

(1) LAND TRANSFERRED FOR THE RESIDENTIAL USE OF THE OWNERS OR THE IMMEDIATE FAMILY OF THE OWNERS OF THE LAND. THE AMOUNT OF LAND NOT SUBJECT TO THE TAX UNDER THIS PARAGRAPH MAY NOT BE GREATER THAN THE APPLICABLE RESIDENTIAL MINIMUM ZONING SIZE IN EFFECT AT THE TIME OF TRANSFER.

(2) LAND 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 NON-AGRICULTURAL 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 NON-AGRICULTURAL USE ASSESSMENT, BEGINNING WITH THE SIXTH YEAR.

(G) THE TAX IMPOSED BY THIS SECTION SHALL BE PAID TO AND COLLECTED BY THE TAX COLLECTING AUTHORITIES OF THE VARIOUS SUBDIVISIONS BEFORE THE WRITTEN INSTRUMENTS CONVEYING TITLE ARE RECORDED AMONG THE LAND RECORDS.

(H) TWO-THIRDS OF THE MONEY COLLECTED BY THE TAX COLLECTING AUTHORITIES OF THE VARIOUS SUBDIVISIONS, AND IN MONTGOMERY COUNTY ONE-THIRD OF THE MONEY COLLECTED AS LONG AS THAT COUNTY CONTINUES TO IMPOSE A TRANSFER TAX SUBSTANTIALLY SIMILAR TO THAT IMPOSED BY MONTGOMERY COUNTY CODE SECTION 52-21(D) (1979), SHALL BE HELD IN A SPECIAL ACCOUNT AND PAID OVER TO THE COMPTROLLER OF THE TREASURY AS THE COMPTROLLER SPECIFIES. THE COMPTROLLER SHALL PLACE ALL PROCEEDS IN THE MARYLAND AGRICULTURAL PRESERVATION FUND TO BE USED FOR THE PURPOSES STATED IN § 2-505 OF THE AGRICULTURAL ARTICLE.

(I) ONE-THIRD OF THE MONEY COLLECTED BY THE TAX COLLECTING AUTHORITIES, AND IN MONTGOMERY COUNTY TWO-THIRDS OF THE MONEY COLLECTED AS LONG AS THAT COUNTY CONTINUES TO IMPOSE A TRANSFER TAX SUBSTANTIALLY SIMILAR TO THAT IMPOSED BY MONTGOMERY COUNTY CODE SECTION 52-21(D) (1979), SHALL BE HELD IN A SPECIAL ACCOUNT BY THE SUBDIVISION AND SHALL BE USED FOR AN APPROVED AGRICULTURAL LAND PRESERVATION PROGRAM, INCLUDING BOND ANNUITY FUNDS OR MATCHING FUNDS. THE FUNDS PLACED IN THE SPECIAL ACCOUNT BY THE SUBDIVISIONS MAY BE RETAINED BY THEM FOR A PERIOD OF 3 YEARS. IF, AFTER 3