

The Maryland Builders Association, on behalf of the Eastern Shore Builders Association, the Maryland Society of Surveyors, and Andrews, Miller and Associates, a land surveying firm, have requested a veto of Senate Bill 191. These organizations argue that the notice requirements would unnecessarily prolong otherwise routine land surveys.

In 1992, I vetoed legislation similar to Senate Bill 191. While one of the problems with the 1992 legislation concerning notice procedures was addressed in Senate Bill 191, the notice requirements remain onerous and would clearly delay the completion of a land survey in the following ways.

First, a particular piece of property may have several adjoining property owners, and it is conceivable that a large tract of land may have several dozen adjoining landowners. In order to properly notify each adjoining landowner, a party would have to spend time researching the names and addresses of each adjoining landowner and incur considerable expense preparing and mailing the notification.

Secondly, the landowner must wait until all adjoining landowners actually receive the notice. According to the bill, the landowner must wait 10 days for the certificate of mail to be returned before resorting to the default notice mechanism, posting of notice within 25 feet of the adjoining land. This alone could add an additional 2 weeks to the process a landowner must go through to obtain a land survey.

In addition, the current low interest rates have stimulated Maryland's economy by giving people the incentive to purchase new homes and refinance existing mortgages. In order to either obtain or refinance a mortgage, lending institutions and title companies require the mortgagor to have the mortgaged property surveyed.

However, banks and title companies must work within specific time constraints to meet financing deadlines. If a land survey is delayed and the bank or title company is unable to meet their deadline, the mortgagor may lose fees paid to lock into a particular interest rate or might not be able to take advantage of a favorable interest rate. As such, Senate Bill 191 would inhibit Maryland's economic growth.

I understand that it would work to certain Dorchester County landowners' advantage to have notice of an impending survey, especially in rural areas where property markers are often indistinguishable and a property line may be in dispute. However, the confusion, delay, and added expense that Senate Bill 191 would cause for any land survey, no matter what its purpose, as well as the potential negative effects on the housing industry, outweigh the benefits that a few adjoining property owners might receive.

In addition, Senate Bill 191 might set a precedent for other counties to implement notice requirements for land surveys. Such a trend would have a far reaching, negative impact on the building industry, title companies, and homeowners, proving detrimental to Maryland's economic development.

For these reasons, I have vetoed Senate Bill 191.

Sincerely,  
William Donald Schaefer,  
Governor