

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2026, Legislative Day No. 17

Bill No. 96-26

Mr. Michael Ertel, Chair
By Request of County Executive

By the County Council, September 22, 2026

A BILL
ENTITLED

AN ACT concerning

Real Property – Modernization of County Acquisition, Exchange, Conveyance, and
Condemnation

FOR the purpose of amending the expenditure amounts for real estate acquisition, exchanges,
conveyances, and condemnation; updating the approval processes for real estate
exchanges; and generally relating to County real estate acquisition, exchanges,
conveyances, and condemnation.

BY repealing and re-enacting, with amendments

Sections 3-9-101, 3-9-102, 3-9-103, 3-9-104, 3-9-105, 3-9-106(a), 3-9-108.1(e),
3-9-109(a), (e)-(g), 3-9-110, 3-9-111, and 3-9-201
Article 3 – Administration
Title 9 – Real Property
Baltimore County Code, 2015

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

BY adding

Section 3-9-202(d)
Article 3 – Administration
Title 9 – Real Property
Subtitle 2 – Franchises
Baltimore County Code, 2015

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
COUNTY, MARYLAND, that the Laws of Baltimore County shall read as follows:

ARTICLE 3 – ADMINISTRATION

Title 9 – Real Property

Subtitle 1 – County Acquisition, Exchange, Conveyance, and Condemnation

§ 3-9-101. Statement of authority; DEFINITIONS.

(A) In addition to the authority set forth under this subtitle, the General Assembly of Maryland has authorized the county to acquire and convey property in accordance with Chapter 706 of the Laws of Maryland, 1979, as codified in Article 26 of the Code.

(B) IN THIS SUBTITLE, THE FOLLOWING WORDS OR PHRASES HAVE THE MEANINGS INDICATED.

(1) “REAL ESTATE COMPLIANCE” MEANS THE OFFICE, SECTION, OR DIVISION THAT CONDUCTS REAL ESTATE TRANSACTIONS FOR THE COUNTY.

(2) “COUNTY EXECUTIVE” INCLUDES THE COUNTY EXECUTIVE’S DESIGNEE.

§ 3-9-102. Acquisition of property.

1 [(1)] (A) The county may:

2 [(i)] (1) Acquire by purchase, gift, devise, or condemnation real or leasehold
3 property needed for a public purpose; and

4 [(ii)] (2) Erect buildings on acquired real or leasehold property for public use.

5 [(2)] (B) Real or leasehold property may be acquired in fee or otherwise.

6 (C) THE ACQUISITION OF REAL OR LEASEHOLD PROPERTY SHALL BE
7 APPROVED BY THE COUNTY COUNCIL IN ACCORDANCE WITH § 715 OF THE
8 COUNTY CHARTER, IF:

9 (1) THE PURCHASE PRICE OF THE PROPERTY IS IN EXCESS OF
10 \$100,000; OR

11 (2) THE LEASE OF REAL PROPERTY REQUIRES RENTAL PAYMENTS IN
12 EXCESS OF \$150,000 IN THE AGGREGATE.

13
14 § 3-9-103. Exchange of property.

15 (a) In accordance with the recommendations of the County Administrative Officer, the
16 approval of the County Executive, and the requirements of this section, the county may exchange
17 real or leasehold property for purposes of consolidation or another public purpose.

18 (b) (1) A proposed exchange of real or leasehold property in which the value of the
19 property OR LEASEHOLD INTEREST to be conveyed by the county is not more than
20 [\$25,000] \$100,000, AS DETERMINED BY REAL ESTATE COMPLIANCE, shall be
21 submitted to:

22 (i) The County Council for its review; and

(ii) The secretary of the County Council for record-keeping and accounting purposes.

(2) (i) Not more than 14 days after the day the proposed exchange is submitted to the Council, a member of the Council may call for a vote of the Council on the proposed exchange.

(ii) After the 14-day period has elapsed, an exchange not selected by the Council for a vote shall be publicized in accordance with § 3-9-109 of this subtitle and is deemed approved.

(c) An exchange of real or leasehold property in which REAL ESTATE COMPLIANCE DETERMINES the value of the property to be conveyed by the county [is] TO BE more than [\$25,000] \$100,000 is subject to:

(1) County Council approval under § 715 of the Charter; and

(2) Appraisals performed in accordance with § 3-9-105 of this subtitle.

(d) (1) The county may release an existing county easement provided a substitute easement is conveyed to, and accepted by, the county.

(2) The county may release an easement under this subsection whether the existing county easement was acquired by dedication, purchase, gift, devise, or condemnation.

(3) (I) A release of easement under this subsection does not require an appraisal if the easement areas are of comparable size and zoning classification.

(II) FOR PURPOSES OF THIS SECTION, A SUBSTITUTE EASEMENT THAT IS AT LEAST 80% OF THE ACREAGE OF THE EXISTING EASEMENT SHALL BE CONSIDERED OF COMPARABLE SIZE TO THE EXISTING EASEMENT.

(4) (i) A proposed release of easement under this subsection shall be submitted to:

1. The County Council for its review; and
2. The Secretary of the County Council for record-keeping and accounting purposes.

(ii) 1. Not more than 14 days after the day the proposed release of easement is submitted to the Council, a member of the Council may call for a vote of the Council on the proposed release of easement.

2. After the 14-day period has elapsed, a proposed release of easement not selected by the Council for a vote shall be publicized in accordance with § 3-9-109 of this subtitle and is deemed approved.

§ 3-9-104. Conveyance of surplus county property – General provisions.

(a) (1) Except as provided in this subsection, the section does not apply to:

(I) AN EXCHANGE OF PROPERTY UNDER § 3-9-103 OF THIS SUBTITLE; OR

(II) property acquired from the Board of Education under § 4-115 of the Education Article of the Annotated Code of Maryland.

(2) The county shall dispose of property acquired from the Board of Education under § 4-115 of the Education Article of the Annotated Code of Maryland by resolution of the County Council on recommendation of the County Executive.

1 (b) If fee simple or leasehold real property belonging to the county is no longer needed
2 for public use, the county may convey the real property in accordance with the procedure
3 established in this subtitle.

4 (c) (1) The County Administrative Officer shall recommend to the County Executive
5 and County Council properties that are no longer needed for public use.

6 (2) The county may convey the property on approval by the County Executive of
7 the County Administrative Officer's recommendations, unless, within 14 days of the receipt of
8 the recommendation, any member of the County Council requests that the matter be forwarded to
9 the County Council for approval or disapproval by the Council at a legislative meeting.

10 (d) (1) The county shall convey property as provided in this subsection.

11 (2) If the surplus property does not comply with requirements for the issuance of
12 a building permit, consistent with the current zoning on the property, AS DETERMINED BY
13 THE DIRECTOR OF THE DEPARTMENT OF PERMITS, APPROVALS, AND
14 INSPECTIONS, the county shall first offer to convey the property to the adjacent property
15 owner or owners as provided in § 3-9-106 of this subtitle.

16 (3) If paragraph (2) of this subsection does not apply, the county may convey
17 surplus property:

18 (i) By [public sale,] THE SALE OF PROPERTY FOLLOWING PUBLIC
19 NOTICE AND AN OPPORTUNITY FOR COMPETITIVE OFFERS FROM THE GENERAL
20 PUBLIC;

21 (ii) To a person as provided in § 3-9-107, [or] § 3-9-108, OR § 3-9-108.1
22 of this subtitle; or

(iii) To a governmental entity OR, WHEN THE COUNTY EXECUTIVE DETERMINES THE CONVEYANCE SERVES A PUBLIC PURPOSE, TO A PUBLIC SERVICE COMPANY AS DEFINED IN § 1-101 OF THE PUBLIC UTILITY COMPANIES ARTICLE OF THE ANNOTATED CODE OF MARYLAND:

1. For a price as provided in § 3-9-105 of this subtitle; or
2. As provided in § 3-9-108 of this subtitle.

§ 3-9-105. Same – Purchase price.

(a) This section does not apply to a conveyance TO A GOVERNMENTAL ENTITY under § 3-9-108(a) of this subtitle.

(b) Except as provided in subsection (d) of this section, the purchase price of property conveyed under this subtitle may not be less than the present appraised value of the property.

(c) If the value of the property is determined BY REAL ESTATE COMPLIANCE to be more than [\$25,000, two] \$100,000, [two] 2 appraisals shall be obtained from independent qualified real estate appraisers AND THE AVERAGE VALUE OF THE 2 APPRAISALS SHALL BE UTILIZED.

(d) Whenever property is to be conveyed by public sale and the highest bid or offer received at the sale is not at least equal to the appraised value, the property may be conveyed in accordance with the recommendations of the County Administrative Officer with the approval of the County Executive and the County Council.

(E) IF THE VALUE OF THE PROPERTY IS DETERMINED BY REAL ESTATE COMPLIANCE TO BE \$100,000 OR LESS, 1 APPRAISAL MAY BE UTILIZED, AND THE

1 APPRAISAL MAY BE AN INTERNAL APPRAISAL COMPLETED BY REAL ESTATE
2 COMPLIANCE APPRAISAL STAFF.

3
4 § 3-9-106. Same – Surplus property not eligible for a building permit.

5 (a) If surplus property does not comply with requirements for the issuance of a building
6 permit, consistent with the current zoning on the property, AS DETERMINED BY THE
7 DIRECTOR OF THE DEPARTMENT OF PERMITS, APPROVALS, AND INSPECTIONS,
8 the county shall offer the property to the adjacent property owner or owners.

9
10 § 3-9-108.1. Easement over county property.

11 (e) (1) Except as provided in paragraph (2) of this subsection OR IN
12 SUBSECTIONS (A) OR (B) OF § 3-9-108 OF THIS SUBTITLE, the county shall convey an
13 easement under this section for a price as provided in § 3-9-105 of this subtitle.

14 (2) (i) The county may convey an easement to a public service company as
15 defined in § 1-101 of the Public Utility Companies Article of the Annotated Code of Maryland
16 for no compensation if:

17 1. The public service company requires the easement in order to
18 supply a public service to a county government facility on county-owned property; or

19 2. The easement is within an existing right-of-way.

20 (ii) If an easement is conveyed to a public service company, the county
21 may grant a further easement over the same county-owned property for no compensation to the
22 same public service company to supply a public service to a facility or property that is not owned
23 or operated by the county.

§ 3-9-109. Publication and hearing.

(a) This section does not apply to:

(1) An exchange or conveyance of property under this subtitle if the exchange or conveyance is expressly approved by the County Council;

(2) An exchange of property under § 3-9-103(b) or (d) of this subtitle;

(3) The conveyance of property acquired from the Board of Education as provided under § 3-9-104(a) of this subtitle;

(4) The conveyance of an easement under § 3-9-108.1(e)(1) of this subtitle to a public service company as defined in § 1-101 of the Public Utility Companies Article of the Annotated Code of Maryland if the value of the easement is less than [\$25,000;] \$100,000;

(5) The conveyance of an easement under § 3-9-108.1(e)(2) of this subtitle; or

(6) The leasing of property under § 3-9-110 of this subtitle.

(e) If valid objections are filed with the County Administrative Officer, the [County Administrative Officer] OFFICE OF ADMINISTRATIVE HEARINGS shall set a date for the hearing of the objections for not later than 45 days after the last notice publication.

(f) The [County Administrative Officer] OFFICE OF ADMINISTRATIVE HEARINGS shall:

(1) Conduct the hearing; and

(2) Issue a decision within [10] 30 days after the hearing.

(g) If no valid objection is made or the [County Administrative Officer] ADMINISTRATIVE LAW JUDGE determines that no objection should be sustained after the hearing, the county shall execute the appropriate instrument to effect the disposition.

§ 3-9-110. Authority to lease property.

(a) In furtherance of public purposes, the county administration may lease property owned by the county.

(b) [This section applies only to a lease of more than 1 year's duration.] EXCEPT FOR SUBSECTIONS (A) and (E), THIS SECTION DOES NOT APPLY TO:

(1) A LEASE WITH A DURATION OF 1 YEAR OR LESS; OR

(2) A LEASE TO ONE OF THE FOLLOWING IF NO PART OF THE LEASE'S NET INCOME INURES TO PRIVATE SHAREHOLDERS OR INDIVIDUALS:

(I) GOVERNMENTAL ENTITY;

(II) HOSPITAL;

(III) RELIGIOUS, CHARITABLE, SCIENTIFIC, LITERARY, EDUCATIONAL, FRATERNAL, OR BENEVOLENT INSTITUTION;

(IV) CIVIC IMPROVEMENT ASSOCIATION, SERVICE CLUB, VOLUNTEER FIRE COMPANY; OR

(V) YOUTH ORGANIZATION.

(c) A lease shall contain provisions:

(1) Securing efficiency of public service at reasonable rates;

(2) Securing maintenance of the property in good condition throughout the term of the lease;

(3) Specifying the mode of determining valuation and revaluation of the rent which may be provided for in the lease;

(4) Regarding termination of the lease and other remedies for failure of compliance with the terms of the lease;

1 (5) Specifying the time periods for the exercise of remedies under the lease
2 resulting from the tenant's default; and

3 (6) Expressly reserving for the county administration the right and duty at all
4 times to exercise full governmental control and regulation in respect to all matters connected
5 with the lease not inconsistent with the terms of the lease.

6 (d) Before the first publication of notice under this section, the county shall make
7 diligent inquiry into the proposed terms of the lease and the adequacy of the compensation to be
8 received by the county.

9 (e) (1) A notice of the proposed lease shall be published at the expense of the lessee
10 once a week for 3 successive weeks in at least one newspaper of general circulation.

11 (2) The notice shall include:

12 (i) A summary of the terms of the proposed lease;

13 (ii) The compensation to be received by the county; and

14 (iii) Information about filing objections to the proposed lease with the
15 secretary to the County Executive.

16 (f) (1) If an interested person, either as a county taxpayer or as a person with
17 property rights involved in the proposed lease, has any objection to the proposed lease, the
18 person shall file the person's specific objections in writing with the secretary to the County
19 Executive before the expiration date established in the notice.

20 (2) The County Council shall set a date for the hearing of valid objections filed
21 under this subsection.

22 (g) If no valid objection is made or the County Council determines that no objection
23 should be sustained after the hearing, the county administration may execute the lease.

§ 3-9-111. Condemnation – authority.

(a) In accordance with the recommendations of the County Administrative Officer and the approval of the County Executive, the county may acquire property by condemnation.

(b) The County Attorney may institute a condemnation proceeding without County Council approval if [the County Bureau of Land Acquisition] REAL ESTATE COMPLIANCE determines that the value of the property to be condemned is [\$5,000] \$25,000 or less.

(c) (1) If a proposed condemnation involves a property the value of which has been determined by [the County Bureau of Land Acquisition] REAL ESTATE COMPLIANCE to be more than [\$5,000] \$25,000 but not more than [\$25,000,] \$100,000, the County Attorney shall:

(i) Submit the proposed petition for condemnation in writing to the County Council for its review; and

(ii) For record-keeping and accounting purposes, notify the secretary of the County Council.

(2) The members of the County Council shall have 14 days after the day the action is submitted to the Council in which to review a proposed condemnation.

(3) Any member of the County Council may call for a Council vote on a proposed condemnation.

(4) After the 14-day period has elapsed, a proposed condemnation not selected by the Council for a vote is deemed approved.

(d) (1) If [the County Bureau of Land Acquisition] REAL ESTATE COMPLIANCE determines that the value of property proposed for condemnation is more than [\$25,000,]

1 \$100,000, the County Attorney shall present the proposed petition for condemnation to the
2 County Council.

3 (2) The County Attorney may file the petition for condemnation following
4 County Council approval.

5
6 Subtitle 2 – Franchises
7

8 § 3-9-201. Procedure for granting.

9 (a) The county administration may grant a franchise on, above, or below the surface of a
10 highway, avenue, street, lane, or alley as provided in this subtitle.

11 (b) Before the first publication of notice under this section, the county administration
12 shall make a diligent inquiry regarding the value of the proposed franchise and the adequacy of
13 the compensation proposed to be paid for the franchise.

14 (c) (1) The applicant for a franchise shall publish a notice of the application for a
15 franchise:

16 (I) once per week for 3 successive weeks in two newspapers of general
17 circulation; OR

18 (II) ON THE COUNTY’S WEBSITE FOR 3 SUCCESSIVE WEEKS.

19 (2) The notice shall include:

20 (i) A summary of the terms and duration of the proposed franchise;

21 (ii) The compensation to be received by the county; and

22 (iii) Information about filing an objection to the granting of the franchise
23 with the Director of Public Works and Transportation.

1 (d) If a person, either as a county taxpayer or as a person with property rights involved in
2 the proposed franchise, has any objection to the proposed franchise, the person shall file the
3 person's specific objections in writing with the Director of Public Works and Transportation
4 before the expiration date established in the notice.

5 (e) The [County Administrative Officer or the County Administrative Officer's
6 designee] OFFICE OF ADMINISTRATIVE HEARINGS shall:

7 (1) Set a time for hearing any valid objections filed under subsection (d) of this
8 section;

9 (2) Conduct the hearing; and

10 (3) Issue a decision that is final [and from which there is no appeal to the Board
11 of Appeals or any court].

12 (f) If no valid objection is made to the granting of the franchise and the county
13 administration determines that granting the franchise is expedient and proper, the county
14 administration may grant the franchise.

15
16 § 3-9-202. Terms.

17 (D) PUBLICATION UNDER § 3-9-201(C) OF THIS SUBTITLE IS NOT REQUIRED
18 FOR:

19 (1) THE RENEWAL OF A FRANCHISE; OR

20 (2) NON-SUBSTANTIVE OR ADMINISTRATIVE AMENDMENTS TO A
21 FRANCHISE.

1 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by
2 the affirmative vote of five members of the County Council, shall take effect December 7, 2026.