

AGRICULTURE
TITLE 2. DEPARTMENT OF AGRICULTURE
SUBTITLE 5. MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION

Md. AGRICULTURE Code Ann. § 2-517 (2013)

§ 2-517. Critical Farms Program

(a) Established; purpose. --

(1) The Maryland Agricultural Land Preservation Foundation shall establish a Critical Farms Program that is separate and independent from the requirements of the Maryland Agricultural Land Preservation Program established under this subtitle.

(2) The purpose of the Program is to provide interim or emergency financing for the acquisition of agricultural preservation easements on critical farms that would otherwise be sold for nonagricultural uses.

(b) Qualification of property. --

(1) The Foundation, with county approval, shall determine if a property qualifies for the Critical Farms Program in accordance with the criteria developed under paragraph (2) of this subsection.

(2) (i) The Foundation, in consultation with the Department of Planning, shall develop criteria for counties to consider when determining whether a property qualifies for the Program.

(ii) The criteria shall include:

1. The qualifying strategic characteristics of the property, including location and productivity;

2. The circumstances creating the risk of the property being sold for nonagricultural purposes;

3. When applicable, the characteristics of the purchaser of strategic farmland seeking assistance from the Program;

4. The consistency of the proposed acquisition with county goals and priorities and, if applicable, the county's priority preservation area; and

5. Evaluation of the property as a priority easement acquisition.

(c) Method and procedure for purchasing easement. --

(1) The Maryland Agricultural Land Preservation Foundation shall develop, in consultation with the Department of General Services:

(i) A method for valuating an option to purchase an easement on property under the Critical Farms Program; and

(ii) A procedure for purchasing an easement option from the owner or purchaser of a critical farm under the Critical Farms Program.

(2) For purposes of setting an easement acquisition value for a State easement program, a property participating in the Program by sale of easement option shall be valued:

(i) As if it was not subject to any restriction imposed under this subtitle; and

(ii) In accordance with the valuation requirements of the specific State easement program to which the Critical Farms Program participant may apply to sell an easement.

(3) After a final easement sale, the Foundation shall be reimbursed by the Critical Farms Program participant for the amount that was paid by the Foundation for the easement option.

(4) The Foundation shall deposit the reimbursement in the Critical Farms Fund.

(5) The Foundation may be reimbursed for expenses associated with the acquisition of an easement option from the proceeds of the final easement sale and shall deposit the reimbursed expenses in the Critical Farms Fund.

(d) Plan for subsequent disposition of property. --

(1) When acquiring a fee simple interest in property under the Critical Farms Program, the Maryland Agricultural Land Preservation Foundation may submit to the Board of Public Works for approval at the same time as acquisition a plan for subsequent disposition of all or any portion of the property.

(2) Disposition of property under the Program may include the sale, lease, exchange, or transfer of the property.

(3) Any proceeds from the disposition of property under the Program shall be deposited in the Critical Farms Fund.

(4) When disposing of property under this subsection, the Foundation shall impose a perpetual agricultural land preservation easement on the property to restrict the use of the property to agricultural purposes.

(5) The Foundation may require reimbursement for expenses associated with the acquisition and disposition of property under this subsection from the purchaser of the

property and shall deposit the reimbursed expenses in the Critical Farms Fund.

(6) Property conveyed under this subsection is not:

(i) Excess personal property under § 4-501 of the State Finance and Procurement Article; or

(ii) Subject to the requirements of § 5-310 of the State Finance and Procurement Article.

(e) Critical Farms Fund. --

(1) In this subsection, "Fund" means the Critical Farms Fund.

(2) There is a Critical Farms Fund in the Department.

(3) The purpose of the Fund is to finance the acquisition of agricultural land preservation easements on critical farms by:

(i) The purchase of easement options under this section and under § 2-517.1 of this subtitle; and

(ii) The purchase of a fee simple interest in land and resale with an agricultural land preservation easement in place.

(4) The Fund is a continuing, nonlapsing revolving fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(5) The Governor may include each year in the budget an appropriation to the Fund consistent with Section 5 of the Agricultural Stewardship Act of 2006.

(6) If the Governor's appropriation increases the Fund to more than \$ 16 million, the Foundation shall submit a report to the General Assembly, in accordance with § 2-1246 of the State Government Article, that adequately documents the additional need.

(f) Regulations. -- The Maryland Agricultural Land Preservation Foundation may adopt regulations to implement the provisions of this section.

HISTORY: 2005, ch. 155; 2011, ch. 581.