

Article - State Finance and Procurement

[\[Previous\]](#)[\[Next\]](#)

§5–310.

(a) Each unit of the State government shall notify the Department in writing of:

- (1) any real property that is in excess of the needs of the unit; or
- (2) any substantial change to any real property owned by the State.

(b) Subject to subsection (c) of this section, for any real property identified under subsection (a) of this section, the Department shall:

- (1) study the proper disposition of the property;
- (2) determine whether any local government or unit of the State government is interested in the property; and
- (3) make an appropriate recommendation to the using unit of the State government and to the Board of Public Works.

(c) (1) (i) Except as provided in subparagraph (ii) of this paragraph, this subsection applies to the following categories of real property owned by the State in fee simple:

1. property acquired with Program Open Space funds under Title 5, Subtitle 9 of the Natural Resources Article;
2. property acquired with Rural Legacy Program funds under Title 5, Subtitle 9A of the Natural Resources Article;
3. public park land and recreational areas acquired under Title 5, Subtitle 10 of the Natural Resources Article;
4. wildland and open areas acquired under Title 5, Subtitle 12 of the Natural Resources Article;
5. heritage conservation areas acquired with funds under Title 5, Subtitle 15 of the Natural Resources Article;

6. forest conservation areas acquired under Title 5, Subtitle 6 of the Natural Resources Article;

7. GreenPrint areas acquired under Title 5, Subtitle 15A of the Natural Resources Article;

8. property identified in the most current public lands acreage report published by the Department of Natural Resources that is classified under designated land units or under undesignated land units within an agency or program; and

9. outdoor recreation, open space, conservation, preservation, park, or forest land property identified by the Department of Natural Resources in regulation.

(ii) This subsection does not apply to property declared excess for purposes of corrective disposal, including boundary or access corrections and minor road improvements for public safety.

(2) When a unit notifies the Department under subsection (a) of this section, the unit shall include with the notification:

(i) the history of the acquisition of the property;

(ii) the rationale for the acquisition provided to the Board of Public Works at the time of the acquisition;

(iii) any future conservation plans for the property;

(iv) the environmental and ecological attributes of the property;

(v) the cultural and historical significance of the property;

(vi) the relationship of the property to surrounding and nearby real properties;

(vii) the actual cost savings, if any, that the unit anticipates will result from the disposal of the property;

(viii) any expected revenues that would be generated from the disposal of the property; and

(ix) any other justification or basis that the unit relied on in its determination that the property is in excess of its needs.

(3) The information provided under paragraph (2) of this subsection shall be made available by the unit or the Department on request.

(4) After the Department receives notice from a unit under subsection (a) of this section, the Department shall:

(i) notify:

1. the Senate Budget and Taxation Committee, the Senate Education, Health, and Environmental Affairs Committee, the House Environmental Matters Committee, and the House Appropriations Committee by electronic mail or facsimile and by first-class mail;

2. the General Assembly members who represent the legislative district in which the property is located by electronic mail or facsimile and by certified mail; and

3. owners of property adjacent to the property declared excess:

A. in writing by first-class mail; and

B. if practicable, by posting public notification signs on the property declared excess;

(ii) 1. hold a public hearing in the county or legislative district in which the property is located within 14 days after receiving a request for a hearing if:

A. within 14 days after the Department provides the notice required under item (i) of this paragraph, the Department receives a request for a public hearing from a person who received notice under item (i) of this paragraph or who resides in the county in which the property is located; and

B. the property has an estimated value of over \$100,000; or

2. if a public hearing is not required under item 1 of this item, accept and consider written public comments on the declaration of the property as excess;

(iii) in conjunction with the local governing body of the jurisdiction in which the property is located, determine whether any proposed disposition would conform to the local comprehensive plan; and

(iv) 1. consolidate all information received by and all determinations made by the Department into a public record available on request; and

2. submit the record to the using unit.

(5) After review of the record created under paragraph (4) of this subsection, the using unit may rescind the notice of excess property submitted under subsection (a) of this section.

(6) If the using unit does not rescind the notice of excess property, the Department shall:

(i) based on all of the information collected by the Department, make an appropriate recommendation to the using unit and the Board of Public Works; and

(ii) notify the persons identified under paragraph (4)(i)1 and 2 of this subsection of the recommendation.

[\[Previous\]](#)[\[Next\]](#)