

SENATE BILL 724

N1, R1, R2

9lr2043

By: **Senator Madaleno**

Introduced and read first time: February 6, 2009

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation Projects – Reimbursement to Owners of Real Property for**
3 **Loss of Rental Income**

4 FOR the purpose of requiring a displacing agency to make a monthly payment to an
5 owner of rental real property that is adjacent to a transportation construction
6 site for loss of rental income under certain circumstances; requiring a person,
7 for each month the person seeks payment under this Act, to petition the
8 displacing agency for payment and to prove certain loss of income; limiting the
9 amount of the monthly payment that may be made to a person under this Act;
10 providing for the application of this Act; and generally relating to
11 reimbursements for loss of rental income due to the proximity of the rental
12 property to a transportation construction site.

13 BY adding to
14 Article – Real Property
15 Section 12–204.1
16 Annotated Code of Maryland
17 (2003 Replacement Volume and 2008 Supplement)

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

20 **Article – Real Property**

21 **12–204.1.**

22 (A) THIS SECTION APPLIES ONLY TO A TRANSPORTATION
23 CONSTRUCTION PROJECT.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) IN ADDITION TO AMOUNTS OTHERWISE AUTHORIZED BY THIS TITLE**
2 **AND TITLE 8 OF THE TRANSPORTATION ARTICLE, A DISPLACING AGENCY SHALL**
3 **MAKE AN ADDITIONAL MONTHLY PAYMENT TO A PERSON THAT:**

4 **(1) OWNS REAL PROPERTY THAT IS ADJACENT TO A**
5 **CONSTRUCTION SITE;**

6 **(2) HAS RENTED OR LEASED THE PROPERTY TO ANOTHER**
7 **PERSON FOR NOT LESS THAN 180 DAYS PRIOR TO THE BEGINNING OF**
8 **CONSTRUCTION ON THE SITE ADJACENT TO THE PROPERTY; AND**

9 **(3) HAS SUFFERED A LOSS OF RENTAL INCOME DUE TO THE**
10 **PROXIMITY OF THE PROPERTY TO THE CONSTRUCTION SITE.**

11 **(C) FOR EACH MONTH A PERSON SEEKS PAYMENT UNDER THIS**
12 **SECTION, THE PERSON SHALL:**

13 **(1) PETITION THE DISPLACING AGENCY FOR PAYMENT; AND**

14 **(2) DEMONSTRATE TO THE DISPLACING AGENCY A LOSS OF**
15 **RENTAL INCOME DUE TO THE PROXIMITY OF THE PROPERTY TO THE**
16 **CONSTRUCTION SITE.**

17 **(D) PAYMENT DISBURSED UNDER THIS SECTION SHALL BE EQUAL TO**
18 **75% OF THE MONTHLY FAIR MARKET RENTAL RATE FOR THE PROPERTY.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2009.