

(B) THE VALIDITY OF A COVENANT IS NOT AFFECTED BY FAILURE TO PROVIDE A COPY OF THE COVENANT AS REQUIRED UNDER THIS SECTION.

1-807.

(A) (1) AN ENVIRONMENTAL COVENANT AND ANY AMENDMENT OR TERMINATION OF THE COVENANT MUST BE RECORDED IN EVERY COUNTY IN WHICH ANY PORTION OF THE REAL PROPERTY SUBJECT TO THE COVENANT IS LOCATED.

(2) FOR PURPOSES OF INDEXING, A HOLDER SHALL BE TREATED AS A GRANTEE.

(B) EXCEPT AS OTHERWISE PROVIDED UNDER § 1-808(C) OF THIS SUBTITLE, AN ENVIRONMENTAL COVENANT IS SUBJECT TO THE LAWS OF THE STATE GOVERNING RECORDING AND PRIORITY OF INTERESTS IN REAL PROPERTY.

1-808.

(A) AN ENVIRONMENTAL COVENANT IS PERPETUAL UNLESS IT IS:

(1) BY ITS TERMS, LIMITED TO A SPECIFIC DURATION OR TERMINATED BY THE OCCURRENCE OF A SPECIFIC EVENT;

(2) TERMINATED BY CONSENT AS PROVIDED UNDER § 1-809 OF THIS SUBTITLE;

(3) TERMINATED UNDER SUBSECTION (B) OF THIS SECTION;

(4) TERMINATED BY FORECLOSURE OF AN INTEREST THAT HAS PRIORITY OVER THE ENVIRONMENTAL COVENANT; OR

(5) TERMINATED OR MODIFIED IN AN EMINENT DOMAIN PROCEEDING, IF:

(I) THE AGENCY THAT SIGNED THE COVENANT IS A PARTY TO THE PROCEEDING;

(II) EACH PERSON IDENTIFIED IN § 1-809(A) AND (B) OF THIS SUBTITLE ARE GIVEN NOTICE OF THE PENDENCY OF THE PROCEEDING; AND

(III) THE COURT DETERMINES, AFTER A HEARING, THAT THE TERMINATION OR MODIFICATION WILL NOT ADVERSELY AFFECT HUMAN HEALTH OR THE ENVIRONMENT.

(B) (1) IF THE AGENCY THAT SIGNED AN ENVIRONMENTAL COVENANT HAS DETERMINED THAT THE INTENDED BENEFITS OF THE COVENANT CAN NO LONGER BE REALIZED, A COURT, UNDER THE DOCTRINE OF CHANGED CIRCUMSTANCES, IN AN ACTION IN WHICH ALL PERSONS IDENTIFIED § 1-809(A) AND (B) OF THIS SUBTITLE HAVE BEEN GIVEN NOTICE, MAY TERMINATE THE COVENANT OR REDUCE ITS BURDEN ON THE REAL PROPERTY SUBJECT TO THE COVENANT.

(2) THE AGENCY'S DETERMINATION OR ITS FAILURE TO MAKE A DETERMINATION UPON REQUEST IS SUBJECT TO REVIEW IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.