

# HOUSE BILL 1287

C8

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CF SB 632

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By: ~~Delegate Lafferty~~ Delegates Lafferty, Boyce, Fraser-Hidalgo, Harrison, Healey, Holmes, Jalisi, Lehman, Love, Stewart, and Wells

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

Reassigned: Environment and Transportation, February 18, 2019

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Housing – Community Development Program Act – Funding**

3 FOR the purpose of requiring the Administrator of a certain abandoned property fund to  
4 distribute certain funds to the Community Development Program Fund under  
5 certain circumstances; altering the contents of the Community Development  
6 Program Fund; repealing a certain provision providing for the construction  
7 concerning the Community Development Program Act; and generally relating to the  
8 Community Development Program Act.

9 BY repealing and reenacting, with amendments,  
10 Article – Commercial Law  
11 Section 17–317  
12 Annotated Code of Maryland  
13 (2013 Replacement Volume and 2018 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – Housing and Community Development  
16 Section 6–606  
17 Annotated Code of Maryland  
18 (2006 Volume and 2018 Supplement)

19 BY repealing  
20 Chapter 801 of the Acts of the General Assembly of 2018

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 2

2 BY repealing

3 Chapter 802 of the Acts of the General Assembly of 2018

4 Section 2

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

7 **Article – Commercial Law**

8 17–317.

9 (a) (1) All funds received under this title, including the proceeds of the sale of  
10 abandoned property under § 17–316 of this subtitle, shall be credited by the Administrator  
11 to a special fund. The Administrator shall retain in the special fund at the end of each fiscal  
12 year, from the proceeds received, an amount not to exceed \$50,000, from which sum the  
13 Administrator shall pay any claim allowed under this title.

14 (2) After deducting all costs incurred in administering this title from the  
15 remaining net funds the Administrator shall distribute:

16 (I) \$2,000,000 to the Maryland Legal Services Corporation Fund  
17 established under § 11–402 of the Human Services Article; AND

18 (II) \$5,000,000 TO THE COMMUNITY DEVELOPMENT PROGRAM  
19 FUND ESTABLISHED UNDER § 6–606 OF THE HOUSING AND COMMUNITY  
20 DEVELOPMENT ARTICLE.

21 (3) (i) Subject to subparagraph (ii) of this paragraph, the Administrator  
22 shall distribute all unclaimed money from judgments of restitution under Title 11, Subtitle  
23 6 of the Criminal Procedure Article to the State Victims of Crime Fund established under  
24 § 11–916 of the Criminal Procedure Article to assist victims of crimes and delinquent acts  
25 to protect the victims' rights as provided by law.

26 (ii) If a victim entitled to restitution that has been treated as  
27 abandoned property under § 11–614 of the Criminal Procedure Article is located after the  
28 money has been distributed under this paragraph, the Administrator shall reduce the next  
29 distribution to the State Victims of Crime Fund by the amount recovered by the victim.

30 (4) After making the distributions required under paragraphs (2) and (3)  
31 of this subsection, the Administrator shall distribute ~~the~~

32 ~~(I) ANY FUNDS IN EXCESS OF \$80,000,000 TO THE COMMUNITY~~  
33 ~~DEVELOPMENT PROGRAM FUND ESTABLISHED UNDER § 6–606 OF THE HOUSING~~  
34 ~~AND COMMUNITY DEVELOPMENT ARTICLE; AND~~

1           ~~(H)~~ ~~THE~~ remaining net funds not retained under paragraph (1) of  
2 this subsection to the General Fund of the State.

3           (b) Before making the distribution, the Administrator shall record the name and  
4 last known address, if any, of the owners of funds so distributed and the type of property  
5 which the funds distributed represent. The record shall be available for public inspection  
6 during reasonable business hours by any person who claims a legal interest in any property  
7 held by the Administrator, provided that the person gives prior notice to the Administrator.

### 8                           **Article – Housing and Community Development**

9 6–606.

10           (a) There is a Community Development Fund.

11           (b) The purpose of the Fund is to provide financial assistance for community  
12 development projects and community development organizations around the State.

13           (c) The Department shall administer the Fund with the assistance of the Board.

14           (d) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of  
15 the State Finance and Procurement Article.

16                       (2) The State Treasurer shall hold the Fund separately, and the  
17 Comptroller shall account for the Fund.

18           (e) The Fund consists of:

19                       (1) money appropriated in the State budget to the Fund;

20                       **(2) ANY MONEY DISTRIBUTED TO THE FUND UNDER § 17–317 OF THE**  
21 **COMMERCIAL LAW ARTICLE;** and

22                       **[(2)] (3)** any other money from any other source accepted for the benefit  
23 of the Fund.

24           (f) The Fund may be used only for:

25                       (1) administrative expenses of the Department in administering the  
26 Program; and

27                       (2) financial assistance for community development projects and  
28 community development organizations as provided under § 6–607 of this subtitle.

29           (g) (1) The State Treasurer shall invest the money of the Fund in the same  
30 manner as other State money may be invested.

1 (2) Any interest earnings of the Fund shall be credited to the General Fund  
2 of the State.

3 (h) Expenditures from the Fund may be made only in accordance with the State  
4 budget.

5 (i) Money expended from the Fund for the Program is supplemental to and is not  
6 intended to take the place of funding that otherwise would be appropriated for the Program.

7 **Chapter 801 of the Acts of 2018**

8 [SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be  
9 construed to require the Department of Housing and Community Development to provide  
10 staff or operating expenses for the administration of the Community Development Program  
11 established under Section 1 of this Act until money is appropriated in the State budget for  
12 the Community Development Fund.]

13 **Chapter 802 of the Acts of 2018**

14 [SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be  
15 construed to require the Department of Housing and Community Development to provide  
16 staff or operating expenses for the administration of the Community Development Program  
17 established under Section 1 of this Act until money is appropriated in the State budget for  
18 the Community Development Fund.]

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 ~~October~~ June 1, 2019.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.