

(h) "Public agency" means the State, a political subdivision, or any of their agencies, boards, or commissions having the right to acquire land for public purposes through the use of eminent domain or by negotiation. The term does not include the Department of General Services if acquiring land for Program Open Space or any political subdivision, other than Baltimore City, Baltimore, Anne Arundel, and Montgomery counties, the Board of Education of Montgomery County, the board of trustees of Montgomery College or any board or agency of any of them, or any agency, board, or commission of the subdivision when acquiring property for a public purpose for which relocation assistance is not required by federal law.

12-205.

(a) If the acquisition of land for a program or project undertaken by a public or private agency will result in the displacement of any person, the public or private agency shall make a payment to the displaced person, on proper application as approved by the public or private agency, for:

(1) Actual reasonable expenses in moving himself, his family, business, farm operation, or other personal property;

(2) Actual direct loss of tangible personal property as a result of moving or discontinuing a business or farm operation, but not exceeding an amount equal to the reasonable expenses that would have been required to relocate the personal property, as determined by the agency; and

(3) Actual reasonable expenses in searching for a replacement business or farm.

(b) Any displaced person eligible for payments under subsection (a), who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (a), may receive a moving expense allowance, determined according to a schedule established by the public or private agency, not exceeding \$300, and a displacement allowance of \$200.

(c) (1) In this subsection, "average annual net earnings" means one half of any net earnings of the business or farm operation, before federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which the business or farm operation moves from the land acquired for the project, or during any other period as the public or private agency determines to be more equitable for establishing these earnings, including any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during the period.

(2) Any displaced person, eligible for payments under subsection (a), who is displaced from his place of business or from his farm operation and who elects to accept the payment