



Maryland Department of Agriculture

Office of Resource Conservation

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Conservation Grants Program

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Agriculture | Maryland's Leading Industry

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Answers for Realtors:

FAQs about Agricultural Best Management Practices

The Maryland Department of Agriculture (MDA) provides financial assistance to farmers to install best management practices (BMPs) on their farms to control soil erosion, manage nutrients and improve water quality in the streams and rivers that feed the Chesapeake Bay. In exchange, farmers agree to maintain these BMPs for 10 to 15 years. Although MDA has begun to record these contractual agreements for BMP maintenance in county land records, not all are documented in this way. When real estate is sold, the original landowner may be responsible for reimbursing the State of Maryland for the cost of the BMP if the maintenance life is still active. If the BMP contract is not recorded on the deed, the new landowner may elect to assume responsibility for BMP maintenance. The following Q&A will assist realtors in advising clients about these matters.

Q Is there a government funded BMP on the farm?

A If yes, proceed to the next question. If unknown, contact the local soil conservation district listed on the back of this fact sheet.

Q Was the BMP funded by the Maryland Agricultural Water Quality Cost-Share Program (MACS)?

A If yes, proceed to the next question. If the BMP was funded by the United States Department of (USDA), advise the landowner to contact them, as there may be payback and penalty consequences. If the BMP was installed by the farmer without public financing, no action is required. If unknown, contact the local soil conservation district.

Q How do I get a copy of the BMP contractual agreement?

A The landowner should have relevant documentation. If not, contact the local soil conservation district to obtain a copy of the agreement.

Q How long does the BMP need to be maintained?

A The maintenance life is 10-15 years and will be noted in the contractual agreement or on the deed recordation. If the maintenance life has expired, no action is required. If the practice is still within the maintenance life period, proceed to the next question.

Q Is a Covenant and Notice of Recordation attached?

A If yes, no action is required. The maintenance obligations will automatically transfer to the purchaser at the time of sale. You may wish to notify prospective purchasers of this commitment. If no, contact your local soil conservation district to initiate the property transfer process. If the maintenance life of the MACS funded practice is still active and a Covenant and Notice and Recordation are not attached to the legal agreement, a property transfer must be processed by the seller. This will transfer the maintenance obligations to the purchaser. This should be initiated prior to settlement and executed at the settlement table. If the purchaser is unwilling to accept responsibility for BMP maintenance, the seller must reimburse MACS for payment received for its installation.

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Q What is involved in transferring BMP maintenance responsibility through the property transfer process?

A The property transfer paperwork is prepared by the MACS office after the completion of a Transfer of Property Worksheet (sample copy attached). This worksheet is completed by the local soil conservation district with input from the buyer and seller. The information requested on the worksheet is a description of the practice to be transferred as well as contact information for the new landowner.

If a property is sold with an active MACS funded BMP (that does not have a Covenant and Notice and Recordation attached to the agreement) without a property transfer being executed, the applicant (original landowner) remains bound by the terms of the legal agreement. The legal agreement states that the original landowner is required to pay back the money received from the state if he or she does not execute a property transfer. If the landowner is unwilling to pay back the grant money, enforced collection of the applicant's delinquent debt will be initiated by MDA. An enforced collection fee will be added to the original grant amount. Enforced collection may adversely affect the applicant's credit rating and ability to access other state programs and services.

Important: *It is in the seller's best interest to resolve property transfer issues before or during settlement. This will help ensure that the seller will not be required to repay the state for money received to install BMPs.*

Q What does the Property Transfer document contain?

A The Property Transfer documentation includes the *Consent of Transfer*, a copy of the legal agreement as previously executed by the seller or a previous landowner (sample copy attached), and a copy of the new deed. The *Consent of Transfer* contains buyer and seller information as well as a description of the practice. All parties involved in the sale affix their signature to the *Consent of Transfer*. The copy of the new deed cannot be attached at the time of sale, but will be attached after it is recorded at the Courthouse.

For more information contact the MACS office at 410-841-5864.

Soil Conservation Districts

Allegany	301-777-1747, ext. 3
Anne Arundel	410-571-6757
Baltimore County	410-527-5920, ext. 3
Calvert	410-535-1521, ext. 3
Caroline	410-479-1202, ext. 3
Carroll	410-848-8200, ext. 3
Catoctin	301-695-2803, ext. 3
Cecil	410-398-4411, ext. 3
Charles	301-934-9588, ext. 3
Dorchester	410-228-5640, ext. 3
Frederick	301-695-2803, ext. 3
Garrett	301-334-6950, ext. 3
Harford	410-838-6181, ext. 3
Howard	410-313-0680
Kent	410-778-5150, ext. 3
Montgomery	301-590-2855
Prince George's	301-574-5162, ext. 3
Queen Anne's	410-758-3136, ext. 3
St. Mary's	301-475-8402, ext. 3
Somerset	410-651-1575, ext. 3
Talbot	410-822-1577, ext. 3
Washington County	301-797-6821, ext. 3
Wicomico	410-546-4777, ext. 3
Worcester	410-632-5439, ext. 3