

Chapter 717

(Senate Bill 557)

AN ACT concerning

Baltimore County – West Baltimore County Redevelopment Authority

FOR the purpose of authorizing Baltimore County to exercise powers to acquire, develop or redevelop, and dispose of certain land or property located in West Baltimore County for residential, commercial, or industrial purposes; authorizing the County Executive and County Council of Baltimore County to establish, by law, the West Baltimore County Redevelopment Authority and to delegate certain powers to the Authority to acquire, develop, redevelop, or dispose of certain land or property located in West Baltimore County for certain purposes; authorizing the Authority to make certain recommendations to the county; authorizing the Authority to issue certain bonds and other evidences of indebtedness and authorizing the county to guarantee these obligations; establishing certain penalties for violations of the regulations of the Authority; and generally relating to the West Baltimore County Redevelopment Authority.

BY adding to

Article – Economic Development

Section 12–801 through 12–815 to be under the new subtitle “Subtitle 8. Baltimore County – West Baltimore County Redevelopment Authority”

Annotated Code of Maryland

(2018 Replacement Volume and 2021 Supplement)

Preamble

WHEREAS, There exist within Baltimore County a number of areas in need of residential, commercial, or industrial development or redevelopment in furtherance of the public interest; and

WHEREAS, Those areas include both areas that are considered slum or blighted areas, and areas that are not subject to deteriorated or deteriorating conditions, but which are in need of development or redevelopment for the public benefit; and

WHEREAS, In order to revitalize these areas of the county it is necessary that the county be authorized to acquire, by any legal means, including by exercise of the power of eminent domain, land or property for residential, commercial, or industrial development or redevelopment, to develop or redevelop land or property for residential, commercial, or industrial purposes, and to dispose of land or property for residential, commercial, or industrial development or redevelopment under certain circumstances; and

WHEREAS, In order to revitalize these areas of the county it also is necessary that the county have the power to establish a separate authority whose purpose will be to

facilitate land or property acquisition, development or redevelopment, and disposition for residential, commercial, and industrial purposes in furtherance of the public interest; and

WHEREAS, In order to accomplish the purposes of this subtitle it is necessary to authorize the county to delegate to such separate authority the authority to acquire, by any legal means, ~~including by exercise of the power of eminent domain,~~ land or property for residential, commercial, or industrial development or redevelopment, to develop or redevelop land or property for residential, commercial, or industrial purposes, and to dispose of land or property for residential, commercial, or industrial development or redevelopment under certain circumstances; and

WHEREAS, The revitalization of areas within the county in need of residential, commercial, or industrial development or redevelopment is an essential governmental function, and is a public use which will confer a public benefit on the citizens of the county by relieving conditions of unemployment, encouraging the increase of industry and commerce and a balanced economy, assisting in the retention of existing industry and commerce and in the attracting of new industry and commerce, promoting economic development and growth, and generally promoting the health, welfare, and safety of the residents of the county; and

WHEREAS, The exercise by the county ~~or the authority which the county is authorized to establish~~ of the power of eminent domain in accordance with this subtitle in order to provide an impetus which private enterprise cannot provide is hereby declared to be for a public use; and

WHEREAS, The powers granted pursuant to this subtitle shall be regarded as supplemental and additional to powers conferred by other laws, and may not be regarded as in derogation of any powers now existing; and

WHEREAS, This subtitle is necessary for the revitalization of Baltimore County and the public interest of its citizens and shall be liberally construed to effect its purpose; and

WHEREAS, The necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination; now, therefore,

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

Article – Economic Development

SUBTITLE 8. BALTIMORE COUNTY–WEST BALTIMORE COUNTY REDEVELOPMENT AUTHORITY.

12–801.

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

(B) “AUTHORITY” MEANS THE WEST BALTIMORE COUNTY REDEVELOPMENT AUTHORITY ESTABLISHED UNDER THIS SUBTITLE.

(C) “BOND” OR “BONDS” MEANS REVENUE BONDS OR NOTES, INCLUDING BOND ANTICIPATION NOTES AND NOTES IN THE NATURE OF COMMERCIAL PAPER, OR OTHER INSTRUMENTS, CERTIFICATES, OR EVIDENCES OF OBLIGATION ISSUED AND SOLD OR OFFERED FOR SALE BY THE REDEVELOPMENT AUTHORITY, INCLUDING REFUNDING OBLIGATIONS.

(D) “COST” MEANS THE COST OR EXPENSE ASSOCIATED WITH:

(1) ALL LAND, PROPERTY, RIGHTS, EASEMENTS, FRANCHISES, AND LICENSES OR INTERESTS THEREIN DEEMED NECESSARY FOR ANY UNDERTAKING AUTHORIZED BY THIS SUBTITLE;

(2) ALL LABOR, MATERIALS, MACHINERY, FURNISHINGS, AND EQUIPMENT;

(3) FINANCING CHARGES;

(4) ESTABLISHMENT OF RESERVES;

(5) INTEREST PRIOR TO AND DURING CONSTRUCTION AND FOR A REASONABLE PERIOD AFTER COMPLETION OF CONSTRUCTION;

(6) ENGINEERING, ARCHITECTURAL, AND LEGAL SERVICES;

(7) PLANS, SPECIFICATIONS, SURVEYS, ESTIMATES OF COSTS AND OF REVENUES, AND OTHER EXPENSES NECESSARY OR INCIDENT TO DETERMINING THE FEASIBILITY OR PRACTICALITY OF ANY LAND OR PROPERTY ACQUISITION OR ANY DEVELOPMENT OR REDEVELOPMENT PROJECT;

(8) ADMINISTRATIVE EXPENSES;

(9) LETTERS OR LINES OF CREDIT, MUNICIPAL BOND INSURANCE, OR ANY OTHER FORM OF FINANCIAL GUARANTY OR SURETY;

(10) WORKING CAPITAL; AND

(11) OTHER EXPENSES AS MAY BE NECESSARY OR INCIDENTAL TO THE ACQUISITION OF LAND OR PROPERTY, OR THE DEVELOPMENT OR REDEVELOPMENT,

INCLUDING THE COMPREHENSIVE RENOVATION OR REHABILITATION, OF LAND OR PROPERTY IN ACCORDANCE WITH THIS SUBTITLE.

(E) “COUNTY” MEANS BALTIMORE COUNTY.

(F) “WEST BALTIMORE COUNTY” MEANS THE GEOGRAPHIC AREA OF BALTIMORE COUNTY WITHIN THE BOUNDARY LINE OF LIBERTY ROAD IN THE NORTH, BALTIMORE NATIONAL PIKE IN THE SOUTH, ROLLING ROAD IN THE WEST, AND THE LINE BETWEEN BALTIMORE COUNTY AND BALTIMORE CITY IN THE EAST, ALONG WITH ALL CONTIGUOUS PARCELS FOR ONE BLOCK, EXCEPT AT THE BOUNDARY LINE BETWEEN BALTIMORE COUNTY AND BALTIMORE CITY.

12-802.

THIS SUBTITLE APPLIES ONLY IN BALTIMORE COUNTY.

12-803.

(A) IN ADDITION TO POWERS GRANTED BY LAW, THE COUNTY IS AUTHORIZED, AS SPECIFIED BY LOCAL LAW:

(1) TO ACQUIRE, WITHIN THE BOUNDARY LINES OF WEST BALTIMORE COUNTY, LAND AND PROPERTY OF EVERY KIND, AND ANY RIGHT, INTEREST, FRANCHISE, EASEMENT, OR PRIVILEGE IN THE PROPERTY, BY PURCHASE, LEASE, GIFT, CONDEMNATION, OR ANY OTHER LEGAL MEANS, FOR RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL DEVELOPMENT OR REDEVELOPMENT, INCLUDING COMPREHENSIVE RENOVATION OR REHABILITATION OF THE LAND OR PROPERTY;

(2) TO DEVELOP OR REDEVELOP, INCLUDING THE COMPREHENSIVE RENOVATION OR REHABILITATION OF, ANY LAND OR PROPERTY ACQUIRED BY ANY OF THE METHODS DESCRIBED UNDER ITEM (1) OF THIS SUBSECTION; AND

(3) TO SELL, LEASE, CONVEY, TRANSFER, OR OTHERWISE DISPOSE OF ANY OF THE LAND OR PROPERTY, REGARDLESS OF WHETHER THE LAND OR PROPERTY HAS BEEN DEVELOPED, REDEVELOPED, ALTERED, OR IMPROVED AND IRRESPECTIVE OF THE MANNER OR MEANS IN OR BY WHICH THE LAND OR PROPERTY MAY HAVE BEEN ACQUIRED, TO ANY PRIVATE, PUBLIC, OR QUASI-PUBLIC CORPORATION, PARTNERSHIP, ASSOCIATION, PERSON, OR OTHER LEGAL ENTITY FOR RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL DEVELOPMENT OR REDEVELOPMENT, INCLUDING COMPREHENSIVE RENOVATION OR REHABILITATION OF THE LAND OR PROPERTY.

(B) LAND OR PROPERTY TAKEN BY THE COUNTY FOR ANY OF THE PURPOSES DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION OR IN CONNECTION WITH THE EXERCISE OF ANY OF THE POWERS THAT MAY BE GRANTED TO THE COUNTY UNDER THIS SECTION, OR BY ANY POWERS CONFERRED BY ADDITIONAL LAWS BY EXERCISING THE POWER OF EMINENT DOMAIN, MAY NOT BE TAKEN WITHOUT JUST COMPENSATION, AS AGREED ON BETWEEN THE PARTIES OR AWARDED BY A JURY, BEING FIRST PAID OR TENDERED TO THE PARTY ENTITLED TO THAT COMPENSATION.

(C) ALL LAND OR PROPERTY NEEDED, OR TAKEN BY THE EXERCISE OF THE POWER OF EMINENT DOMAIN, BY THE COUNTY FOR ANY OF THE PURPOSES DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION OR IN CONNECTION WITH THE EXERCISE OF ANY OF THE POWERS THAT MAY BE GRANTED TO THE COUNTY UNDER THIS SECTION SHALL BE DEEMED TO BE NEEDED OR TAKEN FOR A PUBLIC USE OR A PUBLIC BENEFIT.

(D) LAND OR PROPERTY OWNED BY THE FEDERAL GOVERNMENT, THE STATE, OR A LOCAL GOVERNMENT, OR AN AGENCY OF THE FEDERAL GOVERNMENT, THE STATE, OR A LOCAL GOVERNMENT, MAY NOT BE ACQUIRED BY THE COUNTY BY EXERCISE OF THE POWER OF EMINENT DOMAIN WITHOUT THE PRIOR CONSENT OF THE GOVERNMENT OR AGENCY THAT OWNS THE LAND OR PROPERTY.

12-804.

(A) THE COUNTY MAY ESTABLISH, BY LAW, A BODY CORPORATE AND POLITIC AND AN INSTRUMENTALITY OF THE COUNTY TO BE KNOWN AS THE “WEST BALTIMORE COUNTY REDEVELOPMENT AUTHORITY”.

(B) THE AUTHORITY SHALL BE CREATED WHEN THE COUNTY:

(1) ENACTS LOCAL LAWS PROVIDING AND CONSTITUTING THE TERMS OF THE CHARTER FOR THE AUTHORITY; AND

(2) FILES THE CHARTER WITH:

(I) THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION;

(II) THE DEPARTMENT OF LEGISLATIVE SERVICES; AND

(III) THE SECRETARY OF STATE.

(C) ON THE ADVICE OF THE AUTHORITY MEMBERS DESCRIBED UNDER SUBSECTION (D)(1) THROUGH (5) OF THIS SECTION, THE COUNTY MAY:

(1) AMEND THE AUTHORITY'S CHARTER THROUGH LOCAL LAW IF THE AMENDMENTS ARE FILED WITH THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION, THE DEPARTMENT OF LEGISLATIVE SERVICES, AND THE SECRETARY OF STATE;

(2) ALTER THE STRUCTURE, ORGANIZATION, PROGRAM, POWERS, OR ACTIVITY OF THE AUTHORITY, UNLESS THE ALTERATION WOULD IMPAIR THE AUTHORITY'S OBLIGATIONS UNDER A CONTRACT OR AN AGREEMENT THAT THE AUTHORITY ENTERED INTO BEFORE THE ALTERATION; AND

(3) TERMINATE THE AUTHORITY, UNLESS THE TERMINATION WOULD IMPAIR THE AUTHORITY'S OBLIGATIONS UNDER A CONTRACT OR AN AGREEMENT THAT THE AUTHORITY ENTERED INTO BEFORE TERMINATION.

(D) THE AUTHORITY SHALL CONSIST OF THE FOLLOWING MEMBERS:

(1) EACH MEMBER OF THE SENATE OF MARYLAND WHOSE LEGISLATIVE DISTRICT INCLUDES A PORTION OF WEST BALTIMORE COUNTY;

(2) ONE MEMBER OF THE HOUSE OF DELEGATES FROM EACH LEGISLATIVE DISTRICT THAT INCLUDES A PORTION OF WEST BALTIMORE COUNTY, DESIGNATED BY THE SPEAKER OF THE HOUSE;

(3) EACH COUNCIL PERSON WHOSE DISTRICT INCLUDES A PORTION OF WEST BALTIMORE COUNTY;

(4) THE COUNTY ADMINISTRATIVE OFFICER;

(5) ONE MEMBER APPOINTED BY THE COUNTY EXECUTIVE OF BALTIMORE COUNTY; AND

(6) ELEVEN MEMBERS APPOINTED BY THE COUNTY FROM A SLATE OF INDIVIDUALS PREPARED BY THE AUTHORITY MEMBERS DESCRIBED UNDER ITEMS (1) THROUGH (5) OF THIS SUBSECTION.

(E) THE SLATE OF INDIVIDUALS DESCRIBED UNDER SUBSECTION (D)(6) OF THIS SECTION SHALL BE DECIDED BY A MAJORITY VOTE OF THE AUTHORITY MEMBERS DESCRIBED UNDER SUBSECTION (D)(1) THROUGH (5) OF THIS SECTION.

12-805.

(A) SUBJECT TO § 12-804(D) OF THIS SUBTITLE, THE NUMBER, RESIDENCY REQUIREMENTS, MEANS OF APPOINTMENT AND REMOVAL, QUALIFICATIONS, AND TERMS OF OFFICE OF THE MEMBERS OF THE AUTHORITY SHALL BE AS SPECIFIED BY THE COUNTY AND BASED ON THE RECOMMENDATION OF THE AUTHORITY MEMBERS DESCRIBED UNDER § 12-804(D)(1) THROUGH (5) OF THIS SUBTITLE.

(B) THE OFFICERS, EMPLOYEES, AND AGENTS OF THE AUTHORITY SHALL BE APPOINTED AND REMOVED AS SPECIFIED BY LOCAL LAW.

(C) THE EXERCISE OF ALL POWERS, AUTHORITY, RIGHTS, AND OBLIGATIONS OF THE AUTHORITY SHALL BE AS SPECIFIED BY THIS SUBTITLE AND LOCAL LAW.

(D) AN ACT OF THE AUTHORITY MAY NOT BE CHALLENGED ON THE BASIS OF THE ABSENCE OF QUALIFICATIONS OF A MEMBER OF THE AUTHORITY IF THE MEMBER:

(1) HAS BEEN APPOINTED BY THE APPROPRIATE AUTHORITY DESIGNATED BY LOCAL LAW; AND

(2) HAS TAKEN THE OATH OF OFFICE.

12-806.

(A) EXCEPT AS PROVIDED IN SUBSECTION ~~(E)~~ (C) OF THIS SECTION, THE COUNTY IS AUTHORIZED, BY LAW, TO DELEGATE TO THE AUTHORITY ANY OR ALL OF THE POWERS GRANTED TO THE COUNTY UNDER § 12-803 OF THIS SUBTITLE.

~~(B) LAND OR PROPERTY TAKEN BY THE AUTHORITY IN ACCORDANCE WITH A DELEGATION OF AUTHORITY FROM THE COUNTY BY EXERCISE OF THE POWER OF EMINENT DOMAIN MAY NOT BE TAKEN WITHOUT JUST COMPENSATION, AS AGREED ON BETWEEN THE PARTIES OR AWARDED BY A JURY, BEING FIRST PAID OR TENDERED TO THE PARTY ENTITLED TO THAT COMPENSATION.~~

~~(C) ALL LAND OR PROPERTY NEEDED, OR TAKEN BY THE EXERCISE OF THE POWER OF EMINENT DOMAIN, BY THE AUTHORITY IN ACCORDANCE WITH A DELEGATION OF AUTHORITY FROM THE COUNTY SHALL BE DEEMED TO BE NEEDED OR TAKEN FOR A PUBLIC USE OR A PUBLIC BENEFIT.~~

~~(D) LAND OR PROPERTY OWNED BY THE FEDERAL GOVERNMENT, THE STATE, OR A LOCAL GOVERNMENT, OR AN AGENCY OF THE FEDERAL GOVERNMENT, THE STATE, OR A LOCAL GOVERNMENT, MAY NOT BE ACQUIRED BY THE AUTHORITY BY EXERCISE OF THE POWER OF EMINENT DOMAIN WITHOUT THE PRIOR CONSENT OF THE GOVERNMENT OR AGENCY OWNING THE LAND OR PROPERTY.~~

~~(E) NOTWITHSTANDING THE DELEGATION OF THE POWER OF EMINENT DOMAIN BY THE COUNTY TO THE AUTHORITY, A DECISION OF THE AUTHORITY TO TAKE OWNER OCCUPIED RESIDENTIAL REAL PROPERTY SHALL BE FIRST APPROVED BY THE COUNTY COUNCIL AFTER NOTICE TO THE PROPERTY OWNER.~~

(B) THE AUTHORITY MAY MAKE RECOMMENDATIONS TO THE COUNTY ON ISSUES RELATED TO THE COUNTY'S POWER OF EMINENT DOMAIN.

(C) THE COUNTY MAY NOT DELEGATE THE POWER OF EMINENT DOMAIN TO THE AUTHORITY.

12-807.

(A) FOR THE PUBLIC PURPOSES DESCRIBED UNDER § 12-803 OF THIS SUBTITLE AND SUBJECT TO LOCAL LAW AND THE PROVISIONS OF THIS SUBTITLE, THE AUTHORITY MAY, WITHIN WEST BALTIMORE COUNTY:

(1) ACQUIRE, PURCHASE, OR OTHERWISE OBTAIN, HOLD, AND USE ANY PROPERTY, REAL, PERSONAL, OR MIXED, TANGIBLE OR INTANGIBLE, OR ANY INTEREST THEREIN;

(2) LEASE AS A LESSEE ANY PROPERTY, REAL, PERSONAL, OR MIXED, TANGIBLE OR INTANGIBLE, OR ANY INTEREST THEREIN;

(3) LEASE AS LESSOR ANY PROPERTY, REAL, PERSONAL, OR MIXED, TANGIBLE OR INTANGIBLE, OR ANY INTEREST THEREIN, AT ANY TIME ACQUIRED BY THE AUTHORITY;

(4) MORTGAGE OR OTHERWISE PLEDGE OR ENCUMBER ANY PROPERTY, REAL, PERSONAL, OR MIXED, TANGIBLE OR INTANGIBLE, OR ANY INTEREST THEREIN, OF THE AUTHORITY; AND

(5) SELL, TRANSFER, OR CONVEY ANY PROPERTY, REAL, PERSONAL, OR MIXED, TANGIBLE OR INTANGIBLE, OR ANY INTEREST THEREIN, ACQUIRED BY THE AUTHORITY AT ANY TIME.

(B) THE AUTHORITY MAY ACCEPT GRANTS FROM, MAKE LOANS TO, AND ENTER INTO CONTRACTS WITH ANY FEDERAL, STATE, OR LOCAL AGENCY OR ANY PRIVATE ENTITY OR PARTY.

(C) THE AUTHORITY MAY ESTABLISH, IMPOSE, AND COLLECT TOLLS, RATES, RENTALS, FEES, AND CHARGES RELATING TO THE AUTHORITY'S UNDERTAKINGS AND PROPERTY.

(D) THE BUDGETARY AND FINANCIAL PROCEDURES OF THE AUTHORITY SHALL BE ESTABLISHED BY LOCAL LAW.

(E) NO PROVISIONS OF THE CHARTER OF THE COUNTY OR OTHER LOCAL LAW REGARDING THE DUTIES, POWERS, OR ORGANIZATION OF THE AUTHORITY APPLY TO THE AUTHORITY UNLESS THE COUNTY EXPRESSLY PROVIDES BY LOCAL LAW THAT THE CHARTER PROVISION OR OTHER LOCAL LAW APPLIES TO THE AUTHORITY.

(F) SUBJECT TO PUBLIC GENERAL LAW AND LOCAL LAW, THE AUTHORITY HAS ALL OTHER POWERS NECESSARY OR CONVENIENT TO CARRY OUT THE PURPOSES OF THE AUTHORITY.

12-808.

THE AUTHORITY MAY NOT BE DEEMED A MUNICIPAL CORPORATION AS DEFINED IN ARTICLE XI-E OF THE MARYLAND CONSTITUTION.

12-809.

(A) THE AUTHORITY MAY MAKE RULES AND REGULATIONS FOR THE OPERATION AND USE OF LAND, PROPERTY, AND UNDERTAKINGS UNDER THE AUTHORITY'S JURISDICTION IN THE MANNER PROVIDED BY LOCAL LAW.

(B) ANY VIOLATION OF THE RULES AND REGULATIONS DULY ADOPTED BY THE AUTHORITY IS A MISDEMEANOR AND IS PUNISHABLE BY A FINE NOT TO EXCEED \$1,000 OR IMPRISONMENT FOR NOT MORE THAN 180 DAYS OR BOTH.

12-810.

(A) IN ORDER TO FINANCE OR REFINANCE, IN WHOLE OR IN PART, THE COST OF ACQUISITION, DEVELOPMENT, OR REDEVELOPMENT, INCLUDING THE COMPREHENSIVE RENOVATION OR REHABILITATION, OF LAND OR PROPERTY FOR RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL PURPOSES AND RELATED ACTIVITIES IN ACCORDANCE WITH THIS SUBTITLE, THE AUTHORITY MAY ISSUE BONDS.

(B) (1) THE BONDS:

(I) MAY NOT CONSTITUTE A DEBT OF THE COUNTY OR A PLEDGE OF THE FAITH AND CREDIT OF THE COUNTY, THE STATE, OR ANY POLITICAL SUBDIVISION OF THE STATE;

(II) MAY NOT BE CONSIDERED OBLIGATIONS OF THE COUNTY FOR PURPOSES OF ANY DEBT LIMITATION IMPOSED ON THE COUNTY UNDER ANY CONSTITUTIONAL, STATUTORY, OR OTHER CHARTER PROVISION; AND

(III) SHALL BE APPROVED BY THE GOVERNING BODY OF THE COUNTY PRIOR TO THEIR ISSUANCE.

(2) THE BONDS, THE BORROWING WHICH THEY REPRESENT, AND THE UNDERTAKING WHICH IS BEING FINANCED OR REFINANCED ARE NOT SUBJECT TO ANY REFERENDUM REQUIREMENTS OF THE CHARTER OF THE COUNTY.

(C) (1) THE BONDS MAY BE MADE PAYABLE AS TO PRINCIPAL, INTEREST, AND REDEMPTION PREMIUM AS DETERMINED IN ACCORDANCE WITH LOCAL LAW, INCLUDING FROM INCOME, RECEIPTS, PROCEEDS, REVENUES, AND FUNDS OF THE AUTHORITY DERIVED FROM OR AVAILABLE OR TO BE AVAILABLE IN CONNECTION WITH ANY UNDERTAKING FOR THE ACCOMPLISHMENT OF THE PURPOSES AND OBJECTIVES MENTIONED IN OR CONTEMPLATED BY THIS SUBTITLE, INCLUDING:

(I) THE PROCEEDS OF LOANS, GRANTS, OR CONTRIBUTIONS FROM THE UNITED STATES OF AMERICA, THE STATE OF MARYLAND, OR ANY DEPARTMENT OR AGENCY THEREOF, ANY FUNDS OF THE COUNTY THAT MAY BE LAWFULLY AVAILABLE, OR ANY OTHER SOURCE AND COMPENSATION PAID FROM APPROPRIATED FUNDS BY THE COUNTY FOR LAND OR PROPERTY RETAINED BY THE COUNTY; OR

(II) ANY CONTRACT OR AGREEMENT OR RIGHTS THEREUNDER BETWEEN THE UNITED STATES, THE STATE OF MARYLAND, OR ANY DEPARTMENT OR AGENCY THEREOF, OR ANY OTHER PUBLIC OR PRIVATE ENTITY OR INDIVIDUAL, AND THE AUTHORITY WITH RESPECT TO ANY UNDERTAKINGS FOR THE ACCOMPLISHMENT OF THE PURPOSES AND OBJECTIVES MENTIONED IN OR CONTEMPLATED BY THE PROVISIONS OF THIS SUBTITLE.

(2) PAYMENT OF THE BONDS, AS TO PRINCIPAL, INTEREST, AND REDEMPTION PREMIUM, MAY BE FURTHER SECURED BY A MORTGAGE OF ALL OR ANY PART OF LAND, PROPERTY, OR DEVELOPMENT OR REDEVELOPMENT PROJECTS, TITLE TO WHICH IS IN THE AUTHORITY OR ANY OTHER PUBLIC OR PRIVATE ENTITY OR INDIVIDUAL, AS DETERMINED IN ACCORDANCE WITH LOCAL LAW.

(D) BY RESOLUTION, THE AUTHORITY MAY DETERMINE ALL MATTERS WITH RESPECT TO THE ISSUANCE, SALE, DELIVERY, AND PAYMENT OF AND FOR THE BONDS, INCLUDING THE ISSUE DATE OR DATES, MATURITY OR MATURITIES, INTEREST RATE OR RATES OR MANNER OF DETERMINING INTEREST, TERMS, FORM OR FORMS, DENOMINATION OR DENOMINATIONS, MANNER OF EXECUTION, PLACE OR PLACES OF PAYMENT, SOURCE OR SOURCES OF PAYMENT, REDEMPTION, REFUNDING, SALE PRICE, MANNER OF SALE, SECURITY, AND THE FORMS OF ANY NECESSARY OR APPROPRIATE DOCUMENTS, INCLUDING TRUST INDENTURES, ESCROW AGREEMENTS, AND MORTGAGES.

(E) (1) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (B) OF THIS SECTION AND TO THE EXTENT NOT INCONSISTENT WITH ANY CONSTITUTIONAL OR CHARTER PROVISION OR PUBLIC GENERAL LAW, ANY ISSUE OF BONDS MAY BE GUARANTEED, IN WHOLE OR IN PART, AS TO PAYMENT OF PRINCIPAL, INTEREST, OR REDEMPTION PREMIUM, BY AND UPON THE FULL FAITH AND CREDIT OF THE COUNTY.

(2) THE GUARANTEE OF THE COUNTY BY AND UPON THE FULL FAITH AND CREDIT OF THE COUNTY CONCERNING THE PAYMENT OF THE PRINCIPAL OF, OR INTEREST OR REDEMPTION PREMIUM ON, ANY BONDS IS SUBJECT TO ANY APPLICABLE REFERENDUM REQUIREMENTS OF THE CHARTER OF THE COUNTY.

(F) THE BONDS, THE TRANSFER OF THE BONDS, THE INTEREST PAYABLE ON THE BONDS, AND ANY INCOME DERIVED FROM THE BONDS, INCLUDING ANY PROFIT REALIZED IN THE SALE OR EXCHANGE OF THE BONDS, SHALL BE EXEMPT AT ALL TIMES FROM TAXATION BY THE STATE OR ANY COUNTY, MUNICIPAL CORPORATION, OR PUBLIC AGENCY OF ANY KIND.

(G) THE BONDS ARE EXEMPT FROM THE PROVISIONS OF §§ 19-205 AND 19-206 OF THE LOCAL GOVERNMENT ARTICLE.

(H) (1) A PLEDGE BY THE AUTHORITY OF REVENUES AS SECURITY FOR AN ISSUE OF BONDS SHALL BE VALID AND BINDING FROM THE TIME THE PLEDGE IS MADE.

(2) REVENUES PLEDGED BY THE AUTHORITY ARE SUBJECT IMMEDIATELY TO THE LIEN OF THE PLEDGE WITHOUT ANY PHYSICAL DELIVERY OR FURTHER ACT.

(3) THE LIEN OF ANY PLEDGE IS VALID AND BINDING AGAINST ANY PERSON HAVING ANY CLAIM OF ANY KIND IN TORT, CONTRACT, OR OTHERWISE AGAINST THE AUTHORITY, WHETHER OR NOT THE PERSON HAS NOTICE OF THE LIEN.

(4) NOTWITHSTANDING ANY PROVISION OF PUBLIC GENERAL OR PUBLIC LOCAL LAW, PERFECTION AGAINST THIRD PARTIES OF A LIEN OF A PLEDGE BY THE AUTHORITY OF THE AUTHORITY'S REVENUES DOES NOT REQUIRE THE FILING OR RECORDING OF A RESOLUTION, TRUST AGREEMENT, FINANCING STATEMENT, CONTINUATION, OR OTHER STATEMENT OR INSTRUMENT ADOPTED OR ENTERED INTO BY THE AUTHORITY IN ANY PUBLIC RECORD OTHER THAN THE RECORDS OF THE AUTHORITY.

(I) (1) UNLESS THE BONDS ARE GUARANTEED BY AND UPON THE FULL FAITH AND CREDIT OF THE COUNTY AND ARE APPROVED IN A REFERENDUM BY THE VOTERS OF THE COUNTY IN ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION, THE AUTHORITY MAY NOT ISSUE BONDS UNDER THIS SECTION UNTIL AFTER THE AUTHORITY HAS HELD A PUBLIC HEARING IN THE COUNTY ON THE PROPOSED BONDS.

(2) THE AUTHORITY SHALL NOTIFY THE BALTIMORE COUNTY DELEGATIONS OF THE HOUSE OF DELEGATES AND THE SENATE OF MARYLAND OF A PROPOSED ISSUANCE OF BONDS AT LEAST 2 WEEKS BEFORE HOLDING THE PUBLIC HEARING REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

12-811.

AS SPECIFIED BY LOCAL LAW AND TO THE EXTENT NOT INCONSISTENT WITH ANY CONSTITUTIONAL OR CHARTER PROVISION OR ANY PUBLIC GENERAL OR PUBLIC LOCAL LAW, THE COUNTY MAY:

(1) ASSIGN, PLEDGE, GRANT, CONTRIBUTE, OR PROVIDE TO THE REDEVELOPMENT AUTHORITY ANY TAXES, RATES, RENTALS, FEES, CHARGES, OR OTHER FUNDS HELD OR RECEIVABLE BY THE COUNTY FOR ANY PURPOSE, AND ASSIGN, PLEDGE, LEASE, OR OTHERWISE CONVEY TO THE AUTHORITY, OR ENCUMBER ANY LAND OR PROPERTY OWNED OR OTHERWISE HELD BY THE COUNTY, INCLUDING AS ADDITIONAL SECURITY FOR ANY BONDS OF THE AUTHORITY; AND

(2) (I) ADVANCE AMOUNTS TO THE AUTHORITY FOR ANY PURPOSE, INCLUDING PAYMENT OF PRELIMINARY EXPENDITURES RELATING TO ANY UNDERTAKINGS OF THE AUTHORITY OR FOR DEFICIENCIES IN DEBT SERVICES REQUIREMENTS; AND

(II) PROVIDE FOR THE REPAYMENT OR FORGIVENESS OF THE ADVANCES.

12-812.

NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE AND TO THE EXTENT NOT INCONSISTENT WITH ANY CONSTITUTIONAL OR CHARTER PROVISION OR ANY PUBLIC GENERAL OR PUBLIC LOCAL LAW, THE AUTHORITY, AS PROVIDED BY LOCAL LAW, MAY:

(1) RECEIVE AND APPLY TO THE AUTHORITY'S CORPORATE PURPOSES AND UNDERTAKINGS ANY GRANTS, CONTRIBUTIONS, PLEDGES, LOANS, OR OTHER AMOUNTS FROM THE STATE, THE COUNTY, THE FEDERAL GOVERNMENT, ANY OTHER GOVERNMENTAL UNIT, OR ANY PUBLIC OR PRIVATE ENTITY OR PARTY; AND

(2) TO THE EXTENT NOT INCONSISTENT WITH ANY CONTRACT, INSTRUMENT, OR LAW RELATING TO A GRANT, A CONTRIBUTION, A PLEDGE, A LOAN, OR ANY OTHER AMOUNT, PLEDGE THE RECEIPTS AS SECURITY FOR ANY OF THE AUTHORITY'S BONDS.

12-813.

(A) THE PROPERTY OWNED OR HELD BY AND THE REVENUES OF THE AUTHORITY ARE EXEMPT FROM TAXATION OF EVERY KIND BY THE STATE OR ANY COUNTY, MUNICIPAL CORPORATION, OR PUBLIC UNIT.

(B) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION, ON A REQUEST OF THE AUTHORITY, THE COUNTY, BY LOCAL LAW, MAY PROVIDE FOR A NEGOTIATED PAYMENT IN LIEU OF TAXES FOR PROPERTY OWNED OR HELD BY THE AUTHORITY.

12-814.

(A) THE NET EARNINGS OF THE AUTHORITY, APART FROM THOSE NECESSARY TO PAY DEBT SERVICE OR TO IMPLEMENT THE PURPOSES OF THIS SUBTITLE, MAY NOT INURE TO THE BENEFIT OF ANY PERSON OTHER THAN THE COUNTY.

(B) ON TERMINATION OF THE AUTHORITY, ALL RIGHTS AND TITLE TO ALL ASSETS OF THE AUTHORITY SHALL VEST IN, AND ALL OBLIGATIONS AND LIABILITIES OF THE AUTHORITY MAY BE TRANSFERRED TO AND ASSUMED BY, THE COUNTY.

12-815.

NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, THE AUTHORITY SHALL COMPLY WITH ALL APPLICABLE ZONING AND PLANNING REQUIREMENTS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2022.