

BY: Montgomery County Delegation
(To be offered in the Land Use and Transportation Committee)

AMENDMENTS TO HOUSE BILL 722
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “providing that” and substitute “authorizing a certain person to bring an action in a court of competent jurisdiction to challenge”; and in line 6, strike “in Montgomery County are unenforceable” and substitute “as unenforceable to a certain extent under certain circumstances; providing for a certain rebuttable presumption; providing that Montgomery County shall have standing to intervene in a certain case”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 6 through 8, inclusive and substitute:

“(4) “EXISTING USE” MEANS ANY LAWFUL USE WHICH WAS INSTITUTED ON PROPERTY RECLASSIFIED AS AGRICULTURAL PROPERTY BEFORE THE RECLASSIFICATION.”;

in line 13 after “(B)” insert “(1)”; after line 13 insert:

“(2) THIS SECTION DOES NOT APPLY TO COVENANTS, RESTRICTIONS, CONDITIONS, OR CONSERVATION EASEMENTS FOR THE BENEFIT OF OR HELD BY ANY STATE OR LOCAL GOVERNMENTAL AGENCY OR PROGRAM, OR HELD BY A QUALIFIED PRIVATE LAND TRUST, FOR THE PURPOSE OF CONSERVING NATURAL RESOURCES OR AGRICULTURAL LAND PURSUANT TO § 2-118 OF THIS ARTICLE, INCLUDING:

(Over)

(I) THE MARYLAND ENVIRONMENTAL TRUST;

(II) THE MARYLAND DEPARTMENT OF NATURAL
RESOURCES;

(III) THE MARYLAND AGRICULTURAL LAND PRESERVATION
FOUNDATION; AND

(IV) FOREST CONSERVATION PROGRAMS IMPLEMENTED
THROUGH THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING
COMMISSION.”;

in lines 14 and 18, in each instance, strike “ANY” and substitute “A PERSON THAT
HAS STANDING MAY BRING AN ACTION IN A COURT OF COMPETENT
JURISDICTION TO CHALLENGE ANY”; in line 17, strike “IS UNENFORCEABLE” and
substitute “AS UNENFORCEABLE TO THE EXTENT THAT THE PROVISION IS
INCONSISTENT WITH THE CLASSIFICATION OF AGRICULTURAL PROPERTY AND
CONTRARY TO PUBLIC POLICY” ; in line 20, strike “ACTIVITY IS UNENFORCEABLE”
and substitute “ACTIVITY,”; in the same line, strike “IT” and substitute “THE
PROVISION:

(I)”; in line 22, strike “PROPERTY” and substitute “PROPERTY;

(II) IS INCONSISTENT WITH THE CLASSIFICATION OF
AGRICULTURAL PROPERTY; AND

(III) IS CONTRARY TO PUBLIC POLICY”;

after line 22, insert:

“(3) FOR AGRICULTURAL PROPERTY WITH AN EXISTING USE THAT IS CONSISTENT WITH AGRICULTURAL ACTIVITY, THERE SHALL BE A REBUTTABLE PRESUMPTION THAT THE RECORDED COVENANTS AND RESTRICTIONS ARE:

(I) INCONSISTENT WITH THE CLASSIFICATION AS AGRICULTURAL PROPERTY; AND

(II) CONTRARY TO PUBLIC POLICY.

(4) MONTGOMERY COUNTY SHALL HAVE STANDING TO INTERVENE IN A CASE WHERE A PROVISION OF RECORDED COVENANTS AND RESTRICTIONS IS CHALLENGED UNDER THIS SECTION.”;

in line 23, strike “LIMIT” and substitute “RENDER”; and in line 24, after “REGULATIONS” insert “UNENFORCEABLE”.