

not be greater than the applicable residential minimum zoning size in effect at the time of transfer.

(2) (I) [Land] PARCELS OF LAND OF 20 ACRES OR MORE which would be eligible for the agricultural use assessment under the provisions of Section 19(b) of this article, on application for that use by the grantee, if a declaration of intent to farm is filed with the Department by the grantee prior to transfer. The declaration of intent shall specify that the land will remain in agricultural use for at least 5 full consecutive taxable years. Failure to comply with the requirements set forth in the declaration of intent will result in the land being subject to the full rate of tax imposed by this section, without reduction in the rate as provided for in subsection (b) of this section, on the sale or transfer of the land. However, the rate reduction provisions of subsection (b) of this section will apply to the land if real property taxes have been paid on the basis of a nonagricultural use assessment for 5 full consecutive taxable years from the time when the requirements set forth in the declaration of intent were violated. In that event, the rate shall be reduced by one percentage point for each full consecutive taxable year that real property taxes continue to be paid on the basis of a nonagricultural use assessment, beginning with the sixth year.

(II) PARCELS OF LAND OF LESS THAN 20 ACRES WHICH WOULD BE ELIGIBLE FOR THE AGRICULTURAL USE ASSESSMENT UNDER THE PROVISIONS OF § 19(B) OF THIS ARTICLE, ON APPLICATION FOR THAT USE BY THE GRANTEE, IF A DECLARATION OF INTENT TO FARM IS FILED WITH THE DEPARTMENT BY THE GRANTEE PRIOR TO TRANSFER. THE DECLARATION OF INTENT SHALL SPECIFY THAT THE LAND WILL REMAIN IN AGRICULTURAL USE FOR AT LEAST 5 FULL CONSECUTIVE TAXABLE YEARS AND THAT THE NATURE OR TYPE OF AGRICULTURAL ACTIVITY WHEN COMBINED WITH THE AMOUNT OF LAND IN AGRICULTURAL USE IS SUCH THAT AN AVERAGE ANNUAL GROSS INCOME OF \$2,500 WOULD REASONABLY BE EXPECTED TO BE DERIVED FROM SUCH ACTIVE USE PURSUANT TO THE PROVISIONS OF § 19(B) OF THIS ARTICLE. FAILURE TO COMPLY WITH THE REQUIREMENTS SET FORTH IN THE DECLARATION OF INTENT OR FAILURE TO QUALIFY FOR THE AGRICULTURAL USE ASSESSMENT IN ACCORDANCE WITH THE PROVISIONS OF § 19(B) OF THIS ARTICLE DURING THE 5-YEAR PERIOD COVERED BY THE DECLARATION OF INTENT WILL RESULT IN THE IMPOSITION OF THE AMOUNT OF AGRICULTURAL TRANSFER TAX THAT WOULD HAVE BEEN DUE AT THE TIME OF TRANSFER, PLUS INTEREST AT THE RATE OF 12 PERCENT PER YEAR. THE AMOUNT OF TAX AND INTEREST DUE SHALL BECOME A LIEN ON THE PROPERTY AND SHALL BE DUE THE SAME TIME THE REAL PROPERTY TAXES ARE DUE IN ACCORDANCE WITH THE PROVISIONS OF § 48 OF THIS ARTICLE OR UPON TRANSFER OF ALL OR A PORTION OF THE LAND PRIOR TO THE DATE REAL PROPERTY TAXES ARE DUE.

(3) Land or interests in land transferred to the State of Maryland.