

**Testimony in Support HB 1470 (MC/PG 113-25)**  
**Kelsey Mizeur & Mallory McCormick**

We own McLiving Stables, a small horse farm in the Broad Creek historic district of Ft Washington, MD. It is also located just inside the Chesapeake Bay Critical Area. We purchased this property in late 2020.

We are dealing firsthand with the issue at the heart of this bill, as we are being held liable for the wrongs committed on our property by the previous owners. This ordeal has brought on us immense financial burden as well as untold mental stress and many sleepless nights as we try to find a resolution, that may yet be several years into the future.

Approximately 2 years prior to our purchase, sometime in 2018, the previous owners (seller) performed some land clearing and fence installations without receiving permits from Prince George's County. This activity resulted in the seller receiving stop work orders, fines, and corrective action orders from DPIE in November 2018.

As it turned out, the facts of this situation were grossly misrepresented during the sale process. The issues were vaguely described to us as a "misunderstanding with the county" over "deforestation" that occurred *when trees fell during a storm*. As part of the sale agreement, the sellers were supposed to resolve the issues with the county. During the sale process, we were under the impression they were doing their part, and because *our title search revealed no liens or other issues* that would lead us to believe otherwise, our sale went through.

A couple months later, in early 2021, we began inquiring with DPIE to ensure that the sellers had resolved or were actively working to resolve the issues, but that was unsuccessful. After some initial discussions and being told by a DPIE inspector that more information would be provided, we stopped receiving responses. The last correspondence, received in late March 2021, stated that the issue had been elevated to a DPIE supervisor and was being handled by them. *Despite continued inquiries, we received no further responses*, so we assumed the issue had been resolved by the supervisor.

About a year later in January 2022, we applied for a permit to add a small run-in barn shelter on our property. Red flags went up at the County regarding the former violations. We received a stop work order and were quite surprised and upset to learn that the violations of the former owners had never been resolved in the more than three years since they'd been issued, and that they were now our problem as the violation was reissued in our names.

Following a joint call with members of MNCPPC and DPIE in March 2022, we were finally able to learn the full extent of the previous owner's infractions, and begin to look at how to resolve the violation. The problem for us is that this property lies almost entirely in the Chesapeake Bay Critical Area (CBCA), and therefore the penalties for

deforestation are much harsher. Despite acknowledging that we did not commit this violation, members of Parks and Planning in conjunction with the CBCA Commission determined that we would be held accountable for the full mitigation and replanting requirements as dictated by county and state regulations.

What this means is that we are being made to replant nearly 3,000 trees both on and off our property, due to sometimes 3:1 and 4:1 replanting *penalties*. We had to hire an engineer to help with a very complicated Conservation Plan and mitigation/replanting plan, hire a lawyer to liaise between us and the various entities required to get to administrative approval (for which we are still not there), and ultimately hire a landscaping company to help purchase and plant the thousands of trees. To date, we have spent close to \$40,000 just on the administrative engineer and lawyer parts of this project and have been quoted to expect another \$23,000-\$73,000 for the purchase of the trees and the replanting by the certified landscaping company.

That's potentially well over \$100,000 and 6-7 years of hassle to clean up *someone else's mess...while they move on free and clear*. To say that's not right would be an immense understatement.

The problem with the current state of the law, is that violations (such as illegal clearing) remain with the property, which leads to the wrong people getting penalized. Prior to purchase, we did our due diligence, the title search came up clean, and so our sale went through. Buyers such as us end up in situations we did not know about and then become subject to immense financial burden and more to try and resolve a situation we didn't create. In addition to being financially handcuffed while the violation exists, our property remains frozen in time with no ability to get new permits approved for repairs, renovations or upgrades...save for emergency situations. Think about the ramifications and domino effect of that, as we now enter our 5<sup>th</sup> year of ownership of this property, with this cloud continuing to hang over us.

We came to the table wanting to be good partners with the county and we have asked repeatedly for compromise and offered a variety of more than fair alternatives. But MNCPPC insists on enforcing the full penalty of the law as if we were the ones who broke the law.

We get that the idea is to discourage illegal clearing...but this penalty doesn't achieve that. *Violations should go with the people not the property!!* Holding buyers harmless AND achieving mitigation/reforestation can BOTH happen.

Offsite mitigation happens all the time. That could and *should be the responsibility of the perpetrator, both financially and practically*. That is how you will deter future unlawful clearing acts...NOT by subjecting innocent citizens to tens or even possibly hundreds of thousands of dollars of work and years of stress and hassle.

The absence of adequate policy and processes to force the resolution of these types of issues before sales, and the fact that these violations took place in 2018 but

were still unresolved in 2020 (and now into 2025), is unacceptable. We have learned though, that the county is now able to place liens and prohibit the sale of property if violations are present. That is a step in the right direction for all those that come after us. But it doesn't help our current situation that was created by the sellers, and the fact that we are being unfairly held accountable for someone else's mismanagement of this land. Buyers should be protected against having to deal with infractions created by the sellers, and the violators themselves should be the ones held accountable for their infractions. Otherwise, there is no recourse to deter recidivism, as we are sure you are well aware.

We *support* HB 1470 (MC/PG 113-25) and hope you will too.  
Thank you for your time!

Kind Regards,  
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