

SENATE BILL 215

C8, P2
SB 832/10 – FIN

11r1023
CF HB 1349

By: ~~Senator Jones–Rodwell~~

Introduced and read first time: January 27, 2011

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 23, 2011

CHAPTER _____

1 AN ACT concerning

2 ~~Maryland~~ Baltimore City **Community Enhancement Transit–Oriented**
3 **Development Fund**

4 FOR the purpose of establishing the ~~Maryland~~ Baltimore City Community
5 Enhancement Transit–Oriented Development Fund for certain purposes;
6 providing that the Fund is a special, nonlapsing fund; providing for the contents
7 and uses of the Fund; requiring that a certain portion of certain revenues from
8 certain projects and certain other money be paid into the Fund; requiring the
9 Comptroller to pay certain money from the Fund to ~~certain local governing~~
10 ~~bodies~~ the Mayor and City Council of Baltimore City in a certain manner;
11 authorizing ~~local governing bodies~~ the Mayor and City Council to use or make
12 awards of money received from the Fund for certain purposes; requiring the
13 State Treasurer to invest the money in the Fund in a certain manner; stating
14 certain findings of the General Assembly; providing for the application of this
15 Act; providing for the purposes of certain provisions of this Act; defining certain
16 terms; and generally relating to the ~~Maryland~~ Baltimore City Community
17 Enhancement Transit–Oriented Development Fund.

18 BY repealing and reenacting, without amendments,
19 Article – Economic Development
20 Section 1–101(e)
21 Annotated Code of Maryland
22 (2008 Volume and 2010 Supplement)

23 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Economic Development
 2 Section 15–101 through ~~15–106~~ 15–107 to be under the new title “Title 15.
 3 ~~Maryland~~ Baltimore City Community Enhancement Transit–Oriented
 4 Development Fund”
 5 Annotated Code of Maryland
 6 (2008 Volume and 2010 Supplement)

7 BY repealing and reenacting, with amendments,
 8 Article – State Finance and Procurement
 9 Section 10–306
 10 Annotated Code of Maryland
 11 (2009 Replacement Volume and 2010 Supplement)

12 BY repealing and reenacting, without amendments,
 13 Article – Transportation
 14 Section 7–101(m)
 15 Annotated Code of Maryland
 16 (2008 Replacement Volume and 2010 Supplement)

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

19 **Article – Economic Development**

20 1–101.

21 (e) (1) “Qualified distressed county” means a county with:

22 (i) an average rate of unemployment for the most recent
 23 24–month period for which data are available that exceeds 150% of the average rate of
 24 unemployment for the State during that period; or

25 (ii) an average per capita personal income for the most recent
 26 24–month period for which data are available that is equal to or less than 67% of the
 27 average per capita personal income for the State during that period.

28 (2) “Qualified distressed county” includes a county that:

29 (i) no longer meets either criterion stated in paragraph (1) of
 30 this subsection; but

31 (ii) has met at least one of the criteria at some time during the
 32 preceding 12–month period.

33 **TITLE 15. ~~MARYLAND~~ BALTIMORE CITY COMMUNITY ENHANCEMENT**
 34 **TRANSIT–ORIENTED DEVELOPMENT FUND.**

1 15-101.

2 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (B) "FINANCIAL ASSISTANCE" MEANS A GRANT OR LOAN FROM THE
5 FUND.

6 (C) "FUND" MEANS THE ~~MARYLAND~~ BALTIMORE CITY COMMUNITY
7 ENHANCEMENT TRANSIT-ORIENTED DEVELOPMENT FUND.

8 (D) "QUALIFIED PROJECT AREA" MEANS A COMMUNITY THAT IS:

9 (1) LOCATED IN ~~A QUALIFIED DISTRESSED COUNTY~~ BALTIMORE
10 CITY; AND

11 (2) DIRECTLY IMPACTED BY AND WITHIN ~~2.5~~ 0.5 MILES OF THE
12 BOUNDARY OF A DEVELOPMENT THAT HAS BEEN DESIGNATED AS A
13 TRANSIT-ORIENTED DEVELOPMENT.

14 (E) "QUALIFIED RECIPIENT" MEANS AN ENTITY THAT IS BASED IN AND
15 SERVES A QUALIFIED PROJECT AREA AND IS:

16 (1) A NOT FOR PROFIT COMMUNITY-BASED ORGANIZATION THAT
17 HAS EXPERIENCE IN MAKING PHYSICAL, HUMAN CAPITAL, AND ECONOMIC
18 INVESTMENTS TO REBUILD COMMUNITIES; OR

19 (2) A COMMUNITY DEVELOPMENT CORPORATION.

20 (F) "TRANSIT-ORIENTED DEVELOPMENT" HAS THE MEANING STATED
21 IN § 7-101 OF THE TRANSPORTATION ARTICLE.

22 15-102.

23 (A) THE GENERAL ASSEMBLY FINDS THAT:

24 (1) WHILE STATE AND PRIVATELY FUNDED TRANSIT-ORIENTED
25 DEVELOPMENT IS PARAMOUNT AND NECESSARY FOR THE ORDERLY ECONOMIC
26 DEVELOPMENT OF THE STATE, SUCH DEVELOPMENT SHOULD BE PURSUED IN A
27 MANNER THAT EXTENDS BENEFITS TO AND MINIMIZES NEGATIVE IMPACTS ON
28 THE COMMUNITIES IN AND ADJACENT TO THE DEVELOPMENT;

29 (2) IN ORDER TO PRESERVE AND ENHANCE THE STATE'S DIVERSE
30 CULTURAL FABRIC IN COMMUNITIES AFFECTED BY TRANSIT-ORIENTED

1 DEVELOPMENT, IT IS ESSENTIAL FOR THE PUBLIC AND PRIVATE SECTORS TO
 2 COOPERATE IN DEVELOPING PARTNERSHIPS THAT AIM TO STABILIZE SUCH
 3 COMMUNITIES;

4 (3) IT IS MOST FRUITFUL TO SEEK COMMUNITY INPUT AND
 5 INVOLVEMENT FROM ORGANIZATIONS IN AREAS AFFECTED BY
 6 TRANSIT-ORIENTED DEVELOPMENT IN ORDER TO BEST ADDRESS THE
 7 PHYSICAL, CULTURAL, AND ECONOMIC IMPACTS OF THE DEVELOPMENT; AND

8 (4) FOSTERING COMMUNITY-BASED INITIATIVES FOR
 9 NEIGHBORHOOD STABILITY AND GROWTH IS IN THE PUBLIC INTEREST.

10 (B) THE PURPOSE OF THIS TITLE IS TO PROMOTE AND ASSIST
 11 COMMUNITY-BASED INITIATIVES THAT ENHANCE NEIGHBORHOOD STABILITY
 12 AND ECONOMIC GROWTH IN COMMUNITIES THAT ARE DIRECTLY IMPACTED BY
 13 STATE- AND PRIVATELY FUNDED TRANSIT-ORIENTED DEVELOPMENT.

14 **15-103.**

15 **THIS TITLE APPLIES ONLY IN BALTIMORE CITY.**

16 **15-104.**

17 (A) THERE IS A ~~MARYLAND~~ BALTIMORE CITY COMMUNITY
 18 ENHANCEMENT TRANSIT-ORIENTED DEVELOPMENT FUND.

19 (B) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT
 20 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

21 ~~15-104.~~ **15-105.**

22 (A) THE PURPOSE OF THE FUND IS TO PROMOTE AND ASSIST
 23 COMMUNITY-BASED INITIATIVES IN QUALIFIED PROJECT AREAS CONSISTENT
 24 WITH THE PURPOSE OF THIS TITLE.

25 (B) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND
 26 THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

27 (C) (1) THE FUND CONSISTS OF:

28 (I) MONEY APPROPRIATED IN THE STATE BUDGET TO THE
 29 FUND;

1 **(II) PROCEEDS OF BONDS THAT ARE MADE AVAILABLE FOR**
2 **THE USE OF THE FUND, INCLUDING GENERAL OBLIGATION BONDS AND GRANT**
3 **ANTICIPATION REVENUE VEHICLES;**

4 **(III) MONEY MADE AVAILABLE FOR QUALIFYING USES BY THE**
5 **FUND FROM OTHER GOVERNMENTAL SOURCES, INCLUDING COMMUNITY**
6 **DEVELOPMENT BLOCK GRANTS AND THE MARYLAND TRANSPORTATION TRUST**
7 **FUND;**

8 **(IV) CONTRIBUTIONS TO THE FUND MADE BY THE PRIVATE**
9 **DEVELOPERS OF THE RELEVANT TRANSIT-ORIENTED DEVELOPMENT;**

10 **(V) GROUND RENTS OR LAND SALE PROCEEDS IN**
11 **ACCORDANCE WITH § 10-306(c)(1) OF THE STATE FINANCE AND**
12 **PROCUREMENT ARTICLE;**

13 **(VI) PAYMENTS OF PRINCIPAL OF AND INTEREST ON LOANS**
14 **MADE UNDER THIS TITLE;**

15 **(VII) INVESTMENT EARNINGS OF THE FUND; AND**

16 **(VIII) ANY OTHER MONEY FROM ANY OTHER SOURCE, PUBLIC**
17 **OR PRIVATE, ACCEPTED FOR THE BENEFIT OF THE FUND.**

18 **(2) CONTRIBUTIONS TO THE FUND UNDER PARAGRAPH (1)(IV) OF**
19 **THIS SUBSECTION SHALL BE SEPARATELY ACCOUNTED FOR IN THE FUND SO**
20 **THAT THE REVENUE DERIVED FROM A DEVELOPMENT IN A PARTICULAR**
21 **QUALIFIED PROJECT AREA SHALL RETURN TO A QUALIFIED RECIPIENT IN THAT**
22 **QUALIFIED PROJECT AREA.**

23 **(3) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
24 **COMPTROLLER SHALL:**

25 **(I) PAY MONEY IN THE FUND IN ANNUAL INSTALLMENTS TO**
26 ~~**EACH LOCAL GOVERNING BODY WHERE A QUALIFIED PROJECT AREA IS**~~
27 ~~**LOCATED**~~ **THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY; AND**

28 **(II) ENSURE THAT THE MONEY IN THE FUND IS**
29 **DISTRIBUTED IN THE MANNER THAT BEST ACCOMPLISHES THE PURPOSE OF**
30 **THE FUND UNDER THIS TITLE.**

31 ~~**15-105.**~~ **15-106.**

1 **THE FUND MAY BE USED BY ~~A LOCAL GOVERNING BODY~~ THE MAYOR AND**
2 **CITY COUNCIL OF BALTIMORE CITY OR AWARDED TO A QUALIFIED RECIPIENT**
3 **BY ~~THE LOCAL GOVERNING BODY~~ THE MAYOR AND CITY COUNCIL ONLY FOR:**

4 **(1) OPERATING SUPPORT FOR OR BUILDING THE CAPACITY OF**
5 **QUALIFIED RECIPIENTS;**

6 **(2) ECONOMIC AND PHYSICAL IMPROVEMENTS TO THE**
7 **COMMUNITY THROUGH PROJECTS THAT REINVEST IN AND REVITALIZE THE**
8 **COMMUNITY;**

9 **(3) THE DEVELOPMENT OF WOMEN-OWNED, MINORITY-OWNED,**
10 **AND SMALL BUSINESSES;**

11 **(4) THE DEVELOPMENT OF RECREATIONAL FACILITIES, PARKS,**
12 **OR IMPROVEMENTS TO THE NATURAL ENVIRONMENT;**

13 **(5) THE DEVELOPMENT AND PRESERVATION OF AFFORDABLE**
14 **AND WORKPLACE HOUSING;**

15 **(6) EXPANSION OF SCHOOL PROGRAMS AND CAPITAL**
16 **IMPROVEMENTS TO SCHOOL FACILITIES THAT SERVE THE AREA;**

17 **(7) JOB TRAINING AND WORKFORCE DEVELOPMENT; OR**

18 **(8) COUNSELING FOR HOUSING AND SMALL BUSINESS**
19 **DEVELOPMENT.**

20 **~~15-106.~~ 15-107.**

21 **(A) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**
22 **IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

23 **(B) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID INTO**
24 **THE FUND.**

25 **Article – State Finance and Procurement**

26 10-306.

27 (a) In this section, “capital asset” means an asset of a substantial permanent
28 nature.

29 (b) If the consideration received for the disposition of any real or personal
30 property of the State or any unit of the State government is other real or personal

1 property, the real or personal property received shall be held and accounted for in the
2 same manner as other property under the jurisdiction and control of the unit of the
3 State government that receives the real or personal property.

4 (c) (1) Except as provided in paragraph (2) of this subsection, if cash is
5 received as consideration for the disposition of a capital asset of the State or any unit
6 of the State government, the cash shall be applied to the State Annuity Bond Fund
7 Account for the payment of the principal of and interest on the bonded indebtedness of
8 the State.

9 **(2) IF THE CAPITAL ASSET IS REAL PROPERTY THAT IS BEING**
10 **LEASED OR SOLD TO A PRIVATE PARTY FOR THE PURPOSE OF REALIZING A**
11 **TRANSIT-ORIENTED DEVELOPMENT AS DEFINED UNDER § 7-101 OF THE**
12 **TRANSPORTATION ARTICLE, AT THE DISCRETION OF THE STATE AGENCY THAT**
13 **IS DISPOSING OF THE PROPERTY, ALL OR A PORTION OF THE CASH PROCEEDS**
14 **RESULTING FROM THE TRANSACTION SHALL BE DEPOSITED IN THE ~~MARYLAND~~**
15 **BALTIMORE CITY COMMUNITY ENHANCEMENT TRANSIT-ORIENTED**
16 **DEVELOPMENT FUND ESTABLISHED UNDER TITLE 15 OF THE ECONOMIC**
17 **DEVELOPMENT ARTICLE FOR THE PURPOSES OF THAT FUND.**

18 **[(2)] (3)** If cash is received as consideration for the disposition of a
19 capital asset, and if the capital asset was originally purchased with special funds, the
20 cash shall be applied to the special fund.

21 **[(3)] (4)** If cash is received as consideration for the disposition of any
22 real or personal property of the State or any unit of the State government, other than
23 a capital asset, the cash shall be accounted for and paid into the State Treasury.

24 **Article – Transportation**

25 7-101.

26 (m) “Transit-oriented development” means a mix of private or public parking
27 facilities, commercial and residential structures, and uses, improvements, and
28 facilities customarily appurtenant to such facilities and uses, that:

29 (1) Is part of a deliberate development plan or strategy involving:

30 (i) Property that is adjacent to the passenger boarding and
31 alighting location of a planned or existing transit station; or

32 (ii) Property, any part of which is located within one-half mile
33 of the passenger boarding and alighting location of a planned or existing transit
34 station;

1 (2) Is planned to maximize the use of transit, walking, and bicycling
2 by residents and employees; and

3 (3) Is designated as a transit-oriented development by:

4 (i) The Secretary, after considering a recommendation of the
5 Smart Growth Subcabinet established under § 9-1406 of the State Government
6 Article; and

7 (ii) The local government or multicounty agency with land use
8 and planning responsibility for the relevant area.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2011.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.