

**Department of Legislative Services**  
 Maryland General Assembly  
 2026 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 455 (Senator Rosapepe)  
 Finance

**Economic Development - Transformational Project Financing Program - Establishment**

This bill establishes a Transformational Project Financing Program and Fund within the Maryland Economic Development Corporation (MEDCO) to support development districts that have a transformational plan (as defined) and for which the local governing body has approved a tax increment financing plan before July 1, 2031, and pledged certain real property tax increment revenues. A state-supported development district is eligible for an annual disbursement of net-new State revenue attributable to the district, as determined and certified by the Comptroller.

**Fiscal Summary**

**State Effect:** General fund expenditures for the Comptroller’s Office increase by an estimated \$125,600 in FY 2027; future years reflect annualization and ongoing costs. Special fund revenues and expenditures for MEDCO increase, likely no earlier than FY 2028, to the extent State revenues are generated by the bill and distributed to and disbursed from the Transformational Project Financing Fund. Nonbudgeted revenues and expenditures for MEDCO may also increase beginning in FY 2027, as discussed below.

(in dollars)	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
SF Revenue	\$0	-	-	-	-
NonBud Rev.	-	-	-	-	-
GF Expenditure	\$125,600	\$100,500	\$105,200	\$110,000	\$114,800
SF Expenditure	\$0	-	-	-	-
NonBud Exp.	-	-	-	-	-
Net Effect	(\$125,600)	(\$100,500)	(\$105,200)	(\$110,000)	(\$114,800)

*Note: ( ) = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** Local governments may benefit to the extent State-supported development districts are approved within their jurisdictions and receive disbursements from the fund.

**Small Business Effect:** Potential meaningful, as discussed below.

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## Analysis

**Bill Summary:** “Transformational plan” means an improvement plan for a development district that (1) is of a scale or mix of uses that makes it reasonably likely to increase the population, employment, or commercial activity in the development district and surrounding area; (2) represents anticipated new economic activity with a net positive fiscal impact to the State after a specified displacement adjustment; (3) is not economically viable without State participation; and (4) includes improvements or site work that will benefit the community.

### *Transformational Project Financing Fund*

The fund consists of certified net-new State revenue attributable to a State-supported development district and distributed to the fund in accordance with the bill’s provisions, money appropriated in the State budget to the fund, and any other money from any other source accepted for the benefit of the fund. Any interest earnings are credited to the general fund. The fund may be used only for disbursements to a trustee-held project account for a State-supported development district for use in accordance with the bill.

### *Application and Approval Process*

Subject to a reasonable application fee, a local governing body may apply to MEDCO for a development district to be approved as a State-supported development district. MEDCO must establish specified guidelines for local governing bodies; establish an application submission, evaluation, and approval process; use objective criteria to determine whether an improvement plan for a development district is a transformational plan; and notify the applicant of an approval decision within 90 days. An applicant may appeal an application denial within 60 days. MEDCO must ensure meaningful participation by political subdivisions of varied population size and geographic location and annually publish a specified summary of approved State-supported development districts.

For an application for a State-supported development district that is above an amount established by MEDCO, a specified report quantifying projected State revenue impacts must be prepared by an independent third-party consultant acceptable to MEDCO. MEDCO may not approve the proposed district unless the report demonstrates a positive net fiscal benefit to the State.

A transfer of the transformational plan, assignment of rights, or change of control of a developer or other obligated party requires the written consent of MEDCO, evidence of equal or greater financial capacity of the transferee, and an assumption agreement acceptable to MEDCO. MEDCO may approve lender step-in rights and related remedies consistent with guidelines it adopts.

#### *Certification and Disbursement of Net-new State Revenues*

A State-supported development district is eligible for an annual disbursement of net-new State revenue (State income tax revenue, sales and use tax revenue, and other Comptroller-designated State tax revenue attributable to a State-supported development district) to be deposited in the fund for the life of the local bonds, not to exceed 30 years after the State-supported development district is completed. State property tax revenues may not be designated for disbursement under the program. The Comptroller must annually certify the amount of net-new State revenue attributable to each State-supported development district and, within 14 days of certification, transfer the certified amount to the fund for disbursement to the trustee of the project trust account.

To determine net-new State revenue for a transformational plan, the Comptroller generally must reduce gross revenue attributable to a State-supported development district by a specified minimum displacement adjustment percentage (60% for retail and restaurants; 25% for office space; 10% for industrial, logistics, manufacturing, and other production spaces; and 15% for tourism and visitor-serving uses). The Comptroller must evaluate the minimum displacement adjustment percentages every two years and may use different percentages based on market conditions, empirical data, and sector-specific analysis. A displacement adjustment may not be applied to affordable housing components of a transformational plan or portions of a State-supported development district that are located in a priority area (a designated sustainable community; a transit-oriented development; an enterprise zone, a designated arts and entertainment district; a designated main street Maryland community; or a designated priority funding area).

#### *Use of Bond Proceeds for State-supported Development Districts*

In addition to other authorized uses under the Tax Increment Financing Act or Article II, § 62 of the Baltimore City Charter, bond proceeds for a State-supported development district may be used for construction, rehabilitation, or expansion of privately owned buildings and related building improvements if MEDCO determines that the costs are necessary for the economic viability of the transformational plan. Revenues and reserves for a State-supported development district may not be used for any other State-supported development district or plan or cross-collateralization among transformational plans.

Before issuing bonds for a State-supported development district, a local governing body or the Mayor and City Council of Baltimore City must pledge by resolution that certain real property tax increment revenues will be paid to the trustee of the project trust account until the bonds are fully paid (or a longer period).

**Current Law:**

*Tax Increment Financing*

Pursuant to Title 12, Subtitle 2 of the Economic Development Article (Tax Increment Financing Act) and Article II, § 62 of the Baltimore City Charter, counties, municipalities, and Baltimore City may, by resolution, designate tax increment financing districts and issue bonds to finance the development of industrial, commercial, or residential areas. Before issuing bonds, the local governing body must receive from the Supervisor of Assessments a certificate of the amount of the original or adjusted assessable base (as applicable) and pledge real property tax revenues imposed on incremental increases in the valuation to a special account, which may be used to pay debt service on the bonds and for other specified purposes.

*Maryland Economic Development Corporation*

MEDCO is a nonbudgeted entity created in 1984 by the General Assembly to assist business and governmental entities through ownership, financing, and development of real and personal property projects. MEDCO purchases or develops property that is leased to others and makes loans to companies throughout the State to maintain or develop facilities. MEDCO has broad powers to finance projects and most often is a conduit issuer of tax-exempt revenue bonds to an eligible tax-exempt borrower. MEDCO has also issued bonds to finance projects that it owns and operates; MEDCO-owned projects consist mostly of student housing projects. Generally, MEDCO debt is not debt of the State, and there is no implied State guaranty or State obligation to protect bondholders from losses.

**State Fiscal Effect:**

*Transformational Project Financing Fund*

To the extent State-supported development districts are approved under the program, special fund revenues and expenditures for MEDCO increase, likely no earlier than fiscal 2028, as related net-new State revenues are distributed to the Transformational Project Financing Fund and disbursed to trustees of project trust accounts. Otherwise, the timing and amount of any such effect cannot be reliably predicted at this time.

Nevertheless, this fiscal and policy note assumes that distributions to and disbursements from the Transformational Project Financing Fund are limited to State revenues that would not have been generated in the absence of the bill; thus, State general and special fund revenues, as well as corporate income tax revenue distributions to local governments in the form of local highway user revenue grants, are not otherwise materially affected. However, the Department of Legislative Services (DLS) notes that such revenues and expenditures may be affected depending on the timing of distributions to the fund relative to the collection of affected tax revenues, which is unclear from the bill. DLS also notes that any distributions to the fund are based on estimated net-new State revenues attributable to State-supported development districts, as *actual* net new revenues cannot be known.

*Comptroller Administrative Expenses*

General fund expenditures for the Comptroller’s Office increase by \$125,616 in fiscal 2027, which accounts for the bill’s October 1, 2026 effective date. This estimate reflects the cost of hiring one full-time revenue analyst to monitor and estimate State revenues attributable to State-supported development districts and conduct regular reevaluations of displacement adjustments. It includes a salary, fringe benefits, one-time start-up costs, ongoing operating expenses, and one-time contractual programming costs totaling \$40,000.

Position	1.0
Salary and Fringe Benefits	\$76,475
One-time Programming Costs	40,000
Other Operating Expenses	<u>9,141</u>
<b>Total FY 2027 General Fund Expenditures</b>	<b>\$125,616</b>

Future year expenditures reflect a full salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

*Maryland Economic Development Corporation*

MEDCO advises that, depending on the program’s scope, it may require additional staff to administer the application process, develop guidance, and review and approve proposed State-supported development districts. A precise estimate of related costs is not available at this time, given the potential complexity of related administrative tasks and uncertainty regarding the number of potential program applicants. Thus, nonbudgeted expenditures for MEDCO may increase by an indeterminate amount beginning in fiscal 2027. Nonbudgeted revenues for MEDCO also increase beginning in fiscal 2027 to the extent MEDCO charges a reasonable application fee as authorized under the bill.

**Small Business Effect:** Small businesses located within or adjacent to a State-supported development district may benefit from additional economic development spending under the bill, as may small businesses that provide construction or related services.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** HB 506 (Delegate Qi, *et al.*) - Economic Matters and Ways and Means.

**Information Source(s):** Maryland Economic Development Corporation; Department of Commerce; Comptroller's Office; Maryland State Treasurer's Office; Department of Housing and Community Development; Maryland Department of Transportation; Anne Arundel, Baltimore, Charles, Dorchester, and Garrett counties; City of Laurel; Town of La Plata; Maryland Municipal League; Department of Legislative Services

**Fiscal Note History:** First Reader - February 22, 2026  
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