
By: **Senator Stone**

Introduced and read first time: February 3, 2006

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Eminent Domain - Moving, Relocation, and Reestablishment Expenses**

3 FOR the purpose of altering the monetary maximum for payments to displaced
4 persons for actual reasonable reestablishment expenses; and generally relating
5 to payments for moving, relocation, and reestablishment expenses for displaced
6 persons.

7 BY repealing and reenacting, with amendments,
8 Article - Real Property
9 Section 12-205
10 Annotated Code of Maryland
11 (2003 Replacement Volume and 2005 Supplement)

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

14 **Article - Real Property**

15 12-205.

16 (a) Whenever a program or project undertaken by a displacing agency will
17 result in the displacement of any person, the displacing agency shall make a payment
18 to the displaced person, on proper application as approved by the displacing agency
19 for:

20 (1) Actual reasonable expenses in moving himself, his family, business,
21 farm operation, or other personal property;

22 (2) Actual direct loss of tangible personal property as a result of moving
23 or discontinuing a business or farm operation, but not exceeding an amount equal to
24 the reasonable expenses that would have been required to relocate the personal
25 property, as determined by the agency;

26 (3) Actual reasonable expenses in searching for a replacement business
27 or farm; and

1 (4) Actual reasonable expenses necessary to reestablish a displaced
2 farm, nonprofit organization, or small business at its new site as determined by the
3 displacing agency, but not to exceed [\$10,000]:

4 (I) \$40,000 FOR FISCAL YEAR 2007; AND

5 (II) FOR FISCAL YEAR 2008 AND EACH SUBSEQUENT FISCAL YEAR,
6 THE AMOUNT OF FUNDING FOR FISCAL YEAR 2007 ADJUSTED FOR INFLATION, AS
7 MEASURED BY THE CONSUMER PRICE INDEX - ALL URBAN CONSUMERS FOR THE
8 SECOND PRECEDING FISCAL YEAR, CALCULATED BY THE U.S. DEPARTMENT OF
9 COMMERCE.

10 (b) Any displaced person eligible for payments under subsection (a) of this
11 section, who is displaced from a dwelling and who elects to accept the payments
12 authorized by this subsection in lieu of the payments authorized by subsection (a) of
13 this section, may receive a moving expense allowance, determined according to a
14 schedule established by the lead agency.

15 (c) (1) Any displaced person eligible for payments under subsection (a) of
16 this section who is displaced from the person's place of business or farm operation and
17 who is eligible under criteria established by the lead agency may elect to accept the
18 payment authorized by this subsection in lieu of the payment authorized by
19 subsection (a) of this section.

20 (2) Such payment shall consist of a fixed payment in an amount to be
21 determined according to criteria established by the lead agency, except that such
22 payment may not be less than \$1,000 nor more than [\$20,000] \$50,000 or the amount
23 provided under the federal Uniform Relocation Assistance Act, whichever is greater.

24 (3) A person whose sole business at the displacement dwelling is the
25 rental of such property to others shall not qualify for a payment under this
26 subsection.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
28 effect July 1, 2006.