

SENATE BILL 202

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C8

2001 Regular Session
11r0178
CF 11r0179

By: **The President (Administration) and Senators Blount, Collins, Conway, Della, Exum, Forehand, Frosh, Green, Hoffman, Hollinger, Jimeno, Kelley, Lawlah, McFadden, Miller, Pinsky, Ruben, Sfikas, Stone, and Van Hollen**

Introduced and read first time: January 22, 2001
Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

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 and generally relating to the establishment of the Community Legacy Program.

23 BY adding to
24 Article 83B - Department of Housing and Community Development
25 Section 4-801 through 4-812, inclusive, to be under the new subtitle "Subtitle 8.
26 Community Legacy Program"
27 Annotated Code of Maryland
28 (1998 Replacement Volume and 2000 Supplement)

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

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

2 SUBTITLE 8. COMMUNITY LEGACY PROGRAM.

3 4-801.

4 THE GENERAL ASSEMBLY DECLARES THAT:

5 (1) SPRAWL DEVELOPMENT AND OTHER MODIFICATIONS TO THE
6 LANDSCAPE IN MARYLAND CONTINUE AT AN ALARMING RATE, THREATENING THE
7 EXISTENCE OF MANY COMMUNITIES THROUGHOUT THE STATE;

8 (2) THE LACK OF REINVESTMENT IN COMMUNITIES BY RESIDENTS AND
9 BUSINESSES HAS CAUSED THE LOSS OF CONFIDENCE IN MANY COMMUNITIES
10 WHICH HAS RESULTED IN THE DECLINE OF PROPERTY VALUES AND THE SHIFT OF
11 RESIDENTS AWAY FROM THE COMMUNITY;

12 (3) MANY OF THESE COMMUNITIES HAVE RESOURCES AVAILABLE TO
13 THEM THAT, WHEN STRENGTHENED BY STATE RESOURCES, CAN ENABLE THEM TO
14 REVERSE THESE TRENDS AND PROSPER;

15 (4) THE INVESTMENT IN THE REVITALIZATION OF EXISTING
16 COMMUNITIES IS NECESSARY TO REDUCE OUTWARD PRESSURE FOR SPRAWL,
17 PRESERVE THE ETHNIC AND ECONOMIC DIVERSITY OF EXISTING COMMUNITIES,
18 AND ENHANCE COMMUNITY LIFE FOR BUSINESSES AND RESIDENTS; AND

19 (5) ALTHOUGH EXISTING STATE, COUNTY, AND LOCAL HOUSING AND
20 COMMUNITY DEVELOPMENT PROGRAMS HELP TO ADDRESS THE EFFECT OF SPRAWL
21 DEVELOPMENT, THERE IS A NEED FOR A PROGRAM WHICH LEVERAGES AVAILABLE
22 ASSISTANCE TO PREVENT OR REVERSE DECLINE OR DISINVESTMENT IN EXISTING
23 COMMUNITIES THROUGH IMPROVEMENTS IN RESIDENTIAL, COMMERCIAL, AND
24 OTHER PUBLIC OR PRIVATE PROPERTIES.

25 4-802.

26 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
27 INDICATED.

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

30 (1) A REQUEST THAT AN AREA BE DESIGNATED AS A COMMUNITY
31 LEGACY AREA;

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

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

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

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

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

9 (E) "COMMUNITY LEGACY AGREEMENT" MEANS AN AGREEMENT BETWEEN
10 THE DEPARTMENT AND A SPONSOR TO DEVELOP A COMMUNITY LEGACY PLAN OR
11 IMPLEMENT ONE OR MORE COMMUNITY LEGACY PROJECTS IN A DESIGNATED
12 COMMUNITY LEGACY AREA.

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

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

15 (2) DETERMINED BY THE BOARD TO SATISFY THE REQUIREMENTS OF §
16 4-806 OF THIS SUBTITLE.

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

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

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

26 (I) CREATE, IMPROVE, OR PRESERVE HOUSING OPPORTUNITIES,
27 INCLUDING THE ACQUISITION, CONSTRUCTION, REHABILITATION, OR
28 IMPROVEMENT OF NEW OR EXISTING HOMEOWNERSHIP OR RENTAL PROPERTIES;

29 (II) STRATEGICALLY DEMOLISH PROPERTIES TO ENHANCE THE
30 USE OF LAND;

31 (III) CREATE, IMPROVE, OR PRESERVE MIXED-USE DEVELOPMENT,
32 INCLUDING ANY APPROPRIATE COMBINATION OF PROPERTIES RELATED TO
33 BUSINESS, HOUSING, AND INSTITUTIONAL USES;

34 (IV) DEVELOP PUBLIC INFRASTRUCTURE THAT IS INCIDENTAL TO
35 THE IMPLEMENTATION OF A COMMUNITY LEGACY PROJECT, SUCH AS STREETS,
36 PARKING, PUBLIC UTILITIES, LANDSCAPING, LIGHTING, AND IMPROVEMENTS TO
37 PEDESTRIAN AND BICYCLE CIRCULATION;

1 (V) DEVELOP OR CREATE STRATEGIES TARGETED AT INCREASING
2 INVESTMENT IN EXISTING COMMUNITIES, INCLUDING OUTREACH ACTIVITIES
3 DESIGNED TO ATTRACT BUSINESS, CAPITAL, RESIDENTS, AND VISITORS AND THE
4 DEVELOPMENT AND MAINTENANCE OF RESOURCES DIRECTLY RELATED TO THE
5 DEVELOPMENT OF A COMMUNITY LEGACY PLAN OR THE IMPLEMENTATION OF A
6 COMMUNITY LEGACY PROJECT;

7 (VI) ACQUIRE OR IMPROVE VACANT BUILDINGS OR UNIMPROVED
8 LAND, INCLUDING THE EXPENSE OF OWNING AND MAINTAINING THE VACANT
9 BUILDING OR UNIMPROVED LAND IN ANTICIPATION OF FUTURE DEVELOPMENT OR
10 TO ENSURE THAT THE VACANT BUILDING OR UNIMPROVED LAND REMAINS
11 AFFORDABLE; OR

12 (VII) DEVELOP ANY OTHER COMMUNITY LEGACY PLANS OR
13 IMPLEMENT ANY OTHER COMMUNITY LEGACY PROJECTS THAT THE BOARD DEEMS
14 NECESSARY TO FURTHER THE PURPOSES OF THIS SUBTITLE.

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

18 (J) "FINANCIAL ASSISTANCE" INCLUDES:

19 (1) A GRANT;

20 (2) A LOAN;

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

23 (4) ANY PREPAYMENT OF INTEREST ON A SUBORDINATE OR SUPERIOR
24 LOAN OR PORTION OF A LOAN;

25 (5) ANY ASSURANCE;

26 (6) ANY GUARANTEE; OR

27 (7) ANY OTHER FORM OF CREDIT ENHANCEMENT.

28 (K) "PROGRAM" MEANS THE COMMUNITY LEGACY PROGRAM ESTABLISHED BY
29 THIS SUBTITLE.

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

32 4-803.

33 (A) (1) A COMMUNITY LEGACY PROGRAM IS ESTABLISHED WITHIN THE
34 DEPARTMENT AND SHALL BE ADMINISTERED BY THE DEPARTMENT AND THE
35 COMMUNITY LEGACY BOARD ESTABLISHED IN § 4-804 OF THIS SUBTITLE.

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

2 (I) PRESERVE EXISTING COMMUNITIES AS DESIRABLE PLACES TO
3 LIVE AND CONDUCT BUSINESS, THEREBY REDUCING OUTWARD PRESSURE FOR
4 SPRAWL DEVELOPMENT; AND

5 (II) PROVIDE FINANCIAL ASSISTANCE TO SPONSORS OR THEIR
6 DESIGNEES FOR THE DEVELOPMENT OF COMMUNITY LEGACY PLANS OR
7 COMMUNITY LEGACY PROJECTS.

8 (B) THE PROGRAM SHALL ENCOURAGE PARTNERSHIPS AMONG FEDERAL,
9 STATE, AND LOCAL GOVERNMENTS AND COMMUNITY DEVELOPMENT
10 ORGANIZATIONS TO DEVELOP AND IMPLEMENT COMMUNITY LEGACY PLANS AND
11 COMMUNITY LEGACY PROJECTS.

12 4-804.

13 (A) THERE IS A COMMUNITY LEGACY BOARD ESTABLISHED IN THE
14 DEPARTMENT.

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

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

17 (2) THE SECRETARY OF NATURAL RESOURCES;

18 (3) THE SECRETARY OF PLANNING;

19 (4) THE SECRETARY OF TRANSPORTATION; AND

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

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

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

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

27 4-805.

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

30 (B) AN APPLICATION SHALL:

31 (1) DESCRIBE ONE OR MORE COMMUNITY LEGACY AREAS WHERE THE
32 SPONSOR PROPOSES TO DEVELOP A COMMUNITY LEGACY PLAN OR IMPLEMENT A

1 COMMUNITY LEGACY PROJECT USING THE CRITERIA ARTICULATED IN § 4-806 OF
2 THIS SUBTITLE;

3 (2) DESCRIBE IN DETAIL THE PROPOSED COMMUNITY LEGACY PLAN OR
4 PROPOSED COMMUNITY LEGACY PROJECT;

5 (3) STATE THE AMOUNT AND TYPE OF FINANCIAL ASSISTANCE
6 REQUESTED;

7 (4) SPECIFY THE ABILITY OF A SPONSOR TO CARRY OUT THE PROPOSED
8 COMMUNITY LEGACY PLAN OR COMMUNITY LEGACY PROJECT AS WELL AS THE
9 STRENGTH AND QUALITY OF PARTNERSHIPS CREATED AMONG FEDERAL, STATE,
10 AND LOCAL GOVERNMENTS, COMMUNITY DEVELOPMENT ORGANIZATIONS, OR
11 OTHER PRIVATE ORGANIZATIONS FOR DEVELOPING THE COMMUNITY LEGACY PLAN
12 OR IMPLEMENTING THE COMMUNITY LEGACY PROJECT, INCLUDING:

13 (I) FINANCIAL SUPPORT;

14 (II) DEDICATION OF STAFF AND RESOURCES; AND

15 (III) COMMITMENT TO AND DEVELOPMENT OF LOCAL SMART
16 GROWTH POLICIES; AND

17 (5) PROPOSE BENCHMARKS FOR EVALUATING WHETHER THE
18 PROPOSED COMMUNITY LEGACY PLAN OR COMMUNITY LEGACY PROJECT RESULTS
19 IN REVERSING THE SOCIAL, ECONOMIC, AND PHYSICAL DECLINE OF A PROPOSED
20 COMMUNITY LEGACY AREA.

21 4-806.

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

24 (1) PAST AND CURRENT TRENDS IN HOMEOWNERSHIP, PROPERTY
25 VALUES, COMMERCIAL AND RESIDENTIAL VACANCY, AND BUSINESS OR HOUSING
26 INVESTMENT INDICATE THAT THERE IS A NEED FOR REINVESTMENT IN THE
27 PROPOSED AREA;

28 (2) EXISTING ENTITIES OR AMENITIES IN THE COMMUNITY SUCH AS
29 EMPLOYERS, EDUCATIONAL INSTITUTIONS, CIVIL ORGANIZATIONS, COMMUNITY
30 ORGANIZATIONS, OR CULTURAL ORGANIZATIONS ACTIVELY SUPPORT THE
31 PROPOSED COMMUNITY LEGACY PLAN OR COMMUNITY LEGACY PROJECT AND HAVE
32 PLEDGED RESOURCES TO ITS DEVELOPMENT OR IMPLEMENTATION;

33 (3) THE PROPOSED COMMUNITY LEGACY PLAN OR PROJECT WILL
34 SATISFY THE NEED FOR REINVESTMENT IN THE AREA AND COMPLEMENT THE AREA,
35 INCLUDING PROVIDING INDIVIDUALS OF DIFFERENT INCOMES WITH A RANGE OF
36 HOUSING OPTIONS, EMPLOYMENT OPPORTUNITIES, OR OTHER AMENITIES;

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

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

5 (6) THE PROPOSED COMMUNITY LEGACY PLAN OR PROPOSED
6 COMMUNITY LEGACY PROJECT IS CONSISTENT WITH AND COMPLEMENTS OTHER
7 EXISTING OR PROPOSED PROJECTS FOR HOUSING, COMMERCIAL OR COMMUNITY
8 DEVELOPMENT, EDUCATION, HISTORIC PRESERVATION, NEIGHBORHOOD
9 REVITALIZATION, TRANSPORTATION, OR OTHER FACTORS SIGNIFICANT TO THE
10 COMPREHENSIVE ENHANCEMENT OF THE COMMUNITY.

11 4-807.

12 (A) THE BOARD SHALL:

13 (1) REVIEW APPLICATIONS AND MAY REQUEST ADDITIONAL
14 INFORMATION FROM A SPONSOR;

15 (2) SUBMIT APPLICATIONS TO APPROPRIATE STATE AGENCIES AND
16 CONSIDER ANY RECOMMENDATIONS MADE REGARDING THE APPLICATIONS; AND

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

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

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

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

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

32 4-808.

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

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

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

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

10 4-809.

11 THE DEPARTMENT MAY:

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

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

20 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WITH RESPECT
21 TO LOANS OR GRANTS SECURED BY FIRST OR SUBORDINATE MORTGAGES OR OTHER
22 LIENS, COMMENCE AND PURSUE ANY ACTION TO PROTECT OR ENFORCE ANY RIGHT
23 CONFERRED BY LAW, CONTRACT, OR OTHER AGREEMENT;

24 (4) FORECLOSE ON PROPERTY;

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

29 (6) SETTLE OR COMPROMISE ANY DEBT OR OBLIGATION TO THE
30 DEPARTMENT;

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

35 (8) RELEASE OR SELL ANY MORTGAGE, OBLIGATION, OR PROPERTY
36 HELD BY IT AT PUBLIC OR PRIVATE SALE, WITH OR WITHOUT PUBLIC BIDDING;

1 (9) REQUIRE AND OBTAIN APPRAISALS, CREDIT INFORMATION, AND
2 OTHER INFORMATION RELATED TO MAKING LOANS;

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

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

11 (12) ESTABLISH TIME LIMITS FOR THE USE OF FINANCIAL ASSISTANCE;

12 (13) CHARGE INTEREST ON LOANS;

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

16 (15) CONTRACT FOR AND ACCEPT ANY GRANT, CONTRIBUTION, OR LOAN
17 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 (16) EXERCISE ALL POWERS NECESSARY OR DESIRABLE FOR THE
22 IMPLEMENTATION OF THE PROGRAM.

23 4-810.

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

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

3 4-811.

4 (A) (1) THERE IS AN ADVISORY COMMITTEE TO THE BOARD IN THE
5 DEPARTMENT.

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

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

12 (2) OF THE 11 COMMITTEE MEMBERS:

13 (I) ONE SHALL REPRESENT THE DEPARTMENT OF BUSINESS AND
14 ECONOMIC DEVELOPMENT;

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

17 (III) ONE SHALL REPRESENT THE DEPARTMENT OF GENERAL
18 SERVICES;

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

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

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

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

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

31 (3) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY
32 THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2001.

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

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

3 (E) A MEMBER:

4 (1) MAY NOT RECEIVE COMPENSATION; BUT

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

7 (F) THE GOVERNOR SHALL DESIGNATE A CHAIRPERSON FROM AMONG THE
8 MEMBERS OF THE COMMITTEE.

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

11 4-812.

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

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

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

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

21 (4) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID INTO
22 THE FUND.

23 (C) THE SECRETARY SHALL ADMINISTER THE FUND IN ACCORDANCE WITH
24 THE RECOMMENDATIONS OF THE BOARD.

25 (D) THE FUND CONSISTS OF:

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

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

28 (3) REPAYMENTS AND PREPAYMENTS OF FINANCIAL ASSISTANCE
29 PROVIDED BY THE PROGRAM; AND

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

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

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

- 7 (1) four members in 2004;
- 8 (2) four members in 2005; and
- 9 (3) three members in 2006.

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