

Chapter 218

(Senate Bill 83)

AN ACT concerning

Department of Housing and Community Development – Group Home Financing Program – Refinancing

FOR the purpose of authorizing the Department of Housing and Community Development to refinance a certain mortgage loan on a group home, including the financing of certain closing costs; authorizing the Department to modify certain terms of certain loans at risk of being in default; and generally relating to the Group Home Financing Program within the Department of Housing and Community Development.

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 4–603 and 4–610
Annotated Code of Maryland
(2006 Volume and 2009 Supplement)

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

Article – Housing and Community Development

4–603.

The purpose of the Program is to provide loans to group home sponsors to finance **OR REFINANCE** the costs of acquiring, constructing, [and] **OR** modifying buildings as group homes for persons of lower income, elderly households, individuals with disabilities, and other residents of the State with special housing needs.

4–610.

(a) (1) A Program loan shall be secured by a mortgage lien and may include the terms that the Department considers necessary to make the group home affordable to persons of lower income.

(2) In exceptional circumstances, the terms may include:

- (i) deferred payment of principal and interest; and
- (ii) interest rates as low as 0%.

(b) Each loan shall require that all unpaid principal and accrued interest, including principal or interest that was deferred, be paid at the earliest of:

(1) a stated date, which may be the maturity date of the Program loan;

(2) the date of the sale or other transfer of the group home or a controlling interest in the group home; and

(3) the date when the project ceases to be used as a group home.

(c) (1) Each Program loan shall provide for:

(i) a limit on the return on equity allowed to a group home sponsor;

(ii) equity participation between the Department and the group home sponsor; or

(iii) an amount of accrued and deferred interest that the Department finds can reasonably be expected to be paid from profit resulting from the sale of the group home.

(2) The Department may forgive any accrued and deferred interest described in paragraph (1)(iii) of this subsection that exceeds the profit from the sale of the group home.

(3) The Department may allow the group home sponsor to earn a reasonable return before the group home sponsor pays accrued and deferred interest.

(d) If a Program loan is in default **OR IS AT RISK OF BEING IN DEFAULT**, the Department may modify the interest rate, the time or amount of payment, or any other term to facilitate repayment and achieve the purposes of the Program.

(e) A Program loan may finance:

(1) the site acquisition, construction costs, and permanent mortgage for a group home;

(2) the purchase of an existing building to provide a group home;

(3) a modification to a building purchased with a Program loan, if the modification improves, repairs, renovates, or rehabilitates the building to:

(i) make it suitable as a group home; or

(ii) eliminate housing, building, fire, safety, health, or other code violations;

(4) THE REFINANCING OF AN EXISTING MORTGAGE LOAN ON A GROUP HOME;

[(4)] (5) closing costs associated with the construction **[or]**, purchase, **OR REFINANCE** of a group home;

[(5)] (6) engineering, legal, title, survey, or architectural fees associated with financing real property development; and

[(6)] (7) other development costs that the Department considers reasonable.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 4, 2010.