

HOUSE BILL 1736

M4

8lr3876
CF SB 1140

By: **Delegate Lisanti**

Introduced and read first time: February 21, 2018

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Agricultural Land Preservation Foundation – Lot Release**

3 FOR the purpose of clarifying that certain provisions of law that govern the release of a lot
4 from certain easement restrictions by the Maryland Agricultural Land Preservation
5 Foundation for the use of a child of a certain landowner apply to the release of a lot
6 for the use of a stepchild of the landowner; defining a certain term; making
7 conforming changes; providing for the application of this Act; and generally relating
8 to the release of child lots by the Maryland Agricultural Land Preservation
9 Foundation.

10 BY renumbering

11 Article – Agriculture
12 Section 2–513(a) through (e), respectively
13 to be Section 2–513(b) through (f), respectively
14 Annotated Code of Maryland
15 (2016 Replacement Volume and 2017 Supplement)

16 BY repealing and reenacting, with amendments,

17 Article – Agriculture
18 Section 2–505(b)(3) and (c)(1)(v) and (5), 2–509(d)(5), and 2–511(d)(1)(iii)
19 Annotated Code of Maryland
20 (2016 Replacement Volume and 2017 Supplement)

21 BY adding to

22 Article – Agriculture
23 Section 2–513(a)
24 Annotated Code of Maryland
25 (2016 Replacement Volume and 2017 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
27 That Section(s) 2–513(a) through (e), respectively, of Article – Agriculture of the Annotated

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Code of Maryland be renumbered to be Section(s) 2–513(b) through (f), respectively.

2 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
3 as follows:

4 **Article – Agriculture**

5 2–505.

6 (b) The Maryland Agricultural Land Preservation Fund shall comprise:

7 (3) Any money received under [§ 2–513(c)] **§ 2–513(D)** of this subtitle.

8 (c) (1) The Comptroller of the Treasury may not disburse any money from the
9 Maryland Agricultural Land Preservation Fund other than:

10 (v) For the reimbursement of money paid by a landowner for a
11 preliminary release of a lot under [§ 2–513(b)(2)] **§ 2–513(C)(2)** of this subtitle in
12 accordance with paragraph (5) of this subsection.

13 (5) (i) Subject to the prior approval of the board of trustees of the
14 Maryland Agricultural Land Preservation Foundation and in accordance with regulations
15 adopted by the Department, the Maryland Agricultural Land Preservation Foundation may
16 reimburse money paid into the Maryland Agricultural Land Preservation Fund by a
17 landowner for a lot that had been preliminarily released under [§ 2–513(b)(2)] **§**
18 **2–513(C)(2)** of this subtitle for the purpose of constructing a dwelling house for a
19 landowner or the child of the landowner.

20 (ii) In the sole discretion of the Maryland Agricultural Land
21 Preservation Foundation, the person for whom the lot was preliminarily released, the
22 person who originally paid for the preliminary release, or another appropriate person may
23 be reimbursed the amount paid to the Fund under [§ 2–513(b)(2)(iii)] **§ 2–513(C)(2)(III)**
24 of this subtitle if:

25 1. A dwelling has not been constructed on the lot;

26 2. A request for reimbursement is made before the
27 preliminary release becomes void under [§ 2–513(b)(2)] **§ 2–513(C)(2)** of this subtitle;

28 3. Before reimbursement and at the expense of the owner of
29 the land under the easement:

30 A. The lot is conveyed to the owner free and clear of liens;

31 B. Any recorded plat creating the lot is voided;

1 C. The lot is added to the tax account assigned to the land
2 encumbered by the easement; and

3 D. The preliminary release is voided by an agreement
4 recorded in the land records; and

5 4. At least one of the following circumstances exists:

6 A. The Foundation has received notice that title to the lot has
7 been transferred under a bona fide foreclosure of a mortgage or deed of trust or a deed in
8 lieu of foreclosure;

9 B. The Foundation has received notice that the landowner or
10 child of the landowner for whom the lot was preliminarily released has died; or

11 C. Any other circumstance in which the Maryland
12 Agricultural Land Preservation Foundation determines that it would be impossible for the
13 landowner or child of the landowner for whom the lot was preliminarily released to fulfill
14 the requirements of the preliminary release.

15 2-509.

16 (d) Regulations and criteria developed by the Foundation relating to land which
17 may be considered for purchase of an easement shall provide that:

18 (5) Land may be considered for purchase of an easement only if the county
19 regulations governing the land permit the activities listed under [~~§ 2-513(a)~~] **§ 2-513(B)**
20 of this subtitle; and

21 2-511.

22 (d) (1) (iii) The entire contiguous acreage shall be included in the
23 determination of the value of the easement, less 1 acre per single dwelling; however, except
24 as provided in [~~§ 2-513(b)(2)~~] **§ 2-513(C)(2)** of this subtitle, the entire contiguous acreage,
25 including the 1 acre per single dwelling, is subject to the easement restrictions.

26 2-513.

27 **(A) IN THIS SECTION, "CHILD OF THE LANDOWNER" INCLUDES A STEPCHILD**
28 **OF THE LANDOWNER.**

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed to
30 apply retroactively and shall be applied to and interpreted to affect any person who is
31 subject to the restrictions of an agricultural land preservation easement held by the
32 Maryland Agricultural Land Preservation Foundation.

1 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2018.