

9 March 2022

The Honorable Guy Guzzone
Chair, Budget & Taxation Committee
Maryland State Senate
122 James Senate Office Building
11 Bladen Street
Annapolis, MD 21401

The Honorable James Rosapepe
Vice Chair, Budget & Taxation Committee
Maryland State Senate
122 James Senate Office Building
11 Bladen Street
Annapolis, MD 21401

RE: Maryland the Beautiful Act (HB 1031 / SB 791) FAVORABLE WITH AMENDMENTS

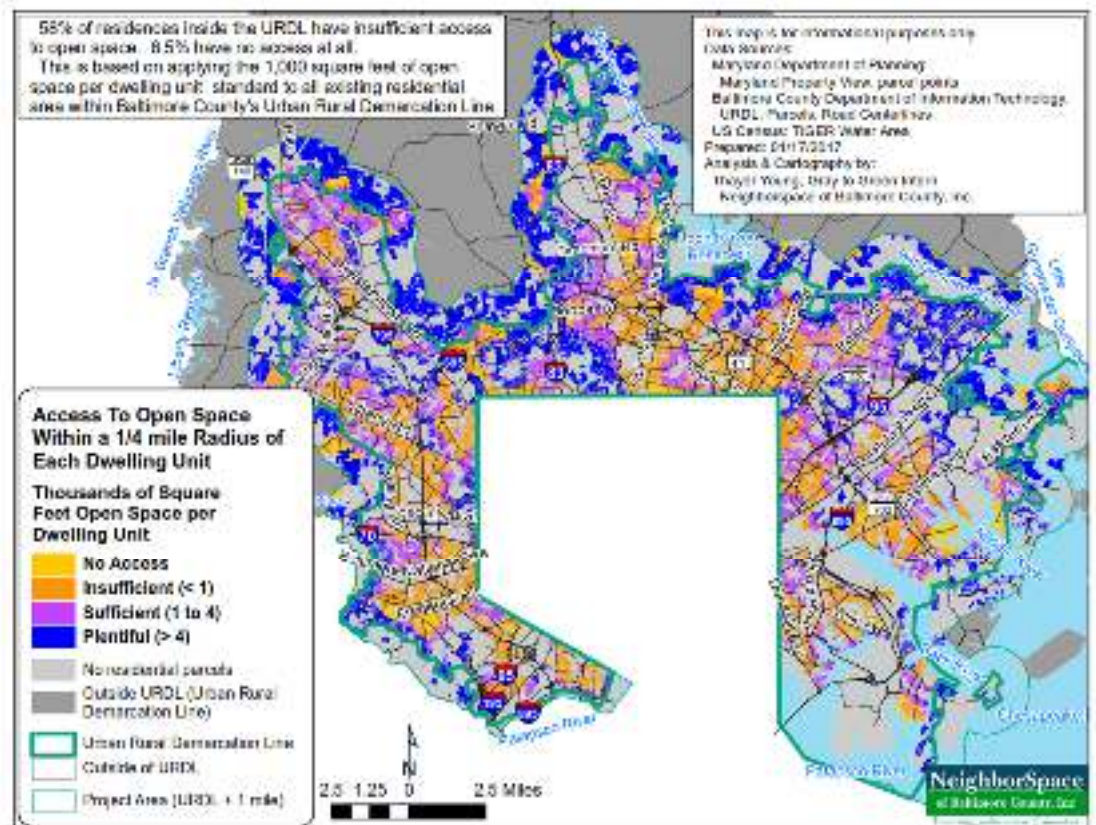
Dear Chairman Guzzone and Vice Chairman Rosapepe:

We are writing to support the ***Maryland the Beautiful Act with amendments***. I would like to comment on several provisions and amendments that are important to our work as an urban land trust in Baltimore County.

1. THE CHALLENGE: *Parks are inaccessible by car AND on foot to a large swath of the population.*

Nationally, 50% of the population is too old, too young, too disabled, or too poor to get in a car and drive to a park. This heightens the importance of being able to get there on foot. But in many places in Baltimore County, that's not possible. ***Sixty-five percent of residences lack access to adequate open space within a quarter mile walk***, as shown at right.

This is the challenge that NeighborSpace seeks to address as an urban land trust. Currently, we've protected over 100 acres, spanning 21 sites inside Baltimore County's Urban Rural Demarcation Line (URDL), about 1/3 of which are improved with parks, gardens, or trails.



2. THE OPPORTUNITY: *The Maryland the Beautiful Act*

In spite of our successes, our efforts have barely addressed the challenge. A big reason is the cost of urban land and the lack of funding to conserve it. A recent report by the Lincoln Institute for Land Policy, a respected international land use

think tank, bears this out. It notes that “[t]he majority of ... resources and funding related to land conservation are dedicated to rural and large landscape conservation”¹ The Act would help to address this gap.

3. **AMENDMENTS:** Make nonprofits who are not land trusts eligible only as land trust partners and broaden the definition of “underserved community.”

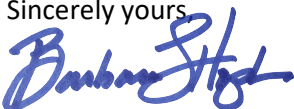
Those of us doing urban land conservation work are requesting several amendments. I’d like to comment on two:

- (i) **Making nonprofits who are not land trusts eligible only as land trust partners.** The rationale is:
 - a. Land Trusts are nonprofits with specialized expertise in land acquisition and perpetual stewardship that other types of nonprofits lack; they are governed by standards that are inapplicable to other types of nonprofits. Land transactions are inherently complex. Only land trusts have land conservation in perpetuity as a central mission.² In addition, land trusts are held to high standards by the national Land Trust Alliance (LTA), the Md. Environmental Trust (MET), and the Internal Revenue Service (IRS) to ensure the sanctity of this stewardship and the transactions themselves. These same standards are not applicable to other types of nonprofits. Among the standards imposed by the IRS, for example, is that a land trust be able to demonstrate that it has the resources to defend the conservation values of the land it protects, e.g., the resources to prosecute encroachments. NeighborSpace currently meets this requirement by purchasing conservation defense insurance, which is not available for purchase in public markets and is only available to land trusts through a captive insurance company.
 - b. There is at least a chance that a large nonprofit like a college or university would outcompete a much smaller, urban land trust.
 - c. Finally, Rural Legacy, the land conservation program that this program is meant to complement, does not allow nonprofits who are not land trusts to participate.
- (ii) **Broadening the definition of “underserved community.”** The rational here is that the current definition equates “underserved” with “redlined.” The majority of inner suburbs in the U.S., including those in Baltimore County, were NOT redlined because they did not exist when the Federal Housing Administration (FHA) was created. Rather, funds flowing from the FHA fueled their development. They are old now, devoid of open space, and home to aging and minority populations. A more inclusive definition would, therefore, focus on the presence of “vulnerable populations,” as defined by the Centers for Disease Control.
- (iii) **Ensuring that 75% of the funds are spent on acquiring new land.** New, land protected in perpetuity should be the focus here. There are lots of funding programs that will help nonprofits who aren’t land trusts do greening projects, which are certainly important. But there is no source of funding currently targeting the permanent protection of urban land.

Thank you for your consideration. I have attached a short one-pager with specific suggestions about amendments. Please contact me at 443-377-3760 or at barbara@neighborspacebaltimorecounty.org if you have any questions.

With kind regards, I am

Sincerely yours



Barbara L. Hopkins, Esq., ASLA
Executive Director

¹ K. Wraithwall. *Enhancing Livability Through Urban Land Conservation: NeighborSpace of Baltimore County, Pocket Parks, and Retrofitting the URDL* (Lincoln Institute of Land Policy: September 2020), p. 11 (Available at: <https://landconservationnetwork.org/sites/default/files/Case%20Profile%20on%20NeighborSpace%20%23.pdf>)

² R. Brewer. *Conservancy: The Land Trust Movement in America* (Dartmouth College Press: Hanover, NH) (2003), p. 79.

AMENDMENTS TO HOUSE BILL 1031

AMENDMENT NO. 1

On page 9, in line 4 after “**MEANS:**” strike beginning with line 4 through “**MUNICIPALITY**” in line 7 and substitute

“(1) A LAND TRUST LOCATED OR WORKING IN AN UNDERSERVED AREA WHERE A PROJECT IS PROPOSED TO BE IMPLEMENTED

(2) A NONGOVERNMENTAL ORGANIZATION WORKING UNDER A PARTNERSHIP AGREEMENT WITH A LAND TRUST IN AN UNDERSERVED AREA WHERE A PROJECT IS PROPOSED TO BE IMPLEMENTED; OR

(3) A COUNTY OR MUNICIPALITY”

AMENDMENT NO. 2

On page 9, in line 17 after “**ARTICLE,**” insert “**; AND**

(1) A HOUSING PROJECT AS DEFINED IN SECTION 12-101 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE

(2) AN AREA THAT HAS A HIGH CONCENTRATION OF VULNERABLE POPULATIONS AS DEFINED AND UPDATED FROM TIME TO TIME BY THE US CENTERS FOR DISEASE CONTROL AND PREVENTION’S SOCIAL VULNERABILITY INDEX”

AMENDMENT NO. 3

On page 11, in line 8 after “**ORGANIZATIONS,**” insert “

(5) THE DEPARTMENT SHALL RESERVE AT LEAST 75% OF THE ANNUAL APPROPRIATION TO THE PROGRAM FOR GRANTS TO FUND PROJECTS LISTED IN 5-9D-02(F)(2)(I)”