

Chapter 487

(House Bill 503)

AN ACT concerning

Natural Resources – Greenspace Equity Program – Establishment

FOR the purpose of establishing the Greenspace Equity Program in the Department of Natural Resources to provide grants to eligible applicants for enhancing the public health and livability of overburdened communities and underserved communities by implementing projects to preserve, create, and enhance community greenspace; ~~requiring the Department to submit each grant award to the Board of Public Works for approval before awarding a grant under the Program; requiring the Board of Public Works to approve or deny a proposed grant award submitted by the Department~~ requiring the Department to submit certain grant applications to the Maryland State Clearinghouse for Intergovernmental Assistance; establishing that certain grant applications are subject to approval by the Board of Public Works; establishing the Greenspace Equity Advisory Board in the Department to serve as a consultant to the Department in the implementation and administration of the Program; and generally relating to the Greenspace Equity Program.

BY repealing and reenacting, without amendments,
 Article – Environment
 Section 1-701(a)(1), (7), and (8)
 Annotated Code of Maryland
 (2013 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, without amendments,
 Article – Natural Resources
 Section 5-903(a)(1) and (2)(i)
 Annotated Code of Maryland
 (2018 Replacement Volume and 2022 Supplement)

BY repealing
 Article – Natural Resources
 Section 5-903(a)(2)(vi)
 Annotated Code of Maryland
 (2018 Replacement Volume and 2022 Supplement)

BY adding to
 Article – Natural Resources
 Section 5-903(a)(2)(vi); and 5-9D-01 through ~~5-9D-04~~ 5-9D-05 to be under the new
 subtitle “Subtitle 9D. Greenspace Equity Program”
 Annotated Code of Maryland
 (2018 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, without amendments,
Article – Real Property
Section 14–501
Annotated Code of Maryland
(2015 Replacement Volume and 2022 Supplement)

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

Article – Environment

1–701.

(a) (1) In this section the following words have the meanings indicated.

(7) “Overburdened community” means any census tract for which three or more of the following environmental health indicators are above the 75th percentile statewide:

- (i) Particulate matter (PM) 2.5;
- (ii) Ozone;
- (iii) National Air Toxics Assessment (NATA) diesel PM;
- (iv) NATA cancer risk;
- (v) NATA respiratory hazard index;
- (vi) Traffic proximity;
- (vii) Lead paint indicator;
- (viii) National Priorities List Superfund site proximity;
- (ix) Risk Management Plan facility proximity;
- (x) Hazardous waste proximity;
- (xi) Wastewater discharge indicator;
- (xii) Proximity to a Concentrated Animal Feeding Operation (CAFO);
- (xiii) Percent of the population lacking broadband coverage;
- (xiv) Asthma emergency room discharges;

- (xv) Myocardial infarction discharges;
- (xvi) Low-birth-weight infants;
- (xvii) Proximity to emitting power plants;
- (xviii) Proximity to a Toxic Release Inventory (TRI) facility;
- (xix) Proximity to a brownfields site;
- (xx) Proximity to mining operations; and
- (xxi) Proximity to a hazardous waste landfill.

(8) “Underserved community” means any census tract in which, according to the most recent U.S. Census Bureau Survey:

- (i) At least 25% of the residents qualify as low-income;
- (ii) At least 50% of the residents identify as nonwhite; or
- (iii) At least 15% of the residents have limited English proficiency.

Article – Natural Resources

5-903.

(a) (1) (i) Of the funds distributed to Program Open Space under § 13-209 of the Tax – Property Article, up to \$3,000,000 may be transferred by an appropriation in the State budget, or by an amendment to the State budget under Title 7, Subtitle 2 of the State Finance and Procurement Article, to the Maryland Heritage Areas Authority Financing Fund established under Title 13, Subtitle 11 of the Financial Institutions Article to be used for the purposes provided in that subtitle.

(ii) Of the amount transferred under subparagraph (i) of this paragraph, up to \$300,000 may be distributed to the Maryland Historical Trust within the Department of Planning to be awarded as noncapital historic preservation grants.

(2) (i) 1. Of the remaining funds not appropriated under paragraph (1) of this subsection:

A. One half of the funds shall be used for recreation and open space purposes by the Department and the Historic St. Mary’s City Commission; and

B. 20% of the funds or \$21,000,000, whichever is greater, shall be appropriated to the Forest and Park Service in the Department to operate State forests and parks.

2. Except as otherwise provided in this section, any funds the General Assembly appropriates to the State under this subsection shall be used only for land acquisition projects.

[(vi) For each of fiscal years 2010 through 2015, \$1,217,000 of the State's share of funds available under subparagraph (i)1A of this paragraph may be appropriated in the budgets of the Department, the Department of General Services, and the Department of Planning for expenses necessary to administer this Program.]

(VI) A PORTION OF THE STATE'S SHARE OF FUNDS AVAILABLE UNDER SUBPARAGRAPH (I)1A OF THIS PARAGRAPH FOR THIS PROGRAM SHALL BE TRANSFERRED BY AN APPROPRIATION IN THE STATE BUDGET TO THE GREENSPACE EQUITY PROGRAM ESTABLISHED UNDER SUBTITLE 9D OF THIS TITLE AS FOLLOWS:

1. **FOR FISCAL YEAR 2025, UP TO \$5,000,000;**
2. **FOR FISCAL YEAR 2026, UP TO \$7,000,000; AND**
3. **FOR FISCAL YEAR 2027 AND EACH FISCAL YEAR THEREAFTER, UP TO \$10,000,000.**

SUBTITLE 9D. GREENSPACE EQUITY PROGRAM.

5-9D-01.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "BOARD" MEANS THE GREENSPACE EQUITY ADVISORY BOARD.

(C) (1) "COMMUNITY GREENSPACE" MEANS A COMMUNITY SPACE THAT ENHANCES THE PUBLIC HEALTH AND LIVABILITY OF AN OVERBURDENED COMMUNITY OR AN UNDERSERVED COMMUNITY.

(2) "COMMUNITY GREENSPACE" INCLUDES:

(I) A COMMUNITY GARDEN;

(II) A COMMUNITY GATHERING OPEN SPACE AREA;

- (III) A COMMUNITY WOODLAND;
- (IV) A GREEN NETWORK;
- (V) A PARK;
- (VI) A TRAIL; AND
- (VII) AN URBAN FARM.

(D) “ELIGIBLE APPLICANT” MEANS:

- (1) A LAND TRUST OR NONGOVERNMENTAL ORGANIZATION LOCATED OR WORKING IN AN OVERBURDENED COMMUNITY OR AN UNDERSERVED COMMUNITY WHERE A PROJECT IS PROPOSED TO BE IMPLEMENTED; OR
- (2) A COUNTY OR MUNICIPALITY.

(E) “GREEN NETWORK” MEANS A SYSTEM OF GREENSPACES THAT ARE INTERCONNECTED BY LINEAR CORRIDORS THAT FACILITATE THE MOVEMENT OF PEOPLE AND WILDLIFE.

(F) “LAND ACQUISITION” MEANS:

- (1) THE FEE SIMPLE ACQUISITION OF REAL PROPERTY; OR
- (2) THE ACQUISITION OF A PERPETUAL CONSERVATION EASEMENT.

~~(F)~~ (G) “LAND TRUST” MEANS AN ORGANIZATION THAT:

- (1) IS A QUALIFIED ORGANIZATION UNDER § 170(H)(3) OF THE INTERNAL REVENUE CODE AND ANY REGULATIONS ADOPTED UNDER THAT SECTION;
- (2) HAS EXECUTED A COOPERATIVE AGREEMENT WITH THE MARYLAND ENVIRONMENTAL TRUST; OR
- (3) IS AN AFFORDABLE HOUSING LAND TRUST AS DEFINED IN § 14-501 OF THE REAL PROPERTY ARTICLE.

~~(G)~~ (H) “OVERBURDENED COMMUNITY” HAS THE MEANING STATED IN § 1-701 OF THE ENVIRONMENT ARTICLE.

~~(H)~~ (I) “PROGRAM” MEANS THE GREENSPACE EQUITY PROGRAM.

~~(H)~~ **(J)** **(1)** **“STEWARDSHIP” MEANS ACTIVITIES UNDERTAKEN ~~TO~~ MAINTAIN THE CONSERVATION VALUES AND PUBLIC USE OF A PROPERTY ON A PROJECT TO:**

(I) DEVELOP A PROPERTY FOR PUBLIC USE; AND

(II) IMPROVE THE CONSERVATION VALUE OF THE PROPERTY.

(2) “STEWARDSHIP” DOES NOT INCLUDE THE OPERATING EXPENSES OF A RECIPIENT OF A GRANT UNDER THE PROGRAM.

~~(J)~~ **(K)** **“UNDERSERVED COMMUNITY” HAS THE MEANING STATED IN § 1-701 OF THE ENVIRONMENT ARTICLE.**

5-9D-02.

(A) THERE IS A GREENSPACE EQUITY PROGRAM IN THE DEPARTMENT.

(B) THE PURPOSE OF THE PROGRAM IS TO ENHANCE THE PUBLIC HEALTH AND LIVABILITY OF OVERBURDENED COMMUNITIES AND UNDERSERVED COMMUNITIES BY IMPLEMENTING PROJECTS TO PRESERVE, CREATE, AND ENHANCE COMMUNITY GREENSPACE.

(C) (1) THE PROGRAM IS ADMINISTERED BY THE DEPARTMENT.

(2) IN ADMINISTERING THE PROGRAM, THE DEPARTMENT SHALL:

(I) DEVELOP A GRANT APPLICATION FOR THE PROGRAM;

(II) PUBLICIZE THE PROGRAM;

(III) PROVIDE TECHNICAL ASSISTANCE TO PROGRAM APPLICANTS;

(IV) AWARD GRANTS TO ELIGIBLE APPLICANTS; AND

(V) CONSULT WITH THE BOARD.

(3) THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

(D) A GRANT APPLICATION SUBMITTED TO THE DEPARTMENT FOR THE PROGRAM SHALL INCLUDE EVIDENCE OF SUPPORT FROM THE LOCAL GOVERNMENT

AND THE OVERBURDENED COMMUNITY OR UNDERSERVED COMMUNITY IN WHICH THE PROJECT WILL BE LOCATED.

(E) (1) (I) BEGINNING IN FISCAL YEAR 2025, THE DEPARTMENT SHALL MAKE GRANTS TO ELIGIBLE APPLICANTS FOR COMMUNITY GREENSPACE EQUITY PROJECTS LOCATED:

- 1. IN AN OVERBURDENED COMMUNITY;
- 2. IN AN UNDERSERVED COMMUNITY; OR
- 3. ON A PROPERTY ~~THAT:~~

A. ~~IS OWNED OR MANAGED BY~~ FOR WHICH AN ELIGIBLE APPLICANT HOLDS A CONSERVATION EASEMENT OR OWNS THE PROPERTY IN FEE SIMPLE; AND

B. ~~IS~~ THAT IS LOCATED IN A CENSUS TRACT THAT IS ADJACENT TO ~~AND SERVES~~ AN OVERBURDENED COMMUNITY OR AN UNDERSERVED COMMUNITY.

(II) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, AT LEAST 50% OF THE GRANTS AWARDED EACH FISCAL YEAR SHALL BE AWARDED TO PROJECTS THAT INCLUDE LAND ACQUISITION BY LAND TRUSTS ~~OR LOCAL GOVERNMENTS, COUNTIES, OR MUNICIPALITIES.~~

2. IF THE TOTAL AMOUNT OF FUNDS REQUESTED FOR LAND ACQUISITION BY PROGRAM APPLICANTS IS LESS THAN 50% OF THE GRANT FUNDS AVAILABLE FOR A GIVEN FISCAL YEAR, THE REMAINING GRANT FUNDS MAY BE AWARDED TO PROJECTS THAT DO NOT INCLUDE LAND ACQUISITION.

(2) GRANTS FOR LAND ACQUISITION UNDER THE PROGRAM MAY ONLY BE AWARDED TO LAND TRUSTS, COUNTIES, AND MUNICIPALITIES.

(3) A GRANT RECEIVED UNDER THIS SUBSECTION MAY BE USED FOR:

(I) LAND ACQUISITION, APPRAISALS, ENVIRONMENTAL ASSESSMENTS, SITE CLEARANCE OR DEVELOPMENT, AND OTHER DUE DILIGENCE EXPENSES AND MATERIALS RELATED TO ~~PLANNING AND~~ IMPLEMENTING A PROJECT, ~~INCLUDING STEWARDSHIP OF THE SITE;~~

(II) ADMINISTRATIVE AND PROGRAM COSTS IN AN AMOUNT NOT MORE THAN 5% OF THE TOTAL PROJECT COST, OR \$20,000, WHICHEVER IS LESS ACCORDANCE WITH PARAGRAPH (4) OF THIS SUBSECTION; OR

(III) STEWARDSHIP ~~OF A PROJECT~~ PROJECTS THAT:

- 1. PREVIOUSLY RECEIVED A GRANT UNDER THE PROGRAM; OR**
- 2. WOULD QUALIFY FOR A GRANT UNDER THE PROGRAM BUT EXISTED BEFORE JULY 1, 2025.**

~~(3)~~(4) A PORTION OF THE GRANT MAY BE USED TO PAY FOR:

(I) IF THE PROJECT INVOLVES LAND ACQUISITION OR ONLY PROJECT STEWARDSHIP, ADMINISTRATIVE COSTS NOT TO EXCEED 3% OF THE GRANT AMOUNT; AND

(II) IF THE PROJECT INVOLVES LAND ACQUISITION, PROGRAM COMPLIANCE COSTS FOR MONITORING EASEMENTS IF APPLICABLE.

(5) IN AWARDING GRANTS UNDER THIS SUBSECTION, THE DEPARTMENT SHALL CONSIDER:

(I) THE EXTENT TO WHICH THE PROJECT ENGAGES AND IS SUPPORTED BY RESIDENTS, ORGANIZATIONS, AND BUSINESSES LOCATED IN THE OVERBURDENED COMMUNITY OR UNDERSERVED COMMUNITY:

- 1. IN WHICH THE PROJECT WILL BE LOCATED; OR**
- 2. THAT IS SERVED BY THE PROJECT;**

(II) THE AMOUNT OF FINANCIAL OR IN-KIND CONTRIBUTIONS FOR IMPLEMENTATION OF THE PROJECT, IF ANY; ~~AND~~

(III) THE DEGREE TO WHICH THE PROJECT:

1. DEMONSTRATES PARTNERSHIPS AND COLLABORATION AMONG LOCAL GOVERNMENTS, LAND TRUSTS, NONGOVERNMENTAL ORGANIZATIONS, AND COMMUNITY ORGANIZATIONS; AND

2. ENHANCES THE PUBLIC HEALTH, LIVABILITY, AND GREENSPACE IN THE OVERBURDENED COMMUNITY OR UNDERSERVED COMMUNITY:

- A. IN WHICH THE PROJECT WILL BE LOCATED; OR**
- B. THAT IS SERVED BY THE PROJECT; AND**

(IV) THE GEOGRAPHIC DIVERSITY OF THE STATE.

5-9D-03.

~~(A) (1) THE DEPARTMENT SHALL SUBMIT EACH PROPOSED GRANT AWARD TO THE BOARD OF PUBLIC WORKS FOR APPROVAL BEFORE AWARDED A GRANT UNDER THE PROGRAM.~~

~~(2) THE BOARD OF PUBLIC WORKS SHALL APPROVE OR DENY A PROPOSED GRANT AWARD SUBMITTED BY THE DEPARTMENT UNDER THE PROGRAM.~~

~~(B) (1) THE DEPARTMENT SHALL SUBMIT ALL GRANT APPLICATIONS UNDER THE PROGRAM TO THE FOLLOWING ENTITIES FOR REVIEW AND COMMENT:~~

~~(I) THE DEPARTMENT OF AGRICULTURE;~~

~~(II) THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT;~~

~~(III) THE DEPARTMENT OF PLANNING;~~

~~(IV) THE MARYLAND DEPARTMENT OF HEALTH; AND~~

~~(V) UNLESS THE APPLICANT IS A LOCAL GOVERNMENT, THE COUNTY OR MUNICIPALITY IN WHICH THE PROJECT WILL BE LOCATED.~~

~~(2) THE DEPARTMENT SHALL CONSULT WITH STATE OR LOCAL AGENCIES AND LOCAL GOVERNMENTS AS NECESSARY IN THE EVALUATION OF COMMENTS RECEIVED UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

(A) THE DEPARTMENT SHALL SUBMIT TO THE MARYLAND STATE CLEARINGHOUSE FOR INTERGOVERNMENTAL ASSISTANCE FOR REVIEW AND COMMENT ALL GRANT APPLICATIONS THAT WILL BE RECOMMENDED TO THE BOARD OF PUBLIC WORKS FOR AN AWARD UNDER THE PROGRAM.

(B) EACH GRANT APPLICATION SUBMITTED TO THE MARYLAND STATE CLEARINGHOUSE FOR INTERGOVERNMENTAL ASSISTANCE IS SUBJECT TO APPROVAL BY THE BOARD OF PUBLIC WORKS.

5-9D-04.

(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, LAND ACQUIRED BY A GRANT AWARDED UNDER THE PROGRAM MAY NOT BE CONVERTED FROM OUTDOOR PUBLIC RECREATION OR OPEN SPACE TO ANY OTHER USE WITHOUT THE PRIOR WRITTEN APPROVAL OF:

- (I) THE SECRETARY;**
- (II) THE SECRETARY OF BUDGET AND MANAGEMENT; AND**
- (III) THE SECRETARY OF PLANNING.**

(2) A CONVERSION OF LAND UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE APPROVED ONLY AFTER THE GRANT RECIPIENT REPLACES THE LAND BEING CONVERTED WITH LAND THAT HAS:

- (I) AN AREA THAT IS AT LEAST EQUIVALENT IN SIZE WITH THE LAND BEING CONVERTED;**
- (II) A RECREATION OR OPEN SPACE VALUE EQUIVALENT WITH THAT OF THE LAND BEING CONVERTED; AND**
- (III) AN APPRAISED VALUE EQUIVALENT TO OR GREATER THAN THAT OF THE LAND BEING CONVERTED.**

(B) LAND DEVELOPED OR IMPROVED BY A GRANT AWARDED UNDER THE PROGRAM MUST BE OPERATED AND MAINTAINED FOR PUBLIC USE BY THE GRANT RECIPIENT FOR AT LEAST 15 YEARS FROM THE PROJECT COMPLETION DATE.

5-9D-05.

(A) THERE IS A GREENSPACE EQUITY ADVISORY BOARD IN THE DEPARTMENT.

(B) THE PURPOSE OF THE BOARD IS TO SERVE AS A CONSULTANT TO THE DEPARTMENT IN THE IMPLEMENTATION AND ADMINISTRATION OF THE PROGRAM.

(C) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:

(1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE;

(2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE; AND

(3) THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR:

(I) ONE REPRESENTATIVE OF A COUNTY DEPARTMENT OF PARKS AND RECREATION;

(II) ONE REPRESENTATIVE OF A MUNICIPAL DEPARTMENT OF PARKS AND RECREATION;

(III) ONE REPRESENTATIVE OF THE MARYLAND ENVIRONMENTAL TRUST;

(IV) ONE REPRESENTATIVE OF A LAND TRUST WORKING IN AN OVERBURDENED COMMUNITY OR AN UNDERSERVED COMMUNITY; AND

(V) FIVE REPRESENTATIVES WHO:

1. ARE RESIDENTS OF AN OVERBURDENED COMMUNITY OR AN UNDERSERVED COMMUNITY; AND

2. REFLECT THE DIVERSITY OF THE STATE.

(D) THE BOARD MEMBERS SPECIFIED IN SUBSECTION (C)(3) OF THIS SECTION:

(1) SHALL SERVE A TERM OF 4 YEARS; AND

(2) MAY NOT SERVE MORE THAN TWO 4-YEAR TERMS.

(E) THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE BOARD.

(F) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE BOARD.

(G) THE DEPARTMENT SHALL CONSULT WITH THE BOARD IN THE IMPLEMENTATION AND ADMINISTRATION OF THE PROGRAM, INCLUDING:

(1) DEVELOPING A GRANT APPLICATION;

(2) ESTABLISHING OPPORTUNITIES FOR MEMBERS OF THE BOARD TO USE THEIR RESPECTIVE NETWORKS AND PUBLICATIONS TO PUBLICIZE AND EDUCATE THE PUBLIC ABOUT THE PROGRAM; AND

(3) THE REVIEW OF AND COMMENT ON GRANT APPLICATIONS AND COMMENTS RECEIVED UNDER ~~§ 5-9D-03(B)~~ § 5-9D-03 OF THIS SUBTITLE.

Article – Real Property

14–501.

(a) In this subtitle the following words have the meanings indicated.

(b) “Affordable housing land trust” means an entity that:

(1) Provides affordable housing to low–income families and moderate–income families through an affordable housing land trust agreement; and

(2) Is organized or managed by:

(i) A nonprofit organization exempt from taxation under § 501(c)(2), (3), or (4) of the United States Internal Revenue Code; or

(ii) A unit or instrumentality of the State or a political subdivision of the State.

(c) “Affordable housing land trust agreement” means an agreement between an affordable housing land trust and a purchaser of real property owned by the affordable housing land trust, or for which the affordable housing land trust has a proprietary or reversionary interest, that:

(1) Grants the affordable housing land trust a preemptive right to purchase or repurchase the property, including any improvements on the property;

(2) Contains language restricting the transfer, lease, sublease, assignment, or occupancy of the property with regard to:

(i) Potential transferees, sublessees, assignees, or occupants; and

(ii) The price at which the property may be transferred; or

(3) Imposes other conditions on the use or transfer of the property that would trigger a reversionary interest and that are designed to ensure that the property remains available and affordable to low–income families and moderate–income families.

(d) “Family” means a household consisting of one or more individuals.

(e) “Low–income family” means a household with an income that does not exceed 80% of the area median income for a household of the same size.

(f) “Moderate–income family” means a household with an income that does not exceed 140% of the area median income for a household of the same size.

(g) “Nonprofit status” means the recognition by the Internal Revenue Service that an affordable housing land trust is exempt from taxation under § 501(c)(2), (3), or (4) of the Internal Revenue Code.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2023.

Approved by the Governor, May 8, 2023.