

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE
Revised

House Bill 90

(Chairman, Environmental Matters Committee)
(By Request – Departmental – Agriculture)

Environmental Matters

Education, Health, and Environmental Affairs

Agricultural Land Preservation Foundation - Dwelling Relocation

This departmental bill authorizes the Maryland Agricultural Land Preservation Foundation (MALPF) to approve a landowner's request to relocate the site of an existing dwelling to another location on a farm subject to a MALPF easement or district agreement. The following conditions must be met in order to be approved: (1) the new location may not interfere with any agricultural use; and (2) subject to the foundation's approval, the landowner must agree either to demolish the existing dwelling at the current location or permanently convert it to a use that is nonresidential and integral to the farm operation.

Fiscal Summary

State Effect: None. The bill would not materially affect State operations of finances.

Local Effect: None.

Small Business Effect: The Maryland Department of Agriculture has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Background/Current Law: In the absence of explicit statutory guidance, MALPF's Board of Trustees has over time developed a *de facto* policy on the relocation of existing

dwellings in response to a number of requests. This policy now exists in State regulation; requests are approved if the new location has little or no impact on the farming operation, the existing dwelling is demolished, and the location of the existing dwelling is returned to agricultural use.

The board recognizes that landowners may have legitimate reasons for relocating a dwelling on the property and that relocation may improve the farming operation or, at a minimum, have little or no impact on the farming operation. In recent years, however, MALPF advises that the board has received an increasing number of more controversial requests, such as a request to relocate an existing dwelling to the middle of the productive farm fields or elsewhere on the property solely for a better view or increased street appeal of the house. Other requests have been made to redesignate the already existing dwelling as a farm structure after the new dwelling has been completed, while others have been made to redesignate the existing dwelling to be relocated as a tenant house once the new dwelling has been completed.

Within the last year, questions have been raised by board members concerning the degree of discretion they have in approving dwelling relocation requests. The board recommended that clear authority be provided in statute regarding relocation requests and the ability of the board to review and approve such requests. This bill is intended to grant explicit authority to MALPF to review and approve relocation requests under specified conditions in order to protect the State's investment in preserving productive farmland.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Planning, Maryland Department of Agriculture, Department of Legislative Services

Fiscal Note History: First Reader - January 30, 2006
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