

HOUSE BILL 301

Unofficial Copy
C8

2001 Regular Session
(11r0179)

ENROLLED BILL

-- Economic Matters/Economic and Environmental Affairs and Budget and Taxation --

Introduced by **The Speaker (Administration) and Delegates R. Baker, Barve, Bobo, Branch, Bronrott, Brown, Busch, Cole, D'Amato, Franchot, Giannetti, Gladden, Gordon, Hammen, Hubbard, Hurson, V. Jones, K. Kelly, Kirk, Krysiak, Marriott, McHale, McIntosh, Mitchell, Moe, Morhaim, Oaks, Phillips, Pitkin, Rawlings, Redmer, Rosenberg, Rosso, Turner, and ~~Zirkin~~ Zirkin, and Kach**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **"Smart Growth" and Neighborhood Conservation - Community Legacy**
3 **Program**

4 FOR the purpose of establishing a Community Legacy Program in the Department of
5 Housing and Community Development; ~~declaring the findings of the General~~
6 ~~Assembly~~; specifying the purposes of the Program; establishing a Community
7 Legacy Board in the Department; providing for the membership of the Board;
8 specifying the chairperson of the Board; providing for the formation of the
9 Board; requiring a certain sponsor to file a certain application; specifying the
10 contents of a certain application; requiring a certain sponsor to demonstrate
11 that a certain area meets certain requirements; specifying criteria that the
12 Board is to apply in approving an application and in referring an award of

1 certain financial assistance to the Secretary; requiring the Department and a
 2 sponsor to execute a certain agreement; authorizing the Department to exercise
 3 certain powers and duties; requiring certain reports be filed by certain dates;
 4 establishing an Advisory Committee to the Board; specifying the purpose of the
 5 Advisory Committee; specifying the membership and terms of the Advisory
 6 Committee; creating a Community Legacy Financial Assistance Fund as a
 7 continuing, nonlapsing fund; ~~requiring the Governor to include certain~~
 8 ~~appropriations to the Fund in the budget bill for certain fiscal years;~~ defining
 9 certain terms; specifying the terms of the initial members of the Advisory Board;
 10 providing for the construction of this Act; and generally relating to the
 11 establishment of the Community Legacy Program.

12 BY adding to

13 Article 83B - Department of Housing and Community Development
 14 Section 4-801 through ~~4-812~~ 4-811, inclusive, to be under the new subtitle
 15 "Subtitle 8. Community Legacy Program"
 16 Annotated Code of Maryland
 17 (1998 Replacement Volume and 2000 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article 83B - Department of Housing and Community Development**

21 **SUBTITLE 8. COMMUNITY LEGACY PROGRAM.**

22 4-801.

23 ~~THE GENERAL ASSEMBLY DECLARES THAT:~~

24 ~~(1) SPRAWL DEVELOPMENT AND OTHER MODIFICATIONS TO THE~~
 25 ~~LANDSCAPE IN MARYLAND CONTINUE AT AN ALARMING RATE, THREATENING THE~~
 26 ~~EXISTENCE OF MANY COMMUNITIES THROUGHOUT THE STATE;~~

27 ~~(2) THE LACK OF REINVESTMENT IN COMMUNITIES BY RESIDENTS AND~~
 28 ~~BUSINESSES HAS CAUSED THE LOSS OF CONFIDENCE IN MANY COMMUNITIES~~
 29 ~~WHICH HAS RESULTED IN THE DECLINE OF PROPERTY VALUES AND THE SHIFT OF~~
 30 ~~RESIDENTS AWAY FROM THE COMMUNITY;~~

31 ~~(3) MANY OF THESE COMMUNITIES HAVE RESOURCES AVAILABLE TO~~
 32 ~~THEM THAT, WHEN STRENGTHENED BY STATE RESOURCES, CAN ENABLE THEM TO~~
 33 ~~REVERSE THESE TRENDS AND PROSPER;~~

34 ~~(4) THE INVESTMENT IN THE REVITALIZATION OF EXISTING~~
 35 ~~COMMUNITIES IS NECESSARY TO REDUCE OUTWARD PRESSURE FOR SPRAWL,~~
 36 ~~PRESERVE THE ETHNIC AND ECONOMIC DIVERSITY OF EXISTING COMMUNITIES,~~
 37 ~~AND ENHANCE COMMUNITY LIFE FOR BUSINESSES AND RESIDENTS; AND~~

1 (5) ~~ALTHOUGH EXISTING STATE, COUNTY, AND LOCAL HOUSING AND~~
2 ~~COMMUNITY DEVELOPMENT PROGRAMS HELP TO ADDRESS THE EFFECT OF SPRAWL~~
3 ~~DEVELOPMENT, THERE IS A NEED FOR A PROGRAM WHICH LEVERAGES AVAILABLE~~
4 ~~ASSISTANCE TO PREVENT OR REVERSE DECLINE OR DISINVESTMENT IN EXISTING~~
5 ~~COMMUNITIES THROUGH IMPROVEMENTS IN RESIDENTIAL, COMMERCIAL, AND~~
6 ~~OTHER PUBLIC OR PRIVATE PROPERTIES.~~

7 ~~4-802.~~

8 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.

10 (B) "APPLICATION" MEANS AN APPLICATION TO THE BOARD THAT MAY
11 INCLUDE ONE OR MORE OF THE FOLLOWING:

12 (1) A REQUEST THAT AN AREA BE DESIGNATED AS A COMMUNITY
13 LEGACY AREA;

14 (2) A REQUEST TO APPROVE A COMMUNITY LEGACY PLAN; OR

15 (3) A REQUEST TO APPROVE A COMMUNITY LEGACY PROJECT.

16 (C) "BOARD" MEANS THE COMMUNITY LEGACY BOARD.

17 (D) (1) "COMMUNITY DEVELOPMENT ORGANIZATION" MEANS A
18 CORPORATION, FOUNDATION, OR OTHER LEGAL ENTITY WHICH OPERATES FOR THE
19 PURPOSE OF ~~DEVELOPING COMMUNITY LEGACY PLANS OR IMPLEMENTING~~
20 ~~COMMUNITY LEGACY PROJECTS~~ IMPROVING THE PHYSICAL, ECONOMIC, OR SOCIAL
21 ENVIRONMENT OF ITS GEOGRAPHIC AREAS OF OPERATION.

22 (2) "COMMUNITY DEVELOPMENT ORGANIZATION" DOES NOT INCLUDE A
23 CORPORATION, FOUNDATION, OR OTHER LEGAL ENTITY IN WHICH ALL OR A
24 PORTION OF THE NET EARNINGS INURES TO THE BENEFIT OF ANY PRIVATE
25 SHAREHOLDER OR INDIVIDUAL HOLDING AN INTEREST IN THAT ENTITY.

26 (E) "COMMUNITY LEGACY AGREEMENT" MEANS AN AGREEMENT BETWEEN
27 THE DEPARTMENT AND A SPONSOR TO DEVELOP A COMMUNITY LEGACY PLAN OR
28 IMPLEMENT ONE OR MORE COMMUNITY LEGACY PROJECTS IN A DESIGNATED
29 COMMUNITY LEGACY AREA.

30 (F) "COMMUNITY LEGACY AREA" MEANS AN AREA:

31 (1) LOCATED IN A PRIORITY FUNDING AREA; AND

32 (2) DETERMINED BY THE BOARD TO SATISFY THE REQUIREMENTS OF §
33 ~~4-806~~ 4-805 OF THIS SUBTITLE.

34 (G) "COMMUNITY LEGACY PLAN" MEANS A PLAN SUBMITTED BY A SPONSOR
35 TO THE BOARD FOR APPROVAL WHICH MAY CONSIST OF ONE OR MORE COMMUNITY
36 LEGACY PROJECTS DESIGNED TO PREVENT OR REVERSE DECLINE OR

1 DISINVESTMENT IN A COMMUNITY LEGACY AREA THROUGH IMPROVEMENTS IN
2 RESIDENTIAL, COMMERCIAL, OR OTHER PUBLIC OR PRIVATE PROPERTIES.

3 (H) (1) "COMMUNITY LEGACY PROJECT" MEANS A PROJECT OR PROJECTS
4 SUBMITTED BY A SPONSOR TO THE BOARD FOR APPROVAL THAT IS CONSISTENT
5 WITH A COMMUNITY LEGACY PLAN.

6 (2) "COMMUNITY LEGACY PROJECT" INCLUDES PROJECTS TO:

7 (I) CREATE, IMPROVE, OR PRESERVE HOUSING OPPORTUNITIES,
8 INCLUDING THE ACQUISITION, CONSTRUCTION, REHABILITATION, OR
9 IMPROVEMENT OF NEW OR EXISTING HOMEOWNERSHIP OR RENTAL PROPERTIES;

10 (II) STRATEGICALLY DEMOLISH ~~PROPERTIES~~ BUILDINGS OR
11 IMPROVEMENTS TO ENHANCE THE USE OF LAND;

12 (III) CREATE, IMPROVE, OR PRESERVE MIXED-USE OR COMMERCIAL
13 DEVELOPMENT, INCLUDING ANY APPROPRIATE COMBINATION OF PROPERTIES
14 RELATED TO BUSINESS, HOUSING, OPEN-SPACE, AND INSTITUTIONAL USES;

15 (IV) DEVELOP PUBLIC INFRASTRUCTURE THAT IS INCIDENTAL TO
16 THE IMPLEMENTATION OF A COMMUNITY LEGACY PROJECT, SUCH AS STREETS,
17 PARKING, PUBLIC UTILITIES, LANDSCAPING, LIGHTING, AND IMPROVEMENTS TO
18 PEDESTRIAN AND BICYCLE CIRCULATION;

19 (V) ENCOURAGE AND DEVELOP COOPERATIVE OWNERSHIP
20 CONTROL OF OPEN-SPACE;

21 ~~(VI)~~ (VI) DEVELOP OR CREATE STRATEGIES TARGETED AT
22 INCREASING INVESTMENT IN EXISTING COMMUNITIES, INCLUDING OUTREACH
23 ACTIVITIES DESIGNED TO ATTRACT BUSINESS, CAPITAL, RESIDENTS, AND VISITORS
24 AND THE DEVELOPMENT AND MAINTENANCE OF RESOURCES DIRECTLY RELATED TO
25 THE DEVELOPMENT OF A COMMUNITY LEGACY PLAN OR THE IMPLEMENTATION OF
26 A COMMUNITY LEGACY PROJECT;

27 ~~(VII)~~ (VII) ACQUIRE OR IMPROVE VACANT BUILDINGS OR
28 UNIMPROVED LAND, INCLUDING ~~THE EXPENSE OF OWNING AND MAINTAINING THE~~
29 ~~VACANT BUILDING OR UNIMPROVED LAND IN ANTICIPATION OF FUTURE~~
30 ~~DEVELOPMENT OR TO ENSURE THAT THE VACANT BUILDING OR UNIMPROVED LAND~~
31 ~~REMAINS AFFORDABLE~~ THE PRACTICE OF LANDBANKING; OR

32 ~~(VIII)~~ (VIII) DEVELOP ANY OTHER COMMUNITY LEGACY PLANS OR
33 IMPLEMENT ANY OTHER COMMUNITY LEGACY PROJECTS THAT THE BOARD DEEMS
34 NECESSARY TO FURTHER THE PURPOSES OF THIS SUBTITLE.

35 (I) "PRIORITY FUNDING AREA" MEANS AN AREA DESIGNATED AS A PRIORITY
36 FUNDING AREA UNDER § 5-7B-02 OF THE STATE FINANCE AND PROCUREMENT
37 ARTICLE.

38 (J) "FINANCIAL ASSISTANCE" INCLUDES:

- 1 (1) A GRANT;
- 2 (2) A LOAN;
- 3 (3) ANY REDUCTION IN THE PRINCIPAL OBLIGATION OF OR RATE OF
4 INTEREST PAYABLE ON A LOAN OR PORTION OF A LOAN;
- 5 (4) ANY PREPAYMENT OF INTEREST ON A SUBORDINATE OR SUPERIOR
6 LOAN OR PORTION OF A LOAN;
- 7 (5) ANY ASSURANCE;
- 8 (6) ANY GUARANTEE; OR
- 9 (7) ANY OTHER FORM OF CREDIT ENHANCEMENT.

10 *(K) "LANDBANKING" MEANS THE ACQUISITION AND HOLDING OF IMPROVED*
11 *AND UNIMPROVED PROPERTY IN ANTICIPATION OF FUTURE DEVELOPMENT OF THE*
12 *PROPERTY OR TO ENSURE THE FUTURE USE OF THE PROPERTY AND*
13 *IMPROVEMENTS REMAIN AFFORDABLE.*

14 ~~(K)~~ *(L)* "PROGRAM" MEANS THE COMMUNITY LEGACY PROGRAM
15 ESTABLISHED BY THIS SUBTITLE.

16 ~~(L)~~ *(M)* "SPONSOR" MEANS A LOCAL GOVERNMENT, GROUP OF LOCAL
17 GOVERNMENTS, OR COMMUNITY DEVELOPMENT ORGANIZATION.

18 ~~4-803.~~ 4-802.

19 (A) (1) A COMMUNITY LEGACY PROGRAM IS ESTABLISHED WITHIN THE
20 DEPARTMENT AND SHALL BE ADMINISTERED BY THE DEPARTMENT AND THE
21 COMMUNITY LEGACY BOARD ESTABLISHED IN § ~~4-804~~ 4-803 OF THIS SUBTITLE.

22 (2) THE PURPOSE OF THE PROGRAM IS TO:

23 (I) PRESERVE EXISTING COMMUNITIES AS DESIRABLE PLACES TO
24 LIVE AND CONDUCT BUSINESS, THEREBY REDUCING OUTWARD PRESSURE FOR
25 SPRAWL DEVELOPMENT; AND

26 (II) PROVIDE FINANCIAL ASSISTANCE TO SPONSORS OR THEIR
27 DESIGNEES FOR THE DEVELOPMENT OF COMMUNITY LEGACY PLANS OR
28 COMMUNITY LEGACY PROJECTS.

29 (B) THE PROGRAM SHALL ENCOURAGE PARTNERSHIPS AMONG FEDERAL,
30 STATE, AND LOCAL GOVERNMENTS AND COMMUNITY DEVELOPMENT
31 ORGANIZATIONS TO DEVELOP AND IMPLEMENT COMMUNITY LEGACY PLANS AND
32 COMMUNITY LEGACY PROJECTS.

1 ~~4-804. 4-803.~~

2 (A) THERE IS A COMMUNITY LEGACY BOARD ESTABLISHED IN THE
3 DEPARTMENT.

4 (B) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:

5 (1) THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT;

6 (2) THE SECRETARY OF NATURAL RESOURCES;

7 (3) THE SECRETARY OF PLANNING;

8 (4) THE SECRETARY OF TRANSPORTATION; AND

9 (5) THE GOVERNOR'S SPECIAL SECRETARY FOR SMART GROWTH.

10 (C) THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT SHALL
11 SERVE AS CHAIRPERSON OF THE BOARD.

12 (D) THE DEPARTMENT SHALL PROVIDE STAFF TO THE BOARD.

13 (E) THE BOARD HAS AND MAY EXERCISE ALL POWERS NECESSARY TO CARRY
14 OUT THE PROVISIONS OF THIS SUBTITLE, INCLUDING RECOMMENDING THE
15 ADOPTION OF REGULATIONS TO THE SECRETARY.

16 ~~4-805. 4-804.~~

17 (A) A SPONSOR MAY FILE ONE OR MORE APPLICATIONS IN ACCORDANCE
18 WITH SCHEDULES ESTABLISHED BY THE BOARD.

19 (B) AN APPLICATION SHALL:

20 (1) DESCRIBE ONE OR MORE COMMUNITY LEGACY AREAS WHERE THE
21 SPONSOR PROPOSES TO DEVELOP A COMMUNITY LEGACY PLAN OR IMPLEMENT A
22 COMMUNITY LEGACY PROJECT USING THE CRITERIA ARTICULATED IN § ~~4-806~~ 4-805
23 OF THIS SUBTITLE;

24 (2) DESCRIBE IN DETAIL THE PROPOSED COMMUNITY LEGACY PLAN OR
25 PROPOSED COMMUNITY LEGACY PROJECT;

26 (3) STATE THE AMOUNT AND TYPE OF FINANCIAL ASSISTANCE
27 REQUESTED;

28 (4) SPECIFY THE ABILITY OF A SPONSOR TO CARRY OUT THE PROPOSED
29 COMMUNITY LEGACY PLAN OR COMMUNITY LEGACY PROJECT AS WELL AS THE
30 STRENGTH AND QUALITY OF PARTNERSHIPS CREATED AMONG FEDERAL, STATE,
31 AND LOCAL GOVERNMENTS, COMMUNITY DEVELOPMENT ORGANIZATIONS, OR
32 OTHER PRIVATE ORGANIZATIONS FOR DEVELOPING THE COMMUNITY LEGACY PLAN
33 OR IMPLEMENTING THE COMMUNITY LEGACY PROJECT, INCLUDING:

- 1 (I) FINANCIAL SUPPORT;
- 2 (II) DEDICATION OF STAFF AND RESOURCES; AND
- 3 (III) COMMITMENT TO AND DEVELOPMENT OF LOCAL SMART
4 GROWTH POLICIES; ~~AND~~

5 (5) PROPOSE BENCHMARKS FOR EVALUATING WHETHER THE
6 PROPOSED COMMUNITY LEGACY PLAN OR COMMUNITY LEGACY PROJECT RESULTS
7 IN A DESIRED OUTCOME SUCH AS COMMUNITY STABILIZATION OR STABILIZING A
8 PROPOSED COMMUNITY LEGACY AREA, REVERSING THE SOCIAL, ECONOMIC, AND
9 PHYSICAL DECLINE OF A PROPOSED COMMUNITY LEGACY AREA, OR ENCOURAGING
10 GROWTH IN THE PROPOSED COMMUNITY LEGACY AREA; AND

11 (6) DESCRIBE THE PROCESS USED TO SOLICIT AND RECEIVE PUBLIC
12 INPUT ON THE PROPOSED COMMUNITY LEGACY PLAN OR COMMUNITY LEGACY
13 PROJECT, INCLUDING THE NATURE AND EXTENT OF THE PUBLIC SUPPORT FOR OR
14 OPPOSITION TO THE PROPOSED PLAN OR PROJECT.

15 ~~4-806.~~ 4-805.

16 IN ORDER FOR THE BOARD TO DESIGNATE AN AREA AS A COMMUNITY LEGACY
17 AREA, THE SPONSOR MUST DEMONSTRATE THAT:

18 (1) PAST AND CURRENT TRENDS IN HOMEOWNERSHIP, PROPERTY
19 VALUES, COMMERCIAL AND RESIDENTIAL VACANCY, AND BUSINESS OR HOUSING
20 INVESTMENT INDICATE THAT THERE IS A NEED FOR REINVESTMENT IN THE
21 PROPOSED AREA; AND

22 (2) ONE OR MORE OF THE FOLLOWING CONDITIONS ARE MET:

23 ~~(2)~~ (I) ~~EXISTING~~ ENTITIES OR AMENITIES IN THE COMMUNITY SUCH
24 AS EMPLOYERS, EDUCATIONAL INSTITUTIONS, ~~CIVIL~~ CIVIC ORGANIZATIONS,
25 COMMUNITY ORGANIZATIONS, OR CULTURAL ORGANIZATIONS ~~ACTIVELY~~ SUPPORT
26 THE PROPOSED COMMUNITY LEGACY PLAN OR COMMUNITY LEGACY PROJECT AND
27 HAVE PLEDGED RESOURCES TO ITS DEVELOPMENT OR IMPLEMENTATION;

28 ~~(3)~~ (II) THE PROPOSED COMMUNITY LEGACY PLAN OR PROJECT ~~WILL~~
29 ~~SATISFY~~ ADDRESSES THE NEED FOR REINVESTMENT IN THE AREA AND
30 ~~COMPLEMENT~~ ENHANCES THE AREA, INCLUDING PROVIDING INDIVIDUALS OF
31 DIFFERENT INCOMES WITH A RANGE OF HOUSING OPTIONS, EMPLOYMENT
32 OPPORTUNITIES, OR OTHER AMENITIES;

33 ~~(4)~~ (III) THERE IS A CULTURAL OR HISTORICAL SIGNIFICANCE IN THE
34 COMMUNITY OR COMMUNITIES LOCATED IN THE PROPOSED AREA;

35 ~~(5)~~ (IV) THE PROPOSED AREA IS IN CLOSE PROXIMITY TO A TOWN
36 CENTER OR A TRANSPORTATION CENTER; OR

1 ~~(6)~~ (V) THE PROPOSED COMMUNITY LEGACY PLAN OR PROPOSED
2 COMMUNITY LEGACY PROJECT IS CONSISTENT WITH AND COMPLEMENTS OTHER
3 EXISTING OR PROPOSED PROJECTS FOR HOUSING, COMMERCIAL OR COMMUNITY
4 DEVELOPMENT, EDUCATION, HISTORIC PRESERVATION, NEIGHBORHOOD
5 REVITALIZATION, TRANSPORTATION, OR OTHER FACTORS SIGNIFICANT TO THE
6 COMPREHENSIVE ENHANCEMENT OF THE COMMUNITY.

7 ~~4-807.~~ 4-806.

8 (A) THE BOARD SHALL:

9 (1) REVIEW APPLICATIONS AND MAY REQUEST ADDITIONAL
10 INFORMATION FROM A SPONSOR;

11 (2) ACCEPT PUBLIC INPUT ON APPLICATIONS;

12 ~~(2)~~ (3) SUBMIT APPLICATIONS TO APPROPRIATE STATE AGENCIES AND
13 CONSIDER ANY RECOMMENDATIONS MADE REGARDING THE APPLICATIONS; ~~AND~~

14 (4) CONSIDER GEOGRAPHICAL BALANCE WHEN APPROVING AN
15 APPLICATION; AND

16 ~~(3)~~ (5) REFER ALL APPROVED APPLICATIONS TO THE SECRETARY.

17 (B) (1) THE BOARD MAY NOT APPROVE AN APPLICATION UNLESS THE
18 SPONSOR OBTAINS A RESOLUTION OF LOCAL GOVERNMENT APPROVING AN
19 APPLICATION.

20 (2) (I) IF AN APPLICATION AFFECTS A COMMUNITY LEGACY AREA
21 LOCATED ENTIRELY WITHIN A MUNICIPAL CORPORATION, THE APPROVAL SHALL
22 COME FROM THE MUNICIPAL CORPORATION RATHER THAN THE SURROUNDING
23 COUNTY.

24 (II) IF A COMMUNITY LEGACY PLAN AFFECTS COMMUNITY LEGACY
25 AREAS WITHIN THE TERRITORY OF MORE THAN ONE LOCAL GOVERNMENT, THE
26 SPONSOR SHALL OBTAIN A RESOLUTION FROM EACH LOCAL GOVERNMENT IN
27 WHICH THE COMMUNITY LEGACY AREA IS LOCATED.

28 (C) THE SECRETARY SHALL AWARD FINANCIAL ASSISTANCE TO A SPONSOR
29 OR A SPONSOR'S DESIGNEE IN AN AMOUNT AND TYPE DETERMINED BY THE BOARD
30 AND PURSUANT TO THE TERMS OF A COMMUNITY LEGACY AGREEMENT.

31 ~~4-808.~~ 4-807.

32 (A) THE DEPARTMENT AND THE SPONSOR SHALL EXECUTE A COMMUNITY
33 LEGACY AGREEMENT.

34 (B) THE SPONSOR SHALL COMPLY WITH THE TERMS OF THE COMMUNITY
35 LEGACY AGREEMENT AND ADHERE TO ANY REGULATIONS ADOPTED BY THE
36 DEPARTMENT TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.

1 (C) IF A SPONSOR VIOLATES ANY PROVISION OF THE COMMUNITY LEGACY
2 AGREEMENT OR CEASES TO MEET THE REQUIREMENTS OF THIS SUBTITLE, THE
3 DEPARTMENT MAY EXERCISE ANY REMEDY PROVIDED BY THE AGREEMENT OR BY
4 LAW.

5 (D) NO MORE THAN 15% OF THE TOTAL FINANCIAL ASSISTANCE PROVIDED BY
6 THE PROGRAM SHALL BE USED TO FINANCE NONCAPITAL EXPENDITURES.

7 ~~4-809~~, 4-808.

8 THE DEPARTMENT MAY:

9 (1) DETERMINE SPECIFIC TERMS AND CONDITIONS FOR ANY TYPE OF
10 FINANCIAL ASSISTANCE AWARDED UNDER § ~~4-807(C)~~ 4-806(C) OF THIS SUBTITLE.
11 FINANCIAL ASSISTANCE MAY BE SECURED BY A MORTGAGE OR OTHER LIEN OR
12 SECURITY INTEREST WHICH MAY BE SUPERIOR OR SUBORDINATE TO OTHER
13 MORTGAGES, LIENS, OR SECURITY INTERESTS ON THE COLLATERAL.

14 (2) ENFORCE THE TERMS OF GRANTS, LOANS, OR OTHER FINANCIAL
15 ASSISTANCE MADE PURSUANT TO THIS SUBTITLE ACCORDING TO THEIR TERMS AND
16 CONDITIONS;

17 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WITH RESPECT
18 TO LOANS OR GRANTS SECURED BY FIRST OR SUBORDINATE MORTGAGES OR OTHER
19 LIENS;:

20 (I) COMMENCE AND PURSUE ANY ACTION TO PROTECT OR
21 ENFORCE ANY RIGHT CONFERRED BY LAW, CONTRACT, OR OTHER AGREEMENT;

22 ~~(4)~~ (II) FORECLOSE ON PROPERTY;

23 ~~(5)~~ (III) BID FOR AND PURCHASE PROPERTY AT ANY FORECLOSURE OR
24 AT ANY OTHER SALE, OR ACQUIRE OR TAKE POSSESSION OF THE PROPERTY
25 THROUGH CONVEYANCE IN LIEU OF FORECLOSURE OR OTHERWISE, AND CONVEY
26 PROPERTY AFTER ACQUISITION;

27 ~~(6)~~ (IV) SETTLE OR COMPROMISE ANY DEBT OR OBLIGATION TO THE
28 DEPARTMENT;

29 ~~(7)~~ (V) PAY THE PRINCIPAL OF AND INTEREST ON ANY OBLIGATIONS
30 INCURRED IN CONNECTION WITH THE PROPERTY, AND DISPOSE OF OR OTHERWISE
31 DEAL WITH THE PROPERTY, ALL IN ANY MANNER AND AS NECESSARY OR DESIRABLE
32 TO PROTECT THE INTERESTS OF THE PROGRAM; OR

33 ~~(8)~~ (VI) RELEASE OR SELL ANY MORTGAGE, OBLIGATION, OR PROPERTY
34 HELD BY IT AT PUBLIC OR PRIVATE SALE, WITH OR WITHOUT PUBLIC BIDDING;

35 ~~(9)~~ (4) REQUIRE AND OBTAIN APPRAISALS, CREDIT INFORMATION,
36 AND OTHER INFORMATION RELATED TO MAKING LOANS;

1 ~~(4)~~ (5) ENTER INTO CONTRACTS WITH ANY GOVERNMENTAL OR
2 PRIVATE PARTY FOR THE FURNISHING OF PROPERTY OR SERVICES NECESSARY TO
3 THE OPERATION OF THE PROGRAM OR THE IMPLEMENTATION OF COMMUNITY
4 LEGACY PROJECTS, INCLUDING PRIVATE PROPERTY MANAGERS, MORTGAGE
5 SERVICERS, ARCHITECTS, ENGINEERS, OR OTHER CONSULTANTS CONCERNING
6 PROPERTY;

7 ~~(44)~~ (6) ENTER INTO AGREEMENTS WITH OTHER GOVERNMENT
8 AGENCIES, INCLUDING LOCAL, STATE, OR FEDERAL AGENCIES, FOR THE PURPOSE OF
9 ESTABLISHING PARTNERSHIPS TO CARRY OUT THE PROGRAM;

10 ~~(42)~~ (7) ESTABLISH TIME LIMITS FOR THE USE OF FINANCIAL
11 ASSISTANCE;

12 ~~(43)~~ (8) CHARGE INTEREST ON LOANS;

13 ~~(44)~~ (9) CONSENT TO THE MODIFICATION OF ANY PROVISION OF ANY
14 LOAN OR OTHER FINANCIAL ASSISTANCE CONSISTENT WITH THE BEST INTERESTS
15 OF THE STATE;

16 ~~(45)~~ (10) CONTRACT FOR AND ACCEPT ANY GRANT, CONTRIBUTION, OR
17 LOAN OF FUNDS, PROPERTY OR OTHER AID FROM THE FEDERAL GOVERNMENT AND,
18 SUBJECT TO THE PROVISIONS OF THIS SUBTITLE, DO ALL THINGS NECESSARY TO
19 QUALIFY FOR SUCH AID OR PARTICIPATE IN OR ADMINISTER ANY FEDERAL
20 PROGRAM CONSISTENT WITH THE PURPOSES OF THIS SUBTITLE; OR

21 ~~(46)~~ (11) EXERCISE ALL POWERS NECESSARY OR DESIRABLE FOR THE
22 IMPLEMENTATION OF THE PROGRAM.

23 ~~4-810. 4-809.~~

24 (A) THE SPONSOR SHALL SUBMIT QUARTERLY REPORTS TO THE BOARD ON
25 THE PROGRESS OF DEVELOPING A COMMUNITY LEGACY PLAN OR IMPLEMENTING A
26 COMMUNITY LEGACY PROJECT.

27 (B) THE BOARD SHALL REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246
28 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY BEFORE
29 NOVEMBER 1 OF EACH YEAR ON:

30 (1) THE FINANCIAL STATUS OF THE PROGRAM FOR THE PRECEDING
31 FISCAL YEAR, INCLUDING THE AMOUNT AND TYPE OF FINANCIAL ASSISTANCE
32 ENCUMBERED AND DISBURSED;

33 (2) THE NUMBER OF APPLICATIONS RECEIVED;

34 (3) THE NUMBER AND LOCATION OF COMMUNITY LEGACY AREAS
35 DESIGNATED; AND

36 (4) THE SUMMARY OF THE QUARTERLY REPORTS SUBMITTED BY EACH
37 SPONSOR UNDER SUBSECTION (A) OF THIS SECTION.

1 ~~4-811, 4-810.~~

2 (A) (1) THERE IS AN ADVISORY COMMITTEE TO THE BOARD IN THE
3 DEPARTMENT.

4 (2) THE COMMITTEE IS ESTABLISHED TO MAKE RECOMMENDATIONS TO
5 THE BOARD CONCERNING COMMUNITY LEGACY AREAS, COMMUNITY LEGACY PLANS,
6 AND COMMUNITY LEGACY PROJECTS AND TO CONSIDER SUCH MATTERS AS
7 REQUESTED BY THE BOARD.

8 (B) (1) THE COMMITTEE SHALL CONSIST OF 11 MEMBERS, APPOINTED BY
9 THE GOVERNOR.

10 (2) OF THE 11 COMMITTEE MEMBERS:

11 (I) ONE SHALL REPRESENT THE DEPARTMENT OF BUSINESS AND
12 ECONOMIC DEVELOPMENT;

13 (II) ONE SHALL REPRESENT THE GOVERNOR'S OFFICE OF CRIME
14 CONTROL AND PREVENTION;

15 (III) ONE SHALL REPRESENT THE DEPARTMENT OF GENERAL
16 SERVICES;

17 (IV) ONE SHALL REPRESENT THE STATE ECONOMIC GROWTH,
18 RESOURCE PROTECTION, AND PLANNING COMMISSION; AND

19 (V) SEVEN SHALL HAVE EXPERIENCE AND EXPERTISE IN
20 COMMUNITY DEVELOPMENT AND PRESERVATION AND MAY INCLUDE
21 REPRESENTATIVES OF COUNTY GOVERNMENT, MUNICIPAL GOVERNMENT,
22 ADVOCACY ORGANIZATIONS, THE BUSINESS COMMUNITY, AND MEMBERS OF THE
23 GENERAL PUBLIC.

24 (C) TO THE EXTENT POSSIBLE, THE MEMBERS APPOINTED BY THE GOVERNOR
25 SHALL REFLECT THE POPULATION AND GEOGRAPHIC AND ETHNIC DIVERSITY OF
26 THE STATE.

27 (D) (1) THE TERM OF A MEMBER IS 3 YEARS.

28 (2) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.

29 (3) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY
30 THE TERMS PROVIDED FOR MEMBERS OF THE ~~BOARD~~ ADVISORY COMMITTEE ON
31 JULY 1, 2001.

32 (4) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
33 SUCCESSOR IS APPOINTED.

34 (5) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
35 ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED.

1 (E) A MEMBER:

2 (1) MAY NOT RECEIVE COMPENSATION; BUT

3 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
4 STANDARD STATE TRAVEL REGULATIONS AS PROVIDED IN THE STATE BUDGET.

5 (F) THE GOVERNOR SHALL DESIGNATE A CHAIRPERSON FROM AMONG THE
6 MEMBERS OF THE COMMITTEE.

7 (G) THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT SHALL
8 PROVIDE STAFF SUPPORT TO THE COMMITTEE.

9 ~~4-812; 4-811.~~

10 (A) THERE IS A COMMUNITY LEGACY FINANCIAL ASSISTANCE FUND
11 ESTABLISHED FOR THE PURPOSES SPECIFIED IN THIS SUBTITLE.

12 (B) (1) THE FUND IS A CONTINUING, NONLAPSING FUND, WHICH IS NOT
13 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

14 (2) THE TREASURER SHALL SEPARATELY HOLD AND THE COMPTROLLER
15 SHALL ACCOUNT FOR THE FUND.

16 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
17 TREASURER MAY INVEST MONEYS IN THE FUND IN A MANNER CONSISTENT WITH
18 THE INVESTMENT OF MONEYS BY THE STATE RETIREMENT AND PENSION SYSTEM.

19 (4) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID INTO
20 THE FUND.

21 (C) THE SECRETARY SHALL ADMINISTER THE FUND IN ACCORDANCE WITH
22 THE RECOMMENDATIONS OF THE BOARD.

23 (D) THE FUND CONSISTS OF:

24 (1) MONEYS APPROPRIATED IN THE STATE BUDGET TO THE FUND;

25 (2) EARNINGS FROM THE INVESTMENT OF MONEYS IN THE FUND;

26 (3) REPAYMENTS AND PREPAYMENTS OF FINANCIAL ASSISTANCE
27 PROVIDED BY THE PROGRAM; AND

28 (4) ANY OTHER MONEYS ACCEPTED FOR THE BENEFIT OF THE FUND
29 FROM ANY GOVERNMENTAL OR PRIVATE SOURCE.

30 ~~(E) FOR FISCAL YEARS 2002, 2003, AND 2004, THE GOVERNOR SHALL INCLUDE~~
31 ~~IN THE BUDGET BILL AN APPROPRIATION TO THE FUND IN AN AMOUNT NOT LESS~~
32 ~~THAN \$15 MILLION PER FISCAL YEAR FOR THE PROGRAM.~~

1 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
2 members of the Advisory Committee to the Community Legacy Board shall expire as
3 follows:

- 4 (1) four members in 2004;
- 5 (2) four members in 2005; and
- 6 (3) three members in 2006.

7 SECTION 3. AND BE IT FURTHER ENACTED, That nothing in this Act shall
8 be construed to grant or expand the power or authority of the State or a local
9 government to condemn or take private property.

10 SECTION ~~3.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take
11 effect July 1, 2001.