
By: **Senator Della**

Introduced and read first time: February 2, 2006

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property - Eminent Domain - Limitations on the Condemnation of**
3 **Private Property**

4 FOR the purpose of prohibiting certain governmental units from acquiring private
5 property by condemnation for certain purposes or if the property is intended to
6 be transferred to a private person under certain circumstances; providing that
7 the limitation in this Act does not apply to certain condemnations of private
8 property under certain circumstances; defining a certain term; and generally
9 relating to the condemnation of private property in Maryland.

10 BY renumbering

11 Article - Real Property
12 Section 12-102
13 to be Section 12-102.1
14 Annotated Code of Maryland
15 (2003 Replacement Volume and 2005 Supplement)

16 BY adding to

17 Article - Real Property
18 Section 12-102
19 Annotated Code of Maryland
20 (2003 Replacement Volume and 2005 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That Section(s) 12-102 of Article - Real Property of the Annotated Code
23 of Maryland be renumbered to be Section(s) 12-102.1.

24 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
25 read as follows:

1

Article - Real Property

2 12-102.

3 (A) IN THIS SECTION, "GOVERNMENTAL UNIT" MEANS ANY AGENCY,
4 AUTHORITY, BOARD, COMMISSION, COUNCIL, OFFICE, PUBLIC OR QUASI-PUBLIC
5 CORPORATION, OR OTHER UNIT OR INSTRUMENTALITY OF THE STATE, A COUNTY, OR
6 A MUNICIPAL CORPORATION.

7 (B) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND EXCEPT AS
8 PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A GOVERNMENTAL UNIT MAY
9 NOT ACQUIRE PRIVATE PROPERTY BY CONDEMNATION:

10 (I) IF THE GOVERNMENT UNIT INTENDS TO TRANSFER
11 OWNERSHIP OR CONTROL OF THE PROPERTY TO A PRIVATE PERSON FOR THE
12 PURPOSES OF PRIVATE RETAIL, OFFICE, COMMERCIAL, INDUSTRIAL, OR
13 RESIDENTIAL DEVELOPMENT;

14 (II) PRIMARILY FOR THE ENHANCEMENT OF THE TAX BASE OR TAX
15 REVENUE; OR

16 (III) TO INCREASE EMPLOYMENT OR IMPROVE THE GENERAL
17 ECONOMIC HEALTH.

18 (2) THE LIMITATIONS IN PARAGRAPH (1) OF THIS SUBSECTION DO NOT
19 APPLY TO THE CONDEMNATION OF PRIVATE PROPERTY:

20 (I) IF A GOVERNMENTAL UNIT RETAINS OWNERSHIP OR CONTROL
21 OF THE PROPERTY;

22 (II) FOR THE CREATION OR OPERATION OF A COMMON CARRIER OR
23 PUBLIC UTILITY;

24 (III) FOR THE LEASE OF PROPERTY TO A PRIVATE PERSON TO
25 OCCUPY AN INCIDENTAL PART OF PUBLIC PROPERTY OR A PUBLIC BUILDING;

26 (IV) FOR THE ACQUISITION OF PROPERTY TO CURE A CONCRETE
27 HARMFUL EFFECT OF THE CURRENT USE OF THE LAND, INCLUDING THE REMOVAL
28 OF PUBLIC NUISANCES OR STRUCTURES THAT ARE BEYOND REPAIR;

29 (V) FOR THE ACQUISITION OF ABANDONED PROPERTY OR TO
30 CLEAR DEFECTIVE CHAINS OF TITLE; OR

31 (VI) FOR THE REDEVELOPMENT OF A BROWNFIELD SITE AS
32 DEFINED IN THE SMALL BUSINESS LIABILITY AND BROWNFIELDS REVITALIZATION
33 ACT, 42 U.S.C. 9601(39).

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