

HOUSE BILL 1015

N1

71r2194

By: **Delegate Howard**

Introduced and read first time: February 9, 2007

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Eminent Domain – Limitations on the Condemnation of Private Property**

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

9 BY adding to

10 Article – Real Property

11 Section 12–101.1

12 Annotated Code of Maryland

13 (2003 Replacement Volume and 2006 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 **12–101.1.**

18 (A) IN THIS SECTION, “GOVERNMENTAL UNIT” MEANS ANY AGENCY,
19 AUTHORITY, BOARD, COMMISSION, COUNCIL, OFFICE, PUBLIC OR QUASI-PUBLIC
20 CORPORATION, OR OTHER UNIT OR INSTRUMENTALITY OF THE STATE, A
21 COUNTY, OR A MUNICIPAL CORPORATION.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

5 **(I) IF THE GOVERNMENTAL UNIT INTENDS TO TRANSFER**
6 **OWNERSHIP OR CONTROL OF THE PROPERTY TO A PRIVATE PERSON FOR THE**
7 **PURPOSES OF PRIVATE RETAIL, OFFICE, COMMERCIAL, INDUSTRIAL, OR**
8 **RESIDENTIAL DEVELOPMENT;**

9 **(II) PRIMARILY FOR THE ENHANCEMENT OF THE TAX BASE**
10 **OR TAX REVENUE; OR**

11 **(III) TO INCREASE EMPLOYMENT OR IMPROVE THE GENERAL**
12 **ECONOMIC HEALTH.**

13 **(2) THE LIMITATIONS IN PARAGRAPH (1) OF THIS SUBSECTION**
14 **DO NOT APPLY TO THE CONDEMNATION OF PRIVATE PROPERTY:**

15 **(I) IF A GOVERNMENTAL UNIT RETAINS OWNERSHIP OR**
16 **CONTROL OF THE PROPERTY;**

17 **(II) FOR THE CREATION OR OPERATION OF A COMMON**
18 **CARRIER OR PUBLIC UTILITY;**

19 **(III) FOR THE ACQUISITION OF PROPERTY TO CURE A**
20 **CONCRETE HARMFUL EFFECT OF THE CURRENT USE OF THE LAND, INCLUDING**
21 **THE REMOVAL OF PUBLIC NUISANCES OR STRUCTURES THAT ARE BEYOND**
22 **REPAIR; OR**

23 **(IV) FOR THE ACQUISITION OF ABANDONED PROPERTY OR**
24 **TO CLEAR DEFECTIVE CHAINS OF TITLE.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2007.