

# HOUSE BILL 1244

N1, C5

6lr2530  
CF SB 630

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By: **Delegates Rose, Adams, Arikan, Bouchat, Griffith, Hornberger, R. Long, McComas, Miller, Reilly, and Tomlinson**

Introduced and read first time: February 11, 2026

Assigned to: Environment and Transportation and Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Overhead Transmission Lines and Eminent Domain – Property Value – Damages**

3 FOR the purpose of authorizing the owner of property used for residential purposes to bring  
4 an action to recover damages incurred as a result of the value of the property being  
5 diminished from the use of eminent domain to take property and construct an  
6 overhead transmission line within a certain distance of the property owner's  
7 residence; requiring that reasonable fees be awarded to counsel for the defendant in  
8 a condemnation proceeding and that the costs be charged against the plaintiff under  
9 certain circumstances; and generally relating to overhead transmission lines and  
10 eminent domain.

11 BY adding to

12 Article – Real Property  
13 Section 12–104(h)  
14 Annotated Code of Maryland  
15 (2023 Replacement Volume and 2025 Supplement)

16 BY repealing and reenacting, with amendments,

17 Article – Real Property  
18 Section 12–105(b) and 12–107(b)  
19 Annotated Code of Maryland  
20 (2023 Replacement Volume and 2025 Supplement)

21 BY repealing and reenacting, without amendments,

22 Article – Real Property  
23 Section 12–107(a)  
24 Annotated Code of Maryland  
25 (2023 Replacement Volume and 2025 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Real Property**

4 12–104.

5 **(H) (1) THE OWNER OF PROPERTY THAT IS USED FOR RESIDENTIAL**  
6 **PURPOSES MAY BRING AN ACTION IN A COURT OF COMPETENT JURISDICTION FOR**  
7 **DAMAGES INCURRED AS THE RESULT OF THE VALUE OF THAT PROPERTY BEING**  
8 **DIMINISHED BY THE TAKING OF ANOTHER PROPERTY IN ACCORDANCE WITH THIS**  
9 **SUBTITLE IF THE PROPERTY BEING TAKEN:**

10 **(I) IS LOCATED WITHIN 300 FEET OF THE OWNER’S RESIDENCE;**  
11 **AND**

12 **(II) WAS TAKEN IN CONJUNCTION WITH THE CONSTRUCTION OF**  
13 **AN OVERHEAD TRANSMISSION LINE OR RELATED INFRASTRUCTURE.**

14 **(2) A PROPERTY OWNER WHO BRINGS AN ACTION UNDER THIS**  
15 **SUBSECTION AND IS AWARDED DAMAGES MAY ALSO SEEK, AND THE COURT MAY**  
16 **AWARD, REASONABLE ATTORNEY’S FEES.**

17 **(3) A PROPERTY OWNER MAY BRING AN ACTION UNDER PARAGRAPH**  
18 **(1) OF THIS SUBSECTION ON THE ENTERING OF THE FINAL DECISION IN A**  
19 **CONDEMNATION PROCEEDING.**

20 12–105.

21 **(b) (1) (I)** The fair market value of property in a condemnation proceeding  
22 is the price as of the valuation date for the highest and best use of the property which a  
23 vendor, willing but not obligated to sell, would accept for the property, and which a  
24 purchaser, willing but not obligated to buy, would pay, excluding any increment in value  
25 proximately caused by the public project for which the property condemned is needed. [In  
26 addition, fair]

27 **(II)** **FAIR** market value includes any amount by which the price  
28 reflects a diminution in value occurring between the effective date of legislative authority  
29 for the acquisition of the property and the date of actual taking if the trier of facts finds  
30 that the diminution in value was proximately caused by the public project for which the  
31 property condemned is needed, or by announcements or acts of the plaintiff or its officials  
32 concerning the public project, and was beyond the reasonable control of the property owner.

1           **(2) (I) THIS PARAGRAPH APPLIES ONLY TO A CONDEMNATION**  
2 **PROCEEDING RELATED TO THE CONSTRUCTION OF AN OVERHEAD TRANSMISSION**  
3 **LINE IN ACCORDANCE WITH § 7-207 OF THE PUBLIC UTILITIES ARTICLE.**

4           **(II) IF THE FINAL DECISION IN A CONDEMNATION PROCEEDING**  
5 **IS THAT THE ASSESSED VALUE OF THE PROPERTY IS GREATER THAN THE APPRAISED**  
6 **VALUE PLACED ON THE PROPERTY BY THE CONDEMNING AUTHORITY, A**  
7 **REASONABLE COUNSEL FEE FIXED BY THE TRIAL COURT SHALL BE AWARDED TO**  
8 **COUNSEL FOR THE DEFENDANT AND CHARGED AGAINST THE PLAINTIFF TOGETHER**  
9 **WITH THE OTHER COSTS OF THE CASE.**

10 12-107.

11           (a) Any party to a condemnation case may appeal from a final judgment or  
12 determination in the manner prescribed by the Maryland Rules.

13           (b) **(1)** If the final decision on appeal is that the plaintiff is not entitled to  
14 condemn the property, a reasonable counsel fee fixed by the trial court shall be awarded to  
15 counsel for the defendant and charged against the plaintiff together with the other costs of  
16 the case.

17           **(2) (I) THIS PARAGRAPH APPLIES ONLY TO THE APPEAL OF A**  
18 **CONDEMNATION CASE RELATED TO THE CONSTRUCTION OF AN OVERHEAD**  
19 **TRANSMISSION LINE IN ACCORDANCE WITH § 7-207 OF THE PUBLIC UTILITIES**  
20 **ARTICLE.**

21           **(II) IF THE FINAL DECISION ON APPEAL IS THAT THE ASSESSED**  
22 **VALUE OF THE PROPERTY IS GREATER THAN THE APPRAISED VALUE PLACED ON THE**  
23 **PROPERTY BY THE CONDEMNING AUTHORITY, A REASONABLE COUNSEL FEE FIXED**  
24 **BY THE TRIAL COURT SHALL BE AWARDED TO COUNSEL FOR THE DEFENDANT AND**  
25 **CHARGED AGAINST THE PLAINTIFF TOGETHER WITH THE OTHER COSTS OF THE**  
26 **CASE.**

27           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2026.