

SB661 Green Valley Farm, LLC

Uploaded by: Amanda Green

Position: FAV

Maryland Senate Judicial Proceedings Committee
February 7, 2025

Dear Chairperson and Members of the Committee,

We are Amanda and Brandon Green, owners and operators of Green Valley Farm, LLC, located at 1107 Slingluff Road in New Windsor, Maryland. Our farm spans 201 acres of farmland, where we raise beef cattle and hogs, and cultivate crops to support our livestock. Our farm is not only our livelihood but also the realization of our lifelong dream.

We are writing to express our strong support for SB0661, the Protect Maryland Farm Lands Act. This legislation requires that the fair market value of agricultural property taken through condemnation be valued at 350% of the highest appraisal value. This provision is crucial for ensuring that farmers receive just compensation that reflects the true value of their land, considering both its economic and intrinsic worth.

In October 2024, we were informed that the Maryland Piedmont Reliability Project (MPRP) proposed a route directly through our farm, potentially affecting approximately 11 acres of our property. This development has caused us significant concern, as it threatens not only our agricultural operations but also the legacy we intend to pass on to our children.

The current compensation mechanisms in condemnation proceedings often fail to account for the comprehensive value of agricultural land, including its productivity, heritage, and the personal investment of farm families. SB0661 addresses this gap by ensuring that compensation is more reflective of these factors, providing farmers with the financial means to relocate or reestablish their operations if necessary.

Furthermore, applying this Act retroactively to proceedings initiated on or after January 1, 2024, offers protection to farmers currently facing condemnation, ensuring they are not disadvantaged by the timing of this legislation.

We urge you to support SB0661 to uphold the rights of Maryland's farmers and ensure that any compulsory acquisition of agricultural land is conducted with fairness and respect for the individuals and families who dedicate their lives to farming.

Thank you for your time and consideration.

Sincerely,

Amanda and Brandon Green
Green Valley Farm, LLC
1107 Slingluff Road
New Windsor, MD 21776

HWE Written Testimony - SB 657 and SB 661.pdf

Uploaded by: Harris Eisenstein

Position: FAV

February 7, 2025

Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, Maryland 21401

*Re: Testimony in support of –
SB 657 Eminent Domain - Just Compensation - Fees and Costs; and
SB 661 Real Property - Condemnation - Compensation for Farm and Agricultural
Property (Protect Maryland Farm Lands Act)*

Dear Members of the Senate Judicial Proceedings Committee:

My name is Harris Eisenstein. I am a Maryland attorney, and my practice focuses on eminent domain, inverse condemnation, and related litigation. I strongly support SB 657 and SB 661.

Over the past fifteen years, I have represented Maryland citizens and businesses facing the harsh reality of the government taking their private property by eminent domain. This governmental power is rooted in the Fifth Amendment's Takings Clause, which provides: "nor shall private property be taken for public purpose, without just compensation."

Maryland condemnors must observe the Constitutional dictate to pay "just compensation" to those losing property rights. However, current Maryland law does not allow condemnees to recover full and truly "just" compensation for the life-altering experience of losing their property. SB 657 and SB 661 are critical steps in the right direction.

At present, a condemnee is entitled to recover the value of the land and improvements taken by eminent domain plus any diminution in value to the property post-take. Md. Code Ann., Real Prop. §§ 12-104, 12-105. A condemnee cannot recover legal and expert fees incurred defending an eminent domain proceeding except in rare instances. This is true even though a condemnor's initial offer often falls short of just compensation. These below-market offers force my clients to invest significant resources for counsel to develop, in collaboration with experts, the true value of the property taken. The result: while the condemnor may increase its just compensation package, the net received by a condemnee is reduced by whatever sums they must lay out for attorneys and experts. And those condemnees who cannot afford an attorney are left to advocate for themselves against an opponent with endless resources. This is unjust.

SB 657 addresses this inequity by permitting every defendant in an eminent domain proceeding (*i.e.*, the condemnees) to recover the fair market value of the land taken *plus* all legal, expert, and related fees they incur. If enacted, SB 657 will provide Marylanders facing the

difficult circumstance of losing their land to eminent domain with a path to recover full compensation for their loss.

SB 661 addresses an equally important issue, particularly for the hundreds of farmers in Baltimore, Carroll, and Frederick Counties at risk of losing property rights to a planned 70-mile power line project known as the Maryland Piedmont Reliability Project (“MPRP”). If the sponsors of the MPRP ultimately secure the power of eminent domain – a question now before the Maryland Public Service Commission – they will forcibly install high-voltage, above-ground power lines across valuable Maryland farmland.

As any farmer will attest, farmland is a central part of a farmer’s identity. It is more than just their property; it is their livelihood and their legacy.

In addition, when farmland is taken for public use, it is nearly impossible for the displaced farmer to find suitable land to relocate their operations. And even if a farmer is fortunate enough to find another location, it is never truly comparable to the property taken by eminent domain. Farmland is often passed down for generations. That legacy is shattered in the eminent domain process.

SB 661 offers a lifeline for Maryland farmers. By requiring the condemnor to pay 350% of the highest appraised value of the property taken, the displaced farmer receives compensation for losing not only their property, but also their identity, livelihood, and legacy. This is, as the Constitution contemplates, a just outcome.

I thank you for your consideration.

Very truly yours,

A handwritten signature in blue ink, appearing to read "H. Eisenstein", with a long horizontal flourish extending to the right.

Harris W. Eisenstein

FAV_SB0661_StopMPRP.pdf

Uploaded by: Joanne Frederick

Position: FAV

Bill No: **Senate Bill 661 (Protect Maryland Farm Lands Act)**

Committee: **Maryland Senate Judicial Proceedings Committee**

Hearing Date: **February 11, 2025**

Sponsors: **Senators Ready, Bailey, Carozza, Corderman, Folden, Gallion, Hershey, James, Jennings, McKay, and Salling**

Submitted by: **Stop MPRP, Inc.**

Position: **FAVORABLE**

Thank you for the opportunity to submit testimony in strong support of Senate Bill 661, the Protect Maryland Farm Lands Act. Stop MPRP, Inc. is a grassroots organization committed to protecting Maryland's rural communities, agricultural heritage, and landowners from the adverse impacts of unnecessary high-voltage transmission projects like the Maryland Piedmont Reliability Project (MPRP). SB661 is a critical piece of legislation that ensures just compensation for farmers and agricultural landowners facing the threat of condemnation.

The Importance of SB661 for Maryland's Farmers and Agricultural Lands

Maryland's agricultural lands are a vital economic and cultural resource. They provide food security, sustain rural economies, and contribute to the state's environmental and ecological well-being. However, these lands are under threat from the Maryland Piedmont Reliability Project (MPRP) with and other similar large-scale transmission lines, which seek to condemn farmland for infrastructure expansion.

SB661 addresses this disparity by requiring that agricultural property taken through condemnation be valued at 350% of the highest appraised value. This provision is essential for ensuring that farmers and landowners are not forced to bear the financial burden of losing their property at undervalued rates, particularly when the land is taken for private utility development.

Addressing the Impact of Condemnation on Maryland's Agricultural Economy

Farmers invest not only in their land but also in the infrastructure, soil health, and business operations that make their agricultural enterprises viable. When land is condemned at standard market rates without consideration of its true value to the owner and community, farmers are left with inadequate compensation to reestablish their livelihoods elsewhere. SB661 acknowledges the unique economic and cultural role of agricultural lands and ensures that compensation aligns with the value these lands hold beyond simple market transactions.

Additionally, farmland that cannot be developed due to conservation and preservation easements or zoning restrictions is often worth significantly less when sold. These restrictions limit a landowner's ability to convert their land to higher-value uses, making it even more critical that fair compensation is provided when eminent domain is exercised. Without appropriate valuation mechanisms, landowners may face financial hardships from an undervalued sale.

Preventing the Forced Conversion of Agricultural Lands

Maryland has a strong tradition of farmland preservation as recognized by a number of strong and long-standing programs across the state. SB661 reinforces this commitment by discouraging forced conversion of farmland due to economic pressures caused by undervalued condemnation proceedings. By ensuring fair market valuation at 350% of the highest appraisal, this bill provides an added layer of financial security for farm families and strengthens Maryland's broader agricultural conservation efforts.

A Response to Unjust Land Seizures for Transmission Projects

The Maryland Piedmont Reliability Project (MPRP) and similar large-scale transmission initiatives illustrate the risks of unjust land acquisition. Projects that prioritize utility expansion over landowner rights disproportionately harm small farmers and rural communities. SB661's provisions create a necessary safeguard against speculative infrastructure projects that fail to provide clear public benefits while inflicting lasting damage on agricultural communities.

Comparison with Virginia's Eminent Domain Protections for Agricultural Land

Virginia has enacted robust measures to safeguard property owners, particularly farmers, from eminent domain abuses. Key aspects include:

1. **Constitutional Amendment Defining Public Use:** In 2012, Virginia amended its constitution to clarify that "public use" excludes takings primarily for private gain, benefit, enterprise, job creation, tax revenue increase, or economic development. This ensures that farmland cannot be condemned for private projects under the guise of public benefit.¹
2. **Just Compensation and Residual Damages:** Property owners are entitled to "just compensation," encompassing both the market value of the taken land and any devaluation of the remaining property due to the taking.²
3. **Compensation for Lost Profits and Access:** Virginia law allows property owners to be compensated for lost business income and restricted access if condemnation negatively impacts farming operations.
4. **Protections for Agricultural and Forestal Districts:** Land within designated agricultural and forestal districts receives additional protections, limiting the government's ability to use eminent domain in these areas.³

¹ [Institute for Justice](#)

² [Virginia Eminent Domain FAQ](#)

³ [Virginia Law](#)

5. **Procedural Safeguards:** Before condemning property, the government must engage in good-faith negotiations, providing written offers and justifications for the proposed compensation.

Virginia's model demonstrates a commitment to protecting agricultural landowners from eminent domain abuse while ensuring fair compensation when condemnation is unavoidable. Maryland's Senate Bill 661, by establishing a 350% valuation multiplier for farmland, builds upon this approach to further safeguard agricultural land and its economic viability.

Conclusion: Fairness and Justice for Maryland's Landowners

Stop MPRP, Inc. urges the committee to support SB661 to protect Maryland's agricultural landowners from unjust condemnation practices. By ensuring fair and equitable compensation, this bill upholds the rights of farmers, preserves the agricultural economy, and prevents unnecessary land loss. We respectfully request a favorable report on SB661.

Thank you for your time and consideration.

Respectfully submitted,

Joanne Frederick

President

Stop MPRP, Inc.

joanne.frederick@stopmprp.org

SB661ProtectMarylandFarmLandsAct.pdf

Uploaded by: Justin Ready

Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 11, 2025

SB 661 – Compensation for Farm and Agricultural Property Act of 2025

Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee,

The Maryland Piedmont Reliability Project (MPRP) is threatening to acquire countless farms and agricultural properties across Northern Maryland, and through current eminent domain laws they would only need to pay for the value of the property. These farmers, who represent the largest commercial industry in our state, will be unjustly thrown from their land without recognition of family history, which for many farm owners is passed down generation after generation. This is being done to run a power line over 70 miles of some of Maryland's most sensitive areas, a power line that will serve Northern Virginia data centers and consumers only, essentially a giant extension cord.

Senate Bill 661 would require the fair market value of certain agricultural property taken in a condemnation proceeding to be valued at 350% of the highest appraisal value of the property; and apply the act retroactively to condemnation proceedings initiated on or after January 1, 2024.

Under current law, the party whose property is taken through eminent domain must receive "just compensation" which is no less than market value. The party whose property is being taken is entitled to a judicial proceeding prior to the property being taken with the exception of "quick-take" condemnations. There are no exceptions for any agricultural property (as determined by SDAT) taken through this process.

This bill will ensure that the government pays a fair amount to each agricultural property owner impacted by the MPRP and future projects by for the additional value their land holds. The 350% adjustment from the highest appraisal value will protect farmers and require the state to weigh the necessity of projects against the harm it causes to the agricultural community.

I respectfully request a favorable report on Senate Bill 661.

Written Testimony for SB 661_HB 81_ Real Property

Uploaded by: Trudy Tibbals

Position: FAV

Written Testimony for **SB 661/HB 81**: Real Property - Condemnation - Compensation for Farm and Agricultural Property (Protect Maryland Farm Lands Act) - Please **VOTE YES** on this bill.

Dear Judicial Proceedings Committee:

This is a great bill. This legislation will protect our farms from being condemned, which is a wonderful thing for our food supply and a wonderful thing for our farmers and their livelihood.

I was very good friends with a girl whose family owned a farm as I grew up. (One of the sons now owns and runs the farm). She would get up at 4:00 a.m. every day, 7 days a week. On school days, she would get up at 4:00 a.m., milk the cows; then clean up and get ready for school. She would go to school, and she often got straight As in her classes. (We used to compare grades on tests and quizzes, as we were in mostly the same classes). Then, during basketball season, she would have daily practices and 2 games per week. She kept up with her school work and her grades during this extremely busy time. (Our families both went to the same church, so I knew her and her family pretty well, as my parents were friends with her parents). Then she would go home, do her homework and study for tests and quizzes, do more chores around the farm and help with dinner. Then, after dinner, more chores and homework and then she went to bed. She and her family were some of the hardest-working people I have ever known!!

With the shift in our society to more healthy food and beverages, we need our farmers now more than ever!! Our farmers and their farms are the heart of our communities. They produce food that ends up in our local schools for our children to eat, as well as simply being produced for large scale consumption.

Farmers have had a hard time in recent years with drought and/or rain cycles, and some farmers have had huge losses of family income due to hardships from weather.

Here is a chance to help our farmers and their families by protecting their farm land.

Please **VOTE YES** on this bill to show our hard-working farmers that you are on their side and believe in all their hard work.

Thank you.

Respectfully,

Trudy Tibbals

A Very Concerned Mother of 3 and Maryland Resident

MDFB - Support - SB661 Real Property - Protect Mar

Uploaded by: Tyler Hough

Position: FAV



Maryland Farm Bureau

3358 Davidsonville Road | Davidsonville, MD 21035
410-922-3426 | www.mdfarmbureau.com

February 7, 2025

To: Senate Judicial Proceedings Committee

From: Maryland Farm Bureau, Inc.

RE: Support of SB661 Real Property - Condemnation - Compensation for Farm and Agricultural Property (Protect Maryland Farm Lands Act)

On behalf of the nearly 8,000 member families of the Maryland Farm Bureau, I submit written testimony in support of SB661 Real Property - Condemnation - Compensation for Farm and Agricultural Property (Protect Maryland Farm Lands Act). This proposed legislation would require the fair market value of agricultural property taken in condemnation to be valued at 350% of the highest appraisal value of the property.

Maryland farmers invest significant time, resources, and effort into maintaining their land as a valuable asset and a cornerstone of the state's agricultural heritage. Condemnation proceedings that undervalue farmland not only jeopardize individual farm operations but also undermine the long-term viability of Maryland's agricultural industry. SB661 recognizes the unique and irreplaceable value of farmland by mandating fair market valuations that reflect its highest potential.

The Maryland Farm Bureau supports the inclusion of provisions that require compensation to account for the total devaluation of the farm. This includes the negative impacts, such as visual disruption and other factors, resulting from eminent domain projects. Farmers deserve to be compensated not only for the physical loss of land but also for the broader, often less tangible, effects on their operations and property values.

This legislation is vital to protect Maryland's farmland and to honor the contributions of farmers who play an essential role in feeding our communities, preserving open spaces, and supporting the state's economy. SB661 reinforces Maryland's commitment to its farmers by ensuring fair and just compensation in eminent domain cases.



Maryland Farm Bureau

3358 Davidsonville Road | Davidsonville, MD 21035

410-922-3426 | www.mdfarmbureau.com

Maryland Farm Bureau Supports SB661

Sincerely,

A handwritten signature in black ink, appearing to read "Tyler Hough". The signature is written over a horizontal line that extends to the left.

Tyler Hough

Director of Government Relations

Please contact Tyler Hough, though@marylandfb.org, with any questions

SB0661 - SHA - LOC – Real Property - Condemnation

Uploaded by: Patricia Westervelt

Position: INFO

February 11, 2025

The Honorable William C. Smith Jr.
Chair, Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, MD 21401

RE: Letter of Concern – SB 661– Real Property – Condemnation – Compensation for Farm and Agricultural Property (Protect Maryland Farm Lands Act)

Dear Chair Smith and Committee Members:

The Maryland Department of Transportation (MDOT) respectfully notes the following concerns with Senate Bill 661 for the Committee's consideration.

SB 661 requires that the fair market value of property actively used for farm or agricultural purposes taken in a condemnation proceeding be valued at 350% of the highest appraised value of the property. The provisions of this bill apply retroactively and affect any condemnation proceeding initiated on or after January 1, 2024.

As drafted, SB 661 could impact land acquisitions for all State infrastructure projects, including transportation facilities projects.¹ While any MDOT project requiring affected lands would be impacted, this bill will most likely have the greatest effect on highway construction projects undertaken by the State Highway Administration (SHA). The broad-based application of SB 661 significantly increases land acquisition costs for the State where takings of affected lands are considered. SHA provides infrastructure throughout the State and often impacts property actively used for farm or agricultural purposes during roadway widening and drainage projects. An escalation of 350% over the appraised fair market value will have an adverse effect on the cost of system preservation and construction projects. In addition, this new mandate impacts the discretion of a court to determine fair market value.

There are no funds in the operating or capital budget to account for the projected additional costs of this legislation. Further, SHA is uncertain as to whether the federal government would reimburse the cost of the land in excess of fair market value; this would further impact State funds available for projects.

The Maryland Department of Transportation requests the Committee consider this information during its deliberation of Senate Bill 661.

Respectfully submitted,

April King
Acting Director
Office of Government Affairs
Maryland State Highway Administration
410-210-5780

Matthew Mickler
Director
Office of Government Affairs
Maryland Department of Transportation
410-865-1090

¹ Article – Transportation, § 3-101.