

HB1470/353421/1

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 1470
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “a” in line 5 down through “action” in line 9 and substitute “to enforce a certain violation involving the clearing or cutting of trees in the Chesapeake and Atlantic Coastal Bays Critical Area, the Prince George’s County Department of Permitting, Inspections, and Enforcement must record a lien on property that is the subject of the violation in a certain manner; establishing certain limits, prohibitions, requirements, and authorizations on actions certain local jurisdictions may take if a lien is not recorded as required by this Act; requiring the Prince George’s County government and the Maryland–National Capital Park and Planning Commission to vacate certain administrative enforcement actions related to a certain violation occurring on or after a certain date; requiring the Prince George’s County government to reimburse a current property owner for certain costs and fees associated with certain administrative enforcement actions; applying this Act retroactively to certain violations occurring on or before a certain date”.

AMENDMENT NO. 2

On page 2, in line 33, strike “IN” and substitute “:

(I) IN;

and in the same line, after “COUNTY” insert “;AND

(II) TO REAL PROPERTY CONSISTING OF A PARCEL OF LAND OF LESS THAN 5 ACRES THAT IS NOT ZONED FOR COMMERCIAL USE”.

On page 3, strike in their entirety lines 1 through 6, inclusive, and substitute:

“(2) (I) IN THE ENFORCEMENT OF SUBSECTION (B) OF THIS SECTION FOR A VIOLATION INVOLVING THE CLEARING OR CUTTING OF TREES IN THE CRITICAL AREA, THE PRINCE GEORGE’S COUNTY DEPARTMENT OF PERMITTING, INSPECTIONS, AND ENFORCEMENT SHALL RECORD A LIEN ON THE PROPERTY THAT IS THE SUBJECT OF THE VIOLATION WITHIN 90 DAYS AFTER ISSUING NOTICE OF THE VIOLATION TO THE PROPERTY OWNER.

(II) A PROPERLY RECORDED LIEN AS DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH IS REQUIRED TO ENFORCE AND HOLD A CURRENT PROPERTY OWNER LIABLE FOR THE CUTTING OR CLEARING OF TREES BY A PREVIOUS PROPERTY OWNER OR USER WHO PERFORMED THE ACT THAT CAUSED THE VIOLATION.

(III) IF A LIEN IS NOT RECORDED AS REQUIRED, THE LOCAL JURISDICTION:

1. MAY PURSUE AN ENFORCEMENT ACTION AGAINST ONLY THE PREVIOUS OWNER OR USER THAT PERFORMED THE ACT THAT CAUSED THE VIOLATION;

2. MAY NOT SEEK THE REMEDIES DESCRIBED IN SUBSECTION (B) OF THIS SECTION AGAINST THE CURRENT PROPERTY OWNER; AND

3. A. SHALL PERFORM ANY RESTORATION OR MITIGATION THAT MAY BE REQUIRED UNDER THIS SECTION OR § 8-1815 OF THIS SUBTITLE RESULTING FROM THE VIOLATION THAT IS NOT PERFORMED BY THE PREVIOUS OWNER OR USER; AND

B. MAY ENTER THE PROPERTY THAT IS THE SUBJECT OF THE VIOLATION FOR RESTORATION OR MITIGATION PURPOSES IN ACCORDANCE WITH § 8-1815 OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) This Act shall be construed to apply retroactively and shall be applied to and interpreted to affect a violation of § 8-1815(b) of the Natural Resources Article, as enacted by Section 1 of this Act, in Prince George's County occurring on or before November 7, 2018, but only with respect to a violation imposed on a current property owner who in good faith purchases the property that is the subject of the violation after a previous property owner or user committed the act that caused the violation and was cited for the violation.

(b) The Prince George's County government and the Maryland-National Capital Park and Planning Commission shall vacate any administrative enforcement actions taken for a violation described in subsection (a) of this section, including the release of a lien recorded on the property that is the subject of the violation.

(c) The Prince George's County government shall reimburse a current property owner for all costs and fees associated with any administrative enforcement actions taken for a violation described in subsection (a) of this section, including civil penalties, bonds, reforestation costs, fees for attorneys, engineers, foresters, and landscape architects, and any other costs or fees.”;

and in line 7, strike “2.” and substitute “3.”.