

---

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  
5 residential real property in certain condemnation proceedings; defining a  
6 certain term; providing for the application of this Act; and generally relating to  
7 damages awarded for the taking of residential real property in condemnation  
8 proceedings.

9 BY adding to  
10 Article - Real Property  
11 Section 12-104(h)  
12 Annotated Code of Maryland  
13 (2003 Replacement Volume and 2005 Supplement)

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

16 **Article - Real Property**

17 12-104.

18 (H) (1) IN THIS SUBSECTION, "RESIDENTIAL REAL PROPERTY" MEANS  
19 OWNER-OCCUPIED REAL PROPERTY HAVING A DWELLING ON IT THAT IS THE  
20 PRINCIPAL RESIDENCE OF THE HOMEOWNER.

21 (2) (I) THE DAMAGES TO BE AWARDED FOR THE TAKING OF  
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

