

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

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 20, 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.

24 BY adding to

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

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

Article 83B - Department of Housing and Community Development

SUBTITLE 8. COMMUNITY LEGACY PROGRAM.

4-801.

~~THE GENERAL ASSEMBLY DECLARES THAT:~~

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

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

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

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

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

~~4-802.~~

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

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

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

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

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

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

6 (D) (1) "COMMUNITY DEVELOPMENT ORGANIZATION" MEANS A
7 CORPORATION, FOUNDATION, OR OTHER LEGAL ENTITY WHICH OPERATES FOR THE
8 PURPOSE OF ~~DEVELOPING COMMUNITY LEGACY PLANS OR IMPLEMENTING~~
9 COMMUNITY LEGACY PROJECTS IMPROVING THE PHYSICAL, ECONOMIC, OR SOCIAL
10 ENVIRONMENT OF ITS GEOGRAPHIC AREAS OF OPERATION.

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

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

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

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

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

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

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

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

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

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

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

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

8 (V) ENCOURAGE AND DEVELOP COOPERATIVE OWNERSHIP
9 CONTROL OF OPEN-SPACE;

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

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

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

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

27 (J) "FINANCIAL ASSISTANCE" INCLUDES:

28 (1) A GRANT;

29 (2) A LOAN;

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

32 (4) ANY PREPAYMENT OF INTEREST ON A SUBORDINATE OR SUPERIOR
33 LOAN OR PORTION OF A LOAN;

34 (5) ANY ASSURANCE;

35 (6) ANY GUARANTEE; OR

36 (7) ANY OTHER FORM OF CREDIT ENHANCEMENT.

1 (K) "LANDBANKING" MEANS THE ACQUISITION AND HOLDING OF IMPROVED
2 AND UNIMPROVED PROPERTY IN ANTICIPATION OF FUTURE DEVELOPMENT OF THE
3 PROPERTY OR TO ENSURE THE FUTURE USE OF THE PROPERTY AND IMPROVEMENTS
4 REMAIN AFFORDABLE.

5 ~~(K)~~ (L) "PROGRAM" MEANS THE COMMUNITY LEGACY PROGRAM
6 ESTABLISHED BY THIS SUBTITLE.

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

9 ~~4-803; 4-802.~~

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

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

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

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

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

24 ~~4-804; 4-805.~~

25 (A) THERE IS A COMMUNITY LEGACY BOARD ESTABLISHED IN THE
26 DEPARTMENT.

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

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

29 (2) THE SECRETARY OF NATURAL RESOURCES;

30 (3) THE SECRETARY OF PLANNING;

31 (4) THE SECRETARY OF TRANSPORTATION; AND

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

33 (C) THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT SHALL
34 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 OF
12 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 STABILIZING A PROPOSED COMMUNITY LEGACY
30 AREA, REVERSING THE SOCIAL, ECONOMIC, AND PHYSICAL DECLINE OF A PROPOSED
31 COMMUNITY LEGACY AREA, OR ENCOURAGING GROWTH IN THE PROPOSED
32 COMMUNITY LEGACY AREA; AND

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

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

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

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

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

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

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

29 ~~4-807. 4-806.~~

30 (A) THE BOARD SHALL:

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

33 (2) ACCEPT PUBLIC INPUT ON APPLICATIONS;

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

1 (4) CONSIDER GEOGRAPHICAL BALANCE IN APPROVING APPLICATIONS;
2 AND

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

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

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

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

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

18 ~~4-808.~~ 4-807.

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

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

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

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

30 ~~4-809.~~ 4-808.

31 THE DEPARTMENT MAY:

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

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

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

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

9 (4) (II) FORECLOSE ON PROPERTY;

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

14 (6) (IV) SETTLE OR COMPROMISE ANY DEBT OR OBLIGATION TO THE
15 DEPARTMENT;

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

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

22 (9) (4) REQUIRE AND OBTAIN APPRAISALS, CREDIT INFORMATION,
23 AND OTHER INFORMATION RELATED TO MAKING LOANS;

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

30 (11) (6) ENTER INTO AGREEMENTS WITH OTHER GOVERNMENT
31 AGENCIES, INCLUDING LOCAL, STATE, OR FEDERAL AGENCIES, FOR THE PURPOSE OF
32 ESTABLISHING PARTNERSHIPS TO CARRY OUT THE PROGRAM;

33 (12) (7) ESTABLISH TIME LIMITS FOR THE USE OF FINANCIAL
34 ASSISTANCE;

35 (13) (8) CHARGE INTEREST ON LOANS;

1 ~~(14)~~ (9) CONSENT TO THE MODIFICATION OF ANY PROVISION OF ANY
2 LOAN OR OTHER FINANCIAL ASSISTANCE CONSISTENT WITH THE BEST INTERESTS
3 OF THE STATE;

4 ~~(15)~~ (10) CONTRACT FOR AND ACCEPT ANY GRANT, CONTRIBUTION, OR
5 LOAN OF FUNDS, PROPERTY OR OTHER AID FROM THE FEDERAL GOVERNMENT AND,
6 SUBJECT TO THE PROVISIONS OF THIS SUBTITLE, DO ALL THINGS NECESSARY TO
7 QUALIFY FOR SUCH AID OR PARTICIPATE IN OR ADMINISTER ANY FEDERAL
8 PROGRAM CONSISTENT WITH THE PURPOSES OF THIS SUBTITLE; OR

9 ~~(16)~~ (11) EXERCISE ALL POWERS NECESSARY OR DESIRABLE FOR THE
10 IMPLEMENTATION OF THE PROGRAM.

11 ~~4-810. 4-809.~~

12 (A) THE SPONSOR SHALL SUBMIT QUARTERLY REPORTS TO THE BOARD ON
13 THE PROGRESS OF DEVELOPING A COMMUNITY LEGACY PLAN OR IMPLEMENTING A
14 COMMUNITY LEGACY PROJECT.

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

18 (1) THE FINANCIAL STATUS OF THE PROGRAM FOR THE PRECEDING
19 FISCAL YEAR, INCLUDING THE AMOUNT AND TYPE OF FINANCIAL ASSISTANCE
20 ENCUMBERED AND DISBURSED;

21 (2) THE NUMBER OF APPLICATIONS RECEIVED;

22 (3) THE NUMBER AND LOCATION OF COMMUNITY LEGACY AREAS
23 DESIGNATED; AND

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

26 ~~4-811. 4-810.~~

27 (A) (1) THERE IS AN ADVISORY COMMITTEE TO THE BOARD IN THE
28 DEPARTMENT.

29 (2) THE COMMITTEE IS ESTABLISHED TO MAKE RECOMMENDATIONS TO
30 THE BOARD CONCERNING COMMUNITY LEGACY AREAS, COMMUNITY LEGACY PLANS,
31 AND COMMUNITY LEGACY PROJECTS AND TO CONSIDER SUCH MATTERS AS
32 REQUESTED BY THE BOARD.

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

35 (2) OF THE 11 COMMITTEE MEMBERS:

1 (I) ONE SHALL REPRESENT THE DEPARTMENT OF BUSINESS AND
2 ECONOMIC DEVELOPMENT;

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

5 (III) ONE SHALL REPRESENT THE DEPARTMENT OF GENERAL
6 SERVICES;

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

9 (V) SEVEN SHALL HAVE EXPERIENCE AND EXPERTISE IN
10 COMMUNITY DEVELOPMENT AND PRESERVATION AND MAY INCLUDE
11 REPRESENTATIVES OF COUNTY GOVERNMENT, MUNICIPAL GOVERNMENT,
12 ADVOCACY ORGANIZATIONS, THE BUSINESS COMMUNITY, AND MEMBERS OF THE
13 GENERAL PUBLIC.

14 (C) TO THE EXTENT POSSIBLE, THE MEMBERS APPOINTED BY THE GOVERNOR
15 SHALL REFLECT THE POPULATION AND GEOGRAPHIC AND ETHNIC DIVERSITY OF
16 THE STATE.

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

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

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

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

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

26 (E) A MEMBER:

27 (1) MAY NOT RECEIVE COMPENSATION; BUT

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

30 (F) THE GOVERNOR SHALL DESIGNATE A CHAIRPERSON FROM AMONG THE
31 MEMBERS OF THE COMMITTEE.

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

1 ~~4-812; 4-811.~~

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

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

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

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

11 (4) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID INTO
12 THE FUND.

13 (C) THE SECRETARY SHALL ADMINISTER THE FUND IN ACCORDANCE WITH
14 THE RECOMMENDATIONS OF THE BOARD.

15 (D) THE FUND CONSISTS OF:

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

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

18 (3) REPAYMENTS AND PREPAYMENTS OF FINANCIAL ASSISTANCE
19 PROVIDED BY THE PROGRAM; AND

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

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

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

28 (1) four members in 2004;

29 (2) four members in 2005; and

30 (3) three members in 2006.

31 SECTION 3. AND BE IT FURTHER ENACTED, That nothing in this Act may
32 be construed to grant or expand the authority of the State or local government to
33 condemn or take private property.

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