

# SENATE BILL 3

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SB 3/06 – JPR

(PRE-FILED)

7lr1134

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By: **Senators DeGrange, Miller, Astle, Currie, Della, Garagiola, Gladden,  
Hogan, Kasemeyer, Kelley, Kramer, Pugh, Raskin, and Stone**

Requested: November 20, 2006

Introduced and read first time: January 10, 2007

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Property Protection Act of 2007**

3 FOR the purpose of requiring a certain government unit to make certain findings  
4 before condemning and transferring private property to a private party for  
5 economic development purposes; requiring the government unit to make a  
6 certain written record of its findings; establishing a certain standard for judicial  
7 review of a government unit's findings; prohibiting a government unit from  
8 condemning private property used for a farm operation under certain  
9 circumstances; establishing that damages awarded for the taking of property  
10 used for a business or farm operation shall include certain damages for the loss  
11 of "goodwill" under certain circumstances and certain damages for loss of net  
12 operating income for a certain period of time; requiring an owner of a business  
13 or farm operation to prove certain elements of a loss of "goodwill" in order to  
14 receive certain payments; prohibiting an owner of a business or farm operation  
15 from receiving compensation for "goodwill" if that compensation is included in  
16 other compensation received; establishing a certain limitation on the amount of  
17 compensation for "goodwill"; requiring the State, its instrumentality, or a  
18 political subdivision to file a condemnation action for certain property within a  
19 certain period of time after a certain administrative or legislative determination  
20 to take the property; requiring the State, its instrumentality, or a political  
21 subdivision to obtain a new authorization to condemn certain property if it does  
22 not file a condemnation action within a certain period of time; requiring the  
23 plaintiff in a condemnation proceeding to pay certain costs incurred by the

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 defendant under certain circumstances; establishing a right to reacquire certain  
 2 condemned land not needed for a public purpose; establishing procedures for the  
 3 reacquisition of certain condemned land; requiring a representative of a  
 4 displacing agency to contact the owner of a certain business or farm operation  
 5 within a certain period of time before the filing of a condemnation action to  
 6 negotiate regarding relocation plans for the business or farm operation; altering  
 7 the payment for relocation costs in a condemnation proceeding by adding  
 8 certain payments for substitute tangible personal property under certain  
 9 circumstances and by repealing certain monetary limitations; expressing the  
 10 intent of the General Assembly; defining certain terms; making stylistic  
 11 changes; and generally relating to procedures and compensation in  
 12 condemnation proceedings.

13 BY repealing and reenacting, with amendments,  
 14 Article – Real Property  
 15 Section 12–101, 12–106, and 12–205  
 16 Annotated Code of Maryland  
 17 (2003 Replacement Volume and 2006 Supplement)

18 BY adding to  
 19 Article – Real Property  
 20 Section 12–102.1, 12–104(h), 12–105.1, 12–113, and 12–205.1  
 21 Annotated Code of Maryland  
 22 (2003 Replacement Volume and 2006 Supplement)

23 BY repealing and reenacting, without amendments,  
 24 Article – Real Property  
 25 Section 12–104(a) and 12–201(a), (c), (f), and (g)  
 26 Annotated Code of Maryland  
 27 (2003 Replacement Volume and 2005 Supplement)

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

30 **Article – Real Property**

31 12–101.

32 (A) All proceedings for the acquisition of private property for public use by  
 33 condemnation are governed by the provisions of this title and of Title 12, Chapter 200  
 34 of the Maryland Rules.

1           **(B)** [Nothing in this] **THIS** title [prevents] **DOES NOT PREVENT:**

2                   **(1)** [this] **THIS** State or any of its instrumentalities or political  
3 subdivisions, acting under statute or ordinance passed pursuant to Article III of the  
4 Maryland Constitution, from taking private property for public use immediately on  
5 making the required payment and giving any required security[. In addition, this title  
6 does not prevent];

7                   **(2)** [the] **THE** State Roads Commission from using the procedures set  
8 forth in Title 8, Subtitle 3 of the Transportation Article[, or prevent]; **OR**

9                   **(3)** Baltimore City from using the procedure set forth in the Charter of  
10 Baltimore City and §§ 21-12 through 21-22, inclusive, of the Public Local Laws of  
11 Baltimore City.

12 **12-102.1.**

13           **(A)** **(1)** **IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
14 **MEANINGS INDICATED.**

15                   **(2)** **“BUSINESS” HAS THE MEANING STATED IN § 12-201 OF THIS**  
16 **TITLE.**

17                   **(3)** **“ECONOMIC DEVELOPMENT” INCLUDES INCREASING TAX**  
18 **REVENUE, TAX BASE, EMPLOYMENT, OR GENERAL ECONOMIC HEALTH.**

19                   **(4)** **“FARM OPERATION” HAS THE MEANING STATED IN § 12-201**  
20 **OF THIS TITLE.**

21                   **(5)** **“GOVERNMENT UNIT” MEANS:**

22                           **(I)** **THE STATE;**

23                           **(II)** **A COUNTY, POLITICAL SUBDIVISION, OR MUNICIPAL**  
24 **CORPORATION; OR**

25                           **(III)** **AN AGENCY, AUTHORITY, BOARD, COMMISSION,**  
26 **COUNCIL, OFFICE, PUBLIC OR QUASI-PUBLIC CORPORATION, OR OTHER UNIT**  
27 **OR INSTRUMENTALITY OF THE STATE OR OF A COUNTY, POLITICAL**  
28 **SUBDIVISION, OR MUNICIPAL CORPORATION.**

1           **(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT:**

2                   **(1) A VIABLE BUSINESS SHOULD BE PRESERVED WHENEVER**  
3 **REASONABLY PRACTICABLE AND SHOULD NOT BE ACQUIRED BY**  
4 **CONDEMNATION FOR URBAN RENEWAL OR ECONOMIC DEVELOPMENT**  
5 **PURPOSES UNLESS OTHER ALTERNATIVES ARE SHOWN NOT TO BE REASONABLY**  
6 **PRACTICABLE; AND**

7                   **(2) WHEN IT IS NECESSARY TO ACQUIRE AN EXISTING BUSINESS**  
8 **BY CONDEMNATION, THE GOVERNMENT UNIT SHALL MAKE EVERY REASONABLE**  
9 **EFFORT TO ENSURE THAT THE BUSINESS IS INCORPORATED IN THE URBAN**  
10 **RENEWAL OR ECONOMIC DEVELOPMENT PROJECT AT ITS EXISTING LOCATION**  
11 **OR AT A NEARBY LOCATION.**

12           **(C) EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION,**  
13 **NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A GOVERNMENT UNIT MAY**  
14 **NOT CONDEMN PRIVATE PROPERTY IF THE PROPERTY WILL BE SOLD, LEASED,**  
15 **TRANSFERRED, OR OTHERWISE CONVEYED TO OR FOR THE BENEFIT OF A**  
16 **PRIVATE PARTY FOR PURPOSES OF ECONOMIC DEVELOPMENT UNLESS THE**  
17 **GOVERNMENT UNIT FINDS THAT:**

18                   **(1) THE PROPERTY IS:**

19                           **(I) PART OF A COMPREHENSIVE DEVELOPMENT PLAN THAT**  
20 **HAS SUBSTANTIAL AND DIRECT PUBLIC USES AND BENEFITS;**

21                           **(II) NECESSARY TO CARRY OUT THE COMPREHENSIVE**  
22 **DEVELOPMENT PLAN; AND**

23                           **(III) NOT BEING CONDEMNED SOLELY OR PRIMARILY TO**  
24 **BENEFIT A PRIVATE PARTY;**

25                   **(2) (I) THE COMPREHENSIVE DEVELOPMENT PLAN COULD NOT**  
26 **BE CARRIED OUT BY PRIVATE DEVELOPERS; AND**

27                           **(II) CONDEMNATION IS NECESSARY TO ACCOMPLISH THE**  
28 **COMPREHENSIVE DEVELOPMENT PLAN; AND**

1           **(3) WITH RESPECT TO A BUSINESS THAT WILL BE AFFECTED BY**  
2 **THE COMPREHENSIVE DEVELOPMENT PLAN:**

3                   **(I) THE EFFECT OF CONDEMNATION ON THE BUSINESS AND**  
4 **WHETHER THE COMPREHENSIVE DEVELOPMENT PLAN COULD BE**  
5 **RESTRUCTURED TO AVOID THE CONDEMNATION OF THE BUSINESS HAVE BEEN**  
6 **CONSIDERED;**

7                   **(II) THE DISPLACED OWNER OR TENANT OF THE BUSINESS**  
8 **HAS BEEN GIVEN A REASONABLE OPPORTUNITY TO BE INCLUDED IN THE**  
9 **COMPREHENSIVE DEVELOPMENT PLAN; AND**

10                   **(III) IF THE BUSINESS COULD NOT BE INCLUDED IN THE**  
11 **COMPREHENSIVE DEVELOPMENT PLAN, THE GOVERNMENT UNIT HAS PROVIDED**  
12 **THE DISPLACED OWNER OR TENANT OF THE BUSINESS WITH AN ALTERNATIVE**  
13 **LOCATION SUITABLE TO MAINTAIN THE BUSINESS.**

14           **(D) THE GOVERNMENT UNIT SHALL MAKE A WRITTEN RECORD OF ITS**  
15 **FINDINGS UNDER SUBSECTION (C) OF THIS SECTION.**

16           **(E) (1) THE STANDARD OF JUDICIAL REVIEW APPLICABLE TO**  
17 **ADMINISTRATIVE DECISIONS SHALL APPLY TO THE FINDINGS OF THE**  
18 **GOVERNMENT UNIT UNDER SUBSECTION (C) OF THIS SECTION.**

19                   **(2) IN ITS REVIEW, THE COURT SHALL DETERMINE IF:**

20                   **(I) THE GOVERNMENT UNIT EMPLOYED THE CORRECT**  
21 **LEGAL STANDARDS;**

22                   **(II) A REASONING MIND COULD HAVE REASONABLY**  
23 **REACHED THE CONCLUSIONS OF THE GOVERNMENT UNIT ON MIXED QUESTIONS**  
24 **OF LAW AND FACT; AND**

25                   **(III) THE FACTUAL FINDINGS OF THE GOVERNMENT UNIT**  
26 **ARE SUPPORTED BY SUBSTANTIAL EVIDENCE.**

27           **(F) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A**  
28 **GOVERNMENT UNIT MAY NOT CONDEMN PRIVATE PROPERTY USED FOR A FARM**  
29 **OPERATION IF THE PROPERTY WILL BE SOLD, LEASED, TRANSFERRED, OR**

1 **OTHERWISE CONVEYED TO OR FOR THE BENEFIT OF A PRIVATE PARTY FOR**  
2 **PURPOSES OF URBAN RENEWAL OR ECONOMIC DEVELOPMENT.**

3 12-104.

4 (a) The damages to be awarded for the taking of land is its fair market value.

5 (H) (1) (I) **IN THIS SUBSECTION THE FOLLOWING WORDS HAVE**  
6 **THE MEANINGS INDICATED.**

7 (II) **“BUSINESS” HAS THE MEANING STATED IN § 12-201 OF**  
8 **THIS TITLE.**

9 (III) **“FARM OPERATION” HAS THE MEANING STATED IN §**  
10 **12-201 OF THIS TITLE.**

11 (IV) **“GOODWILL” MEANS THE BENEFITS THAT ACCRUE TO A**  
12 **BUSINESS OR FARM OPERATION AS A RESULT OF:**

13 1. **ITS LOCATION;**

14 2. **ITS REPUTATION FOR DEPENDABILITY, SKILL, OR**  
15 **QUALITY; AND**

16 3. **ANY OTHER CIRCUMSTANCES RESULTING IN**  
17 **PROBABLE RETENTION OF EXISTING CUSTOMERS OR ACQUISITION OF NEW**  
18 **CUSTOMERS.**

19 (2) **IN ADDITION TO ANY OTHER DAMAGES ALLOWED UNDER THIS**  
20 **SECTION, THE OWNER OF A BUSINESS OR FARM OPERATION CONDUCTED ON**  
21 **THE PROPERTY TAKEN, OR ON THE REMAINDER IF THERE IS A PARTIAL TAKING,**  
22 **IS ENTITLED TO:**

23 (I) **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,**  
24 **COMPENSATION FOR LOSS OF GOODWILL, IF THE OWNER PROVES THAT THE**  
25 **LOSS:**

26 1. **IS CAUSED BY THE TAKING OF THE PROPERTY OR**  
27 **THE INJURY TO THE REMAINDER;**

1                   **2. CANNOT REASONABLY BE PREVENTED BY A**  
2 **RELOCATION OF THE BUSINESS OR FARM OPERATION OR BY TAKING STEPS AND**  
3 **ADOPTING PROCEDURES THAT A REASONABLY PRUDENT PERSON WOULD TAKE**  
4 **AND ADOPT IN PRESERVING THE GOODWILL;**

5                   **3. WILL NOT BE INCLUDED IN RELOCATION**  
6 **PAYMENTS UNDER SUBTITLE 2 OF THIS TITLE; AND**

7                   **4. WILL NOT BE DUPLICATED IN THE**  
8 **COMPENSATION AWARDED TO THE OWNER; AND**

9                   **(II) IF THE BUSINESS OR FARM OPERATION CANNOT BE**  
10 **CONTINUED ON THE PROPERTY AS A RESULT OF THE TAKING, BUT THE**  
11 **BUSINESS OR FARM OPERATION CAN BE RELOCATED, COMPENSATION FOR THE**  
12 **PRESENT VALUE OF REASONABLY ANTICIPATED REDUCTIONS IN NET**  
13 **OPERATING INCOME THAT ARE CAUSED BY THE TAKING AND THE RELOCATION**  
14 **OF THE BUSINESS OR FARM OPERATION FOR A PERIOD NOT EXCEEDING 3 YEARS**  
15 **FROM THE DATE OF THE RELOCATION.**

16                   **(3) COMPENSATION FOR LOSS OF GOODWILL UNDER THIS**  
17 **SUBSECTION MAY NOT EXCEED 5 TIMES THE AVERAGE NET OPERATING INCOME**  
18 **FOR THE PREVIOUS 3 TAXABLE YEARS.**

19 **12-105.1.**

20                   **(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE STATE OR**  
21 **ANY OF ITS INSTRUMENTALITIES OR POLITICAL SUBDIVISIONS SHALL FILE AN**  
22 **ACTION TO ACQUIRE PRIVATE PROPERTY FOR PUBLIC USE BY CONDEMNATION**  
23 **WITHIN 3 YEARS OF THE DATE OF THE SPECIFIC ADMINISTRATIVE OR**  
24 **LEGISLATIVE DETERMINATION TO ACQUIRE THE PROPERTY.**

25                   **(B) IF AN ACTION FOR CONDEMNATION IS NOT FILED WITHIN 3 YEARS**  
26 **OF THE DATE DESCRIBED IN SUBSECTION (A) OF THIS SECTION, THE STATE OR**  
27 **ANY OF ITS INSTRUMENTALITIES OR POLITICAL SUBDIVISIONS MAY NOT**  
28 **PROCEED WITH CONDEMNATION UNTIL IT FIRST OBTAINS A NEW**  
29 **AUTHORIZATION TO CONDEMN THE PROPERTY.**

30 **12-106.**

31                   **(a) The plaintiff shall pay all the costs in the trial court.**

1 (b) The costs in a condemnation proceeding include:

2 (1) The usual per diem to the jurors;

3 (2) The cost of transporting the trier of fact to view the property;

4 (3) The cost of meals for the jury if the court so orders;

5 (4) The cost of recording the inquisition among the land records and of  
6 all documentary stamps which may be required in the transfer of the property to the  
7 plaintiff; and

8 (5) An allowance to the defendant, as fixed by the court, for the  
9 reasonable legal, appraisal, and engineering fees actually incurred by the defendant  
10 because of the condemnation proceeding[, if]:

11 (I) IF the judgment is for the defendant on the right to  
12 condemn; OR

13 (II) IF THE JUDGMENT IS FOR THE PLAINTIFF ON THE  
14 RIGHT TO CONDEMN, THE AMOUNT OF DAMAGES AWARDED TO THE DEFENDANT  
15 IS AT LEAST 30% MORE THAN:

16 1. IN A "QUICK-TAKE" PROCEEDING, THE AMOUNT  
17 OF MONEY PAID INTO COURT; OR

18 2. IN ANY OTHER PROCEEDING, THE AMOUNT  
19 OFFERED BY THE PLAINTIFF IN WRITING AT LEAST 30 DAYS BEFORE THE  
20 COMPLAINT WAS FILED.

21 (c) In proceeding under Article III of the Constitution of the State, or any  
22 amendment to it, the plaintiff shall pay interest at the rate of 6 percent per annum on  
23 any difference between the amount of money initially paid into court for the use of the  
24 defendant and the jury award as stated in the inquisition, from the date the money  
25 was paid into court to the date of the inquisition or final judgment, whichever date is  
26 later.

27 (d) On taking possession, acquiring the right to take possession, or the actual  
28 transfer of title to the plaintiff, whichever occurs first, the plaintiff immediately shall  
29 file with the supervisor of assessments for the county involved a written notification or



1 record setting forth in sufficient detail the area of the land and a description of any  
2 improvement being acquired. If the plaintiff is an agency or instrumentality of the  
3 State, the supervisor of assessments, on filing of the notification or record,  
4 immediately shall remove the property from the tax rolls.

5 **12-113.**

6 (A) IN THIS SECTION, "GOVERNMENT UNIT" MEANS:

7 (1) THE STATE;

8 (2) A COUNTY, POLITICAL SUBDIVISION, OR MUNICIPAL  
9 CORPORATION; OR

10 (3) AN AGENCY, AUTHORITY, BOARD, COMMISSION, COUNCIL,  
11 OFFICE, PUBLIC OR QUASI-PUBLIC CORPORATION, OR OTHER UNIT OR  
12 INSTRUMENTALITY OF THE STATE OR OF A COUNTY, POLITICAL SUBDIVISION,  
13 OR MUNICIPAL CORPORATION.

14 (B) THIS SECTION DOES NOT APPLY TO LAND ACQUIRED UNDER TITLE  
15 8, SUBTITLE 3 OF THE TRANSPORTATION ARTICLE.

16 (C) IF LAND ACQUIRED UNDER THIS SUBTITLE IS NOT NEEDED FOR A  
17 PRESENT OR FUTURE PUBLIC PURPOSE, THE GOVERNMENT UNIT THAT  
18 ACQUIRED IT SHALL DISPOSE OF THE LAND AS SOON AS PRACTICABLE AFTER  
19 THE COMPLETION OR ABANDONMENT OF THE PROJECT FOR WHICH THE LAND  
20 WAS ACQUIRED.

21 (D) IF THE LAND IS NOT NEEDED FOR A PUBLIC PURPOSE, THE PERSON  
22 FROM WHOM THE LAND WAS ACQUIRED OR THE SUCCESSOR IN INTEREST OF  
23 THAT PERSON HAS THE RIGHT TO REACQUIRE THE LAND, ON PAYMENT OF AN  
24 AMOUNT EQUAL TO THE LESSER OF:

25 (1) THE APPRAISED VALUE OF THE LAND; OR

26 (2) THE CONSIDERATION THAT THE GOVERNMENT UNIT  
27 ORIGINALLY PAID FOR THE LAND, PLUS SIMPLE INTEREST AT THE FAIR MARKET  
28 VALUE CALCULATED FROM THE TIME OF ACQUISITION TO THE TIME OF  
29 DISPOSITION AND ADMINISTRATIVE COSTS.

1           **(E) (1) THE GOVERNMENT UNIT SHALL NOTIFY THE PERSON FROM**  
2 **WHOM THE LAND WAS ACQUIRED, OR THE SUCCESSOR IN INTEREST OF THAT**  
3 **PERSON, WITHIN 30 DAYS AFTER MAKING A DETERMINATION THAT THE LAND IS**  
4 **NOT NEEDED FOR A PUBLIC PURPOSE AND THAT THE LAND IS AVAILABLE FOR**  
5 **REACQUISITION.**

6           **(2) IF THE RIGHT TO REACQUIRE THE LAND IS NOT EXERCISED**  
7 **WITHIN 6 MONTHS AFTER THE GOVERNMENT UNIT PROVIDES THE NOTICE THAT**  
8 **THE LAND IS AVAILABLE, THE GOVERNMENT UNIT SHALL DISPOSE OF THE LAND**  
9 **IN ACCORDANCE WITH APPLICABLE LAW.**

10 12–201.

11           (a) In this subtitle the following words have the meanings indicated unless  
12 otherwise apparent from context.

13           (c) “Business” means any lawful activity, except a farm operation, conducted  
14 primarily:

15                   (1) For the purchase, sale, lease, and rental of personal property and  
16 of real property, and for the manufacture, processing, or marketing of products,  
17 commodities, or any other personal property;

18                   (2) For the sale of services to the public; or

19                   (3) By a nonprofit organization.

20           (f) “Displacing agency” means any public or private agency or person  
21 carrying out:

22                   (1) A program or project with federal financial assistance;

23                   (2) A public works program or project with State financial assistance;

24 or

25                   (3) Acquisition by eminent domain or by negotiation.

26           (g) “Farm operation” means any activity conducted solely or primarily for the  
27 production of one or more agricultural products or commodities, including timber for  
28 sale or home use, and customarily producing these products or commodities in  
29 sufficient quantity to be capable of contributing materially to the operator’s support.

1 12-205.

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

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

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

12 (3) Actual reasonable expenses in searching for a replacement  
13 business or farm; [and]

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

17 **(5) THE REASONABLE COST OF A SUBSTITUTE ITEM OF TANGIBLE**  
18 **PERSONAL PROPERTY IF THE DISPLACED PERSON PROVES THAT THE**  
19 **SUBSTITUTE ITEM IS NECESSARY FOR CONTINUED OPERATION OF THE**  
20 **BUSINESS OR FARM OPERATION; AND**

21 **(6) THE REASONABLE COST OF MOVING A BUSINESS OR FARM**  
22 **OPERATION TO ENSURE THE UNINTERRUPTED OPERATION OF THE DISPLACED**  
23 **BUSINESS OR FARM OPERATION IF THE OWNER OF THE DISPLACED BUSINESS**  
24 **OR FARM OPERATION CAN REASONABLY ESTABLISH THAT THE CONTINUOUS**  
25 **OPERATION OF THE BUSINESS OR FARM OPERATION IS NECESSARY FOR THE**  
26 **BUSINESS OR FARM OPERATION TO REMAIN VIABLE.**

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

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

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

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

12   **12-205.1.**

13           **IN ANY PROCEEDING FOR THE ACQUISITION OF PRIVATE PROPERTY FOR**  
14 **PUBLIC USE BY CONDEMNATION IN WHICH LAND OR ANY PART OF IT IS BEING**  
15 **USED FOR A BUSINESS OR FARM OPERATION, A REPRESENTATIVE OF THE**  
16 **DISPLACING AGENCY SHALL CONTACT THE OWNER OF THE BUSINESS OR FARM**  
17 **OPERATION NOT LESS THAN 30 DAYS BEFORE THE FILING OF THE ACTION AND**  
18 **NEGOTIATE IN GOOD FAITH REGARDING A PLAN UNDER WHICH THE BUSINESS**  
19 **OR FARM OPERATION MAY BE RELOCATED.**

20           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 July 1, 2007.