



# Maryland Department of Agriculture

Agriculture | Maryland's Leading Industry

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Judicial Proceedings Committee  
Chairman: Senator Bobby A. Zirkin

## **LETTER OF INFORMATION**

### **SB 975 – Real Property – Agricultural Land Preservation Easements – Separate Parcels**

The Maryland Department of Agriculture and the Maryland Agricultural Land Preservation Foundation (MALPF) feel this legislation may impact the MALPF program for the following reasons:

- 1) The criteria to determine whether a farm is eligible to participate in the MALPF program are high productivity, prime soils, and size of the farm (generally a minimum of 50 acres). Landowners have incentive to combine multiple parcels when they apply to the program because larger properties will rank higher for participation in the program.
- 2) If landowners subdivided along tax parcel boundaries, resulting parcels may no longer meet the minimum soils and size criteria, and potentially becoming eligible for termination of their easement. This could result in loss of prime agricultural land, paid for with public funds.
- 3) There are two Maryland Judiciary cases that have recognized that all of the property subject to a single MALPF easement should be considered one parcel, because easements are purchased with public funds. The courts' position is that there is an important public policy to ensure landowners do not circumvent the entire MALPF program by selling small parcels which may become eligible for termination.
- 4) MALPF's regulations allow an agricultural subdivision if the landowner demonstrates that there are sufficiently extraordinary circumstances to do so, and that the resulting parcels will meet the minimum size and soils criteria, and that each resulting parcel remains a viable, working farm.
- 5) Parcels were appraised as a singular tract. DGS represented to the BPW that the farms could not be subdivided without MALPF approval.
- 6) Legislation does not address existing violations.