

Maryland Agricultural Land Preservation Program

TENANT HOUSING ON AGRICULTURAL PRESERVATION EASEMENT PROPERTIES

This Fact Sheet details the eligibility you may have to request a tenant house to support the economic viability of your farming operation. It also details the procedure for the review and approval of a tenant house request by the Maryland Agricultural Land Preservation Foundation (MALPF).

Eligibility and Criteria for Tenant House Approval

Upon meeting certain criteria and by approval of the Maryland Agricultural Land Preservation Foundation Board of Trustees, you or any subsequent owner of the easement property may construct housing for tenants fully engaged in operation of the farm.

- Tenant housing may not exceed one house per full 100 acres.*
- The land on which a tenant house is constructed may not be subdivided or conveyed to any person, nor may the tenant house be conveyed separately from the land.**
- The land under and surrounding the tenant house may not be released from the easement.
- Each request will be reviewed on a case-by-case basis to determine if a proposed tenant house is necessary based on the nature and requirements of the farming operation.
- A tenant house may be approved for and occupied only by tenants of whom one or more is fully engaged in the operation of the farm.
- A person with an ownership interest in the easement property where the tenant house is located cannot be a tenant and may not occupy an approved tenant house.
- The Foundation shall approve the location and size of the tenant house as an accessory structure.
- Unless the Foundation approves otherwise, a tenant house may not be located in a farm field, but shall be located in the vicinity of other farm buildings.
- The Foundation may not approve the construction of a tenant house solely for the purpose of producing rental income.
- An approved tenant house no longer occupied by a tenant fully engaged in the operation of the farm cannot be converted to rental property.
- The approval for the construction of a tenant house by the Maryland Agricultural Land Preservation Foundation Board of Trustees is not an absolute right of the landowner.

Procedures for Tenant House Approval

The procedures for the review of requests to construct a tenant house are as follows.

1. **OWNER'S REQUEST**

Submit an application to your local agricultural land preservation advisory board requesting a tenant house. The local program administrator can assist you. The application must include the following.

- The completed formal application for tenant house available on this website or from the local program administrator. This application must be signed by all titled landowners.
- An unmarked copy of the tax map that outlines the entire easement property.
- A second copy of the tax map (or a survey plat) on which is noted the boundaries of the easement property, the location of the proposed tenant house, the proposed access to the tenant house, and the location of and access to all pre-existing dwellings, lot exclusions, tenant houses, and farm buildings on the property, and nearby roads.
- A description of the land to be disturbed by both the tenant house and access to that house to help determine the impact that dwelling will have on the farming operation.
- A scaled plan for the tenant house and accompanying outbuildings, including the square footage.
- Evidence that demonstrates the need for a full-time tenant for the farming operation.
- A written declaration signed by the titled landowners that the tenant house is necessary for the operation of the farm and is only for the use of tenants fully engaged in operation of the farm.
- A written statement signed by the landowners indicating how much the tenant will be compensated for the tenant's work.
- Written verification from the local program administrator describing the current overall farm operation and the need for the proposed tenant housing to support the current farming operation.
- A signed statement from the county planning and zoning department that verifies that the request meets local zoning ordinances.
- Any other information necessary for the review of this request.

2. **LOCAL RECOMMENDATION**

The local agricultural preservation advisory board will evaluate your application and make a recommendation to the Foundation based on the farming operation's need for a full-time tenant farmer and the tenant house's impact on the agricultural use of the land. The advisory board will forward its recommendation in a letter to the Foundation including your application and the supporting documentation. The letter will include signed statements from the advisory board that the tenant house is necessary for the operation of the farm.

3. FOUNDATION APPROVAL

The Foundation will review the tenant house request based on its proposed size, proposed location, its impact on agricultural use of the land, and the need for a full-time tenant to support the farming operation. If the Foundation approves the proposed tenant house, you will receive a confirmation letter of that approval. The letter will allow you to apply for a building permit. There is no payback because no acreage will be excluded from the easement.

A tenant house approved by the Foundation may only be used by tenants fully engaged in operation of the farm. The house may not be used as a dwelling by the landowner nor as a rental property to a person not fully engaged in the operation of the farm.

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- * Special Exception to Size Criteria. A request for a tenant house may not be considered by the Foundation for any farm of less than 100 acres, unless the Foundation grants an exception based on compelling need.
 - ** Special Exception in Cases of Agricultural Subdivision. A request for a tenant house to be included in an agricultural subdivision may be considered provided the parcel to be subdivided is conveyed to an adjoining easement property and the maximum density requirement of one tenant house per full 100 acres has not been reached on that adjoining property, and the agricultural subdivision otherwise meets all other Foundation requirements and has been approved.
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This fact sheet is a public document and is provided for general information only. If you have a question about a specific law, regulation, or provision of the district agreement, option contract, or deed of easement, please consult legal counsel.

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<http://www.malpf.info/facts/fact09.pdf>