

**County Executive's Proposals for
Legislation Frederick County's 2022
General Assembly Legislative Package**

County Executive Proposed Legislation

Forest Conservation – Forest Conservation Fund

The proposed legislation suggests amendments to the State of Maryland's Natural Resources Article. These amendments would allow local jurisdictions to continue, as they have over the past two decades, to protect existing forests and valuable existing forest ecosystems through the State's forest banking program. At the same time, the suggested amendments will not impact the legislature's ability to evaluate the merits of forest mitigation banking via the study mandated by the General Assembly during the 2021 session. Any changes to the forest banking program recommended by the study can be made upon completion of a technical study by June 30, 2024, pursuant to the 2021 legislation.

Additionally, the amendments would provide flexibility to local jurisdictions in the use of conservation funds. The current timeframe to use the funds within two years or three growing seasons can be challenging for jurisdictions like Frederick County and its twelve municipalities. The process to expend the conservation funding includes planning, permitting, and the development of agreements. Further, smaller jurisdictions often have projects at less frequent intervals than larger cities and towns which are experiencing more rapid growth. Extending the reforestation or afforestation time period from two years/three growing periods to five (5) years or six (6) growing periods after receipt of funding will provide local governments the time needed to adequately and thoughtfully plan and utilize the funding.

(House Bill _____)

AN ACT concerning

Forest Conservation – Forest Conservation Fund

FOR the purpose of

BY amending

Article – Natural Resources
Sections 5-1601 and 5-1610
Annotated Code of Maryland

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

Article – Natural Resources

§ 5-1601. Definitions

(gg) Qualified conservation. -- "Qualified conservation" means the conservation of all or a part of an existing forest that:

- (1) Was approved [on or before December 31, 2020,] by the appropriate State or local forest conservation program for the purpose of establishing a forest mitigation bank; and
- (2) Is encumbered in perpetuity by a restrictive easement, covenant, or another similar mechanism recorded in the county land records to conserve its character as a forest.

§ 5-1610. Forest Conservation Fund; local forest conservation fund

(e) Time period for reforestation or afforestation; return of funds. –

- (1) The Department shall accomplish the reforestation or afforestation for which the money is deposited within [2] 5 years or [3] 6 growing seasons, as appropriate, after receipt of the money.
- (2) Money deposited in the Fund under subsection (c) of this section shall remain in the Fund for a period of [2] 5 years or [3] 6 growing seasons, and at the end of that time

EXPLANATION: CAPITAL OR UNDERLINING INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

period, any portion that has not been used to meet the afforestation or reforestation requirements shall be returned to the person who provided the money to be used for documented tree planting in the same county or watershed beyond that required by this subtitle or other applicable statutes.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.

County Executive Proposed Legislation

Frederick County – Disposition of Marriage Ceremony Fee

The proposed legislation would amend current law to direct a portion of the revenue from marriage ceremony fees performed by the clerk of the circuit court to Heritage Frederick. This would ensure that all the revenue collected from this fee come back to Frederick County.

Heritage Frederick, like all heritage societies, is dedicated to preserving, collecting, and researching local historical items, artifacts and information. Many, like Heritage Frederick, have taken on the role of repositories and stewards of certain historical documents and records – marriage certificates and records among them. The proposed portion of fees collected from civil ceremonies in the County and redirected to Heritage Frederick would support the maintenance of this collection of marriage records.

Currently, in Frederick County the fee for civil ceremonies performed by the Clerk of the Circuit Court is \$25. The Clerk pays \$10 of that fee into the general fund and the remaining \$15 is retained, deposited and disbursed in the same manner as other fees by the Clerk. Nine (9) other counties – Allegany, Anne Arundel, Baltimore, Cecil, Garrett, Montgomery, Prince George's, Harford, and Washington – redirect all or a portion of the \$15 from the State back to a county's heritage organization (historical society, preservation trust, heritage society). The proposed legislation would add Frederick County to these counties who redirect the remaining civil ceremony fees in this way.

The legislation also requires accountability by requiring Heritage Frederick to report annual to the County how the funds received were spent, and allows the County to, at any time, request an audit of Heritage Frederick's financial records.

(House Bill _____)

AN ACT concerning

Frederick County – Disposition of Marriage Ceremony Fee

FOR the purpose of

BY adding to

Article – Family Law
Section 2-410(a)(12)
Annotated Code of Maryland
(2012 Replacement Volume and 2021 Supplement)

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

Article – Family Law

2-410.

(a) (1) Except as provided in this subsection, a judge, clerk, or deputy clerk may not receive any fee, remuneration, or gift for performing a marriage ceremony.

(2) (i) 1. A Maryland judge's fee for performing a marriage ceremony is a nonrefundable fee, payable to the clerk before a marriage license is issued, in the amount of \$30 in Cecil County and \$25 in any other county.

2. The clerk's or deputy clerk's fee for performing a marriage ceremony is \$30 in Cecil County and \$25 in any other county.

(ii) Except as provided in paragraph (10) of this subsection, each month the clerk shall pay \$10 of each fee collected under this section into the general fund of the county.

(iii) Except as otherwise provided in this subsection, the clerk shall retain the remainder of each fee and deposit and disburse it in the same manner as other fees collected by the clerk.

EXPLANATION: CAPITAL OR UNDERLINING INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

(12) (I) IN FREDERICK COUNTY, THE CLERK SHALL PAY THE REMAINING \$15 OF EACH FEE TO HERITAGE FREDERICK.

(II) HERITAGE FREDERICK SHALL REPORT ANNUALLY TO FREDERICK COUNTY ON THE USE OF ALL FUNDS RECEIVED UNDER THIS SECTION.

(III) FREDERICK COUNTY MAY REQUEST AT ANY TIME AN AUDIT OF THE FINANCIAL RECORDS OF HERITAGE FREDERICK.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.

County Executive Proposed Legislation

Abandoned Burial Lots – Termination of Ownership Rights

The proposed bill would address issues concerning how the ownership of unused and vacant burial lots can become fractionalized over long periods of time and the difficulty in maintaining a record of the identify and whereabouts of those owners.

Over a two-year grace period, the bill would 1) place a duty on the owner(s) of an unused and vacant burial lot to maintain a mailing address with the cemetery. Owner(s) who fail to do so consent to receive notices and other communications from the cemetery via publication or posting; and 2) provide a procedure whereby the ownership of a burial lot that remains unused and vacant after (50) years would revert to the cemetery.

The legislation would not apply to a burial lot containing the remains of a decedent.

(House Bill _____)

AN ACT concerning

Abandoned Burial Lots – Termination of Ownership Rights

FOR the purpose of providing that owners of vacant and unused burial lots must provide the cemetery with their mailing address, for the disposition of abandoned burial lots by establishing a procedure whereby a cemetery may terminate the ownership rights in a burial lot that:(i) remains vacant and unused for a period of at least fifty (50) years from the date of sale or last recorded designation or transfer; and (ii) has no improvements on the burial lot, including the placement of a monument, memorial, or other permanent appurtenance.

BY adding to

Article – Business Regulation
Section 5-503.1 and 5-503.2
Annotated Code of Maryland
(2015 Replacement Volume and 2020 Supplement)

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

Article – Business Regulation

5-503.1. OWNERS OF VACANT AND UNUSED BURIAL LOTS TO PROVIDE MAILING ADDRESSES.

(A) ALL OWNERS OR FRACTIONAL OWNERS OF INTERESTS IN A VACANT AND UNUSED BURIAL LOT, THEIR HEIRS, SUCCESSORS, ASSIGNS, PERSONAL REPRESENTATIVES AND AGENTS, WHO DESIRE TO RECEIVE NOTICES AND OTHER COMMUNICATIONS CONCERNING THE BURIAL LOT FROM THE CEMETERY HAVE A DUTY TO KEEP THE CEMETERY INFORMED OF THEIR MAILING ADDRESSES.

(B) ON AND AFTER JANUARY 1, 2025, ALL OWNERS OR FRACTIONAL OWNERS OF INTERESTS IN A VACANT AND UNUSED BURIAL LOT, THEIR HEIRS, SUCCESSORS, ASSIGNS, PERSONAL REPRESENTATIVES AND AGENTS, WHO DO NOT PROVIDE THE CEMETERY WITH THEIR MAILING ADDRESSES CONSENT TO RECEIVE NOTICES AND OTHER COMMUNICATIONS CONCERNING THE BURIAL LOT BY

(1) POSTING OF THE NOTICE AT A CONSPICUOUS LOCATION NEAR THE ENTRANCE TO THE CEMETERY; OR

EXPLANATION: CAPITAL OR UNDERLINING INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

(2) PUBLICATION OF THE NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY OF THE LOCATION OF THE CEMETERY.

5-503.2. DISPOSITION OF ABANDONED BURIAL LOTS.

(A) TERMINATION OF OWNERSHIP RIGHTS IN AN UNUSED AND UNIMPROVED BURIAL LOT.

(1) ON OR AFTER JANUARY 1, 2025, IF A BURIAL LOT IN A CEMETERY:

(I) REMAINS UNUSED FOR A PERIOD OF AT LEAST FIFTY (50) YEARS FROM THE DATE OF SALE OR LAST RECORDED DESIGNATION OR TRANSFER; AND

(II) HAS NO IMPROVEMENTS ON THE BURIAL LOT, INCLUDING THE PLACEMENT OF A MONUMENT, MEMORIAL, OR OTHER PERMANENT APPURTENANCE;

THEN THE PERSON OR ENTITY HAVING JURISDICTION OVER THE CEMETERY MAY TERMINATE THE RIGHTS AND INTEREST OF THE OWNER OF THE BURIAL LOT IN ACCORDANCE WITH THIS SECTION.

(2) AFTER JUNE 1, 2022, A CONTRACT FOR THE PURCHASE OF A BURIAL LOT MUST INCLUDE NOTICE THAT THE CONTRACT IS SUBJECT TO TERMINATION AS PROVIDED IN PARAGRAPH (1).

(B) NOTICE.

(1) IF A CEMETERY:

(I) DESIRES TO TERMINATE THE RIGHTS AND INTERESTS OF THE OWNER OF THE UNUSED AND UNIMPROVED BURIAL LOT; AND

(II) DETERMINES THAT THE CONDITIONS SPECIFIED IN SUBSECTION (A) HAVE BEEN MET;

THEN THE CEMETERY MUST SEND TO THE OWNER A NOTICE OF THE INTENT TO TERMINATE THE OWNER'S RIGHTS TO THE BURIAL LOT.

(2) THE NOTICE MUST BE SENT BY CERTIFIED MAIL WITH RETURN RECEIPT REQUESTED TO THE OWNER'S LAST KNOWN ADDRESS.

(C) DUTIES OF OWNER; REQUEST FOR PURCHASE.

(1) AN OWNER WHO RECEIVES A TERMINATION NOTICE UNDER SUBSECTION (B) OF THIS SECTION MAY INFORM THE CEMETERY OF THE OWNER'S CONTINUED INTENT TO USE THE BURIAL LOT. IF THE CEMETERY HAS BEEN INFORMED OF THE OWNER'S INTENT, THEN THE CEMETERY MAY NOT TERMINATE THE RIGHTS AND INTERESTS OF THE OWNER OF THE BURIAL LOT.

(2) AN OWNER WHO HAS RECEIVED A TERMINATION NOTICE UNDER SUBSECTION (B) OF THIS SECTION MAY REQUEST THE PERSON OR ENTITY HAVING JURISDICTION OVER THE CEMETERY TO PURCHASE THE BURIAL LOT FOR THE AMOUNT ORIGINALLY PAID FOR THE BURIAL LOT.

(D) FAILURE TO RESPOND TO NOTICE; TERMINATION OF OWNER'S RIGHTS; REMEDIES.

(1) IF THE CEMETERY DOES NOT RECEIVE A RESPONSE FROM THE OWNER FO THE UNUSED AND UNIMPROVED BURIAL LOT WITHIN SIXTY (60) DAYS AFTER SENDING THE NOTICE REQUIRED IN PARAGRAPH (B) OF THIS CHAPTER, THEN THE CEMETERY SHALL ADVERTISE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY IN WHICH THE CEMETERY IS LOCATED SEEKING THE OWNER'S CURRENT ADDRESS.

(2) IF THE CEMETERY OBTAINS A NEW ADDRESS FOR THE OWNER OF THE UNUSED AND UNIMPROVED BURIAL LOT AFTER THE ADVERTISING REQUIRED IN PARAGRAPH (1), THEN THE CEMETERY MUST REPEAT THE NOTICE REQUIREMENT UNDER SUBSECTION (B).

(3) IF THE CEMETERY DOES NOT RECEIVE A RESPONSE REGARDING THE OWNER OF THE UNUSED AND UNIMPROVED BURIAL LOT WITHIN SIXTY (60) DAYS AFTER PLACING THE ADVERTISEMENT REQUIRED IN PARAGRAPH (1), THEN THE OWNER'S RIGHTS AND INTEREST IN THE BURIAL LOT TERMINATE. AFTER TERMINATION OF THE RIGHTS AND INTERESTS IN A BURIAL LOT UNDER THIS SECTION, THE PERSON OR ENTITY HAVING JURISDICTION OVER THE CEMETERY MAY SELL A BURIAL LOT TO A NEW OWNER.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.

EXPLANATION: CAPITAL OR UNDERLINING INDICATE MATTER ADDED TO EXISTING LAW.

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County Executive Proposed Legislation

Tax – Property –Third Party Tax Bill Notification

The proposed bill would establish a program for Frederick County to allow property owners 65 years and older or those with disabilities to designate a third party to receive a duplicate property tax bill and notices of unpaid taxes.

In the interest of keeping homeowners in their homes, this program would assist those taxpayers who might need assistance in receiving or understanding notifications of property taxes due and correspondence related to paying tax bills or unpaid bills. The legislation would provide an extra layer of protection for some of our most vulnerable home owners.

A draft of this legislation is forthcoming.



JAN H. GARDNER
Frederick County
Executive

POSITION STATEMENT

**Town of Mt. Airy -
Urban Renewal Authority**

County Position: SUPPORT

Frederick County Executive Jan Gardner requests the Frederick County Delegation's support for legislation to grant Urban Renewal Authority to the Town of Mt. Airy.

Frederick County supports the Town's efforts to address vacant, abandoned, and vandalized properties in collaboration with property owners and landlords. Just as more than sixty municipalities are able to do, the Town of Mt. Airy should be enabled to work with building owners to protect the community from blight and dangerous conditions that impact residents and business owners.

The Frederick County Delegation, on behalf of the Town, put forward this legislation during the 2020 General Assembly Session. The Delegation's bill was passed in the House and was making its way through the Senate. However, Session ended before it could make more progress.

The County Executive respectfully requests the Frederick County Delegation again propose this legislation to confer Urban Renewal Authority to the Town of Mt. Airy.