

# HOUSE BILL 976

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8lr0151

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By: **Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)**

Introduced and read first time: February 7, 2008

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Agricultural Land Preservation Program – Lot Releases**

3 FOR the purpose of requiring a certain statement in certain lot releases; altering the  
4 size of lots that may be released from easement restrictions by the Maryland  
5 Agricultural Land Preservation Foundation under certain circumstances;  
6 providing for the application of this Act; and generally relating to releases from  
7 lot easement restrictions by the Maryland Agricultural Land Preservation  
8 Foundation.

9 BY repealing and reenacting, with amendments,  
10 Article – Agriculture  
11 Section 2–513(b)(2)(vi) and (6)(i)  
12 Annotated Code of Maryland  
13 (2007 Replacement Volume)

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

16 **Article – Agriculture**

17 2–513.

18 (b) (2) Except as provided in paragraphs (3) and (6) of this subsection, on  
19 written application, the Foundation shall release free of easement restrictions only for  
20 the landowner who originally sold an easement, 1 acre or less for the purpose of  
21 constructing a dwelling house for the use only of that landowner or child of the  
22 landowner, up to a maximum of three lots, subject to the following conditions:

23 (vi) Any release or preliminary release issued under this  
24 paragraph shall include:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   1.     A statement of the conditions under which it was  
2 issued, a certification by the Foundation that all necessary conditions for release or  
3 preliminary release have been met, and copies of any pertinent documents; [and]

4                   **2.     A STATEMENT BY THE LANDOWNER OR CHILD OF**  
5 **THE LANDOWNER THAT ACKNOWLEDGES THAT ADJACENT FARMLAND THAT IS**  
6 **SUBJECT TO AN AGRICULTURAL LAND PRESERVATION EASEMENT MAY BE USED**  
7 **FOR ANY AGRICULTURAL PURPOSE THAT DOES NOT ENDANGER HUMAN HEALTH**  
8 **OR SAFETY, OR VIOLATE FEDERAL, STATE, OR LOCAL LAW; AND**

9                   [2.] **3.** A statement that the owner's or child's lot may not be  
10 transferred for 5 years from the date of the final release, except on:

11                   A.     Approval by the Foundation; or

12                   B.     Notwithstanding any conditions on transfers imposed  
13 under item 1 of this subparagraph, a lender providing notice to the Foundation of a  
14 transfer pursuant to a bona fide foreclosure of a mortgage or deed of trust or to a deed  
15 in lieu of foreclosure.

16                   (6)     (i)     The restrictions of paragraphs (2) and (5) of this subsection  
17 concerning maximum lot sizes are altered so that the maximum lot size is [2 acres if]:

18                   1.     [Regulations] **AS DETERMINED BY THE**  
19 **DEPARTMENT OF THE ENVIRONMENT IN ACCORDANCE WITH REGULATIONS**  
20 adopted by the Department of the Environment [require a minimum lot size for a  
21 dwelling house of not less than 2 acres] in areas where there is less than 4 feet of  
22 unsaturated and unconsolidated soil material below the bottom of an on-site sewage  
23 disposal system or in areas located within 2,500 feet of the normal water level of an  
24 existing or proposed water supply reservoir; or

25                   2.     [Regulations] **UP TO A MAXIMUM OF 2 ACRES**  
26 **WHEN REGULATIONS** adopted by the jurisdiction in which the land is situated  
27 require that a lot for a dwelling house be larger than 1 acre.

28                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act applies to any  
29 lot released by the Maryland Agricultural Land Preservation Foundation on or after  
30 the effective date of this Act, under the terms of any agricultural land preservation  
31 easement, even if the easement was granted to the Foundation before October 1, 2008.

32                   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 October 1, 2008.