

CHAPTER 229

(House Bill 679)

AN ACT concerning

Maryland Uniform Environmental Covenants Act

FOR the purpose of enacting the Uniform Environmental Covenants Act; establishing requirements to govern the creation, applicability, maintenance, and enforcement of an environmental covenant; establishing the rights and duties arising from an environmental covenant; making this Act severable; and generally relating to environmental covenants.

BY adding to

Article – Environment

Section 1-801 through ~~1-814~~ 1-815, inclusive, to be under the new subtitle “Subtitle 8. Maryland Uniform Environmental Covenants Act”

Annotated Code of Maryland

(1996 Replacement Volume and 2004 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Environment

SUBTITLE 8. MARYLAND UNIFORM ENVIRONMENTAL COVENANTS ACT.

1-801.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “ACTIVITY AND USE LIMITATION” MEANS A RESTRICTION OR OBLIGATION CREATED UNDER THIS SUBTITLE WITH RESPECT TO REAL PROPERTY.

(C) “AGENCY” MEANS THE DEPARTMENT OR ANY OTHER STATE OR FEDERAL AGENCY THAT DETERMINES OR APPROVES THE ENVIRONMENTAL RESPONSE PROJECT PURSUANT TO WHICH AN ENVIRONMENTAL COVENANT IS CREATED.

(D) “COMMON INTEREST COMMUNITY” MEANS A CONDOMINIUM, COOPERATIVE, OR OTHER REAL PROPERTY WITH RESPECT TO WHICH A PERSON, BY VIRTUE OF THE PERSON’S OWNERSHIP OF A PARCEL OF REAL PROPERTY, IS OBLIGATED TO PAY PROPERTY TAXES OR INSURANCE PREMIUMS, OR FOR MAINTENANCE, OR IMPROVEMENT OF OTHER REAL PROPERTY DESCRIBED IN A RECORDED COVENANT THAT CREATES THE COMMON INTEREST COMMUNITY.

(E) “ENVIRONMENTAL COVENANT” MEANS A SERVITUDE ARISING UNDER AN ENVIRONMENTAL RESPONSE PROJECT THAT IMPOSES ACTIVITY AND USE LIMITATIONS.