

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 217 (Delegate Krebs, *et al.*)
Environment and Transportation

Agricultural Land Preservation Easements - Overlay Easements, Rights-of-Way,
or Servitudes

This bill prohibits a landowner whose land is subject to an agricultural land preservation easement from granting, or allowing a person to establish, an overlay easement, a right-of-way, or any other servitude on the land without the prior written permission of the Maryland Agricultural Land Preservation Foundation (MALPF). MALPF may approve an overlay easement, a right-of-way, or any other servitude on land subject to an agricultural land preservation easement if MALPF determines that it will not have a permanent harmful effect on the conservation attributes or agricultural use of the land.

Fiscal Summary

State Effect: The bill does not directly affect State finances.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: MALPF, established in 1977, purchases agricultural land preservation easements that restrict development on farmland and woodland. Through the end of fiscal 2016, the program had preserved 299,234 acres of agricultural land on 2,207 properties.

Statute and MALPF regulations address the extent to which land subject to an easement may be used for various purposes. The provisions generally focus on maintaining the

agricultural character and use of the land and establish specific restrictions and limitations for certain uses such as renewable energy generation facilities. MALPF regulations establish a process, and criteria, for the foundation's consideration of requests for approval of farm, forest, or home occupation related uses or activities, even though the use or activity may not strictly fall within the definition of traditional agricultural use.

Under MALPF regulations, unless permitted by statute, the deed of easement, or foundation approval, MALPF may impose a civil penalty on an owner of property subject to an easement who grants an easement, right-of-way, oil, gas, or mineral lease, or similar servitude on land to any person or government agency.

Additional Information

Prior Introductions: None.

Cross File: SB 285 (Senator Ready, *et al.*) - Education, Health, and Environmental Affairs.

Information Source(s): Maryland Department of Agriculture; Department of Legislative Services

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md/lgc

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