27 (1) A PARTY TO THE COVENANT;

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

29 (3) ANY PERSON TO WHOM THE COVENANT EXPRESSLY GRANTS POWER
30 TO ENFORCE;

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

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

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

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

7 1-811.

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

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

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

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

22 (2) A NOTICE SHALL CONTAIN:

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

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

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

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

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

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

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

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

11 4. THE NAME AND ADDRESS OF THE OWNER OF THE FEE SIMPLE
12 INTEREST IN THE REAL PROPERTY ON THE DATE OF THIS NOTICE IS (NAME OF
13 CURRENT OWNER OF THE PROPERTY AND THE OWNER'S CURRENT ADDRESS AS
14 SHOWN ON THE TAX RECORDS OF THE JURISDICTION IN WHICH THE PROPERTY IS
15 LOCATED).

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

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

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

24 1-812.

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

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

32 ~~1-812.~~ 1-813.

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

1 ~~1-813-1-814.~~

2 THIS SUBTITLE MAY BE CITED AS THE MARYLAND UNIFORM ENVIRONMENTAL
3 COVENANTS ACT.

4 ~~1-814-1-815.~~

5 IF ANY PROVISION OF THIS SUBTITLE OR ITS APPLICATION TO ANY PERSON OR
6 CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY DOES NOT AFFECT OTHER
7 PROVISIONS OR APPLICATIONS OF THIS SUBTITLE WHICH CAN BE GIVEN EFFECT
8 WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE
9 PROVISIONS OF THIS SUBTITLE ARE SEVERABLE.

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

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

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