

HOUSE BILL 1470

M1, L5

(5lr1093)

ENROLLED BILL

— *Environment and Transportation/Education, Energy, and the Environment* —

Introduced by **Montgomery County Delegation and Prince George’s County Delegation**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o’clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Prince George’s County – Chesapeake and Atlantic Coastal Bays Critical Area**
3 **Protection Program – Cutting or Clearing Trees**

4 **MC/PG 113–25**

5 FOR the purpose of providing that, in Prince George’s County, ~~a certain person may not be~~
6 ~~held liable for the cutting or clearing of trees in the Chesapeake and Atlantic Coastal~~
7 ~~Bays Critical Area under certain circumstances; requiring the Critical Area~~
8 ~~Commission for the Chesapeake and Atlantic Coastal Bays to adopt regulations~~
9 ~~authorizing a certain person to appeal a certain action~~ to enforce a certain violation
10 involving the clearing or cutting of trees in the Chesapeake and Atlantic Coastal
11 Bays Critical Area, the Prince George’s County Department of Permitting,
12 Inspections, and Enforcement must record a lien on property that is the subject of
13 the violation in a certain manner; establishing certain limits, prohibitions,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



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; and generally relating to the cutting or clearing of trees in the Chesapeake and Atlantic Coastal Bays Critical Area in Prince George's County.

BY repealing and reenacting, with amendments,
 Article – Natural Resources
 Section 8–1815.1
 Annotated Code of Maryland
 (2023 Replacement Volume and 2024 Supplement)

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

Article – Natural Resources

8–1815.1.

(a) (1) The provisions of this section are in addition to any other sanction, remedy, or penalty provided by law.

(2) This section does not apply to any cutting or clearing of trees that is allowed under regulations adopted by the Commission under this subtitle.

(b) **[If SUBJECT TO SUBSECTION (F) OF THIS SECTION, IF** a person cuts or clears or plans to cut or clear trees within the Chesapeake Bay Critical Area or Atlantic Coastal Bays Critical Area in violation of an approved local critical area program or of regulations adopted by the Commission, the chair may bring an action, or the local jurisdiction may bring an action or request that the chair of the Commission refer the matter to the Attorney General to bring an action:

(1) To require the person to replant trees where the cutting or clearing occurred in accordance with a plan prepared by the State Forester, a registered professional forester, or a registered landscape architect;

(2) To restrain the planned violation; or

(3) For damages:

(i) To be assessed by a circuit court in an amount equal to the estimated cost of replanting trees; and

1 (ii) To be paid to the Department by the person found to have
2 violated the provisions of this subsection.

3 (c) If the chair of the Commission has reason to believe that the local jurisdiction
4 is failing to enforce the requirements of subsection (b) of this section, the chair shall refer
5 the matter to the Attorney General as provided under § 8-1815(b) of this subtitle.

6 (d) On the chair of the Commission's referral of an alleged violation under
7 subsection (c) of this section to the Attorney General, the Attorney General may invoke the
8 remedies available to the local jurisdiction under subsection (b) of this section in any court
9 of competent jurisdiction in which the local jurisdiction would be authorized to prosecute
10 or sue.

11 (e) On the request of a local jurisdiction or the chair of the Commission, the State
12 Forester, a registered professional forester, or a registered landscape architect may
13 prepare, oversee, and approve the final implementation of a plan to:

14 (1) Replant trees in any part of the Chesapeake Bay Critical Area where
15 trees in the Chesapeake Bay Critical Area are cut or cleared in violation of subsection (b)
16 of this section; and

17 (2) Replant trees in any part of the Atlantic Coastal Bays Critical Area
18 where trees in the Atlantic Coastal Bays Critical Area are cut or cleared in violation of
19 subsection (b) of this section.

20 (F) (1) ~~THIS SUBSECTION APPLIES ONLY IN:~~

21 ~~(I) IN PRINCE GEORGE'S COUNTY; AND~~

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

24 ~~(2) A PERSON WHO IN GOOD FAITH PURCHASES PROPERTY IN THE~~
25 ~~CRITICAL AREA MAY NOT BE HELD LIABLE FOR THE CUTTING OR CLEARING OF~~
26 ~~TREES BY PREVIOUS OWNERS OR USERS OF THE PROPERTY IN VIOLATION OF~~
27 ~~SUBSECTION (B) OF THIS SECTION.~~

28 ~~(G) THE COMMISSION SHALL ADOPT REGULATIONS AUTHORIZING A~~
29 ~~PERSON TO APPEAL AN ACTION BROUGHT UNDER THIS SECTION.~~

30 ~~(2) (I) IN THE ENFORCEMENT OF SUBSECTION (B) OF THIS~~
31 ~~SECTION FOR A VIOLATION INVOLVING THE CLEARING OR CUTTING OF TREES IN THE~~
32 ~~CRITICAL AREA, THE PRINCE GEORGE'S COUNTY DEPARTMENT OF PERMITTING,~~
33 ~~INSPECTIONS, AND ENFORCEMENT SHALL RECORD A LIEN ON THE PROPERTY THAT~~

1 IS THE SUBJECT OF THE VIOLATION WITHIN 90 DAYS AFTER ISSUING NOTICE OF THE
 2 VIOLATION TO THE PROPERTY OWNER.

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

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

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

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

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

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That:

23 (a) This Act shall be construed to apply retroactively and shall be applied to and
 24 interpreted to affect a violation of ~~§ 8-1815(b)~~ described in § 8-1815.1(b) of the Natural
 25 Resources Article, as enacted by Section 1 of this Act, in Prince George's County occurring
 26 on or before November 7, 2018, but only with respect to a violation imposed on a current
 27 property owner who in good faith purchases the property that is the subject of the violation
 28 after a previous property owner or user committed the act that caused the violation and
 29 was cited for the violation.

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

34 (c) The Prince George's County government shall reimburse a current property
 35 owner for all costs and fees associated with any administrative enforcement actions taken

1 for a violation described in subsection (a) of this section, including civil penalties, bonds,
2 reforestation costs, fees for attorneys, engineers, foresters, and landscape architects, and
3 any other costs or fees.

4 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2025. It shall remain effective for a period of 2 years and, at the end of September
6 30, 2027, this Act, with no further action required by the General Assembly, shall be
7 abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.