By: **Delegate Bromwell** Introduced and read first time: February 10, 2006 Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 Real Property - Condemnation - Computation of Damages for the Taking of 3 **Residential Real Property** 4 FOR the purpose of providing for the computation of damages for the taking of residential real property in certain condemnation proceedings; defining a 5 6 certain term; providing for the application of this Act; and generally relating to damages awarded for the taking of residential real property in condemnation 7 8 proceedings. 9 BY adding to Article - Real Property 10 Section 12-104(h) 11 12 Annotated Code of Maryland 13 (2003 Replacement Volume and 2005 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 14 15 MARYLAND, That the Laws of Maryland read as follows: 16 **Article - Real Property** 17 12-104. IN THIS SUBSECTION, "RESIDENTIAL REAL PROPERTY" MEANS 18 (H) (1)19 OWNER-OCCUPIED REAL PROPERTY HAVING A DWELLING ON IT THAT IS THE 20 PRINCIPAL RESIDENCE OF THE HOMEOWNER. THE DAMAGES TO BE AWARDED FOR THE TAKING OF 21 (2)(I) 22 RESIDENTIAL REAL PROPERTY SHALL BE 150% OF ITS FAIR MARKET VALUE IF THE 23 PROPERTY TAKEN IS FOR THE: 24 1. POSSESSION, OCCUPATION, AND ENJOYMENT BY THE 25 PUBLIC, THE STATE, AN INSTRUMENTALITY OF THE STATE, OR A POLITICAL 26 SUBDIVISION; 27 2. CREATION OR OPERATION OF PUBLIC UTILITIES OR 28 COMMON CARRIERS; OR

UNOFFICIAL COPY OF HOUSE BILL 1346

2 1

3. REHABILITATION OF A SLUM OR BLIGHTED AREA.

2 (II) THE DAMAGES TO BE AWARDED FOR THE TAKING OF
3 RESIDENTIAL REAL PROPERTY SHALL BE 200% OF ITS FAIR MARKET VALUE IF THE
4 PROPERTY TAKEN IS FOR ANY OTHER PUBLIC USE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
construed to apply only prospectively and may not be applied or interpreted to have
any effect on or application to any residential real property taken before the effective
date of this Act.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect 10 October 1, 2006.