

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 715

(Delegate Kipke, *et al.*)

Appropriations and Environmental
Matters

Budget and Taxation and Education, Health,
and Environmental Affairs

Department of Planning - Disposition of Real Property

This bill requires the Maryland Department of Planning (MDP) to notify the governing body of a local jurisdiction when State real property in the jurisdiction becomes excess or changes substantially and a unit of State government expresses interest in the property. The notice must include information about the proposed use of the property by the unit of State government. MDP must include a local jurisdiction's response to the proposed new use of the property when making recommendations about the property's future use.

Fiscal Summary

State Effect: The bill does not materially affect State finances.

Local Effect: The bill does not materially affect local finances.

Small Business Effect: None.

Analysis

Current Law: Each unit of State government must notify MDP in writing of any excess real property or any substantial change to State-owned real property. A "substantial change" is any change that would (1) result in a major alteration in the functions or services being provided through or by the facility concerned; (2) require physical alteration to a structure or structures whose estimated cost of alteration is \$50,000 or more; or (3) require the demolition or removal of a usable structure whose estimated value is \$15,000 or more.

After receiving notice, MDP must study the proper disposition of the property and determine whether any local government or unit of the State government is interested in the property. In addition, with respect to certain types of property, MDP is required to:

- notify specified committees and members of the General Assembly as well as the owners of property adjacent to the property declared excess;
- either (1) hold a public hearing within 14 days after receiving a request for a hearing if a request is received from specified individuals or the estimated property value exceeds \$100,000; or (2) accept and consider written public comments on the declaration of the property as excess;
- determine whether any proposed disposition would conform to the local comprehensive plan; and
- consolidate all information received by and all determinations made by MDP into a public record available upon request and submit the record to the using unit.

After reviewing the public record, the using unit may rescind the notice of excess property. However, if the notice is not rescinded, MDP must make a recommendation to the using unit and the Board of Public Works (BPW) and notify specified committees and members of the General Assembly of the recommendation.

After MDP's review, the Department of General Services requests placement on the BPW agenda, and BPW makes a final decision about the disposition of the property, subject to certain requirements.

Background: State government agencies own and manage a huge portfolio of real property. When these holdings are no longer productive assets for the State, it becomes necessary to declare them surplus property – a designation that can lead to transfer or disposition. Surplus property is any real property, determined by BPW, that is not required for current or projected needs or necessary to discharge the responsibilities of the State or its political subdivisions, and which will be disposed of under certain conditions as BPW may require. When this occurs, MDP's State Clearinghouse for Intergovernmental Assistance is responsible for administering a process that seeks to preserve the quality of Maryland's built and natural environment while protecting its investments in real property. The clearinghouse employs an extensive review network of State, regional, county, and local government officials to collect and transmit the views of all affected parties.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Caroline, Howard, and Prince George's counties; Baltimore City; Town of Berlin; Department of Natural Resources; Maryland Department of Planning; Department of Legislative Services

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mlm/lgc

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