

HOUSE BILL 301

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C8

2001 Regular Session
11r0179
CF 11r0178

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**

Introduced and read first time: January 26, 2001
Assigned to: Economic Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 15, 2001

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
13 certain financial assistance to the Secretary; requiring the Department and a
14 sponsor to execute a certain agreement; authorizing the Department to exercise
15 certain powers and duties; requiring certain reports be filed by certain dates;
16 establishing an Advisory Committee to the Board; specifying the purpose of the
17 Advisory Committee; specifying the membership and terms of the Advisory
18 Committee; creating a Community Legacy Financial Assistance Fund as a
19 continuing, nonlapsing fund; ~~requiring the Governor to include certain~~
20 ~~appropriations to the Fund in the budget bill for certain fiscal years~~; defining
21 certain terms; specifying the terms of the initial members of the Advisory Board;
22 providing for the construction of this Act; and generally relating to the
23 establishment of the Community Legacy Program.

1 BY adding to
2 Article 83B - Department of Housing and Community Development
3 Section 4-801 through ~~4-812~~ 4-811, inclusive, to be under the new subtitle
4 "Subtitle 8. Community Legacy Program"
5 Annotated Code of Maryland
6 (1998 Replacement Volume and 2000 Supplement)

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

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

10 **SUBTITLE 8. COMMUNITY LEGACY PROGRAM.**

11 4-801.

12 ~~THE GENERAL ASSEMBLY DECLARES THAT:~~

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

16 ~~(2) THE LACK OF REINVESTMENT IN COMMUNITIES BY RESIDENTS AND~~
17 ~~BUSINESSES HAS CAUSED THE LOSS OF CONFIDENCE IN MANY COMMUNITIES~~
18 ~~WHICH HAS RESULTED IN THE DECLINE OF PROPERTY VALUES AND THE SHIFT OF~~
19 ~~RESIDENTS AWAY FROM THE COMMUNITY;~~

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

23 ~~(4) THE INVESTMENT IN THE REVITALIZATION OF EXISTING~~
24 ~~COMMUNITIES IS NECESSARY TO REDUCE OUTWARD PRESSURE FOR SPRAWL,~~
25 ~~PRESERVE THE ETHNIC AND ECONOMIC DIVERSITY OF EXISTING COMMUNITIES,~~
26 ~~AND ENHANCE COMMUNITY LIFE FOR BUSINESSES AND RESIDENTS; AND~~

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

33 ~~4-802.~~

34 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
35 INDICATED.

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

3 (1) A REQUEST THAT AN AREA BE DESIGNATED AS A COMMUNITY
4 LEGACY AREA;

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

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

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

8 (D) (1) "COMMUNITY DEVELOPMENT ORGANIZATION" MEANS A
9 CORPORATION, FOUNDATION, OR OTHER LEGAL ENTITY WHICH OPERATES FOR THE
10 PURPOSE OF DEVELOPING COMMUNITY LEGACY PLANS OR IMPLEMENTING
11 COMMUNITY LEGACY PROJECTS.

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

16 (E) "COMMUNITY LEGACY AGREEMENT" MEANS AN AGREEMENT BETWEEN
17 THE DEPARTMENT AND A SPONSOR TO DEVELOP A COMMUNITY LEGACY PLAN OR
18 IMPLEMENT ONE OR MORE COMMUNITY LEGACY PROJECTS IN A DESIGNATED
19 COMMUNITY LEGACY AREA.

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

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

22 (2) DETERMINED BY THE BOARD TO SATISFY THE REQUIREMENTS OF §
23 ~~4-806~~ 4-805 OF THIS SUBTITLE.

24 (G) "COMMUNITY LEGACY PLAN" MEANS A PLAN SUBMITTED BY A SPONSOR
25 TO THE BOARD FOR APPROVAL WHICH MAY CONSIST OF ONE OR MORE COMMUNITY
26 LEGACY PROJECTS DESIGNED TO PREVENT OR REVERSE DECLINE OR
27 DISINVESTMENT IN A COMMUNITY LEGACY AREA THROUGH IMPROVEMENTS IN
28 RESIDENTIAL, COMMERCIAL, OR OTHER PUBLIC OR PRIVATE PROPERTIES.

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

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

33 (I) CREATE, IMPROVE, OR PRESERVE HOUSING OPPORTUNITIES,
34 INCLUDING THE ACQUISITION, CONSTRUCTION, REHABILITATION, OR
35 IMPROVEMENT OF NEW OR EXISTING HOMEOWNERSHIP OR RENTAL PROPERTIES;

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

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

6 (IV) DEVELOP PUBLIC INFRASTRUCTURE THAT IS INCIDENTAL TO
7 THE IMPLEMENTATION OF A COMMUNITY LEGACY PROJECT, SUCH AS STREETS,
8 PARKING, PUBLIC UTILITIES, LANDSCAPING, LIGHTING, AND IMPROVEMENTS TO
9 PEDESTRIAN AND BICYCLE CIRCULATION;

10 (V) ENCOURAGE AND DEVELOP COOPERATIVE OWNERSHIP
11 CONTROL OF OPEN-SPACE;

12 ~~(VI)~~ (VI) DEVELOP OR CREATE STRATEGIES TARGETED AT
13 INCREASING INVESTMENT IN EXISTING COMMUNITIES, INCLUDING OUTREACH
14 ACTIVITIES DESIGNED TO ATTRACT BUSINESS, CAPITAL, RESIDENTS, AND VISITORS
15 AND THE DEVELOPMENT AND MAINTENANCE OF RESOURCES DIRECTLY RELATED TO
16 THE DEVELOPMENT OF A COMMUNITY LEGACY PLAN OR THE IMPLEMENTATION OF
17 A COMMUNITY LEGACY PROJECT;

18 ~~(VII)~~ (VII) ACQUIRE OR IMPROVE VACANT BUILDINGS OR
19 UNIMPROVED LAND, INCLUDING THE EXPENSE OF OWNING AND MAINTAINING THE
20 VACANT BUILDING OR UNIMPROVED LAND IN ANTICIPATION OF FUTURE
21 DEVELOPMENT OR TO ENSURE THAT THE VACANT BUILDING OR UNIMPROVED LAND
22 REMAINS AFFORDABLE; OR

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

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

29 (J) "FINANCIAL ASSISTANCE" INCLUDES:

30 (1) A GRANT;

31 (2) A LOAN;

32 (3) ANY REDUCTION IN THE PRINCIPAL OBLIGATION OF OR RATE OF
33 INTEREST PAYABLE ON A LOAN OR PORTION OF A LOAN;

34 (4) ANY PREPAYMENT OF INTEREST ON A SUBORDINATE OR SUPERIOR
35 LOAN OR PORTION OF A LOAN;

36 (5) ANY ASSURANCE;

1 (6) ANY GUARANTEE; OR

2 (7) ANY OTHER FORM OF CREDIT ENHANCEMENT.

3 (K) "PROGRAM" MEANS THE COMMUNITY LEGACY PROGRAM ESTABLISHED BY
4 THIS SUBTITLE.

5 (L) "SPONSOR" MEANS A LOCAL GOVERNMENT, GROUP OF LOCAL
6 GOVERNMENTS, OR COMMUNITY DEVELOPMENT ORGANIZATION.

7 ~~4-803; 4-802.~~

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

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

12 (I) PRESERVE EXISTING COMMUNITIES AS DESIRABLE PLACES TO
13 LIVE AND CONDUCT BUSINESS, THEREBY REDUCING OUTWARD PRESSURE FOR
14 SPRAWL DEVELOPMENT; AND

15 (II) PROVIDE FINANCIAL ASSISTANCE TO SPONSORS OR THEIR
16 DESIGNEES FOR THE DEVELOPMENT OF COMMUNITY LEGACY PLANS OR
17 COMMUNITY LEGACY PROJECTS.

18 (B) THE PROGRAM SHALL ENCOURAGE PARTNERSHIPS AMONG FEDERAL,
19 STATE, AND LOCAL GOVERNMENTS AND COMMUNITY DEVELOPMENT
20 ORGANIZATIONS TO DEVELOP AND IMPLEMENT COMMUNITY LEGACY PLANS AND
21 COMMUNITY LEGACY PROJECTS.

22 ~~4-804; 4-803.~~

23 (A) THERE IS A COMMUNITY LEGACY BOARD ESTABLISHED IN THE
24 DEPARTMENT.

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

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

27 (2) THE SECRETARY OF NATURAL RESOURCES;

28 (3) THE SECRETARY OF PLANNING;

29 (4) THE SECRETARY OF TRANSPORTATION; AND

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

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

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

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

5 ~~4-805~~; 4-804.

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

8 (B) AN APPLICATION SHALL:

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

13 (2) DESCRIBE IN DETAIL THE PROPOSED COMMUNITY LEGACY PLAN OR
14 PROPOSED COMMUNITY LEGACY PROJECT;

15 (3) STATE THE AMOUNT AND TYPE OF FINANCIAL ASSISTANCE
16 REQUESTED;

17 (4) SPECIFY THE ABILITY OF A SPONSOR TO CARRY OUT THE PROPOSED
18 COMMUNITY LEGACY PLAN OR COMMUNITY LEGACY PROJECT AS WELL AS THE
19 STRENGTH AND QUALITY OF PARTNERSHIPS CREATED AMONG FEDERAL, STATE,
20 AND LOCAL GOVERNMENTS, COMMUNITY DEVELOPMENT ORGANIZATIONS, OR
21 OTHER PRIVATE ORGANIZATIONS FOR DEVELOPING THE COMMUNITY LEGACY PLAN
22 OR IMPLEMENTING THE COMMUNITY LEGACY PROJECT, INCLUDING:

23 (I) FINANCIAL SUPPORT;

24 (II) DEDICATION OF STAFF AND RESOURCES; AND

25 (III) COMMITMENT TO AND DEVELOPMENT OF LOCAL SMART
26 GROWTH POLICIES; ~~AND~~

27 (5) PROPOSE BENCHMARKS FOR EVALUATING WHETHER THE
28 PROPOSED COMMUNITY LEGACY PLAN OR COMMUNITY LEGACY PROJECT RESULTS
29 IN A DESIRED OUTCOME SUCH AS COMMUNITY STABILIZATION OR REVERSING THE
30 SOCIAL, ECONOMIC, AND PHYSICAL DECLINE OF A PROPOSED COMMUNITY LEGACY
31 AREA; AND

32 (6) DESCRIBE THE PROCESS USED TO SOLICIT AND RECEIVE PUBLIC
33 INPUT ON THE PROPOSED COMMUNITY LEGACY PLAN OR COMMUNITY LEGACY
34 PROJECT, INCLUDING THE NATURE AND EXTENT OF THE PUBLIC SUPPORT FOR OR
35 OPPOSITION TO THE PROPOSED PLAN OR PROJECT.

1 ~~4-806; 4-805.~~

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

4 (1) PAST AND CURRENT TRENDS IN HOMEOWNERSHIP, PROPERTY
5 VALUES, COMMERCIAL AND RESIDENTIAL VACANCY, AND BUSINESS OR HOUSING
6 INVESTMENT INDICATE THAT THERE IS A NEED FOR REINVESTMENT IN THE
7 PROPOSED AREA;

8 (2) ~~EXISTING~~ ENTITIES OR AMENITIES IN THE COMMUNITY SUCH AS
9 EMPLOYERS, EDUCATIONAL INSTITUTIONS, ~~CIVIL~~ CIVIC ORGANIZATIONS,
10 COMMUNITY ORGANIZATIONS, OR CULTURAL ORGANIZATIONS ~~ACTIVELY~~ SUPPORT
11 THE PROPOSED COMMUNITY LEGACY PLAN OR COMMUNITY LEGACY PROJECT AND
12 HAVE PLEDGED RESOURCES TO ITS DEVELOPMENT OR IMPLEMENTATION;

13 (3) THE PROPOSED COMMUNITY LEGACY PLAN OR PROJECT ~~WILL~~
14 ~~SATISFY~~ ADDRESSES THE NEED FOR REINVESTMENT IN THE AREA AND
15 ~~COMPLEMENT~~ ENHANCES THE AREA, INCLUDING PROVIDING INDIVIDUALS OF
16 DIFFERENT INCOMES WITH A RANGE OF HOUSING OPTIONS, EMPLOYMENT
17 OPPORTUNITIES, OR OTHER AMENITIES;

18 (4) THERE IS A CULTURAL OR HISTORICAL SIGNIFICANCE IN THE
19 COMMUNITY OR COMMUNITIES LOCATED IN THE PROPOSED AREA;

20 (5) THE PROPOSED AREA IS IN CLOSE PROXIMITY TO A TOWN CENTER
21 OR A TRANSPORTATION CENTER; OR

22 (6) THE PROPOSED COMMUNITY LEGACY PLAN OR PROPOSED
23 COMMUNITY LEGACY PROJECT IS CONSISTENT WITH AND COMPLEMENTS OTHER
24 EXISTING OR PROPOSED PROJECTS FOR HOUSING, COMMERCIAL OR COMMUNITY
25 DEVELOPMENT, EDUCATION, HISTORIC PRESERVATION, NEIGHBORHOOD
26 REVITALIZATION, TRANSPORTATION, OR OTHER FACTORS SIGNIFICANT TO THE
27 COMPREHENSIVE ENHANCEMENT OF THE COMMUNITY.

28 ~~4-807; 4-806.~~

29 (A) THE BOARD SHALL:

30 (1) REVIEW APPLICATIONS AND MAY REQUEST ADDITIONAL
31 INFORMATION FROM A SPONSOR;

32 (2) ACCEPT PUBLIC INPUT ON APPLICATIONS;

33 ~~(2)~~ (3) SUBMIT APPLICATIONS TO APPROPRIATE STATE AGENCIES AND
34 CONSIDER ANY RECOMMENDATIONS MADE REGARDING THE APPLICATIONS; ~~AND~~

35 (4) CONSIDER GEOGRAPHICAL BALANCE WHEN APPROVING AN
36 APPLICATION; AND

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

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

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

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

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

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

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

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

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

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

~~4-809. 4-808.~~

THE DEPARTMENT MAY:

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

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

1 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WITH RESPECT
2 TO LOANS OR GRANTS SECURED BY FIRST OR SUBORDINATE MORTGAGES OR OTHER
3 LIENS;

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

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

7 ~~(5)~~ (III) BID FOR AND PURCHASE PROPERTY AT ANY FORECLOSURE OR
8 AT ANY OTHER SALE, OR ACQUIRE OR TAKE POSSESSION OF THE PROPERTY
9 THROUGH CONVEYANCE IN LIEU OF FORECLOSURE OR OTHERWISE, AND CONVEY
10 PROPERTY AFTER ACQUISITION;

11 ~~(6)~~ (IV) SETTLE OR COMPROMISE ANY DEBT OR OBLIGATION TO THE
12 DEPARTMENT;

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

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

19 ~~(9)~~ (4) REQUIRE AND OBTAIN APPRAISALS, CREDIT INFORMATION,
20 AND OTHER INFORMATION RELATED TO MAKING LOANS;

21 ~~(10)~~ (5) ENTER INTO CONTRACTS WITH ANY GOVERNMENTAL OR
22 PRIVATE PARTY FOR THE FURNISHING OF PROPERTY OR SERVICES NECESSARY TO
23 THE OPERATION OF THE PROGRAM OR THE IMPLEMENTATION OF COMMUNITY
24 LEGACY PROJECTS, INCLUDING PRIVATE PROPERTY MANAGERS, MORTGAGE
25 SERVICERS, ARCHITECTS, ENGINEERS, OR OTHER CONSULTANTS CONCERNING
26 PROPERTY;

27 ~~(11)~~ (6) ENTER INTO AGREEMENTS WITH OTHER GOVERNMENT
28 AGENCIES, INCLUDING LOCAL, STATE, OR FEDERAL AGENCIES, FOR THE PURPOSE OF
29 ESTABLISHING PARTNERSHIPS TO CARRY OUT THE PROGRAM;

30 ~~(12)~~ (7) ESTABLISH TIME LIMITS FOR THE USE OF FINANCIAL
31 ASSISTANCE;

32 ~~(13)~~ (8) CHARGE INTEREST ON LOANS;

33 ~~(14)~~ (9) CONSENT TO THE MODIFICATION OF ANY PROVISION OF ANY
34 LOAN OR OTHER FINANCIAL ASSISTANCE CONSISTENT WITH THE BEST INTERESTS
35 OF THE STATE;

36 ~~(15)~~ (10) CONTRACT FOR AND ACCEPT ANY GRANT, CONTRIBUTION, OR
37 LOAN OF FUNDS, PROPERTY OR OTHER AID FROM THE FEDERAL GOVERNMENT AND,

1 SUBJECT TO THE PROVISIONS OF THIS SUBTITLE, DO ALL THINGS NECESSARY TO
2 QUALIFY FOR SUCH AID OR PARTICIPATE IN OR ADMINISTER ANY FEDERAL
3 PROGRAM CONSISTENT WITH THE PURPOSES OF THIS SUBTITLE; OR

4 ~~(+6)~~ (11) EXERCISE ALL POWERS NECESSARY OR DESIRABLE FOR THE
5 IMPLEMENTATION OF THE PROGRAM.

6 ~~4-810. 4-809.~~

7 (A) THE SPONSOR SHALL SUBMIT QUARTERLY REPORTS TO THE BOARD ON
8 THE PROGRESS OF DEVELOPING A COMMUNITY LEGACY PLAN OR IMPLEMENTING A
9 COMMUNITY LEGACY PROJECT.

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

13 (1) THE FINANCIAL STATUS OF THE PROGRAM FOR THE PRECEDING
14 FISCAL YEAR, INCLUDING THE AMOUNT AND TYPE OF FINANCIAL ASSISTANCE
15 ENCUMBERED AND DISBURSED;

16 (2) THE NUMBER OF APPLICATIONS RECEIVED;

17 (3) THE NUMBER AND LOCATION OF COMMUNITY LEGACY AREAS
18 DESIGNATED; AND

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

21 ~~4-811. 4-810.~~

22 (A) (1) THERE IS AN ADVISORY COMMITTEE TO THE BOARD IN THE
23 DEPARTMENT.

24 (2) THE COMMITTEE IS ESTABLISHED TO MAKE RECOMMENDATIONS TO
25 THE BOARD CONCERNING COMMUNITY LEGACY AREAS, COMMUNITY LEGACY PLANS,
26 AND COMMUNITY LEGACY PROJECTS AND TO CONSIDER SUCH MATTERS AS
27 REQUESTED BY THE BOARD.

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

30 (2) OF THE 11 COMMITTEE MEMBERS:

31 (I) ONE SHALL REPRESENT THE DEPARTMENT OF BUSINESS AND
32 ECONOMIC DEVELOPMENT;

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

1 (III) ONE SHALL REPRESENT THE DEPARTMENT OF GENERAL
2 SERVICES;

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

5 (V) SEVEN SHALL HAVE EXPERIENCE AND EXPERTISE IN
6 COMMUNITY DEVELOPMENT AND PRESERVATION AND MAY INCLUDE
7 REPRESENTATIVES OF COUNTY GOVERNMENT, MUNICIPAL GOVERNMENT,
8 ADVOCACY ORGANIZATIONS, THE BUSINESS COMMUNITY, AND MEMBERS OF THE
9 GENERAL PUBLIC.

10 (C) TO THE EXTENT POSSIBLE, THE MEMBERS APPOINTED BY THE GOVERNOR
11 SHALL REFLECT THE POPULATION AND GEOGRAPHIC AND ETHNIC DIVERSITY OF
12 THE STATE.

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

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

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

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

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

22 (E) A MEMBER:

23 (1) MAY NOT RECEIVE COMPENSATION; BUT

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

26 (F) THE GOVERNOR SHALL DESIGNATE A CHAIRPERSON FROM AMONG THE
27 MEMBERS OF THE COMMITTEE.

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

30 ~~4-812.~~ 4-811.

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

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

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

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

6 (4) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID INTO
7 THE FUND.

8 (C) THE SECRETARY SHALL ADMINISTER THE FUND IN ACCORDANCE WITH
9 THE RECOMMENDATIONS OF THE BOARD.

10 (D) THE FUND CONSISTS OF:

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

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

13 (3) REPAYMENTS AND PREPAYMENTS OF FINANCIAL ASSISTANCE
14 PROVIDED BY THE PROGRAM; AND

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

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

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

23 (1) four members in 2004;

24 (2) four members in 2005; and

25 (3) three members in 2006.

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

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