
By: **Delegate Holmes**

Introduced and read first time: February 9, 2006

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Condemnation - Urban Renewal or Economic Development - Required**
3 **Findings**

4 FOR the purpose of stating the intent of the General Assembly concerning
5 preservation of certain businesses when property is acquired by condemnation
6 for urban renewal or economic development purposes; requiring a government
7 unit to make certain findings with respect to certain businesses before
8 condemning private property for urban renewal or economic development
9 purposes; requiring the government unit to make a written record of its
10 findings; and generally relating to certain businesses acquired by
11 condemnation.

12 BY adding to
13 Article - Real Property
14 Section 12-101.1
15 Annotated Code of Maryland
16 (2003 Replacement Volume and 2005 Supplement)

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

19 **Article - Real Property**

20 12-101.1.

21 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
22 INDICATED.

23 (2) "BUSINESS" HAS THE MEANING STATED IN § 12-201 OF THIS TITLE.

24 (3) "GOVERNMENT UNIT" MEANS THE STATE, AN AGENCY, AUTHORITY,
25 BOARD, COMMISSION, COUNCIL, OFFICE, PUBLIC OR QUASI-PUBLIC CORPORATION,
26 OR OTHER UNIT OR INSTRUMENTALITY OF THE STATE OR A COUNTY, POLITICAL
27 SUBDIVISION, OR MUNICIPAL CORPORATION.

28 (B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT:

1 (1) A VIABLE BUSINESS SHOULD BE PRESERVED WHENEVER
2 REASONABLY PRACTICABLE AND SHOULD NOT BE ACQUIRED BY CONDEMNATION
3 FOR URBAN RENEWAL OR ECONOMIC DEVELOPMENT PURPOSES UNLESS OTHER
4 ALTERNATIVES ARE SHOWN NOT TO BE REASONABLY PRACTICABLE; AND

5 (2) WHEN IT IS NECESSARY TO ACQUIRE AN EXISTING BUSINESS BY
6 CONDEMNATION, THE GOVERNMENT UNIT SHALL MAKE EVERY REASONABLE
7 EFFORT TO ENSURE THAT THE BUSINESS IS INCORPORATED IN THE URBAN
8 RENEWAL OR ECONOMIC DEVELOPMENT PROJECT AT ITS EXISTING LOCATION OR AT
9 A NEARBY LOCATION.

10 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A GOVERNMENT
11 UNIT MAY NOT CONDEMN PRIVATE PROPERTY FOR PURPOSES OF URBAN RENEWAL
12 OR ECONOMIC DEVELOPMENT UNLESS THE GOVERNMENT UNIT MAKES A FINDING,
13 WITH RESPECT TO EACH BUSINESS THAT WILL BE AFFECTED BY THE PROJECT FOR
14 WHICH THE PROPERTY IS BEING CONDEMNED, AS TO:

15 (1) THE EFFECT OF CONDEMNATION ON THE BUSINESS AND WHETHER
16 THE PROJECT COULD BE RESTRUCTURED TO AVOID THE CONDEMNATION OF THE
17 BUSINESS; AND

18 (2) WHETHER THE DISPLACED OWNER OR TENANT OF THE BUSINESS
19 HAS BEEN GIVEN A REASONABLE OPPORTUNITY TO BE INCLUDED IN THE PROJECT
20 AT ITS EXISTING LOCATION OR AT A NEARBY LOCATION.

21 (D) THE GOVERNMENT UNIT SHALL MAKE A WRITTEN RECORD OF ITS
22 FINDINGS UNDER SUBSECTION (C) OF THIS SECTION.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2006.