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March 2, 2022

The Honorable Kumar Barve
Chair, Environment and Transportation
Maryland House of Delegates
251 Taylor House Office Building
6 Bladen Street
Annapolis, MD 21401

The Honorable Dana Stein
Vice Chair, Environment and Transportation
Maryland House of Delegates
251 Taylor House Office Building
6 Bladen Street
Annapolis, MD 21401

Chesapeake Conservancy testimony for Maryland the Beautiful Act (HB 1031 / SB 791) – Favorable with amendments

Dear Chair Barve, Vice Chair Stein and members of the Environment and Transportation Committee,

On behalf of Chesapeake Conservancy, I write to urge your support for the Maryland the Beautiful Act (HB 1031 / SB 791) sponsored by Delegate Eric Luedtke and Senator Sarah Elfreth and to support the Conservancy's requested amendments

Maryland's landscape varies from our mountainous west to the central piedmont to the eastern coastal plain. Within that diverse landscape, Maryland is home to significant and diverse habitats for birds, plants and wildlife. Our state's landscape has changed dramatically over the past century. Hundreds of thousands of acres of forestland serving as important habitat for wildlife have been developed.

This trend is playing out across the United States and globally, where today as many as 1 million species are threatened by extinction in the coming decades due to global climate change, habitat loss, pollution, and other human-caused factors. This nature crisis is happening in our backyards, too. In 2021, the U.S. Fish and Wildlife Service declared that the Maryland darter fish – the only species known to be unique to Maryland – is extinct.

As Maryland continues to grow, we must ensure that space for nature and for Marylanders to enjoy and benefit from open space is a part of our future. HB 1031 would achieve this by setting a goal for Maryland to have 30% of its lands conserved by 2030 and 40% by 2040. For two decades, Maryland has preserved hundreds of thousands of acres of agricultural lands by following a goal set by the General Assembly in 2002 (Senate Joint Resolution 10 / House Joint Resolution 22).

Thanks to conservation programs funded through the real estate transfer tax, we have made significant progress on the agricultural land preservation goal and on land conservation statewide. Today, about 28% of Maryland's lands are protected, but we do not have a goal in statute to guide overall land conservation efforts today and over the next two decades. HB 1031 would resolve this by setting a meaningful and achievable goal, but also by providing the tools to help achieve this goal and do so in an equitable manner.

Importantly, HB 1031 would establish a new program called the “Greenspace Equity Program.” This program would provide grants to land trusts, local governments and non-profits to complete greenspace projects in underserved communities such as new parks, community gardens, trails and more. Despite considerable investments in land conservation over the past decades, many Maryland communities still lack greenspace and this has significant costs for public health, local economies, and community well-being. The Greenspace Equity Program would target grant investments to support community-led greenspace projects that meet the unique community needs for greenspace. In this way, we can help ensure that as Maryland pursues a 30% and 40% land conservation goal, it can do so in a way that is equitable and benefits underserved Maryland communities.

Chesapeake Conservancy has provided several suggested improvements to this program through requested amendments, which are outlined in the accompanying document.

HB 1031 would also help to advance progress toward its conservation goal by creating a revolving loan fund for private land trusts. Land trusts play an important role in protecting land across Maryland. These organizations – most often non-profits – are based in communities and serve to acquire and conserve land so that it remains forestland, farmland or open space in perpetuity. Very often, landowners will first contact their local land trust to explore a conservation option, making these organizations especially important in the effort to protect open space in Maryland.

HB 1031 would establish a revolving loan fund to provide land trusts with another source to secure capital so that they can work with landowners and buy and conserve land. In today’s hyper competitive real estate market, landowners are pressured to act quickly. A revolving loan fund would allow private land trusts to better compete in the real estate market and to meet the interests of landowners seeking to conserve their property. As a result, land trusts would be able to continue to play an important role in protecting and stewarding land for the benefit of Marylanders across the state.

Lastly, HB 1031 would increase funding for the existing Mel Noland Woodland Incentives Fund. Statewide, the majority of forestland in Maryland is privately owned. Forests provide numerous ecological benefits to Marylanders, like clean air and clean water, wildlife habitat, carbon sequestration and more. Recognizing the important role that private forestland owners play in stewarding forests and the benefits to Maryland, the Mel Noland Woodland Incentives Fund provides grant funding to private landowners to support their efforts to steward and manage forests.

By passing the Maryland the Beautiful Act, we can ensure that nature and people will continue to thrive in Maryland today and long into the future. Thank you for considering my testimony, and I urge your support for HB 1031.

Sincerely,



Joel Dunn
President and CEO
Chesapeake Conservancy

SENATE BILL 791

M1

2lr1712
CF HB 1031

By: **Senator Elfreth**

Introduced and read first time: February 7, 2022

Assigned to: Budget and Taxation and Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Land Conservation – Establishment of Goals and Programs**
3 **(Maryland the Beautiful Act)**

4 FOR the purpose of establishing certain goals and programs related to land conservation;
5 establishing the Local Land Trust Revolving Loan Program to provide loans to
6 certain land trusts to purchase land for conservation purposes; establishing the Local
7 Land Trust Revolving Loan Fund as a special, nonlapsing fund; requiring interest
8 earnings of the Fund to be credited to the Fund; requiring the Governor, beginning
9 in a certain fiscal year, to include in the annual budget bill a certain appropriation
10 to the Mel Noland Woodland Incentives and Fellowship Fund; establishing the
11 Greenspace Equity Program to enhance the public health and livability of
12 underserved areas by implementing projects to preserve, create, and enhance
13 community greenspace; and generally relating to land conservation in the State.

14 BY adding to

15 Article – Natural Resources

16 New part designation “Part I. General Provisions” to immediately precede Section
17 3–201; Section 3–214 through 3–216 to be under the new part “Part II. Local
18 Land Trust Revolving Loan Program”; 5–104; and 5–9D–01 through 5–9D–04
19 to be under the new subtitle “Subtitle 9D. Greenspace Equity Program”

20 Annotated Code of Maryland

21 (2018 Replacement Volume and 2021 Supplement)

22 BY repealing and reenacting, without amendments,

23 Article – Natural Resources

24 Section 5–307(b)

25 Annotated Code of Maryland

26 (2018 Replacement Volume and 2021 Supplement)

27 BY repealing and reenacting, with amendments,

28 Article – Natural Resources

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.

sb0791

1 Section 5-307(f)
2 Annotated Code of Maryland
3 (2018 Replacement Volume and 2021 Supplement)

4 BY repealing and reenacting, without amendments,
5 Article – State Finance and Procurement
6 Section 6-226(a)(2)(i)
7 Annotated Code of Maryland
8 (2021 Replacement Volume)

9 BY repealing and reenacting, with amendments,
10 Article – State Finance and Procurement
11 Section 6-226(a)(2)(ii)144. and 145.
12 Annotated Code of Maryland
13 (2021 Replacement Volume)

14 BY adding to
15 Article – State Finance and Procurement
16 Section 6-226(a)(2)(ii)146.
17 Annotated Code of Maryland
18 (2021 Replacement Volume)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the new part designation “Part I. General Provisions” be added to immediately
21 precede Section 3-201 of Article – Natural Resources of the Annotated Code of Maryland.

22 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
23 as follows:

24 **Article – Natural Resources**

25 **3-212. RESERVED.**

26 **3-213. RESERVED.**

27 **PART II. LOCAL LAND TRUST REVOLVING LOAN PROGRAM.**

28 **3-214.**

29 **(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS**
30 **INDICATED.**

31 **(B) “ADVISORY COMMITTEE” MEANS THE LAND PRESERVATION RAPID**
32 **RESPONSE ADVISORY COMMITTEE.**

1 (C) "BOARD OF TRUSTEES" MEANS THE BOARD OF TRUSTEES OF THE
2 MARYLAND ENVIRONMENTAL TRUST.

3 (D) "EXECUTIVE COMMITTEE" MEANS THE EXECUTIVE COMMITTEE OF THE
4 MARYLAND ENVIRONMENTAL TRUST.

5 (E) "FUND" MEANS THE LOCAL LAND TRUST REVOLVING LOAN FUND.

6 (F) "PROGRAM" MEANS THE LOCAL LAND TRUST REVOLVING LOAN
7 PROGRAM.

8 3-215.

9 (A) THERE IS A LOCAL LAND TRUST REVOLVING LOAN PROGRAM.

10 (B) THE PURPOSE OF THE PROGRAM IS TO:

11 (1) SUPPORT THE EFFORTS OF LOCAL LAND TRUSTS THAT WORK
12 WITH STATE AND LOCAL GOVERNMENT ENTITIES AND THAT HAVE DIFFICULTY
13 ACCESSING MONEY FROM EXISTING PROGRAM OPEN SPACE PRESERVATION
14 PROGRAMS IN A TIMELY MANNER; AND

15 (2) PROVIDE REVOLVING LOANS TO LAND TRUSTS ON A ROLLING
16 BASIS TO ASSIST THE LAND TRUSTS TO PURCHASE PROPERTY.

17 (C) A LAND TRUST THAT RECEIVES A PROGRAM LOAN TO PURCHASE
18 PROPERTY IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION SHALL REPAY
19 THE FUND:

20 (1) AT A RATE TO BE DETERMINED BY THE MARYLAND
21 ENVIRONMENTAL TRUST, NOT TO EXCEED ONE POINT BELOW THE PRIME INTEREST
22 RATE; AND

23 (2) AFTER THE PROPERTY IS:

24 (i) PLACED UNDER EASEMENT; OR

25 (ii) TRANSFERRED TO A STATE OR LOCAL GOVERNMENT
26 ENTITY.

27 (D) (1) THE PROGRAM IS ADMINISTERED BY THE MARYLAND
28 ENVIRONMENTAL TRUST.

1 (2) THE MARYLAND ENVIRONMENTAL TRUST MAY AUTHORIZE A
2 NONPROFIT ORGANIZATION TO MANAGE AND ADMINISTER THE PROGRAM ON ITS
3 BEHALF.

4 (E) (1) THERE IS A LAND PRESERVATION RAPID RESPONSE ADVISORY
5 COMMITTEE.

6 (2) THE PURPOSE OF THE ADVISORY COMMITTEE IS TO:

7 (i) REVIEW AND PRIORITIZE PROGRAM LOAN APPLICATIONS
8 FOR FINAL APPROVAL BY THE EXECUTIVE COMMITTEE; AND

9 (ii) MAKE RECOMMENDATIONS TO THE EXECUTIVE
10 COMMITTEE ON:

11 1. WHICH PROJECTS TO FUND, WHETHER IN WHOLE OR
12 IN PART; AND

13 2. THE FUNDING TO BE ALLOCATED TO EACH PROJECT.

14 (3) THE ADVISORY COMMITTEE CONSISTS OF:

15 (i) A REPRESENTATIVE OF THE DEPARTMENT, SELECTED BY
16 THE SECRETARY; AND

17 (ii) THE FOLLOWING MEMBERS, SELECTED BY THE BOARD OF
18 TRUSTEES:

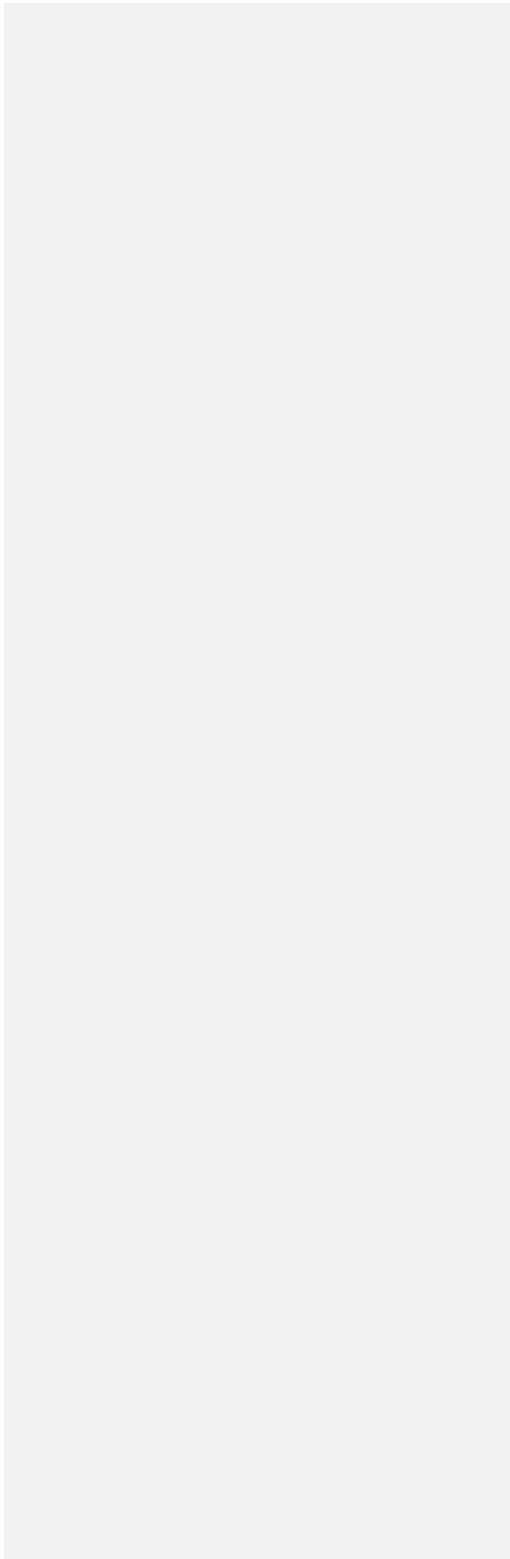
19 1. A REPRESENTATIVE OF THE MARYLAND
20 ENVIRONMENTAL TRUST THAT IS NOT A MEMBER OF THE EXECUTIVE COMMITTEE;

21 2. A REPRESENTATIVE OF A NONPROFIT LAND
22 CONSERVATION ORGANIZATION IN THE STATE;

23 3. A REPRESENTATIVE OF A LOCAL PARKS AND
24 RECREATION DEPARTMENT IN THE STATE; AND

25 4. AN INDIVIDUAL WITH EXPERIENCE IN LOAN
26 UNDERWRITING.

28 (A) THERE IS A LOCAL LAND TRUST REVOLVING LOAN FUND.



1 (B) THE PURPOSE OF THE FUND IS TO FINANCE THE LOCAL LAND TRUST
2 REVOLVING LOAN PROGRAM.

3 (C) THE MARYLAND ENVIRONMENTAL TRUST SHALL ADMINISTER THE
4 FUND.

5 (D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
6 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

7 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,
8 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

9 (E) THE FUND CONSISTS OF:

10 (1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

11 (2) INTEREST EARNINGS; AND

12 (3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR
13 THE BENEFIT OF THE FUND.

14 (F) IN FISCAL YEAR 2024, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL
15 BUDGET BILL AN APPROPRIATION OF \$10,000,000 TO THE FUND.

16 (G) THE FUND MAY BE USED ONLY TO PROVIDE FUNDING FOR THE LOCAL
17 LAND TRUST REVOLVING LOAN PROGRAM.

18 (H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND
19 IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

20 (2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO
21 THE FUND.

22 (I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE
23 WITH THE STATE BUDGET.

24 (J) MONEY EXPENDED FROM THE FUND FOR THE PROGRAM IS
25 SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT
26 OTHERWISE WOULD BE APPROPRIATED FOR THE PROGRAM.

1 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (2) "CONSERVE" MEANS TO PERMANENTLY PROTECT LAND FROM
4 DEVELOPMENT THROUGH PURCHASE, DONATION, A PERPETUAL CONSERVATION OR
5 AN OPEN SPACE EASEMENT, OR FEE OWNERSHIP IN ORDER TO PRESERVE THE
6 CULTURAL, HISTORICAL, ECOLOGICAL, OR AGRICULTURAL VALUE OF THE LAND.

7 (3) "SMART GROWTH SUBCABINET" MEANS THE SUBCABINET
8 ESTABLISHED UNDER § 9-1406 OF THE STATE GOVERNMENT ARTICLE.

9 (B) (1) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT:

10 (I) BY 2030, 30% OF LANDS IN THE STATE ARE CONSERVED;
11 AND

12 (II) BY 2040, 40% OF LANDS IN THE STATE ARE CONSERVED.

13 (2) THE CONSERVATION GOALS ESTABLISHED UNDER PARAGRAPH
14 (1) OF THIS SUBSECTION SHALL BE ACCOMPLISHED THROUGH MULTIPLE EFFORTS
15 INCLUDING:

16 (I) WORKING WITH LOCAL COMMUNITIES, COUNTIES,
17 MUNICIPALITIES, AMERICAN INDIAN COMMUNITIES, AND PRIVATE LANDOWNERS TO
18 CONSERVE NATURAL PLACES AND RESOURCES;

19 (II) IMPROVING ACCESS TO NATURE FOR ALL INDIVIDUALS IN
20 THE STATE, INCLUDING COMMUNITIES OF COLOR AND ECONOMICALLY
21 DISADVANTAGED COMMUNITIES;

22 (III) SEQUESTERING CARBON AND GREENHOUSE GAS EMISSIONS
23 IN THE LANDS AND WATERS OF THE STATE;

24 (IV) INCREASING PUBLIC INCENTIVES FOR PRIVATE
25 LANDOWNERS TO VOLUNTARILY CONSERVE AND PROTECT AREAS OF
26 DEMONSTRATED CONSERVATION VALUE AND AREAS THAT HAVE A HIGH CAPACITY
27 TO SEQUESTER CARBON AND GREENHOUSE GAS EMISSIONS;

28 (V) FOCUSING CONSERVATION WORK AT A LARGE LANDSCAPE
29 SCALE THAT IS BIOLOGICALLY AND ECOLOGICALLY MEANINGFUL;

30 (VI) PREVENTING THE EXTINCTION OF NATIVE PLANT AND
31 ANIMAL SPECIES BY RECOVERING AND RESTORING THE SPECIES;

1 (VII) STABILIZING ECOSYSTEMS AND ECOSYSTEM SERVICES,
2 RESTORING DEGRADED ECOSYSTEMS, AND MAINTAINING ECOLOGICAL FUNCTIONS;
3 AND

4 (VIII) INCREASING ECONOMIC OPPORTUNITIES FOR FARMERS,
5 RANCHERS, FISHERS, AND FORESTERS.

6 (C) (1) IN ORDER TO MEET THE CONSERVATION GOALS ESTABLISHED
7 UNDER SUBSECTION (B) OF THIS SECTION, THE SMART GROWTH SUBCABINET, IN
8 COORDINATION WITH RELEVANT STAKEHOLDERS, SHALL:

9 (I) COORDINATE THE ACTIONS OF STATE AGENCIES, LOCAL
10 GOVERNMENTS, AND NONGOVERNMENTAL PARTNERS;

11 (II) ON OR BEFORE JULY 1, 2023, DEVELOP AND PUBLISH A
12 PLAN TO MEET THE STATE’S CONSERVATION GOALS AND UPDATE AS NEEDED AND
13 NOT LESS THAN EVERY 5 YEARS THEREAFTER; AND

14 (III) ON OR BEFORE DECEMBER 1, 2023, AND EACH DECEMBER
15 1 THEREAFTER, REPORT TO THE SENATE EDUCATION, HEALTH, AND
16 ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE ENVIRONMENT AND
17 TRANSPORTATION COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE STATE
18 GOVERNMENT ARTICLE, ON THE STATE’S PROGRESS TOWARD MEETING THE
19 CONSERVATION GOALS.

20 (2) THE SMART GROWTH SUBCABINET SHALL MAKE THE ANNUAL
21 REPORT REQUIRED UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION AVAILABLE ON
22 ITS WEBSITE.

23 5-307.

24 (b) There is a Mel Noland Woodland Incentives and Fellowship Fund in the
25 Department.

26 (f) (1) The Fund consists of:

27 (i) As provided in § 13-306 of the Tax – Property Article, up to
28 \$200,000 annually of the proceeds of the tax imposed by § 13-302 of the Tax – Property
29 Article that are attributable to the taxation of instruments of writing that transfer title to
30 parcels of land that are entirely woodland;

31 (ii) Revenues collected by the Department from the payment of
32 charges imposed for Department assistance in implementation of an approved practice;

1 (iii) Money distributed from the Chesapeake and Atlantic Coastal
2 Bays 2010 Trust Fund under § 8-2A-04 of this article;

3 (iv) Subject to approval by the Secretary and the Board of Public
4 Works, a portion of the revenues derived from the forestry practices on designated lands
5 owned and managed by the Department, that are conducted in accordance with applicable
6 State law and regulation; and

7 (v) Money appropriated to the Fund under paragraph (2) of this
8 subsection.

9 (2) (I) For fiscal [year] YEARS 2021 [and each fiscal year thereafter]
10 THROUGH 2023, the Governor shall include in the annual budget bill an appropriation of
11 \$50,000 to the Fund.

12 (II) FOR FISCAL YEAR 2024 AND EACH FISCAL YEAR
13 THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN
14 APPROPRIATION OF \$1,000,000 TO THE FUND.

15 SUBTITLE 9D. GREENSPACE EQUITY PROGRAM.

16 5-9D-01.

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

19 (B) ~~“BOARD” MEANS THE GREENSPACE EQUITY BOARD.~~

20 (C) (1) “COMMUNITY GREENSPACE” MEANS A COMMUNITY SPACE THAT
21 ENHANCES THE PUBLIC HEALTH AND LIVABILITY OF A COMMUNITY.

22 (2) “COMMUNITY GREENSPACE” INCLUDES:

23 (I) A COMMUNITY GARDEN;

24 (II) A COMMUNITY GATHERING OPEN SPACE AREA;

25 (III) A COMMUNITY WOODLAND;

26 (IV) A GREEN NETWORK;

27 (V) A PARK;

1 (VI) A TRAIL; AND

2 (VII) AN URBAN FARM.

3 (D) "ELIGIBLE APPLICANT" MEANS:

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

5 (2) A LAND TRUST OR OTHER NONGOVERNMENTAL ORGANIZATION
~~6—LOCATED OR IN AN UNDERSERVED AREA WHERE A PROJECT IS PROPOSED~~
7 ~~TO BE IMPLEMENTED WORKING UNDER A PARTNERSHIP AGREEMENT WITH A~~
QUALIFIED LAND TRUST IN AN UNDERSERVED AREA WHERE A PROJECT IS
PROPOSED TO BE IMPLEMENTED; OR

8 (3) A COUNTY OR MUNICIPALITY.

9 (4) "LAND TRUST" MEANS A CONSERVATION ORGANIZATION THAT:

10 (I) IS AN ORGANIZATION ESTABLISHED IN ACCORDANCE WITH §
170(H)(3); THAT

11 (II) HAS EXECUTED A COOPERATIVE AGREEMENT WITH THE
MARYLAND ENVIRONMENTAL TRUST

12 (E) "GREEN NETWORK" MEANS A SYSTEM OF GREENSPACES THAT ARE
13 INTERCONNECTED BY LINEAR CORRIDORS THAT FACILITATE THE MOVEMENT OF
14 PEOPLE AND WILDLIFE.

15 (F) "PROGRAM" MEANS THE GREENSPACE EQUITY PROGRAM.

16 (G) (1) "STEWARDSHIP" MEANS ACTIVITIES UNDERTAKEN TO MAINTAIN
17 THE CONSERVATION VALUES AND PUBLIC USE OF A PROPERTY.

18 (2) "STEWARDSHIP" DOES NOT INCLUDE THE OPERATING EXPENSES
19 OF A GRANT RECIPIENT.

20 (H) (1) "UNDERSERVED AREA" HAS THE MEANING INDICATED IN § 8-1911 OF
THIS ARTICLE.

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

22 (3) AN AREA THAT HAS A HIGH CONCENTRATION OF VULNERABLE
POPULATIONS AS DEFINED AND UPDATED FROM TIME TO TIME BY THE US
CENTER OF DISEASE CONTROL'S SOCIAL VULNERABILITY INDEX

18 5-9D-02.

19 (A) THERE IS A GREENSPACE EQUITY PROGRAM.

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

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

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

25 (I) DEVELOP AN APPLICATION FOR THE PROGRAM;

26 (II) PUBLICIZE THE PROGRAM;

1 (III) PROVIDE TECHNICAL ASSISTANCE TO PROGRAM
2 APPLICANTS; AND

3 (IV) ~~RECOMMEND GRANT AWARDS TO THE BOARD. MAKE GRANT
AWARDS SUBJECT TO THE APPROVAL OF THE BOARD OF PUBLIC
WORKS,~~

4 ~~(D) IN CARRYING OUT THE PURPOSE ESTABLISHED IN SUBSECTION (B) OF
5 THIS SECTION, THE BOARD SHALL:~~

6 (1) ~~ADVISE THE DEPARTMENT ON THE ADMINISTRATION OF THE
7 PROGRAM; AND~~

8 ~~(2) APPROVE GRANT AWARDS.~~

9 (D) AN APPLICATION SUBMITTED TO THE DEPARTMENT FOR THE PROGRAM
10 SHALL INCLUDE EVIDENCE OF SUPPORT FROM THE LOCAL GOVERNMENT AND THE
11 UNDERSERVED COMMUNITY IN WHICH THE PROJECT WILL BE LOCATED.

12 (E) (1) BEGINNING IN FISCAL YEAR 2024, THE DEPARTMENT SHALL
13 MAKE GRANTS TO ELIGIBLE APPLICANTS FOR GREENSPACE EQUITY PROJECTS IN
14 UNDERSERVED AREAS.

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

16 (I) LAND ACQUISITION, APPRAISALS, ENVIRONMENTAL
17 ASSESSMENTS, SITE DEVELOPMENT, AND OTHER EXPENSES AND MATERIALS
18 RELATED TO PLANNING AND IMPLEMENTING A PROJECT, INCLUDING
19 DEVELOPMENT OR MAINTENANCE OF THE SITE FOR PUBLIC USE;

20 (II) ADMINISTRATIVE COSTS IN AN AMOUNT NOT MORE THAN
21 3% OF THE TOTAL PROJECT COST, OR \$15,000, WHICHEVER IS GREATER; OR

22 (III) STEWARDSHIP OF A PROJECT THAT PREVIOUSLY RECEIVED
23 A GRANT UNDER THE PROGRAM OR A PROJECT THAT WOULD QUALIFY FOR A GRANT
24 UNDER THE PROGRAM BUT EXISTED BEFORE JULY 1, 2023.

25 (3) IN AWARDING GRANTS UNDER THIS SUBSECTION, THE
26 DEPARTMENT SHALL CONSIDER:

27 (I) THE EXTENT TO WHICH THE PROJECT ENGAGES AND IS
28 SUPPORTED BY RESIDENTS, ORGANIZATIONS, AND BUSINESSES LOCATED IN THE
29 UNDERSERVED AREA IN WHICH THE PROJECT WILL BE LOCATED;

Commented [RP1]: Right now, all grants could go to
stewardship of projects that already exist. The
acquisition part is really the challenge.

1 (II) THE AMOUNT OF FINANCIAL OR IN-KIND CONTRIBUTIONS
2 FOR IMPLEMENTATION OF THE PROJECT, IF APPLICABLE;AND

3 (III) THE DEGREE TO WHICH THE PROJECT ENHANCES THE
4 PUBLIC HEALTH, LIVABILITY, AND COMMUNITY OPEN SPACE IN THE UNDERSERVED
5 AREA.

6 (4) THE DEPARTMENT SHALL RESERVE AT LEAST 50% OF THE
7 ANNUAL APPROPRIATION TO THE PROGRAM FOR GRANTS TO LOCAL LAND TRUSTS
8 ~~AND OTHER OR TO~~ NONGOVERNMENTAL ORGANIZATIONS ~~WORKING WITH LAND~~
TRUSTS UNDER A PARTNERSHIP AGREEMENT.

(5) THE DEPARTMENT SHALL RESERVE AT LEAST 75% OF THE ANNUAL
APPROPRIATION TO THE PROGRAM FOR GRANTS TO FUND ELIGIBLE ACTIONS UNDER
SUBSECTION (E) (2) I AND II.

9 5-9D-03.

10 ~~(A) — THERE IS A GREENSPACE EQUITY BOARD IN THE DEPARTMENT. THERE IS~~
~~A GREEN SPACE EQUITY ADVISORY BOARD IN THE DEPARTMENT TO CONSULT~~
~~WITH THE DEPARTMENT ON THE IMPLEMENTATION AND ADMINISTRATION OF~~
~~THE PROGRAM~~

11 ~~(B) — THE PURPOSE OF THE BOARD IS TO ADMINISTER THE GREENSPACE~~
12 ~~EQUITY PROGRAM. THE MEMBERSHIP OF THE ADVISORY BOARD SHALL INCLUDE:~~
13 (1) ONE MEMBER OF THE SENATE APPOINTED BY THE PRESIDENT OF THE
SENATE

14 (2) ONE MEMBER OF THE HOUSE APPOINTED BY THE SPEAKER OF THE
HOUSE

15 (3) THE GOVERNOR SHALL APPOINT THE OTHER MEMBERS OF THE
BOARD AS FOLLOWS:

16 (I) A REPRESENTATIVE OF A LOCAL GOVERNMENT DEPARTMENT
PARKS AND RECREATION

17

18

19 (II) A REPRESENTATIVE OF A LAND TRUST WORKING IN AN
UNDERSERVED AREA

20 (V) FOUR MEMBERS WHO ARE RESIDENTS OF UNDERSERVED

AREAS AND REFLECT THE DIVERSITY OF THE STATE

21 (C) EXCEPT FOR THE GENERAL ASSEMBLY MEMBERS, EACH ADVISORY BOARD
MEMBER SHALL SERVE FOR AN INITIAL TERM OF FOUR YEARS AND MAY BE
APPOINTED FOR A SECOND FOUR YEAR TERM.

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

23 (I) DEVELOPING THE PROJECT GRANT APPLICATION AND OTHER
ELEMENTS OF THE PROGRAM

24 (II) OUTREACHING THROUGH THEIR RESPECTIVE NETWORKS AND
PUBLICATIONS ABOUT THE PROGRAM

25 (III) REVIEWING AND COMMENTING ON GRANT APPLICATIONS,
INCLUDING COMMENTS RECEIVED FROM STATE AND LOCAL GOVERNMENTS
UNDER SECTION 5-9D-04

26 (F) THE SECRETARY SHALL PROVIDE STAFF TO SUPPORT THE ADVISORY
BOARD IN CARRYING OUT THEIR DUTIES AND RESPONSIBILITIES

27 (C) ~~THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:~~

14 (1) ~~THE SECRETARY OF AGRICULTURE, OR THE SECRETARY'S~~
15 ~~DESIGNEE;~~

16 ~~(2) THE SECRETARY OF NATURAL RESOURCES, OR THE~~
17 ~~SECRETARY'S DESIGNEE;~~

18 ~~(3) THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT,~~
19 ~~OR THE SECRETARY'S DESIGNEE;~~

20 (4) ~~THE SECRETARY OF PLANNING, OR THE SECRETARY'S DESIGNEE;~~
21 ~~AND~~

22 (5) ~~TWO MEMBERS APPOINTED BY THE GOVERNOR, WHO:~~

23 (I) ~~HAVE EXPERIENCE IN PROVIDING RECREATIONAL AND~~
24 ~~GREENSPACE OPPORTUNITIES IN UNDERSERVED AREAS; AND~~

25 ~~(II) ARE REPRESENTATIVE OF THE DIVERSITY OF THE STATE.~~

26 (D) ~~THE SECRETARY OF NATURAL RESOURCES SHALL SERVE AS CHAIR OF~~
27 ~~THE BOARD.~~

~~1 (E) (1) THE DEPARTMENT OF NATURAL RESOURCES SHALL PROVIDE
2 STAFF FOR THE BOARD.~~

~~3 (2) THE DEPARTMENT OF AGRICULTURE, THE DEPARTMENT OF
4 HOUSING AND COMMUNITY DEVELOPMENT, AND THE DEPARTMENT OF PLANNING
5 MAY PROVIDE STAFF FOR THE BOARD.~~

6 5-9D-04. INTERAGENCY REVIEW OF GRANT APPLICATIONS

7 (A) THE DEPARTMENT SHALL PROVIDE COPIES OF EACH GRANT APPLICATION
RECEIVED FOR REVIEW AND COMMENT , IF ANY TO:

8 (I) THE FOLLOWING STATE AGENCIES: AGRICULTURE, HOUSING
AND COMMUNITY DEVELOPMENT, PLANNING, AND HEALTH

9 (II) THE COUNTY OR MUNICIPALITY WITHIN WHICH THE PROJECT
WOULD BE LOCATED UNLESS THE LOCAL GOVERNMENT IS THE APPLICANT

10 5-9D-05

7 THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL THE
8 FOLLOWING APPROPRIATIONS TO THE PROGRAM:

9 (1) \$5,000,000 IN FISCAL YEAR 2024; AND

10 (2) AND \$10,000,000 IN FISCAL YEAR 2025 AND EACH FISCAL YEAR
11 THEREAFTER.

12 Article – State Finance and Procurement

13 6-226.

14 (a) (2) (i) Notwithstanding any other provision of law, and unless
15 inconsistent with a federal law, grant agreement, or other federal requirement or with the
16 terms of a gift or settlement agreement, net interest on all State money allocated by the
17 State Treasurer under this section to special funds or accounts, and otherwise entitled to
18 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
19 Fund of the State.

20 (ii) The provisions of subparagraph (i) of this paragraph do not apply
21 to the following funds:

22 144. the Health Equity Resource Community Reserve Fund;
23 [and]

24 145. the Access to Counsel in Evictions Special Fund; AND

Commented [RP2]: Does this need to be spelled

16

SENATE BILL 791

25

146. THE LOCAL LAND TRUST REVOLVING LOAN FUND.

26

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect

27

October 1, 2022.

Requested amendments for Greenspace Equity Program in HB 1031 / SB 791

- 1.) Add an Advisory Board and remove Greenspace Equity Board. Stakeholders believe this is critical for ensuring that representatives of underserved communities have a formal role in reviewing and advising on the grants advanced through this program. This adds another forum to achieve this goal. We scaled back the membership to 8 individuals. Per the current bill, we also added an 'interagency review' of grant applications to allow relevant agencies to review and comment on grant applications.
- 2.) Add in the additional criteria for underserved communities. Stakeholders pointed out that there are non-redlined communities (i.e. inner suburban communities around both the DC and Baltimore Beltways that nevertheless have underserved populations and significantly lack greenspace. Additional criteria would help ensure that underserved communities are not left out of this important program.
- 3.) Add criteria for nonprofits to have a partnership agreement with a qualified land trust. There are two key issues here. A primary purpose of this program is to acquire and conserve land (and steward it in perpetuity). Land trusts are uniquely qualified and have the expertise to do this. Land trusts as defined have to achieve and comply with multiple standards and qualifications to acquire lands. Secondly, there is a risk that large nonprofits (ie Johns Hopkins which is a 501c3) would be eligible for this program and would outcompete smaller community-based nonprofits. The emphasis here needs to be on creating green spaces WITHIN these communities to complement larger parks and trails. Many residents of these communities have various vulnerabilities and lack access to transportation so they need to have readily available green spaces.
- 4.) Add a requirement that at least 75% of the annual appropriation for the program going to grants will be reserved for land acquisition. In current form, the bill would allow all grant funding to pay for stewardship for projects that already exist. Doing otherwise will not expand greenspace in underserved communities.
- 5.) Increase the funding to **\$5 M** in year one and **\$10 M** in each of the following years. We predict that the demand for grants will grow dramatically under this program after a start- up year because of the heightened concerns around equity generally and the historic lack of attention to the open space needs of these communities.
- 6.) Add uncodified text requiring local governing bodies to include greenspace projects in underserved areas if any as a part of their annual (report) project/funding proposals sent to DNR for approval. Many of the larger jurisdictions have ongoing substantial POS balances and they would be eligible applicants in this program, so this section makes sense and is not prescriptive.