Article - Real Property

[Previous][Next]

§12–201.

(a) In this subtitle the following words have the meanings indicated unless otherwise apparent from context.

(b) "Appraisal" means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

(c) "Business" means any lawful activity, except a farm operation, conducted primarily:

(1) For the purchase, sale, lease, and rental of personal property and of real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(2) For the sale of services to the public; or

(3) By a nonprofit organization.

(d) "Comparable replacement dwelling" means any dwelling that is:

(1) Decent, safe, and sanitary;

(2) Adequate in size to accommodate the occupants;

(3) Within the financial means of the displaced person;

(4) Functionally equivalent;

(5) In an area not subject to unreasonable adverse environmental conditions;

(6) In a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, facilities, services, and the displaced person's place of employment; and

(7) Currently available on the private market.

(e) (1) "Displaced person" means:

(i) Any person who moves from real property, or moves his personal property from real property:

1. As a direct result of a written notice of intent to acquire or the acquisition of such real property in whole or in part by a displacing agency; or

2. On which that person is a residential tenant or conducts a small business, a farm operation, or a nonprofit organization, in any case in which the head of the displacing agency determines that displacement is permanent, as a direct result of rehabilitation, demolition, or other displacing activity as the lead agency may prescribe, undertaken by a displacing agency; and

(ii) Solely for the purposes of §§ 12–205(a) and (b) and 12–206 of this subtitle, any person who moves from real property, or moves his personal property from real property:

1. As a direct result of a written notice of intent to acquire or the acquisition of other real property, in whole or in part, on which such person conducts a business or farm operation, by a displacing agency; or

2. As a direct result of rehabilitation, demolition, or other displacing activity as the lead agency may prescribe, of other real property on which such person conducts a business or a farm operation in any case in which the head of the displacing agency determines that displacement is permanent, by a displacing agency.

(2) "Displaced person" does not include:

(i) Except to the extent that this exclusion conflicts with federal financial participation requirements, any person who, on the open market, without threat of condemnation, sells his real property to a displacing agency;

(ii) Unlawful occupants, or anyone occupying such dwelling for the purpose of obtaining assistance under this subtitle; or

(iii) A person who leases from the displacing agency after the displacing agency takes title to the real property, or any person other than a person who was an occupant of such property at the time it was acquired who occupies the property on a rental basis for a short term or period subject to termination when the property is needed for the program or project.

(f) "Displacing agency" means any public or private agency or person carrying out:

(1) A program or project with federal financial assistance;

(2) A public works program or project with State financial assistance; or

(3) Acquisition by eminent domain or by negotiation.

(g) "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber for sale or home use, and customarily producing these products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(h) "Federal financial assistance" means a grant, loan, or contribution provided by the United States to the State or any of its political subdivisions, agencies, or any person, except any federal guarantee or insurance, or any interest reduction payment to an individual in connection with the purchase and occupancy of a residence by that individual, or any federal income tax credit or incentive, or any other tax advantage or interest rate advantage in connection with the issuance of bonds, the income on which is exempt from federal income tax.

(i) "Lead agency" means the United States Department of Transportation.

(j) "Mortgage" means the class of liens commonly given to secure advances on, or the unpaid purchase price of real property together with any credit instrument secured by the real property.

(k) "Person" means an individual, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or any partnership, firm, or association, public or private corporation, a nonprofit organization, or any other entity not defined as a public agency.

(l) "Private agency" means any public or private utility company, railroad, person, or other organization having the right to acquire real property for a public purpose with federal financial assistance or through the use of eminent domain or by negotiation.

(m) "Public agency" means the State, a political subdivision, or any of their agencies, boards, or commissions having the right to acquire real property for public purposes with federal financial assistance or through the use of eminent domain or by negotiation. The term does not include a public agency if acquiring real property for Program Open Space or any political subdivision, other than Baltimore City,

Baltimore, Anne Arundel, and Montgomery counties, the Board of Education of Montgomery County, the Board of Trustees of Montgomery College or any board or agency of any of them, or any agency, board, or commission of the subdivision when acquiring real property for a public purpose for which relocation assistance is not required by federal law.

(n) "Uneconomic remnant" means a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property and which the displacing agency concerned has determined has little or no value or utility to the owner.

[Previous][Next]