SENATE BILL 46

C9 2lr0419 (PRE–FILED)

By: Senator McCray

Requested: August 30, 2021

Introduced and read first time: January 12, 2022

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

4	A TAT	AOD	•
1	AN	ACT	concerning

Housing Development and Neighborhood Revitalization Programs – Notice and Application Requirements

- 4 FOR the purpose of requiring certain notices and information to be provided to the members of certain delegations to the General Assembly regarding applications to the federal 5 6 Low-Income Housing Tax Credit Program, the Rental Housing Program, the 7 Partnership Rental Housing Program, the Community Legacy Program, the 8 Neighborhood Business Development Program, and the Baltimore Regional 9 Neighborhood Initiative Program within the Department of Housing and 10 Community Development; and generally relating to notice and application 11 requirements for certain housing development and neighborhood revitalization 12 programs.
- 13 BY adding to
- 14 Article Housing and Community Development
- 15 Section 4–211.1
- 16 Annotated Code of Maryland
- 17 (2019 Replacement Volume and 2021 Supplement)
- 18 BY repealing and reenacting, with amendments,
- 19 Article Housing and Community Development
- 20 Section 4-404, 4-407, 4-1205, 4-1207, 6-204, 6-206, 6-305, 6-505, and 6-509
- 21 Annotated Code of Maryland
- 22 (2019 Replacement Volume and 2021 Supplement)
- 23 BY repealing and reenacting, without amendments,
- 24 Article Housing and Community Development
- 25 Section 6–202(a), 6–303(a), and 6–502(a)
- 26 Annotated Code of Maryland
- 27 (2019 Replacement Volume and 2021 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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1 2		ION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, ws of Maryland read as follows:
3		Article - Housing and Community Development
4	4–211.1.	
5 6 7 8 9	FINANCE AT RECEIVING OF THE DEL	ERSON APPLIES FOR FEDERAL LOW-INCOME HOUSING TAX CREDITS TO PROJECT IN ACCORDANCE WITH THIS SUBTITLE, WITHIN 14 DAYS AFTER THE APPLICATION, THE ADMINISTRATION SHALL NOTIFY THE MEMBERS EGATION TO THE GENERAL ASSEMBLY FOR THE DISTRICT IN WHICH THE PROJECT IS LOCATED BY E-MAIL.
10	4–404.	
11	(a)	The Department shall:
12		(1) administer the Program;
13 14	households o	(2) adopt policies to ensure that rental housing is made available to f limited income;
15 16	assistance fr	(3) develop procedures to ensure that the projects receiving financial om the Program are in compliance with applicable occupancy restrictions;
17		(4) use federal and State programs to help carry out the Program; and
18		(5) encourage the assistance or participation of local political subdivisions.
19	(b)	The Secretary shall set income guidelines by considering:
20		(1) the median income for the area;
21 22	in the area;	(2) the minimum income needed to afford available standard rental units
23 24	Low-Income	(3) federal income guidelines, including the requirements of the Federal Housing Tax Credit Program; and
25		(4) any other relevant factor.
26 27	(c) either direct	In administering the Program under this subtitle, the Department may act y or through the Administration.

The Department shall provide written notice and a reasonable

opportunity to comment to the chief executive officer or the equivalent officer and the head or president of the legislative body of the political subdivision in which a proposed project is located.

- 4 (2) THE DEPARTMENT SHALL NOTIFY THE MEMBERS OF THE 5 DELEGATION TO THE GENERAL ASSEMBLY FOR THE DISTRICT IN WHICH A RENTAL 6 HOUSING PROJECT IS LOCATED BY E-MAIL WITHIN 14 DAYS AFTER PROJECT 7 APPROVAL.
- 8 (e) If the proposed project is located in a municipal corporation, the notice 9 required under subsection [(d)] (D)(1) of this section shall be sent to the chief executive 10 officer and head or president of the municipal corporation and not to the county.
- 11 4-407.
- 12 (a) A project qualifies as a rental housing project under this subtitle if:
- 13 (1) its purpose is to acquire, construct, or rehabilitate real property or all 14 or part of a building or improvements that will be occupied by households of limited income 15 as provided in this subsection; and
- 16 (2) a portion of the rental units in the project are set aside for households 17 of lower income for the greater of:
- 18 (i) 15 years; or
- 19 (ii) the number of years required by federal law.
- 20 (b) The minimum number of rental units set aside under subsection (a)(2) of this section shall be the greater of:
- 22 (1) the number that bears the same ratio to the whole number of rental 23 units in the project as the amount of the Program loan bears to the whole financing of the 24 undertaking; or
- 25 (2) the number of rental units chosen by the sponsor to satisfy federal 26 occupancy requirements, if the project receives federal low–income housing tax credits or 27 is financed in part with government–issued, federally tax–exempt revenue bonds.
- 28 (c) Rental units restricted for occupancy to meet other federal, State, or local occupancy requirements may be counted toward the minimum number required under this section.
- 31 (d) A rental unit that continues to meet applicable federal occupancy restrictions 32 under subsection (b)(2) of this section shall be deemed to continue to meet the applicable 33 restrictions for purposes of this subtitle.

- 1 A project qualifies as a rental housing project under this subtitle and is not 2 subject to the income restrictions specified in this section if it will: 3 (1) effect an office or other commercial space conversion into market rate rental housing; and 4 5 (2)provide substantial economic development to a sustainable community 6 as defined in § 6–301 of this article. 7 THIRTY DAYS BEFORE SUBMITTING AN APPLICATION FOR A **(F) (1)** PROGRAM LOAN, AN APPLICANT SHALL SEND TO THE MEMBERS OF THE 8 DELEGATION TO THE GENERAL ASSEMBLY FOR THE DISTRICT IN WHICH THE 9 PROPOSED PROJECT IS LOCATED, BY CERTIFIED MAIL AND E-MAIL: 10 11 **(I)** THE PROJECT NAME; 12(II) THE PROJECT ADDRESS; 13 (III) THE APPLICANT'S CONTACT INFORMATION, INCLUDING AN 14 ADDRESS AND TELEPHONE NUMBER; 15 (IV) A DESCRIPTION OF THE PROJECT; AND 16 (V) THE COST FOR THE PROJECT. 17 AN APPLICANT SHALL INCLUDE A COPY OF THE NOTIFICATION **(2)** REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IN THE APPLICATION FOR 18 19 A PROGRAM LOAN. 4-1205.20 21The Department shall: (a) 22(1) administer the Program; 23(2) adopt policies and procedures that encourage partnership rental housing throughout the State; and 2425adopt regulations to carry out the Program, including regulations that 26specify criteria for local contributions to the cost of partnership projects undertaken by a political subdivision or housing authority. 27 28 (b) The Department may establish:
- 29 (1) maximum limits for financing that it will provide to:

1	(i) individual partnership rental housing units;
2	(ii) any one partnership project; or
3	(iii) any political subdivision or housing authority;
4 5	(2) a process for approving financing for partnership projects that encourages a broad geographic distribution of money; and
6 7 8	(3) the time that a household may occupy the partnership rental housing after the annual income of the household exceeds the continuing occupancy income limits for households of lower income.
9 10	(c) In administering the Program, the Department may make loans either directly or through the Administration.
11 12 13	(D) THE DEPARTMENT SHALL NOTIFY THE MEMBERS OF THE DELEGATION TO THE GENERAL ASSEMBLY FOR THE DISTRICT IN WHICH A PARTNERSHIP PROJECT IS LOCATED BY E-MAIL WITHIN 14 DAYS AFTER PROJECT APPROVAL.
14	4–1207.
15 16	(a) Except as provided in subsection (c) of this section, the Department may approve an application for a proposed partnership project only if:
17 18 19	(1) the application is authorized by the chief elected official of the political subdivision or, if there is no chief elected official, by the governing body of the political subdivision in which the project is located;
20	(2) the political subdivision or housing authority:
21 22	(i) contributes from non-State sources the land for the partnership rental housing;
23 24	(ii) funds the part of the acquisition cost of the property that is attributable to the value of the land; or
25 26	(iii) makes a contribution under $\S 4-1208(d)(2)$ of this subtitle that equals or exceeds the value of the land;
27 28 29 30	(3) the political subdivision or housing authority is to have an ownership interest in the partnership project or in the rental units financed by the Program and sold to the political subdivision or housing authority or to a partnership that includes the political subdivision or housing authority;

the political subdivision or housing authority directly or indirectly

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- 1 manages the partnership project; 2 the rental units financed by the Program are to be occupied on 3 completion of the acquisition, construction, reconstruction, renovation, or rehabilitation by households of lower income: 4 5 unless prohibited by any applicable federal requirement, the 6 households of lower income occupying the partnership project or the part financed by the 7 Program are required to contribute services to enhance or maintain the partnership project 8 or the community in a way that the political subdivision or housing authority accepts; [and] 9 (7)it is reasonable to anticipate that: 10 (i) more State subsidies will not be needed for long-term occupancy 11 by households of lower income; and 12 rental income, including any contribution to allow for more affordable rents under § 4–1208(d) of this subtitle, will be enough to pay the operating costs 13 14 of the partnership project and to build an adequate reserve for the long-term maintenance 15 and renovation of the partnership project; AND 16 **(8)** THE APPLICATION INCLUDES A COPY OF THE NOTIFICATION 17 REQUIRED UNDER SUBSECTION (B) OF THIS SECTION. 18 (B) THIRTY DAYS BEFORE SUBMITTING AN APPLICATION, AN APPLICANT 19 SHALL SEND TO THE MEMBERS OF THE DELEGATION TO THE GENERAL ASSEMBLY 20 FOR THE DISTRICT IN WHICH THE PROPOSED PARTNERSHIP PROJECT IS LOCATED, 21BY CERTIFIED MAIL AND E-MAIL: 22**(1)** THE PROJECT NAME; 23 **(2)** THE PROJECT ADDRESS; 24**(3)** THE APPLICANT'S CONTACT INFORMATION, INCLUDING AN 25ADDRESS AND TELEPHONE NUMBER; 26 **(4)** A DESCRIPTION OF THE PROJECT; AND 27 **(5)** THE COST FOR THE PROJECT. 28 The rental units financed by the Program may include, as among those [(b)] **(C)**
 - [(c)] (D) The Department may approve the use of partnership rental housing

that must be occupied by households of lower income, rental units restricted for occupancy

to meet other federal or State occupancy requirements.

- 1 funds for a unit of partnership rental housing that does not comply with each requirement set forth in subsection (a) of this section if: 23 the unit will be occupied by a household of lower income that includes one or more individuals with disabilities or special needs; and 4 5 the project in which the unit is located complies with the requirements 6 of the other State housing programs financing the project, if any. 7 6-202.8 (a) There is a Community Legacy Program. 9 6-204.10 A sponsor may file one or more applications in accordance with the schedules 11 that the Department establishes. 12 **(1)** An application shall set forth: (b) 13 [(1)] (I) a description of one or more sustainable communities where the 14 sponsor proposes to develop a sustainable community plan or to carry out a community legacy project using the standards listed in § 6–205 of this subtitle; 15 16 [(2)] (II) a detailed description of the proposed sustainable community plan or proposed community legacy project; 17 18 (III) the amount and type of financial assistance sought; [(3)]19 [(4)] (IV) the ability of the sponsor to carry out the proposed sustainable 20community plan or community legacy project; 21the strength and quality of partnerships created among the 22federal government, the State government, political subdivisions, community development 23organizations, and other private organizations to develop the sustainable community plan 24or carry out the community legacy project, including: 25 (i) financial support; 1. 26 [(ii)] **2.** dedication of staff and resources; and 27 [(iii)] **3.** commitment to and development of local smart growth 28policies:
- [(6)] (VI) proposed benchmarks for evaluating whether the proposed sustainable community plan or community legacy project results in a desired outcome for

1	a proposed sustainable community, such as:
2	[(i)] 1. stabilizing it;
3	[(ii)] 2. reversing its social, economic, or physical decline; or
4	[(iii)] 3. encouraging growth in it; and
5 6 7	[(7)] (VII) the process used to seek and receive public input on the proposed sustainable community plan or community legacy project, including the nature and extensof public support or opposition.
8	(2) AN APPLICATION SHALL INCLUDE A COPY OF THE NOTICE REQUIRED UNDER SUBSECTION (C) OF THIS SECTION.
10 11 12 13	(C) THIRTY DAYS BEFORE SUBMITTING AN APPLICATION, THE SPONSON SHALL SEND TO THE MEMBERS OF THE DELEGATION TO THE GENERAL ASSEMBLY FOR THE DISTRICT IN WHICH THE PROPOSED SUSTAINABLE COMMUNITY PLAN OF COMMUNITY LEGACY PROJECT IS LOCATED, BY CERTIFIED MAIL AND E-MAIL:
14	(1) THE NAME OF THE PLAN OR PROJECT;
15 16	(2) (I) FOR A PROPOSED COMMUNITY LEGACY PROJECT, THE PROJECT ADDRESS; OR
17 18	(II) FOR A PROPOSED SUSTAINABLE COMMUNITY PLAN, THE ADDRESS OF EACH COMMUNITY LEGACY PROJECT INCLUDED IN THE PLAN;
19 20	(3) THE SPONSOR'S CONTACT INFORMATION, INCLUDING AN ADDRESS AND TELEPHONE NUMBER;
21	(4) A DESCRIPTION OF THE PLAN OR PROJECT; AND
22	(5) THE COST FOR THE PLAN OR PROJECT.
23 24	[(c)] (D) (1) The Smart Growth Subcabinet, on the recommendation of the Secretary, may designate an area as a sustainable community.
25 26 27	(2) If the Smart Growth Subcabinet has not acted within 90 days of a recommendation from the Secretary, the Secretary may designate an area as a sustainable community without the approval of the Smart Growth Subcabinet.

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The Department shall: (a)

$\frac{1}{2}$	(1) review each application and may request more information from the sponsor;
3	(2) accept public input on each application;
4 5	(3) submit each application to appropriate State units and appropriate members of the Smart Growth Subcabinet;
6 7	(4) consider any recommendation a State unit or member of the Smart Growth Subcabinet makes;
8	(5) consider geographic balance when reviewing applications; and
9 10 11	(6) give priority in awarding financial assistance to applicants that are likely to repay the financial assistance to a community development financial institution or to the Community Legacy Financial Assistance Fund.
12 13	(b) (1) The Department shall provide written notice to the political subdivision in which the proposed project is located.
14 15 16	(2) Except as provided in paragraph (5) of this subsection, the Department may not approve an application unless the political subdivision in which the proposed project is located approves the application by:
17	(i) resolution; or
18 19	(ii) letter, delivered to the Department by the political subdivision's authorized designee, expressing support for the plan or project.
20 21 22	(3) If an application affects a sustainable community or an eligible opportunity zone entirely within a municipal corporation, the approval must come from the municipal corporation rather than the surrounding county.
23 24 25	(4) If an application affects a sustainable community or an eligible opportunity zone within more than one political subdivision, each political subdivision must approve it by:
26	(i) resolution; or
27 28	(ii) letter, delivered to the Department by the political subdivision's authorized designee, expressing support for the plan or project.
29 30 31	(5) If the Department does not receive notice of approval or denial of an application from the affected jurisdictions within 45 days after notice of the proposed project is given in accordance with paragraph (1) of this subsection, the Department may

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approve the application.

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$\frac{1}{2}$	(c) designee:	The Secretary shall award financial assistance to a sponsor or a sponsor's
3		(1) in the amount and of the type that the Secretary determines; and
4		(2) under the terms of a community legacy agreement.
5 6 7 8	OF THE DEI	WITHIN 14 DAYS AFTER APPROVING A SUSTAINABLE COMMUNITY PLAN NITY LEGACY PROJECT, THE DEPARTMENT SHALL NOTIFY THE MEMBERS LEGATION TO THE GENERAL ASSEMBLY FOR THE DISTRICT IN WHICH THE ROJECT IS LOCATED BY E-MAIL.
9	6–303.	
10	(a)	There is a Neighborhood Business Development Program.
11	6-305.	
12 13	(a) for financial	(1) A small business, nonprofit organization, or microenterprise may apply assistance under the Business Development Program.
14		(2) The Department shall review each application.
15 16	REQUIRED	(3) AN APPLICATION SHALL INCLUDE A COPY OF THE NOTICE UNDER SUBSECTION (B) OF THIS SECTION.
17 18 19 20	FOR THE	THIRTY DAYS BEFORE SUBMITTING AN APPLICATION, THE APPLICANT D TO THE MEMBERS OF THE DELEGATION TO THE GENERAL ASSEMBLY DISTRICT IN WHICH THE PROPOSED NEIGHBORHOOD BUSINESS ENT PROJECT IS LOCATED, BY CERTIFIED MAIL AND E-MAIL:
21		(1) THE PROJECT NAME;
22		(2) THE PROJECT ADDRESS;
23 24	ADDRESS A	(3) THE APPLICANT'S CONTACT INFORMATION, INCLUDING AN ND TELEPHONE NUMBER;
25		(4) A DESCRIPTION OF THE PROJECT; AND
26		(5) THE COST FOR THE PROJECT.

An applicant may qualify for financial assistance for a project in a

priority funding area or an eligible opportunity zone if the application demonstrates that:

$\frac{1}{2}$	(1) the financial assistance from the Fund is the minimum amount necessary to make the project financially feasible;
3 4	(2) the project is ready to proceed when it receives financial assistance from the Business Development Program; and
5 6	(3) any food desert project includes a plan to seek out sources of Maryland–grown produce and Maryland produced foods.
7 8	[(c)] (D) (1) The Department shall provide written notice to the political subdivision in which the proposed project is located.
9 10 11	(2) THE DEPARTMENT SHALL NOTIFY THE MEMBERS OF THE DELEGATION TO THE GENERAL ASSEMBLY FOR THE DISTRICT IN WHICH A PROJECT IS LOCATED BY E-MAIL WITHIN 14 DAYS AFTER PROJECT APPROVAL.
12 13 14	[(2)] (3) Except as provided in paragraph [(3)] (4) of this subsection, the Department may not approve an application unless the political subdivision in which the proposed project is located approves the application by:
15	(i) resolution; or
16 17	(ii) letter, delivered to the Department by the political subdivision's authorized designee, expressing support of the plan or project.
18 19 20 21	[(3)] (4) If the Department does not receive notice of approval or denial of an application from the affected jurisdictions within 45 days after notice of the proposed project is given in accordance with paragraph (1) of this subsection, the Department may approve the application.
22 23	[(d)] (E) Financial assistance under the Business Development Program may be provided to a small business, nonprofit organization, or microenterprise as:
24	(1) a grant;
25	(2) a loan;
26 27	(3) a reduction in the principal obligation of or interest rate on a loan or portion of a loan;
28 29	(4) a prepayment of interest on a subordinate or superior loan or portion of a loan;
30	(5) an assurance;

1	(6)	a guarantee; or
2	(7)	any other form of credit enhancement.
3 4 5		(1) The Department shall reserve at least the lesser of \$5,000,000 or appropriation for the Fund to make financial assistance available to sustainable communities.
6 7 8		The Department may meet the funding obligations for sustainable food deserts by using any financial assistance available to the authorized to be used for these projects.
9	6–502.	
10	(a) There	is a Baltimore Regional Neighborhood Initiative Program.
11	6-505.	
12 13	(a) (1) to receive Program	A community development organization may apply to the Department funds for community enhancement projects.
14	(2)	The Department shall establish the application process.
15	(3)	The application shall contain:
16		(i) the neighborhood revitalization plan;
17		(ii) a description of each community enhancement project;
18 19	organization; [and]	(iii) organizational documents for the community development
20 21	OF THIS SECTION	(iv) A COPY OF THE NOTICE REQUIRED UNDER SUBSECTION (B); AND
22		(v) any other information the Department requires.
23 24 25 26	SHALL SEND TO T FOR THE DISTRIC	TY DAYS BEFORE SUBMITTING AN APPLICATION, THE APPLICANT THE MEMBERS OF THE DELEGATION TO THE GENERAL ASSEMBLY T IN WHICH THE PROPOSED COMMUNITY ENHANCEMENT PROJECT ERTIFIED MAIL AND E-MAIL:
27	(1)	THE PROJECT NAME;
28	(2)	THE PROJECT ADDRESS;

1 2	(3) THE APPLICANT'S CONTACT INFORMATION, INCLUDING AN ADDRESS AND TELEPHONE NUMBER;
3	(4) A DESCRIPTION OF THE PROJECT; AND
4	(5) THE COST FOR THE PROJECT.
5 6	[(b)] (C) (1) The Department, by regulation, shall establish a quantitative system to evaluate each application.
7 8	(2) The quantitative evaluation system shall evaluate each application based on:
9 10	(i) the neighborhood revitalization plan and how the plan relates to the goals outlined in the community's larger sustainable communities plan;
11 12	(ii) the description of the community conditions and the appropriateness of outlined strategies to address those conditions;
13 14	(iii) the ability of each proposed community enhancement project to address identified challenges within the community; and
15 16	(iv) the capacity and experience of the applicant and the applicant's partners to complete the proposals and leverage additional financing.
17 18	[(c)] (D) The Department may give additional consideration to applications that include:
19 20	(1) opportunities that promote compact redevelopment and connect housing and job opportunities with transportation options;
$\begin{array}{c} 21 \\ 22 \end{array}$	(2) activities in specially designated districts that encourage residential reinvestment that reinforces the success of the businesses in the districts;
23 24 25	(3) community enhancement projects that encourage or incorporate elements that address environmental responsibility and stewardship into the site and project development, design, and construction;
26	(4) community enhancement projects that incorporate additional State and

28 (5) capital investments and business practices that incorporate 29 inclusionary hiring practices that increase local workforce opportunities; and

local revitalization and smart growth programs and financing tools;

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30 (6) projects whose purpose is to identify for acquisition, acquire, develop, 31 or promote the development of vacant or blighted properties.

- 1 6–509.
 - 2 (a) The recipient of financial assistance from the Program shall submit to the 3 Department quarterly progress reports on the development of a community enhancement 4 project.
 - 5 (b) (1) On or before October 31 each year, the Department shall submit a 6 report to the Governor and, subject to § 2–1257 of the State Government Article, the 7 General Assembly.
 - 8 (2) The report shall include, for the previous fiscal year:
 - 9 (i) the number of applications received;
- 10 (ii) the number and location of community enhancement projects;
- 11 (iii) the financial status of the Program, including the amount and 12 types of financial assistance encumbered and disbursed; and
- 13 (iv) a summary of the quarterly reports submitted under subsection 14 (a) of this section.
- 15 (C) THE DEPARTMENT SHALL NOTIFY THE MEMBERS OF THE DELEGATION
 16 TO THE GENERAL ASSEMBLY FOR THE DISTRICT IN WHICH A COMMUNITY
 17 ENHANCEMENT PROJECT IS LOCATED BY E-MAIL WITHIN 14 DAYS AFTER PROJECT
 18 APPROVAL.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any application to the Department of Housing and Community Development under the federal Low–Income Housing Tax Credit Program, the Rental Housing Program, the Partnership Rental Housing Program, the Community Legacy Program, the Neighborhood Business Development Program, or the Baltimore Regional Neighborhood Initiative Program submitted before the effective date of this Act.
- SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.