BY: Montgomery County Delegation

<u>AMENDMENTS TO HOUSE BILL 722</u>
(First Reading File Bill)

<u>AMENDMENT NO. 1</u>

On page 1, in line 5, strike "providing that" and substitute "<u>authorizing</u> <u>Montgomery County to challenge</u>"; and in line 6, strike "in Montgomery County are unenforceable;" and substitute "<u>; authorizing Montgomery County to enact a local law</u> <u>that establishes a procedure by which certain recorded covenants and restrictions may</u> <u>be deemed unenforceable under certain circumstances; providing that on a certain</u> <u>finding certain recorded covenants and restrictions shall be unenforceable only to a</u> <u>certain extent under certain circumstances;</u>".

<u>AMENDMENT NO. 2</u>

On page 2, strike in their entirety lines 6 through 8, inclusive; in line 9, strike "(5)" and substitute "<u>(4)</u>"; in line 13 after "(B)" insert "<u>(1)</u>"; after line 13 insert:

"<u>(2) THIS SECTION DOES NOT APPLY TO COVENANTS,</u> <u>RESTRICTIONS, CONDITIONS, OR CONSERVATION EASEMENTS FOR THE BENEFIT</u> <u>OF OR HELD BY ANY STATE OR LOCAL GOVERNMENTAL AGENCY OR PROGRAM,</u> <u>OR HELD BY A QUALIFIED PRIVATE LAND TRUST, FOR THE PURPOSE OF</u> <u>CONSERVING NATURAL RESOURCES OR AGRICULTURAL LAND PURSUANT TO § 2-</u> <u>118 OF THIS ARTICLE.</u>"; in lines 14 and 18, in each instance, strike "ANY" and substitute "<u>THE COUNTY MAY CHALLENGE ANY</u>"; in line 17, strike "IS UNENFORCEABLE"; in line 20, strike "ACTIVITY IS UNENFORCEABLE" and substitute "<u>ACTIVITY,</u>"; in line 23, after "(D)" insert "<u>(1) MONTGOMERY COUNTY</u> <u>MAY ENACT A LOCAL LAW THAT ESTABLISHES A PROCEDURE BY WHICH</u> <u>RECORDED COVENANTS AND RESTRICTIONS ON AGRICULTURAL PROPERTY MAY</u>

(Over)

BE DEEMED UNENFORCEABLE AS INCONSISTENT WITH THE CLASSIFICATION OF AGRICULTURAL PROPERTY AND CONTRARY TO PUBLIC POLICY.

(2) ON FINDING THAT THE RECORDED COVENANTS AND RESTRICTIONS ARE INCONSISTENT WITH THE CLASSIFICATION OF AGRICULTURAL PROPERTY AND ARE CONTRARY TO PUBLIC POLICY, THE RECORDED COVENANTS AND RESTRICTIONS SHALL BE UNENFORCEABLE ONLY TO THE EXTENT THEY ARE INCONSISTENT WITH THE CLASSIFICATION OF AGRICULTURAL PROPERTY.

(E)"; in line 23, strike "LIMIT" and substitute "RENDER"; and in line 24, after "REGULATIONS" insert "UNENFORCEABLE".