



Maryland Department of Agriculture

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MARYLAND DEPARTMENT OF AGRICULTURE

LEGISLATIVE COMMENT

DATE: January 22, 2019 BILL NO: SB 58

SUBJECT: MARYLAND AGRICULTURAL LAND PRESERVATION
FOUNDATION - ELIMINATION OF DISTRICT AGREEMENTS

COMITTEE: EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS

MDA POSITION: SUPPORT

EXPLANATION:

For the purpose of deleting obsolete references to district agreements within the Maryland Agricultural Land Preservation Foundation (MALPF) program; codifying the elimination of certain district agreements and the continuation of certain agricultural land preservation districts; and generally relating to the elimination of district agreements within the Maryland Agricultural Land Preservation Foundation program.

COMMENT:

The purpose of MALPF easements are to preserve productive farmland and woodland for the continued production of food and fiber for all of Maryland's citizens. To accomplish this and other statutory and ancillary goals, MALPF easements restrict agricultural land from commercial, industrial, and residential development. The program has easements on more than 2,300 properties, covering over 316,000 acres at a public investment of more than \$740 million.

When MALPF was established, the application process for landowners to sell a conservation easement to the state was twofold – a landowner first had to apply to the county and MALPF for approval to establish an agricultural preservation district for the property; only after the property was in district status could the landowner apply for approval to sell the easement. When the district application was made, the county, in conjunction with MALPF, evaluated whether the property qualified for the program. By signing the district agreement, landowners agreed to the same general covenants, conditions, and restrictions as those contained in the deed of easement, except for the term of agreement. If the landowner decided not to pursue selling an easement to the state, the district could be terminated, at landowner's request, after a minimum of five years from the date of the recording of the district agreement.

Districts made property eligible for sale of an easement; however, the dual application process proved unwieldy. To streamline the process, the two application processes were combined, therefore eliminating the need for creating a district.

The abolishment of the district process was passed into effective July 1, 2007, as recorded in Chapter 650 of the Acts of 2007 (Chapter 650), however, the law was never codified. As certain terms affecting district status remain active under certain circumstances, MALPF believes it is in the best interest of the program and the state to codify the provisions of Chapter 650.

MALPF ASKS FOR A FAVORABLE REPORT FOR SENATE BILL 58.