

CITY OF BALTIMORE
COUNCIL BILL 23-0363
(First Reader)

Introduced by: Councilmembers Ramos, Torrence, Porter, Bullock, Dorsey, Burnett, Cohen

Introduced and read first time: March 13, 2023

Assigned to: Ways and Means Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Planning Commission, Department of Housing and Community Development, Office of the Comptroller, Baltimore Development Corporation, Board of Ethics, Office of Equity and Civil Rights

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Land Bank Authority**

3 FOR the purpose of providing certain unamended authorizing language for context of this
4 Ordinance; establishing the Land Bank Authority of Baltimore City; providing for the
5 Authority's powers, duties, and limitations; providing for a Board of Directors, for the
6 selection and terms of the Board's members, and for the powers and duties of the Board;
7 providing certain immunities; providing for providing certain tax exemptions; and generally
8 relating to the establishment and operation of a Land Bank Authority, as authorized by the
9 City Charter.

10 BY authority of
11 Article - Local Government
12 Sections 1-1401 to 1-1431
13 Annotated Code of Maryland
14 (2013 Volume and 2022 Supplement)

15 BY authority of
16 Article II - General Powers
17 Section (65)
18 Baltimore City Charter
19 (1996 Edition)

20 BY adding
21 Article 5 - Finance, Property, and Procurement
22 Sections 22-1 to 22-27, to be under the new subtitle,
23 "Subtitle 22. Land Bank Authority"
24 Baltimore City Code
25 (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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1 BY repealing and re-ordaining, with amendments

2 Article 8 - Ethics
3 Sections 2-2, 2-3, and 7-8
4 Baltimore City Code
5 (Edition 2000)

6 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
7 following is included herein without amendment and for context only:

8 **Baltimore City Charter**

9 **Article II. General Powers**

10 **§ (65) Land Bank Authority.**

11 (a) *Definitions.*

12 (1) *In general.*

13 In this section the following words have the meanings indicated.

14 (2) *Authority*”

15 “Authority” means a nonprofit or quasi-governmental entity created by Baltimore City
16 under subsection (c) of this section.

17 (3) *Board.*

18 “Board” means the Board of Directors of the Authority.

19 (4) *Bond.*

20 (i) “Bond” means a bond issued by the Authority under this subtitle.

21 (ii) “Bond” includes a bond, a refunding bond, a note, and any other obligation.

22 (5) *Cost.*

23 “Cost” includes:

24 (i) the purchase price of property;

25 (ii) the cost to acquire any right, title, or interest in property;

26 (iii) the cost of any improvements made to property;

27 (iv) the amount to be paid to discharge each obligation necessary or desirable to
28 vest title to any part of property in the Authority or other owner;

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1 (v) the cost of any property, right, easement, franchise, and permit associated with
2 a project;

3 (vi) the cost of labor, machinery, and equipment necessary to implement a project;

4 (vii) financing charges;

5 (viii) interest and reserves for principal and interest and for improvements;

6 (ix) the cost of revenue and cost estimates, engineering and legal services, plans,
7 specifications, studies, surveys, and other expenses necessary or incident to
8 determining the feasibility or practicability of a project;

9 (x) administrative expenses; and

10 (xi) other expenses as necessary or incident to:

11 1. financing a project;

12 2. acquiring and improving a project;

13 3. placing a project in operation, including reasonable provision for
14 working capital; and

15 4. operating and maintaining a project.

16 (6) *Finance*.

17 “Finance” includes refinance.

18 (7) *Project*.

19 (i) “Project” means any organized plan carried out by the Authority in relation to:

20 1. acquiring and rehabilitating abandoned and dilapidated properties; and

21 2. marketing and leasing or selling the rehabilitated properties.

22 (ii) “Project” includes:

23 1. acquiring land or an interest in land;

24 2. acquiring structures, equipment, and furnishings located on a property;

25 3. acquiring property that is functionally related and subordinate to a project;
26 and

27 4. obtaining or contracting for any services necessary for the rehabilitation of
28 a property.

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1 (8) *Revenues.*

2 (i) “Revenues” means the income, revenue, and other money the Authority receives
3 from or in connection with a project and all other income of the Authority.

4 (ii) “Revenues” includes grants, rentals, rates, fees, and charges.

5 (9) *Tax sale property.*

6 “Tax sale property” means property or an interest in property sold by the tax collector
7 of Baltimore City in accordance with Title 14, Subtitle 8, Part III of the Tax - Property
8 Article of the Annotated Code of Maryland.

9 (10) *Trust agreement.*

10 (i) “Trust agreement” means an agreement entered into by the Authority to secure a
11 bond.

12 (ii) “Trust agreement” may include a bond contract, bond resolution, or other contract
13 with or for the benefit of a bondholder.

14 (b) *Construction of section.*

15 (1) This section shall be liberally construed to accomplish its purposes.

16 (2) The powers granted to the Authority under this section shall be construed as
17 supplemental and in addition to powers granted to the Authority under any State or
18 local law.

19 (3) This section does not authorize the Authority to:

20 (i) exercise the power of eminent domain; or

21 (ii) levy any tax or special assessment.

22 (c) *Establishment of Authority.*

23 (1) By ordinance, Baltimore City may establish a land bank authority in accordance with
24 this section.

25 (2) An ordinance adopted under paragraph (1) of this subsection shall include proposed
26 articles of incorporation of the Authority that state:

27 (i) the name of the Authority, which shall be “Land Bank Authority of Baltimore
28 City”;

29 (ii) that the Authority is formed under this section;

30 (iii) the names, addresses, and terms of office of the initial members of the Board
31 of Directors of the Authority;

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1 (iv) the address of the principal office of the Authority;

2 (v) the purposes for which the Authority is formed; and

3 (vi) the powers of the Authority subject to the limitations on the powers of the
4 Authority under this section.

5 (3) (i) The Mayor of Baltimore City, or any official designated in the ordinance
6 establishing the Authority, shall execute and file the articles of incorporation of
7 the Authority for recordation with the State Department of Assessments and
8 Taxation.

9 (ii) When the State Department of Assessments and Taxation accepts the articles of
10 incorporation for recordation, the Authority becomes a body politic and corporate
11 and an instrumentality of Baltimore City.

12 (iii) Acceptance of the articles of incorporation for recordation by the State
13 Department of Assessments and Taxation is conclusive evidence of the formation
14 of the Authority.

15 (4) (i) By ordinance, Baltimore City may adopt an amendment to the articles of
16 incorporation of the Authority.

17 (ii) Articles of amendment may contain any provision that lawfully could be
18 contained in articles of incorporation at the time of the amendment.

19 (iii) The articles of amendment shall be filed for recordation with the State
20 Department of Assessments and Taxation.

21 (iv) The articles of amendment are effective as of the time the State Department of
22 Assessments and Taxation accepts the articles for recordation.

23 (v) Acceptance of the articles of amendment for recordation by the State Department
24 of Assessments and Taxation is conclusive evidence that the articles have been
25 lawfully and properly adopted.

26 (5) (i) Subject to the provisions of this subsection and any limitations imposed by law on
27 the impairment of contracts, Baltimore City, in its sole discretion, by ordinance
28 may:

29 1. set or change the structure, organization, procedures, programs, or
30 activities of the Authority; or

31 2. terminate the Authority.

32 (ii) On termination of the Authority:

33 1. title to all property of the Authority shall be transferred to and shall vest in
34 Baltimore City; and

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1 2. all obligations of the Authority shall be transferred to and assumed by
2 Baltimore City.

3 (d) *Establishment of Board of Directors.*

4 An ordinance that creates a Land Bank Authority shall establish a Board of Directors to
5 govern the Authority and shall include provisions for:

- 6 (1) appointment procedures;
- 7 (2) term lengths;
- 8 (3) removal procedures;
- 9 (4) election of a chair; and
- 10 (5) powers of the Board.

11 (e) *Authority's powers – General.*

12 (1) Except as limited by the Authority's articles of incorporation, the Authority has all the
13 powers set forth in this section.

14 (2) The Authority may:

- 15 (i) adopt bylaws for the conduct of business of the Authority;
- 16 (ii) sue and be sued;
- 17 (iii) maintain an office at a place the Authority designates;
- 18 (iv) borrow money;
- 19 (v) issue bonds and other obligations for any corporate purpose in accordance
20 with this section or an ordinance adopted under this section;
- 21 (vi) invest money of the Authority in instruments, obligations, securities, or
22 property;
- 23 (vii) enter into contracts and execute the instruments or agreements necessary or
24 convenient to carry out this section or an ordinance adopted under this
25 section to accomplish their purposes;
- 26 (viii) solicit and accept gifts, grants, loans, or other assistance in any form from
27 any public or private source, subject to the provisions of this section or any
28 ordinance adopted under this section;
- 29 (ix) participate in any way in a program of the federal government, the State, a
30 political subdivision of the State, or an intergovernmental entity created
31 under the laws of the State;

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1 (x) contract for goods and services;

2 (xi) study, develop, and prepare reports or plans to assist in the Authority's
3 exercise of powers and to monitor and evaluate the Authority's progress;

4 (xii) contract with public or private entities for the provision of services necessary
5 for the management and operation of the Authority;

6 (xiii) provide acquisition, management, and sale services to Baltimore City for
7 City-owned property;

8 (xiv) create, own, control, or be a member of a corporation, limited liability
9 company, partnership, or other person, whether operated for profit or not for
10 profit, for the purposes of developing property in order to maximize
11 marketability;

12 (xv) exercise a power usually possessed by a private corporation in performing
13 similar functions unless to do so would conflict with State law; and

14 (xvi) do all things necessary or convenient to carry out the powers expressly granted
15 by this section or by an ordinance adopted under this section.

16 (3) The Authority may delegate to a member or officer a power granted to the Authority
17 by this section, including the power to execute a bond, obligation, certificate, deed,
18 lease, mortgage agreement, or other document or instrument.

19 (f) *Authority's powers – Acquisition, etc., of real property.*

20 (1) The Authority may:

21 (i) acquire, directly or through a person or governmental entity, by gift, devise,
22 transfer, exchange, foreclosure, purchase, or otherwise on terms and
23 conditions and in a manner the Authority considers proper, real property or
24 rights or interests in real property;

25 (ii) own in the Authority's name property acquired by or conveyed to the
26 Authority by the State, a local government, an intergovernmental agency
27 created under the laws of this State, or any other public or private person,
28 including tax foreclosed property and property without clear title;

29 (iii) sell, lease as lessor, transfer, and dispose of the Authority's property or
30 interest in property;

31 (iv) procure insurance against loss in connection with the property, assets, or
32 activities of the Authority; and

33 (v) execute deeds, mortgages, contracts, leases, purchases, or other agreements
34 regarding the property of the Authority.

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1 (2) Property purchased, owned, or sold under this subsection may not be located outside
2 of Baltimore City.

3 (g) *Staff and consultants.*

4 The Authority may employ staff and retain consultants as employees or agents that the
5 Authority considers necessary and set their compensation.

6 (h) *Appointment as receiver.*

7 The court may appoint the Authority to serve as a receiver in a receivership proceeding
8 filed by Baltimore City.

9 (i) *Code of ethics; Policies and procedures; Open government.*

10 (1) The Authority shall:

11 (i) adopt a code of ethics for the Authority's directors, officers, and employees;

12 (ii) establish policies and procedures requiring the disclosure of relationships that
13 may give rise to a conflict of interest, including requiring that any member of
14 the Board with a direct or indirect interest in a matter before the Authority
15 disclose the member's interest to the Board before the Board takes any action
16 on the matter; and

17 (iii) comply with the State Open Meetings Act under Title 10, Subtitle 5 and
18 Subtitle 6, Part III of the State Government Article of the Annotated Code of
19 Maryland *{i.e., the State Open Meetings Act, Title 3 of the State General*
20 *Provisions Article, and the State Public Information Act, Title 4 of the State*
21 *General Provisions Article}*.

22 (2) Except as otherwise provided in this section or the ordinance establishing an
23 Authority, the procedures of Baltimore City control any matter relating to the internal
24 administration of the Authority.

25 (j) *Powers at tax sale; Immunities.*

26 (1) The Authority may exercise the powers granted to Baltimore City under §§ 14-825
27 through 14-831 of the Tax - Property Article of the Annotated Code of Maryland.

28 (2) The Authority may have the same immunities as Baltimore City.

29 (k) *Property rights.*

30 (1) With respect to property held or owned by the Authority, the Authority may:

31 (i) grant or acquire a license, easement, or option;

32 (ii) fix, charge, and collect rents, fees, and charges for use of the property;

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1 (iii) pay taxes or special assessments due;

2 (iv) take any action, provide any notice, or institute any proceeding required to
3 clear or quiet title in order to establish ownership by and vest title to property
4 in the Authority;

5 (v) abate violations of the local and State building, fire, health, and related codes;
6 and

7 (vi) hold, manage, maintain, operate, repair, lease as lessor, secure, prevent the
8 waste or deterioration of, demolish, and take all other actions necessary to
9 preserve the value of the property it holds or owns.

10 (2) The Authority shall be made a party to, and shall defend any action or proceeding
11 concerning, claims against property held by the Authority.

12 (l) *Property inventory, classification; Recording fee exemption.*

13 (1) Property held by the Authority shall be inventoried and classified according to title
14 status and suitability for use.

15 (2) A register of deeds in Baltimore City may not charge a fee to record a document
16 evidencing the transfer under this section of property to the Authority by the State or
17 Baltimore City.

18 (m) *Tax delinquent properties.*

19 (1) Following an unsuccessful attempt on the part of Baltimore City to collect
20 outstanding liens at tax sale and subject to the approval of the tax collecting unit of
21 Baltimore City, the Authority may accept from a person with an interest in a parcel of
22 tax delinquent property or tax sale property a deed or assignment conveying that
23 person's interest in the property instead of:

24 (i) the foreclosure or sale of the property for delinquent taxes, penalties, and
25 interest, as defined by § 14-801(c) of the Tax - Property Article of the
26 Annotated Code of Maryland; or

27 (ii) delinquent specific taxes levied by a local taxing jurisdiction.

28 (2) Except as otherwise provided by law, conveyance of property by deed instead of
29 foreclosure under this section may not affect or impair any other lien against the
30 property or any existing recorded or unrecorded interest in the property, including:

31 (i) future installments of special assessments;

32 (ii) liens recorded by the State;

33 (iii) easements or rights-of-way;

34 (iv) private deed restrictions;

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1 (v) security interests and mortgages; or

2 (vi) tax liens of other taxing jurisdictions that do not consent to a release of their
3 liens.

4 (3) A tax lien against property held by or under the control of the Authority may be
5 released or abated at any time by one or more of the following:

6 (i) Baltimore City with respect to a lien held by Baltimore City;

7 (ii) the governing body of any taxing jurisdiction other than the State, county, or
8 municipal corporation with respect to a lien held by the taxing jurisdiction;

9 (iii) a public water or sewer authority with respect to a tax lien or right to collect a
10 tax held by the public water or sewer authority; or

11 (iv) the State Comptroller with respect to a State tax lien.

12 (n) *Money from property redemption or sale.*

13 (1) Money received by the Authority as payment of taxes, penalties, or interest, or from
14 the redemption or sale of property subject to a tax lien of any taxing unit shall be
15 returned to the local tax collecting unit in the jurisdiction where the property is
16 located for distribution on a pro rata basis to the appropriate taxing units in an amount
17 equal to delinquent taxes, penalties, and interest owed on the property.

18 (2) Proceeds received by the Authority may be retained by the Authority for the purposes
19 of this section, unless otherwise designated by:

20 (i) this section;

21 (ii) the provisions of a deed;

22 (iii) any other law; or

23 (iv) an agreement of the Authority.

24 (o) *Exemption from taxes or assessments.*

25 (1) Except as provided in paragraph (2) of this subsection, the Authority is exempt from
26 any requirement to pay State or local taxes or assessments on the Authority's
27 properties, activities, or any revenue from the properties or activities.

28 (2) Property that the Authority sells or leases to a private entity is subject to State and
29 local property taxes from the time of the sale or lease.

30 (3) The principal of and interest on bonds, the transfer of bonds, and any income derived
31 from the bonds, including profits made on their sale or transfer, are forever exempt
32 from all State and local taxes.

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1 (p) *Civil actions.*

2 (1) The Authority may bring a civil action to prevent, restrain, or enjoin the waste of or
3 unlawful removal of any property from real property held by the Authority.

4 (2) (i) The Authority shall be made a party to any action or proceeding instituted for the
5 purpose of setting aside title to property held by the Authority or for the sale of
6 property by the Authority.

7 (ii) A hearing in any such proceeding may not be held until the Authority is served in
8 accordance with the Maryland Rules.

9 (q) *Public and governmental function and purpose.*

10 (1) Property of the Authority is public property devoted to an essential public and
11 governmental function and purpose.

12 (2) Income of the Authority is considered to be for a public and governmental purpose.

13 (r) *Local laws.*

14 The Authority is subject to any local:

15 (1) zoning laws;

16 (2) permitting processes for construction, demolition, or repair of a property; and

17 (3) land use controls.

18 (s) *Annual reports.*

19 The Authority shall report annually to the Mayor and City Council of Baltimore City and,
20 in accordance with § 2-1246 of the State Government Article of the Annotated Code of
21 Maryland, the General Assembly on the activities of the Authority.

22 (t) *Power to issue bonds.*

23 (1) (i) The Authority may periodically:

24 1. issue bonds to pay all or part of the cost of acquiring or improving
25 property;

26 2. fund or refund those bonds;

27 3. purchase bonds with any funds available; and

28 4. hold, pledge, cancel, or resell bonds.

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1 (ii) By resolution, the Authority may authorize the chair, one of the Authority's
2 members, or a committee of the members to determine or provide for any matters
3 relating to bonds that the Authority considers appropriate, including:

- 4 1. specifying, determining, prescribing, and approving matters, documents,
5 and procedures that relate to the authorization, sale, security, issuance,
6 delivery, and payment of and for the bonds;
- 7 2. creating security for the bonds;
- 8 3. providing for the administration of bond issues; and
- 9 4. taking other actions it considers appropriate concerning the bonds.

10 (iii) The power granted in subparagraph (ii) of this paragraph is in addition to power
11 conferred on the Authority by this section and does not limit any power of the
12 Authority under this section.

13 (iv) 1. Subject to subsubparagraph 2 of this subparagraph, the Authority may
14 authorize the Executive Director to take any of the actions described in
15 subparagraph (ii) of this paragraph.

16 2. If the Authority authorizes the Executive Director to take any of the actions
17 described in subparagraph (ii) of this paragraph, the Authority shall prescribe
18 limits within which the Executive Director may exercise discretion.

19 (2) The Authority may issue the bonds at one time or in one or more series from time to
20 time.

21 (3) For each issue of the Authority's bonds, the Authority shall pass a resolution that:

22 (i) specifies and describes the project for which the proceeds of the bond issuance
23 are intended;

24 (ii) generally describes the public purpose and the financing transaction to be
25 accomplished;

26 (iii) specifies the maximum principal amount of the bonds that may be issued by
27 the Authority; and

28 (iv) imposes any terms or conditions on the issuance and sale of the bonds that the
29 Authority considers appropriate.

30 (4) Subject to any provisions for their registration, bonds are negotiable instruments for
31 all purposes regardless of whether they are payable from a special fund.

32 (5) (i) The bonds may be:

- 33 1. serial bonds;

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- 1 2. term bonds; or
- 2 3. both in the discretion of the Authority.

3 (ii) Subject to any delegation under paragraph (l)(ii) of this subsection, the resolution
4 authorizing bonds may provide:

- 5 1. the dates of the bonds;
- 6 2. the maturity dates of the bonds;
- 7 3. the interest rates on the bonds;
- 8 4. the time at which the bonds will be payable;
- 9 5. the denominations of the bonds;
- 10 6. whether the bonds will be in coupon or registered form;
- 11 7. any registration privileges of the bonds;
- 12 8. the manner of execution of the bonds;
- 13 9. the place at which the bonds will be payable; and
- 14 10. any terms of redemption of the bonds.

15 (iii) The bonds shall mature within a period not to exceed 50 years after the date of
16 issue.

17 (iv) The bonds shall be payable in United States currency.

18 (6) (i) The Authority shall sell the bonds at competitive or negotiated sale in a manner
19 and for a price the Authority determines to be in the Authority's best interests.

20 (ii) Bonds are exempt from §§ 8-206 and 8-208 of the State Finance and Procurement
21 Article of the Annotated Code of Maryland.

22 (7) An officer's signature or facsimile on a bond remains valid even if the officer leaves
23 office before the bond is delivered.

24 (8) Pending preparation of the definitive bonds, the Authority may issue interim receipts
25 or certificates that will be exchanged for definitive bonds.

26 (9) (i) A trust agreement authorizing bonds may contain provisions that are part of the
27 contract with the bondholders.

28 (ii) The provisions may include:

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- 1 1. pledging the following to secure payment of bonds, subject to any existing
2 agreements with bondholders:
 - 3 A. the full faith and credit of the Authority;
 - 4 B. revenues of a project;
 - 5 C. a revenue-producing contract the Authority has made with a person
6 or public entity; or
 - 7 D. the proceeds of the sale of bonds;
- 8 2. the rates, rentals, fees, and other charges, the amounts to be raised in each
9 year, and the use and disposition of the revenues;
- 10 3. the setting aside of reserves and sinking funds and their disposition;
- 11 4. limits on the right of the Authority or the Authority's agents to restrict and
12 regulate the use of a project;
- 13 5. limits on the purpose to which the proceeds of sale of bonds may be
14 applied;
- 15 6. limits on issuing additional bonds and refunding bonds and the terms
16 under which additional bonds may be issued and secured;
- 17 7. the procedure to amend or abrogate the terms of a contract with
18 bondholders and the requirements for consent;
- 19 8. limits on the amount of project revenues to be expended for operating,
20 administrative, or other expenses of the Authority;
- 21 9. the acts or omissions that constitute default by the Authority and the rights
22 and remedies of the bondholders in the event of a default;
- 23 10. the conveyance or mortgaging of a project and its site to secure the
24 bondholders; and
- 25 11. the creation and disposition of a collateral fund for the purpose of securing
26 the bondholders.

27
28 (10) The members of the Authority and a person executing the bonds may not be held
29 liable personally on the bonds.

30 (u) *Trust agreements.*

31 (1) The corporate trustee under a trust agreement may be a trust company or a bank that
32 has the powers of a trust company in or outside the State.

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1 (2) An expense incurred in carrying out the trust agreement or a resolution may be treated
2 as part of the cost of the operation of a project.

3 (v) *Authority's bond determinations conclusive.*

4 Notwithstanding any other provision of this section, in a proceeding involving the validity
5 or enforceability of a bond or the security for a bond, the determination of the Authority
6 under this section is conclusive and binding.

7 (w) *Bonds as securities.*

8 Bonds are securities:

9 (1) in which any of the following persons may legally and properly invest money,
10 including capital that the person owns or controls:

11 (i) an officer or unit of the State or a political subdivision;

12 (ii) a bank, trust company, savings and loan association, investment company,
13 or other person conducting a banking business;

14 (iii) an insurance company, insurance association, or other person conducting
15 an insurance business;

16 (iv) a personal representative, guardian, trustee, or other fiduciary; and

17 (v) any other person; and

18 (2) that may be deposited with and received by a unit of the State or a political
19 subdivision of the State for any purpose for which the deposit of bonds or
20 obligations of the State is authorized by law.

21 (x) *Bonds not debt or liability of State.*

22 (1) A bond is not:

23 (i) a debt or liability of the State or a political subdivision of the State; or

24 (ii) a pledge of the faith and credit of the State or a political subdivision of the
25 State.

26 (2) Each bond shall state on the face of the bond that neither the State nor a political
27 subdivision of the State is obliged to pay the principal of or interest on the bond
28 except from revenues pledged to the payment of the bond.

29 (3) The issuance of bonds does not directly, indirectly, or contingently obligate the State
30 or its political subdivisions:

31 (i) to levy or pledge a tax to pay the bonds; or

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1 (ii) to make an appropriation to pay the bonds.

2 (4) Nothing in this section prohibits the Authority from pledging its full faith and credit
3 in connection with the issuance of bonds.

4 (y) *Authority's powers related to projects.*

5 (1) The Authority may:

6 (i) fix and collect rates, rents, fees, and charges related to a project and for the
7 services related to a project; and

8 (ii) contract with any person or governmental entity to exercise its authority under
9 this subsection.

10 (2) The rates, rents, fees, and charges established by the Authority under this subsection
11 shall be fixed and adjusted so that the aggregate amount of the rates, rents, fees, and
12 charges from the project, when added to other available money, is sufficient to:

13 (i) pay for the expenses of the project;

14 (ii) pay the principal of and the interest on the bonds that the Authority issued for
15 the project as they become due and payable; and

16 (iii) create and maintain reserves required or provided for in a trust agreement.

17 (3) The rates, rents, fees, and charges established by the Authority under this subsection
18 are not subject to supervision or regulation by any unit of the State other than the
19 Authority.

20 (z) *Pledge of revenues.*

21 (1) (i) Any pledge of revenues and other money under subsection (t)(9) of this section is
22 valid and binding from the time the pledge is made.

23 (ii) 1. The revenue or money that the Authority pledges and receives is subject
24 immediately to the lien of the pledge.

25 2. Neither physical delivery of the revenue or money nor any other act is required
26 to validate the lien.

27 (iii) The lien of the pledge is valid and binding against each party with a claim against
28 the Authority in tort, contract, or otherwise, regardless of whether the party has
29 notice of the lien.

30 (2) The trust agreement and any other agreement or lease creating a pledge under this
31 section need not be filed or recorded, except in the records of the Authority.

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1 (aa) *Revenues are trust funds.*

2 (1) Proceeds from the sale of bonds and other revenues received under this section are
3 trust funds to be held and applied solely as provided in this section.

4 (2) (i) Each officer, bank, or trust company that receives trust money from the Authority
5 under this section shall act as trustee of the money and shall hold and apply the
6 money for the purposes specified under this section.

7 (ii) The officer, bank, or trust company holding money is subject to:

- 8 1. any regulation adopted under this section; and
- 9 2. the resolution authorizing the issuance of bonds or the trust agreement.

10 (bb) *Refunding bonds.*

11 (1) (i) The Authority may issue bonds to refund outstanding bonds of the Authority,
12 including paying:

- 13 1. any redemption premium;
- 14 2. interest accrued or to accrue to the date of redemption, purchase, or
15 maturity of the bonds; and
- 16 3. if considered advisable by the Authority, any part of the cost of acquiring
17 or improving property as part of a project.

18 (ii) Refunding bonds may be issued for any corporate purpose, including:

- 19 1. realizing savings in the effective costs of debt service, directly or through a
20 debt restructuring; or
- 21 2. alleviating a potential or actual default.

22 (2) A refunding bond that the Authority issues under this subsection shall be issued in the
23 same manner and is subject to this section to the same extent as any other bond.

24 (3) The Authority may issue refunding bonds in one or more series in an amount greater
25 than the amount of the bonds to be refunded.

26 (cc) *Bond anticipation notes.*

27 (1) The Authority may issue negotiable bond anticipation notes in anticipation of the sale
28 of bonds for any corporate purpose.

29 (2) Bond anticipation notes issued under this subsection shall be issued in the same
30 manner as bonds.

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1 (3) Bond anticipation notes issued under this subsection and the resolution authorizing
2 them may contain any provisions, conditions, or limitations that may be included in a
3 trust agreement.

4 (4) The Authority may issue bond anticipation notes to pay any other bond anticipation
5 notes.

6 (5) Bond anticipation notes shall be paid from:

7 (i) revenues of the Authority;

8 (ii) money available and not otherwise pledged; or

9 (iii) the proceeds of the sale of the bonds in anticipation of which the notes were
10 issued.

11 (dd) *Conveyance of title.*

12 (1) The Authority shall convey title to property relating to a project and release collateral
13 in accordance with this subsection when the following conditions are met:

14 (i) 1. the principal of and interest on bonds issued to finance the project,
15 including any refunding bonds, have been fully paid and retired; or

16 2. adequate provision has been made to fully pay and retire the bonds;

17 (ii) all other conditions of the trust agreement have been satisfied; and

18 (iii) the lien of the trust agreement has been released.

19 (2) On satisfaction of the conditions under paragraph (1) of this subsection, the Authority
20 promptly shall execute any deeds, conveyances, releases, and documents and take any
21 other action necessary to convey title to the property and release collateral free of all
22 liens and encumbrances created through the Authority.

23 (ee) *Protection and enforcement of bondholders', etc., rights,*

24 (1) A bondholder, a holder of any coupons attached to bonds, or a trustee under a trust
25 agreement securing the bonds may sue to:

26 (i) protect and enforce rights under laws of the State or a trust agreement; and

27 (ii) enforce and compel the performance of duties by the Authority or its officer,
28 employee, or agent that this section or a trust agreement requires, including
29 fixing and collecting rates, rents, fees, and charges that the trust agreement
30 requires to be fixed and collected.

31 (2) The rights under this subsection are subject to any trust agreement.

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1 (C) *AUTHORITY*.

2 “AUTHORITY” MEANS THE LAND BANK AUTHORITY OF BALTIMORE CITY.

3 (D) *BEST OUTCOME*.

4 “BEST OUTCOME” MEANS THE IDEAL OWNERSHIP AND USE OF A PROPERTY, TAKING INTO
5 CONSIDERATION THE FOLLOWING CRITERIA:

6 (1) ECONOMIC AND SOCIAL BENEFIT TO THE COMMUNITY AND ITS CURRENT
7 RESIDENTS;

8 (2) PROMOTION OF EQUITY FOR COMMUNITY RESIDENTS;

9 (3) IMPROVED SAFETY AND APPEARANCE OF THE PROPERTY;

10 (4) PRESERVATION OF INSTITUTIONS THAT HONOR HISTORY AND PRESERVATION OF
11 CULTURE;

12 (5) NEIGHBORHOOD STABILITY; AND

13 (6) ADVANCEMENT OF THE CITY’S GOALS, AS DESCRIBED IN § 22-3 {“PURPOSES OF
14 SUBTITLE”}.

15 (E) *BOARD*.

16 “BOARD” MEANS THE BOARD OF DIRECTORS OF THE AUTHORITY.

17 (F) *BUILDING*.

18 “BUILDING” MEANS A STRUCTURE OR EDIFICE OF ANY KIND CONSTRUCTED FOR THE
19 SHELTER, SUPPORT, OR ENCLOSURE OF PERSONS, ANIMALS, CHATTELS, OR OPERATIONS.

20 (G) *ENABLING ACT*.

21 “ENABLING ACT” MEANS ARTICLE II, § (65) OF THE BALTIMORE CITY CHARTER.

22 (H) *EQUITY*.

23 “EQUITY” HAS THE MEANING STATED IN CITY CODE ARTICLE 1, § 39-1(C) {“DEFINITIONS:
24 EQUITY”}.

25 (I) *PROJECT*.

26 “PROJECT” HAS THE MEANING STATED IN ARTICLE II, § (65) OF THE BALTIMORE CITY
27 CHARTER.

28 (J) *PROPERTY*.

29 “PROPERTY” OR “PROPERTIES” MEANS 1 OR MORE PARCELS OF REAL PROPERTY.

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1 (K) *TAX SALE PROPERTY.*

2 “TAX SALE PROPERTY” HAS THE MEANING STATED IN CITY CHARTER
3 ARTICLE II § (65)(A)(9) {“LAND BANK AUTHORITY: DEFINITIONS: TAX SALE PROPERTY”}.

4 (L) *TAX-DELINQUENT PROPERTY.*

5 “TAX-DELINQUENT PROPERTY” MEANS ANY PROPERTY ON WHICH THE TAXES LEVIED AND
6 ASSESSED BY ANY PARTY REMAIN IN WHOLE OR IN PART UNPAID ON THE DATE DUE AND
7 PAYABLE.

8 (M) *VACANT LOT.*

9 “VACANT LOT” MEANS AN INDIVIDUAL PARCEL OF PROPERTY THAT IS UNIMPROVED BY AN
10 ASSESSED BUILDING.

11 **§ 22-2. CONSTRUCTION.**

12 (A) *LIBERAL CONSTRUCTION.*

13 THIS SUBTITLE SHALL BE LIBERALLY CONSTRUED TO ACCOMPLISH ITS PURPOSES.

14 (B) *POWERS SUPPLEMENTAL.*

15 THE POWERS GRANTED TO THE AUTHORITY BY OR UNDER THIS SUBTITLE SHALL BE
16 CONSTRUED AS SUPPLEMENTAL AND IN ADDITION TO ANY OTHER POWERS GRANTED TO
17 THE AUTHORITY UNDER ANY STATE OR CITY LAW.

18 **§ 22-3. PURPOSES OF SUBTITLE.**

19 THE PURPOSE OF THIS SUBTITLE IS TO FURTHER AND ENHANCE THE CITY’S EQUITABLE
20 DEVELOPMENT GOALS, INCLUDING:

21 (1) ELIMINATING ABANDONED PROPERTY THROUGH REDEVELOPMENT OR DEMOLITION;

22 (2) SUSTAINING NEIGHBORHOOD VIABILITY;

23 (3) CREATING AFFORDABLE AND MIXED-INCOME HOMEOWNERSHIP AND RENTAL
24 OPPORTUNITIES;

25 (4) CREATING OPPORTUNITIES FOR AFFORDABLE RETAIL AND COMMERCIAL SPACES;

26 (5) MINIMIZING DISPLACEMENT OF NEIGHBORHOOD RESIDENTS;

27 (6) FACILITATING ECONOMIC AND COMMUNITY DEVELOPMENT;

28 (7) REDEVELOPING NEIGHBORHOODS THAT HAVE BEEN HISTORICALLY OVERLOOKED BY
29 INVESTORS AND REVITALIZATION INITIATIVES;

30 (8) INCREASING THE CITY’S POPULATION; AND

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1 (9) PROMOTING THE FISCAL STABILITY OF THE CITY’S INDIVIDUAL NEIGHBORHOODS.

2 ***PART II. ESTABLISHMENT***

3 **§ 22-4. AUTHORITY – ESTABLISHMENT.**

4 THERE IS A LAND BANK AUTHORITY OF BALTIMORE CITY, ESTABLISHED UNDER THE
5 ENABLING ACT AS A BODY CORPORATE AND POLITIC.

6 **§ 22-5. AUTHORITY – CORPORATE ORGANIZATION.**

7 THE AUTHORITY IS A NON-PROFIT ENTITY CREATED FOR THE PURPOSES SET FORTH IN ITS
8 ARTICLES OF INCORPORATION, THE ENABLING ACT, AND THIS SUBTITLE.

9 **§ 22-6. BOARD OF DIRECTORS – ESTABLISHMENT.**

10 (A) *IN GENERAL.*

11 THE POWERS OF THE AUTHORITY ARE EXERCISED BY THE BOARD OF DIRECTORS.

12 (B) *COMPOSITION.*

13 (1) *IN GENERAL.*

14 THE BOARD OF DIRECTORS SHALL CONSIST OF 11 MEMBERS.

15 (2) *EX-OFFICIO MEMBERS.*

16 4 MEMBERS SHALL BE THE FOLLOWING CITY OFFICIALS OR THEIR RESPECTIVE
17 DESIGNEES:

18 (I) THE MAYOR OF BALTIMORE CITY;

19 (II) THE PRESIDENT OF THE BALTIMORE CITY COUNCIL;

20 (III) THE CITY COMPTROLLER; AND

21 (IV) THE COMMISSIONER OF HOUSING AND COMMUNITY DEVELOPMENT.

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1 (3) *APPOINTED MEMBERS.*

2 THE FOLLOWING 7 MEMBERS SHALL BE APPOINTED BY THE MAYOR PURSUANT TO
3 ARTICLE IV, § 6 OF THE CITY CHARTER:

4 (I) 1 MEMBER WITH EXPERIENCE IN HOUSING FINANCE;

5 (II) 1 MEMBER WITH EXPERIENCE IN FAIR HOUSING OR EQUITABLE DEVELOPMENT;

6 (III) 1 NON-PROFIT REAL ESTATE DEVELOPER;

7 (IV) 1 FOR-PROFIT REAL ESTATE DEVELOPER;

8 (V) 1 REAL ESTATE PROFESSIONAL, TITLE ATTORNEY, OR REAL ESTATE APPRAISER
9 LICENSED BY THE STATE OF MARYLAND; AND

10 (VI) 2 INDIVIDUALS LIVING IN NEIGHBORHOOD STATISTICAL AREAS DETERMINED
11 BY THE BALTIMORE CITY DEPARTMENT OF PLANNING, WHERE 10% OR MORE
12 OF THE PROPERTIES ARE ABANDONED OR WERE ABANDONED IN THE PAST 10
13 YEARS.

14 (C) *DIVERSITY.*

15 THE BOARD MEMBERS SHALL REFLECT A MIX OF DEMOGRAPHICS THAT ARE
16 REPRESENTATIVE OF THE DIVERSITY OF THE CITY.

17 (D) *QUALIFICATIONS.*

18 EACH APPOINTED MEMBER OF THE BOARD MUST BE:

19 (1) A PERSON OF ABILITY AND INTEGRITY; AND

20 (2) A REGISTERED VOTER OF BALTIMORE CITY THROUGHOUT THE MEMBER'S SERVICE
21 ON THE BOARD.

22 (E) *POWERS.*

23 THE AUTHORITY HAS THE POWERS ENUMERATED IN THE ENABLING ACT.

24 (F) *VACANCIES; TERM LIMITS.*

25 (1) MEMBERS SHALL SERVE FOR A TERM OF 4 YEARS CONCURRENT WITH THE MAYOR'S
26 TERM OF OFFICE.

27 (2) AT THE END OF A TERM, AN APPOINTED MEMBER SHALL CONTINUE TO SERVE UNTIL
28 THE MEMBER'S SUCCESSOR IS APPOINTED.

29 (3) A MEMBER WHO IS APPOINTED AFTER THE MAYOR'S TERM HAS BEGUN SHALL ONLY
30 SERVE FOR THE REST OF THE TERM AND UNTIL THE MEMBER'S SUCCESSOR IS
31 APPOINTED AND QUALIFIES.

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1 (4) MEMBERS MAY BE APPOINTED TO SUCCEED THEMSELVES; HOWEVER, AN APPOINTED
2 MEMBER MAY NOT SERVE MORE THAN 2 CONSECUTIVE FULL TERMS.

3 (G) *REMOVAL.*

4 (1) EACH APPOINTED MEMBER IS SUBJECT TO REMOVAL BY THE BOARD ONLY FOR:

5 (I) INCOMPETENCE;

6 (II) NEGLIGENCE OF DUTY; OR

7 (III) THE FAILURE TO ATTEND 50% OF THE SCHEDULED IN-PERSON OR VIRTUAL
8 OFFICIAL BOARD MEETINGS DURING ANY PERIOD OF 12 CONSECUTIVE MONTHS.

9 (2) SUBJECT TO PARAGRAPH (1) OF THIS SUBSECTION, A MEMBER MAY BE REMOVED BY A
10 MAJORITY VOTE OF THE MEMBERS OF THE BOARD.

11 (H) *COMPENSATION AND EXPENSES.*

12 A PERSON MAY NOT RECEIVE COMPENSATION FOR SERVICE AS A BOARD MEMBER, BUT THE
13 BOARD MAY ESTABLISH RULES GOVERNING PAYMENT OF OR REIMBURSEMENT FOR
14 EXPENSES INCURRED BY A MEMBER IN THE DISCHARGE OF HIS OR HER DUTIES.

15 (I) *OFFICERS; STAFF.*

16 FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT:

17 (1) A CHAIR;

18 (2) A VICE CHAIR;

19 (3) A TREASURER;

20 (4) A SECRETARY; AND

21 (5) ANY OTHER OFFICERS THE BOARD REQUIRES.

22 (J) *QUORUM AND VOTING.*

23 50% OF THE TOTAL MEMBERS OF THE BOARD CONSTITUTES A QUORUM AND AN
24 AFFIRMATIVE VOTE OF A MAJORITY OF THOSE PRESENT IS NEEDED FOR ANY ACTION BY THE
25 BOARD.

26 (K) *OPEN GOVERNANCE.*

27 (1) *MEETINGS.*

28 ALL MEETINGS OF THE BOARD MUST BE CONDUCTED IN ACCORDANCE WITH:

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1 (I) THE STATE OPEN MEETINGS ACT {STATE GENERAL PROVISIONS ARTICLE,
2 TITLE 3}; AND

3 (II) CITY CODE ARTICLE 1, SUBTITLE 6 {"MEETINGS OF BOARDS AND
4 COMMISSIONS"}.

5 (2) *RECORDS.*

6 ALL RECORDS OF THE AUTHORITY:

7 (I) MUST BE OPEN TO PUBLIC INSPECTION IN ACCORDANCE WITH THE STATE
8 PUBLIC INFORMATION ACT {STATE GENERAL PROVISIONS ARTICLE, TITLE 4};
9 AND

10 (II) ARE SUBJECT TO CITY RECORD MANAGEMENT LAW UNDER CITY CODE
11 ARTICLE 1, SUBTITLE 10.

12 (L) *ETHICS.*

13 THE BOARD OF DIRECTORS AND STAFF OF THE AUTHORITY MUST COMPLY WITH ETHICS
14 AND FINANCIAL DISCLOSURE PROCEDURES ESTABLISHED BY CITY CODE ARTICLE 8.

15 **§ 22-7. EXECUTIVE DIRECTOR.**

16 (A) *EXECUTIVE DIRECTOR.*

17 THE EXECUTIVE DIRECTOR:

18 (1) IS THE CHIEF EXECUTIVE OFFICER OF THE AUTHORITY;

19 (2) MAY NOT BE A MEMBER OF THE BOARD; AND

20 (3) SHALL SERVE AT THE PLEASURE OF THE BOARD.

21 (B) *QUALIFICATIONS.*

22 THE EXECUTIVE DIRECTOR SHALL:

23 (1) BE A RESIDENT OF BALTIMORE CITY;

24 (2) HAVE AT LEAST 5 YEARS' EXPERIENCE IN HOUSING, FINANCE, PROPERTY
25 MANAGEMENT, REAL ESTATE, OR COMMUNITY DEVELOPMENT;

26 (3) HAVE AT LEAST 5 YEARS' EXPERIENCE IN LAND BANK OPERATIONS OR THE
27 ACQUISITION AND DISPOSITION OF ABANDONED PROPERTY; AND

28 (4) HAVE EXECUTIVE AND SUPERVISORY EXPERIENCE.

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1 (C) *DUTIES.*

2 IN ADDITION TO ANY OTHER RIGHTS, POWERS, AND DUTIES GRANTED BY THE BOARD, THE
3 EXECUTIVE DIRECTOR SHALL:

- 4 (1) SUPERVISE AND MANAGE THE DAY-TO-DAY OPERATIONS OF THE AUTHORITY AND
5 ITS EMPLOYEES AND CONTRACTORS;
- 6 (2) PREPARE THE AUTHORITY'S VARIOUS PLANS AND REPORTS FOR REVIEW AND
7 APPROVAL BY THE BOARD;
- 8 (3) IMPLEMENT THE FINANCIAL PLAN DESCRIBED UNDER § 22-23 OF THIS SUBTITLE
9 AND ARRANGE FOR THE COLLECTION, DEPOSIT, AND DISBURSEMENT OF ALL
10 CHARGES AND REVENUES OF THE AUTHORITY;
- 11 (4) DEVELOP, FOR THE BOARD'S APPROVAL, PROCEDURES AND PROCESSES NEEDED TO
12 PERFORM THE FUNCTIONS OF THE AUTHORITY; AND
- 13 (5) COMPLETE OTHER DUTIES, AS MAY BE ASSIGNED BY THE BOARD.

14 (D) *DELEGATION.*

- 15 (1) THE BOARD MAY DELEGATE TO 1 OR MORE OF ITS AGENTS OR EMPLOYEES ANY OF THE
16 AUTHORITY'S POWERS THAT THE BOARD CONSIDERS NECESSARY TO CARRY OUT THIS
17 SUBTITLE.
- 18 (2) THE POWERS THAT MAY BE DELEGATED UNDER THIS SUBSECTION INCLUDE THE POWER
19 TO EXECUTE:
- 20 (I) A DEED;
- 21 (II) A MORTGAGE;
- 22 (III) A CONTRACT;
- 23 (IV) A LEASE;
- 24 (V) A PURCHASE CONTRACT; OR
- 25 (VI) ANOTHER:
- 26 (A) AGREEMENT;
- 27 (B) DOCUMENT; OR
- 28 (C) INSTRUMENT.

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PART III. POWERS AND DUTIES

§ 22-8. IN GENERAL.

EXCEPT AS LIMITED BY THE AUTHORITY’S ARTICLES OF INCORPORATION, THE AUTHORITY HAS ALL THE POWERS SET FORTH IN CITY CHARTER ARTICLE II § (65) {“LAND BANK AUTHORITY”}.

§ 22-9. ROLE IN FINANCING.

(A) *IN GENERAL.*

WITHOUT LIMITING THE POWERS OUTLINED IN CITY CHARTER ARTICLE II § (65) {“LAND BANK AUTHORITY”}, THE AUTHORITY MAY CREATE A FUND PLEDGING ASSETS TO LEVERAGE PRIVATE INVESTMENT TO FULFILL THE PURPOSES OF THIS SUBTITLE.

(B) *LOANS AND GRANTS.*

THE AUTHORITY MAY MAKE LOANS OR GRANTS TO ASSIST WITH FINANCING PROJECTS.

(C) *APPLICATIONS.*

GRANT AND LOAN APPLICATIONS SHALL BE IN THE FORM REQUIRED BY THE AUTHORITY.

(D) *FACILITATE FINANCING.*

THE AUTHORITY MAY ENTER INTO PARTNERSHIPS WITH OTHER ENTITIES TO FACILITATE FINANCING OF PROJECTS.

§ 22-10. RULES AND REGULATIONS.

(A) *IN GENERAL.*

SUBJECT TO TITLE 4 {“ADMINISTRATIVE PROCEDURE ACT – REGULATIONS”} OF THE CITY GENERAL PROVISIONS ARTICLE, THE BOARD SHALL ADOPT RULES AND REGULATIONS TO CARRY OUT THIS SUBTITLE.

(B) *REGULATORY INCLUSIONS.*

THE REGULATIONS REQUIRED BY THIS SECTION SHALL INCLUDE REGULATIONS GOVERNING:

- (1) THE SOURCE OF PROPERTIES CONVEYED TO THE AUTHORITY;
- (2) DISPOSITION POLICIES AND PRICING; AND
- (3) PUBLIC NOTIFICATION AND PARTICIPATION; AND
- (4) PROPERTY DISPOSITION PRIORITIES THAT:

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- 1 (I) MEET THE GOALS AND OBJECTIVES OF THE AUTHORITY; AND
2 (II) ARE CONSISTENT WITH THE CITY’S ESTABLISHED PLANS AND POLICIES
3 WHERE APPLICABLE, INCLUDING MASTER PLANS, URBAN RENEWAL PLANS,
4 AND ESTABLISHED ECONOMIC DEVELOPMENT INITIATIVES AND PROJECTS.

5 **§ 22-11. ACQUISITION, SALE, AND RENOVATION.**

6 (A) *SCOPE.*

7 PROPERTY ACQUIRED, OWNED, OR SOLD UNDER THIS SECTION MUST BE LOCATED WITHIN
8 BALTIMORE CITY.

9 (B) *ACQUIRE, OWN, OR SELL.*

10 WITHOUT NEED FOR ANY FURTHER APPROVAL OF THE MAYOR AND CITY COUNCIL OF
11 BALTIMORE, THE AUTHORITY MAY:

- 12 (1) ACQUIRE PROPERTY OR RIGHTS OR INTERESTS IN PROPERTY, DIRECTLY OR
13 THROUGH A PERSON OR GOVERNMENTAL ENTITY, BY GIFT, DEVISE, TRANSFER,
14 EXCHANGE, FORECLOSURE, PURCHASE, OR OTHERWISE ON TERMS AND CONDITIONS
15 AND IN A MANNER THE AUTHORITY CONSIDERS PROPER;
- 16 (2) OWN PROPERTY IN THE AUTHORITY’S NAME, INCLUDING TAX FORECLOSED
17 PROPERTY AND PROPERTY WITHOUT CLEAR TITLE;
- 18 (3) SELL, LEASE AS LESSOR, TRANSFER, AND DISPOSE OF THE AUTHORITY’S INTEREST
19 IN PROPERTY;
- 20 (4) PROCURE INSURANCE AGAINST LOSS IN CONNECTION WITH THE PROPERTY, ASSETS,
21 OR ACTIVITIES OF THE AUTHORITY; AND
- 22 (5) EXECUTE DEEDS, MORTGAGES, CONTRACTS, LEASES, PURCHASES, OR OTHER
23 AGREEMENTS REGARDING THE PROPERTY OF THE AUTHORITY.

24 (C) *PROPERTIES SUITABLE FOR RENOVATION.*

25 (1) *IN GENERAL.*

26 THE AUTHORITY MAY IDENTIFY PROPERTIES SUITABLE FOR RENOVATION, DEVELOP A
27 WRITTEN SCOPE OF RENOVATIONS, AND THEN POST THE PROPERTY FOR SALE.

28 (2) *BUYERS.*

29 THE AUTHORITY MAY SELL THE PROPERTY ON A NEGOTIATED BASIS TO
30 PRE-SCREENED, INTERESTED BUYERS THAT DEMONSTRATE THEIR CAPACITY TO
31 COMPLETE THE SCOPE OF RENOVATION.

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1 (D) *LAND DISPOSITION POLICY.*

2 IN DISPOSING OF PROPERTY, THE AUTHORITY SHALL CONSIDER THE BEST OUTCOMES FOR
3 THE NEIGHBORHOOD AND THE CITY, NOT NECESSARILY THE HIGHEST BID.

4 (E) *LAND DISPOSITION AGREEMENTS.*

5 EACH DISPOSITION OF THE AUTHORITY'S PROPERTY OR INTEREST IN PROPERTY SHALL BE
6 ACCOMPANIED BY A LAND DISPOSITION AGREEMENT THAT INCLUDES TERMS REGARDING:

7 (I) PROPERTY MAINTENANCE;

8 (II) PROPERTY OUTCOMES AND USES; AND

9 (III) DEFINED AND TANGIBLE BENEFITS FROM THE TRANSACTION TO THE
10 COMMUNITY.

11 (F) *FAILURE TO COMPLY WITH AGREEMENT.*

12 THE AUTHORITY MAY RE-ENTER A PROPERTY AND TAKE ANY AND ALL ACTION NECESSARY
13 TO TAKE POSSESSION OF THE PROPERTY AND TO TERMINATE THE ESTATE CONVEYED TO
14 THE BUYER IN THE EVENT THAT A BUYER DEFAULTS ON ITS OBLIGATIONS, CONDITIONS, OR
15 COVENANTS UNDER A LAND DISPOSITION AGREEMENT ENTERED INTO WITH THE
16 AUTHORITY:

17 (I) SUBSEQUENT TO CONVEYANCE BY THE AUTHORITY; AND

18 (II) PRIOR TO THE COMPLETION OF IMPROVEMENTS,

19 (G) *CAUSES OF ACTION.*

20 THE AUTHORITY MAY TAKE THE ACTIONS AUTHORIZED UNDER SUBSECTION (F) OF THIS
21 SECTION IF A BUYER:

22 (1) FAILS TO OBTAIN PERMITS AS AGREED; OR

23 (2) FAILS TO:

24 (I) COMMENCE CONSTRUCTION OR REHABILITATION;

25 (II) DILIGENTLY PURSUE CONSTRUCTION OR REHABILITATION; OR

26 (III) COMPLETE CONSTRUCTION OR REHABILITATION IN THE TIME AGREED.

27 (H) *TITLE TO REVEST.*

28 IN THE EVENT THE ESTATE CONVEYED TO THE BUYER IS TERMINATED, THE TITLE TO THE
29 PROPERTY SHALL IMMEDIATELY REVEST TO THE AUTHORITY.

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1 **§ 22-12. EQUITABLE DISPOSITION OF PROPERTY.**

2 (A) *PROCESS ESTABLISHED.*

3 THE AUTHORITY SHALL ESTABLISH AN EQUITABLE DISPOSITION PROCESS THAT PROMOTES
4 THE BEST OUTCOME FOR THE NEIGHBORHOOD.

5 (B) *NEIGHBORHOOD BOUNDARIES IDENTIFIED.*

6 THE DEPARTMENT OF PLANNING SHALL WORK WITH THE AUTHORITY TO IDENTIFY THE
7 BOUNDARIES OF THE COMMUNITY IN WHICH THE BEING DISPOSED OF BY THE AUTHORITY
8 IS LOCATED.

9 **§ 22-13. PROPERTY USE AND IMPROVEMENTS.**

10 WITH RESPECT TO PROPERTY HELD OR OWNED BY THE AUTHORITY, THE AUTHORITY MAY:

- 11 (1) GRANT OR ACQUIRE A LICENSE, EASEMENT, OR OPTION;
- 12 (2) FIX, CHARGE, AND COLLECT RENTS, FEES, AND CHARGES FOR USE OF THE PROPERTY;
- 13 (3) TAKE ANY ACTION, PROVIDE ANY NOTICE, OR INSTITUTE ANY PROCEEDING REQUIRED
14 TO CLEAR OR QUIET TITLE IN ORDER TO ESTABLISH OWNERSHIP BY AND VEST TITLE TO
15 PROPERTY IN THE AUTHORITY;
- 16 (4) CORRECT VIOLATIONS OF STATE AND CITY BUILDING, FIRE, HEALTH, AND RELATED
17 CODES;
- 18 (5) CREATE, OWN, CONTROL, OR BE A MEMBER OF A CORPORATION, LIMITED LIABILITY
19 COMPANY, PARTNERSHIP, OR OTHER ENTITY, WHETHER OPERATED FOR PROFIT OR NOT
20 FOR PROFIT, FOR THE PURPOSES OF DEVELOPING PROPERTY IN ORDER TO MAXIMIZE
21 MARKETABILITY; AND
- 22 (6) HOLD, MANAGE, MAINTAIN, OPERATE, REPAIR, LEASE AS LESSOR, SECURE, PREVENT
23 THE WASTE OR DETERIORATION OF, DEMOLISH, AND TAKE ALL OTHER ACTIONS
24 NECESSARY TO PRESERVE THE VALUE OF THE PROPERTY IT HOLDS OR OWNS.

25 **§ 22-14. PROTECTING PROPERTY AND INTERESTS.**

26 THE AUTHORITY SHALL BE MADE A PARTY TO, AND SHALL DEFEND ANY ACTION OR
27 PROCEEDING CONCERNING, CLAIMS AGAINST PROPERTY HELD BY THE AUTHORITY.

28 **§ 22-15. PUBLIC NOTICE.**

29 (A) *NOTICE REQUIRED.*

30 WHEN THE AUTHORITY INTENDS TO DISPOSE OF PROPERTY TO A PERSON, THE AUTHORITY
31 SHALL PROVIDE NOTICE TO THE PUBLIC OF THE PENDING DISPOSITION.

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1 (B) *CONTENT OF NOTICE.*

2 THE NOTICE DESCRIBED IN SUBSECTION (A) OF THIS SECTION SHALL BE IN A STANDARD
3 FORM AND SHALL CONTAIN:

- 4 (1) A STATEMENT THAT THE AUTHORITY INTENDS TO DISPOSE OF THE PROPERTY;
- 5 (2) A DESCRIPTION OF THE PROPOSED USE OF THE PROPERTY;
- 6 (3) A STATEMENT THAT ANY QUESTIONS OR COMMENTS ABOUT THE PROPOSED
7 DISPOSITION MUST BE SUBMITTED TO THE AUTHORITY IN A SPECIFIED MANNER;
8 AND
- 9 (4) A STATEMENT THAT ANY QUESTIONS OR COMMENTS ABOUT THE PROPOSED
10 DISPOSITION MUST BE SUBMITTED TO THE AUTHORITY WITHIN A SPECIFIED TIME
11 NOT TO EXCEED 14 CALENDAR DAYS AFTER THE NOTICE WAS POSTED OR SENT.

12 (C) *NOTICE OF DISPOSITION OF A SINGLE PROPERTY.*

13 THE AUTHORITY SHALL PROVIDE NOTICE BY FIRST CLASS UNITED STATES MAIL TO THE
14 OWNERS OF RECORD OF THE PROPERTIES THAT DIRECTLY ADJOIN THE PROPERTY OF WHICH
15 THE AUTHORITY INTENDS TO DISPOSE.

16 (D) *NOTICE OF DISPOSITION OF MULTIPLE OR LARGE PROPERTIES.*

17 WHEN THE AUTHORITY INTENDS TO DISPOSE TO THE SAME PERSON 3 OR MORE PROPERTIES
18 ON THE SAME BLOCK OR A SINGLE PROPERTY MEASURING 5,000 SQUARE FEET OF LOT AREA
19 OR MORE, THE AUTHORITY SHALL SEND THE SAME NOTICE DESCRIBED IN SUBSECTION (B):

- 20 (1) TO THE OWNERS OF RECORD OF THE PROPERTIES THAT ARE LOCATED ON THE SAME
21 BLOCK AS THE PROPERTY OF WHICH THE AUTHORITY INTENDS TO DISPOSE;
- 22 (2) TO THE OWNERS OF RECORD OF THE PROPERTIES DIRECTLY ACROSS THE STREET
23 FROM THE FRONT SIDE OF THE PROPERTY OF WHICH THE AUTHORITY INTENDS TO
24 DISPOSE;
- 25 (3) TO THE MEMBER OF THE CITY COUNCIL WHO REPRESENTS THE DISTRICT IN WHICH
26 THE PROPERTY IS LOCATED; AND
- 27 (4) TO THE COMMUNITY ASSOCIATION OR ASSOCIATIONS WHOSE BOUNDARIES ARE
28 IDENTIFIED BY THE DEPARTMENT OF PLANNING AS INCLUDING THE PROPERTY.

29 **§ 22-16. PUBLIC MEETING.**

30 (A) *IN GENERAL.*

31 WHEN THE AUTHORITY IS CONSIDERING A SOLICITATION FOR 3 OR MORE PROPERTIES IN A
32 BLOCK OR A PROPERTY MEASURING 5,000 SQUARE FEET OF LOT AREA OR MORE, THE
33 AUTHORITY SHALL HOLD AT LEAST 1 PUBLIC MEETING IN THE NEIGHBORHOOD WHERE THE
34 PROPERTY OR PROPERTIES ARE LOCATED.

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1 (B) *NOTICE OF MEETING.*

2 THE AUTHORITY SHALL PROVIDE NOTICE OF THE PUBLIC MEETING USING THE METHODS
3 DESCRIBED IN § 22-18 AT LEAST 7 CALENDAR DAYS BEFORE THE DATE OF THE MEETING.

4 (C) *MINUTES.*

5 STAFF OF THE AUTHORITY SHALL RECORD MINUTES AT THE PUBLIC MEETING AND OBTAIN
6 COPIES OF ANY WRITTEN TESTIMONY SUBMITTED AT THE PUBLIC MEETING.

7 (D) *REVIEW OF MINUTES.*

8 THE BOARD SHALL REVIEW THE MINUTES AND WRITTEN TESTIMONY FROM THE PUBLIC
9 MEETING REGARDING THE PROPERTY DESCRIBED IN SUBSECTION (A) OF THIS SECTION
10 BEFORE MAKING ANY FINAL DECISIONS REGARDING DISPOSITION OF THE PROPERTY.

11 **§ 22-17. INVENTORY OF PROPERTY.**

12 (A) *IN GENERAL.*

13 THE AUTHORITY SHALL MAINTAIN AN INVENTORY OF ALL PROPERTY OWNED BY THE
14 AUTHORITY.

15 (B) *PUBLICATION.*

16 THE AUTHORITY SHALL MAKE THE PROPERTY INVENTORY AVAILABLE TO THE PUBLIC BY:

17 (1) POSTING THE PROPERTY INVENTORY ON THE AUTHORITY’S WEBSITE, TOGETHER
18 WITH A LISTING OF ALL PROPERTY PREVIOUSLY DISPOSED OF BY THE AUTHORITY;
19 AND

20 (2) PUBLISHING THE PROPERTY INVENTORY IN PRINT AT LEAST 2 TIMES A YEAR AND
21 DISTRIBUTING AT LEAST 2 COPIES TO EACH BRANCH OF THE ENOCH PRATT FREE
22 LIBRARY FOR PUBLIC ACCESS.

23 **§ 22-18. TAX LIENS – GENERAL POWERS.**

24 THE AUTHORITY MAY EXERCISE THE POWERS GRANTED TO THE CITY UNDER §§ 14–825
25 THROUGH 14–831 OF THE TAX–PROPERTY ARTICLE OF THE ANNOTATED CODE OF
26 MARYLAND.

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§ 22-19. TAX LIENS – TRANSFER IN LIEU OF FORECLOSURE.

(A) *WHEN AUTHORIZED.*

FOLLOWING AN UNSUCCESSFUL ATTEMPT BY THE CITY TO COLLECT OUTSTANDING LIENS AT TAX SALE AND SUBJECT TO THE APPROVAL OF THE DEPARTMENT OF FINANCE, THE AUTHORITY MAY ACCEPT FROM A PERSON WITH A MAJORITY INTEREST IN A TAX-DELINQUENT PROPERTY OR TAX SALE PROPERTY A DEED OR ASSIGNMENT CONVEYING THAT PERSON’S INTEREST IN THE PROPERTY INSTEAD OF THE FORECLOSURE OR SALE OF THE PROPERTY FOR DELINQUENT TAXES, PENALTIES, AND INTEREST, AS DEFINED BY § 14–801(D) OF THE TAX-PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

(B) *AFFECT ON OTHER LIENS, INTERESTS.*

EXCEPT AS OTHERWISE PROVIDED BY LAW, CONVEYANCE OF PROPERTY BY DEED INSTEAD OF FORECLOSURE UNDER THIS SECTION DOES NOT AFFECT OR IMPAIR ANY OTHER LIEN AGAINST THE PROPERTY OR ANY EXISTING RECORDED OR UNRECORDED INTEREST IN THE PROPERTY, INCLUDING:

- (1) FUTURE INSTALLMENTS OF SPECIAL ASSESSMENTS;
- (2) LIENS RECORDED BY THE STATE;
- (3) EASEMENTS OR RIGHTS-OF-WAY;
- (4) PRIVATE DEED RESTRICTIONS;
- (5) SECURITY INTERESTS AND MORTGAGES; OR
- (6) TAX LIENS OF OTHER TAXING JURISDICTIONS THAT DO NOT CONSENT TO A RELEASE OF THEIR LIENS.

§ 22-20. TAX LIENS – RELEASE OF LIEN.

A TAX LIEN AGAINST PROPERTY HELD BY OR UNDER THE CONTROL OF THE AUTHORITY MAY BE RELEASED OR ABATED AT ANY TIME BY:

- (1) THE CITY, WITH RESPECT TO A LIEN HELD BY THE CITY; OR
- (2) THE STATE COMPTROLLER, WITH RESPECT TO A STATE TAX LIEN.

§ 22-21. FUNDS RECEIVED BY AUTHORITY.

(A) *RETURN TO CITY.*

MONIES RECEIVED BY THE AUTHORITY AS PAYMENT OF TAXES, PENALTIES, OR INTEREST, OR FROM THE REDEMPTION OR SALE OF PROPERTY SUBJECT TO A TAX LIEN SHALL BE RETURNED TO THE CITY.

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1 (B) *RETAINED BY AUTHORITY.*

2 OTHER PROCEEDS RECEIVED BY THE AUTHORITY MAY BE RETAINED BY THE AUTHORITY
3 FOR THE PURPOSES OF THIS SUBTITLE, UNLESS OTHERWISE DESIGNATED BY:

- 4 (1) THIS SUBTITLE;
- 5 (2) THE PROVISIONS OF A DEED;
- 6 (3) ANY OTHER LAW; OR
- 7 (4) AN AGREEMENT OF THE AUTHORITY.

8 **§ 22-22. DEPOSIT OF FUNDS; AUDITS AND EXAMINATIONS; FINANCIAL STATEMENT.**

9 (A) *DEPOSITS.*

10 THE AUTHORITY’S TREASURER MUST DEPOSIT AND INVEST ALL MONIES RECEIVED BY THE
11 AUTHORITY IN ONE OR MORE FINANCIAL INSTITUTIONS, CONSISTENT WITH THE
12 REQUIREMENTS OF STATE LOCAL GOVERNMENT ARTICLE, § 17-204 {“LOCAL
13 GOVERNMENT INVESTMENT GUIDELINES: ADOPTION AND REQUIREMENTS”}.

14 (B) *AUDITS.*

15 (1) THE AUTHORITY MUST:

- 16 (I) MAINTAIN ADEQUATE BOOKS AND RECORDS;
- 17 (II) WITHIN 120 DAYS AFTER THE END OF EACH FISCAL YEAR, PREPARE AUDITED
18 FINANCIAL STATEMENTS IN ACCORDANCE WITH GENERALLY ACCEPTED
19 GOVERNMENTAL ACCOUNTING PRINCIPLES; AND
- 20 (III) EVERY 4 YEARS, SUBMIT TO A FULL AND INDEPENDENT AUDIT BY A CERTIFIED
21 PUBLIC ACCOUNTANT OR A PARTNERSHIP OF CERTIFIED PUBLIC ACCOUNTANTS
22 WHO:

23 (A) ARE LICENSED BY THE STATE BOARD OF PUBLIC ACCOUNTANCY;

24 (B) ARE NOT EMPLOYED BY THE AUTHORITY OR THE MAYOR AND CITY
25 COUNCIL OF BALTIMORE CITY.

26 (2) A COPY OF THE AUDITED FINANCIAL STATEMENTS AND THE INDEPENDENT AUDIT MUST
27 BE DELIVERED TO THE MAYOR, THE PRESIDENT OF THE CITY COUNCIL, THE
28 COMPTROLLER, AND THE BOARD OF ESTIMATES.

29 (C) *EXAMINATION BY DEPARTMENT OF AUDITS.*

30 THE DEPARTMENT OF AUDITS MAY EXAMINE, AT ANY TIME, THE AUTHORITY’S BOOKS,
31 ACCOUNTS, AND RECORDS.

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1 **§ 22-23. FINANCIAL PLAN; ANNUAL REPORTS.**

2 (A) *FISCAL YEAR.*

3 THE AUTHORITY'S FISCAL YEAR IS THE SAME AS THE CITY'S FISCAL YEAR.

4 (B) *PERIODIC REPORTS.*

5 (1) THE AUTHORITY SHALL REPORT ON ITS ACTIVITIES:

6 (I) TO THE MAYOR AND CITY COUNCIL ON OR BEFORE JANUARY 1ST OF EACH
7 YEAR;

8 (II) TO THE MAYOR AND CITY COUNCIL ON OR BEFORE JULY 1ST OF EACH YEAR;
9 AND

10 (III) ANNUALLY TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF
11 THE ANNOTATED CODE OF MARYLAND'S STATE GOVERNMENT ARTICLE.

12 (2) THESE REPORTS SHALL INCLUDE THE FOLLOWING FOR THE REPORTING PERIOD:

13 (I) THE ADDRESS OF EACH PROPERTY IN THE AUTHORITY'S INVENTORY;

14 (II) THE COST AND METHOD OF THE ACQUISITION OF EACH PROPERTY IN THE
15 AUTHORITY'S INVENTORY;

16 (III) WHETHER EACH PROPERTY IN THE AUTHORITY'S INVENTORY IS AN VACANT
17 LOT OR AN ABANDONED BUILDING;

18 (IV) THE DATE ON WHICH THE AUTHORITY ACQUIRED EACH PROPERTY IN THE
19 AUTHORITY'S INVENTORY;

20 (V) INFORMATION REGARDING PROPERTY DISPOSITIONS, INCLUDING:

21 (A) THE ADDRESSES OF PROPERTIES DISPOSED;

22 (B) THE DATE ON WHICH EACH PROPERTY WAS DISPOSED;

23 (C) THE AMOUNT OF PROCEEDS THE AUTHORITY RECEIVED AFTER
24 DISPOSITION OF EACH PROPERTY; AND

25 (D) WHETHER EACH PROPERTY DISPOSED OF BY THE AUTHORITY IS A
26 VACANT LOT OR AN ABANDONED BUILDING.

27 (VI) A SUMMARY OF COMPLIANCE WITH LAND DISPOSITION AGREEMENTS;

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1 (VII) THE NUMBER AND ADDRESSES OF PROPERTIES SOLD BY THE AUTHORITY THAT
2 HAVE OBTAINED A CERTIFICATE OF OCCUPANCY OR TEMPORARY CERTIFICATE
3 OF OCCUPANCY AS DESCRIBED IN § 111 {"OCCUPANCY PERMIT; CERTIFICATE
4 OF COMPLETION"} OF THE BALTIMORE CITY BUILDING CODE;

5 (VIII) THE STATUS OF JUDICIAL REVIEWS OF DISPUTED DECISIONS, IF ANY;

6 (IX) THE AUTHORITY’S BUDGET AND FINANCIAL STATEMENT;

7 (X) ANY OTHER INFORMATION THE AUTHORITY DEEMS IMPORTANT FOR
8 TRANSPARENCY; AND

9 (XI) ANY OTHER INFORMATION REQUEST BY:

10 (A) THE MAYOR;

11 (B) THE CITY COUNCIL; OR

12 (C) THE GENERAL ASSEMBLY.

13 (3) (I) WITHIN 30 DAYS OF THE SUBMISSION OF THE REPORT REQUIRED BY THIS
14 SUBSECTION TO THE MAYOR AND CITY COUNCIL, THE CITY COUNCIL OR AN
15 APPROPRIATE COMMITTEE OF THE CITY COUNCIL SHALL HOLD A HEARING ON THE
16 REPORT.

17 (II) THE HEARING REQUIRED BY THIS PARAGRAPH SHALL:

18 (A) BE SEPARATE AND DISTINCT FROM ANY ORDINARY AND ROUTINE HEARING
19 THAT MAY BE HELD ON THE AUTHORITY’S BUDGET IN CONSIDERATION OF
20 THE ANNUAL ORDINANCE OF ESTIMATES; AND

21 (B) INCLUDE ALLOWANCES FOR PUBLIC TESTIMONY; AND

22 (III) ON THE DATE OF THE SUBMISSION OF THE REPORT REQUIRED BY THIS SUBSECTION,
23 THE AUTHORITY SHALL POST A COPY OF THE REPORT ON THE AUTHORITY’S
24 WEBSITE.

25 ***PART IV. ATTRIBUTES***

26 **§ 22-24. IMMUNITIES.**

27 (A) *SAME AS CITY.*

28 THE AUTHORITY HAS THE SAME IMMUNITIES AS BALTIMORE CITY.

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1 (B) *NO PERSONAL LIABILITY.*

2 NO MEMBER OF THE BOARD OR EMPLOYEE OF THE AUTHORITY MAY BE HELD PERSONALLY
3 LIABLE FOR THE OBLIGATIONS OF THE AUTHORITY, AND THE RIGHTS OF CREDITORS MAY
4 BE EXERCISED SOLELY AGAINST THE AUTHORITY.

5 **§ 22-25. EXEMPTIONS.**

6 (A) *AUTHORITY PROPERTY, ACTIVITIES, AND REVENUES.*

7 (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE AUTHORITY IS EXEMPT
8 FROM ANY REQUIREMENT TO PAY STATE OR LOCAL TAXES OR ASSESSMENTS ON THE
9 AUTHORITY'S PROPERTIES OR ACTIVITIES OR ON ANY REVENUE FROM THOSE
10 PROPERTIES OR ACTIVITIES.

11 (2) PROPERTY PROPERTY THAT THE AUTHORITY SELLS OR LEASES TO A NON-EXEMPT
12 ENTITY IS SUBJECT TO STATE AND LOCAL PROPERTY TAXES FROM THE TIME OF THE
13 SALE OR LEASE.

14 (B) *TRANSACTION FEES.*

15 A CLERK OF THE COURT AND A REGISTER OF DEEDS MAY NOT CHARGE A RECORDATION
16 TAX, TRANSFER TAX, OR OTHER FEE TO RECORD A DOCUMENT EVIDENCING THE TRANSFER
17 OF PROPERTY TO THE AUTHORITY BY THE STATE OR THE CITY.

18 **§ 22-26. LIMITATIONS.**

19 THIS SUBTITLE DOES NOT AUTHORIZE THE AUTHORITY TO:

20 (1) EXERCISE THE POWER OF EMINENT DOMAIN; OR

21 (2) LEVY ANY TAX OR SPECIAL ASSESSMENT.

22 ***PART V. JUDICIAL REVIEW***

23 **§ 22-27. JUDICIAL REVIEW.**

24 (A) *BY CIRCUIT COURT*

25 ANY PERSON WHO IS AGGRIEVED BY A FINAL DECISION OF THE AUTHORITY MAY SEEK
26 JUDICIAL REVIEW OF THAT ACTION BY PETITION TO THE CIRCUIT COURT FOR BALTIMORE
27 CITY IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

28 (B) *BY APPELLATE COURT OF MARYLAND.*

29 A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE
30 APPELLATE COURT OF MARYLAND IN ACCORDANCE WITH THE MARYLAND RULES.

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Article 8. Ethics

Subtitle 2. Definitions; General Provisions

§ 2-2. “Agency”.

(a) *In general.*

“Agency” means any department, board, commission, council, authority, committee, office, or other unit of City government.

(b) *Inclusions.*

“Agency” also includes:

- (1) Baltimore Children and Youth Fund;
- (2) Baltimore City Parking Authority;
- (3) Baltimore Development Corporation;
- (4) Baltimore Police Department;
- (5) Enoch Pratt Free Library of Baltimore City;
- (6) Housing Authority of Baltimore City;
- (7) Local Development Council, South Baltimore Video Lottery Terminal;
- (8) Pimlico Community Development Authority;
- (9) South Baltimore Gateway Community Impact District Management Authority;
- [and]
- (10) LAND BANK AUTHORITY OF BALTIMORE CITY; AND
- (11) [(10)] any individual not embraced in a unit of City government who exercises authority comparable to that of the head of a unit of City government.

§ 2-3. “Board”.

(a) *In general.*

“Board” means any board, commission, council, authority, committee, or other unit of City government that comprises 2 or more members, all of whom are appointed and serve on a part-time basis.

(b) *Inclusions.*

Board” also includes:

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- 1 (1) Board of Commissioners of the Housing Authority of Baltimore City;
- 2 (2) Board of Directors of the Baltimore Children and Youth Fund;
- 3 (3) Board of Directors of the Baltimore City Parking Authority;
- 4 (4) Board of Directors of the Baltimore Development Corporation;
- 5 (5) BOARD OF DIRECTORS OF THE LAND BANK AUTHORITY OF BALTIMORE CITY;
- 6 (6) [(5)] Board of Directors of the South Baltimore Gateway Community Impact
- 7 District Management Authority;
- 8 (7) [(6)] Civilian Review Board of Baltimore City;
- 9 (8) [(7)] Local Development Council, South Baltimore Video Lottery Terminal; and
- 10 (9) [(8)] Pimlico Community Development Authority.

Subtitle 7. Financial Disclosure

§ 7-8. Persons required to file – Agency officials and staff.

13 Except as provided in § 7-10 {"Person filing with State"} of this subtitle, the following
14 officials and employees must file the financial disclosure statements required by this subtitle:
15 ...

16 [(23) {Reserved}]

17 (23) [(24)] *Labor Commissioner, Office of.*

18 (i) Labor Commissioner.

19 (ii) Deputy Labor Commissioner.

20 (24) *LAND BANK AUTHORITY.*

21 (I) MEMBERS OF BOARD OF DIRECTORS.

22 (II) EXECUTIVE DIRECTOR.

23 (III) ALL NON-CLERICAL EMPLOYEES OF AUTHORITY.

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SECTION 3. AND BE IT FURTHER ORDAINED, That:

(a) There is an Interim Board for the Land Bank Authority of Baltimore City.

(b) The rules and procedures governing the Interim Board are as follows:

(1) The Interim Board consists of the following individuals:

(i) The Mayor of the City of Baltimore or the Mayor's designee;

(ii) The President of the City Council or the President's designee;

(iii) The Baltimore City Comptroller;

(iv) The Sponsor of this Ordinance;

(v) Bree Jones;

(vi) Carrie Banizewski;

(vii) Ernst Valery; and

(viii) Nneka Namndi;

(ix) Jon Laria;

(2) The Interim Board is immediately seated upon enactment of this Ordinance;

(3) The Interim Board members serve for a period not to exceed 6 months;

(4) On a member's resignation, expiration of term, or removal in accordance with the Land Bank Authority's bylaws, a successor shall be elected by the remaining members of the Interim Board; and

(5) Interim Board members may be nominated for the Board of Directors.

(c) The duties and responsibilities of the Interim Board are as follows:

(1) File the Articles of Incorporation with the State of Maryland and apply for 501c3 status with the United States Internal Revenue Service;

(2) Draft proposed bylaws for the Land Bank Authority of Baltimore City;

(3) Hire consultants to advise on the implementation of the Authority and to ensure a smooth transition from the Interim Board to the Board of Directors;

(4) Begin the search for the Executive Director;

(5) Prepare the proposed operations plan and budget;

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1 (6) Prepare first semi-annual report and financial plan, which may be for less than
2 a full fiscal year on initial submission, and submit to the Mayor and City
3 Council;

4 (7) Negotiate and execute a Memorandum of Understanding between the
5 Authority and the Mayor and City Council that expressly states that the Mayor
6 and City Council delegates the authority to sell, without approval by the Board
7 of Estimates, property owned by the Mayor and City Council;

8 (8) Oversee the establishment of the Authority’s permanent Board of Directors;
9 and

10 (9) Any other duties as needed during the interim period to fulfill the purposes of
11 this Ordinance.

12 (d) The Interim Board may allocate an additional 5% of its Fiscal Year 2024 budget for
13 one-time administrative costs incurred directly as a result of the transition from the
14 Interim Board to the permanent Board of Directors.

15 **SECTION 4. AND BE IT FURTHER ORDAINED,** That the Articles of Incorporation for the Land
16 Bank Authority of Baltimore City, as attached to this Ordinance, are approved.

17 **SECTION 5. AND BE IT FURTHER ORDAINED,** That within 120 days after the appointment of
18 an Executive Director, the Board of Directors shall submit the Authority’s proposed rules and
19 regulations to carry out the powers granted by Article 5, § 22-42 to the Board of Estimates for
20 review.

21 **SECTION 6. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is
22 enacted.

23 **SECTION 7. AND BE IT FURTHER ORDAINED,** That this Ordinance shall be re-authorized by
24 the Mayor and City Council 15 years after it is enacted.

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PROPOSED ARTICLES OF INCORPORATION

**ARTICLES OF INCORPORATION
OF
THE LAND BANK AUTHORITY OF BALTIMORE CITY, INC.
(A non-stock, not-for-profit corporation)**

FIRST: The undersigned, _____, whose post office address is _____, Baltimore, Maryland _____, being at least 18 years old, forms a non-profit, non-stock corporation under the laws of the State of Maryland.

SECOND: The name of the corporation (the "Corporation") is

THE LAND BANK AUTHORITY OF BALTIMORE CITY, INC.

THIRD: The Corporation is organized exclusively for charitable, educational and nonprofit purposes as divided in Section 501(c) (3) of the Internal Revenue Code or the corresponding section of any future tax code.

FOURTH: The Corporation is formed under Baltimore City Charter Article II § (65) with the following powers and those powers are subject to Article II § (65) or any corresponding section of the City Charter. The powers are:

- (i) adopt bylaws for the conduct of business of the Authority;
- (ii) sue and be sued;
- (iii) maintain an office at a place the Authority designates;
- (iv) borrow money;
- (v) issue bonds and other obligations for any corporate purpose in accordance with this section or an ordinance adopted under this section;
- (vi) invest money of the Authority in instruments, obligations, securities, or real property;
- (vii) enter into contracts and execute the instruments or agreements necessary or convenient to carry out this section or an ordinance adopted under this section to accomplish their purposes; (viii) solicit and accept gifts, grants, loans, or other assistance in any form from any public or private source, subject to the provisions of this section or any ordinance adopted under this section;
- (ix) participate in any way in a program of the federal government, the State, a political subdivision of the State, or an intergovernmental entity created under the laws of the State;
- (x) contract for goods and services;
- (xi) study, develop, and prepare reports or plans to assist in the Authority's exercise of powers and to monitor and evaluate the Authority's progress;

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- 1 (xii) contract with public or private entities for the provision of services necessary for the
2 management and operation of the Authority;
- 3 (xiii) provide acquisition, management, and sale services to Baltimore City for City- owned
4 real property;
- 5 (xiv) create, own, control, or be a member of a corporation, limited liability company,
6 partnership, or other person, whether operated for profit or not for profit, for the purposes
7 of developing real property in order to maximize marketability;
- 8 (xv) exercise a power usually possessed by a private corporation in performing similar
9 functions unless to do so would conflict with State law;
- 10 (xvi) do all things necessary or convenient to carry out the powers expressly granted by this
11 section or by an ordinance adopted under this section;
- 12 (xvii) undertake other projects, programs, and activities including, for these purposes, the
13 making of distributions to organizations that qualify as exempt organizations under §
14 501(c)(3) of the Internal Revenue Code or the corresponding section of any future federal
15 tax code;
- 16 (xviii) delegate to a member or officer a power granted to the Authority by this section,
17 including the power to execute a bond, obligation, deed, lease, mortgage agreement, or
18 other document or instrument;
- 19 (xiv) acquire, directly or through a person or governmental entity, by gift, devise, transfer,
20 exchange, foreclosure, purchase, or otherwise on terms and conditions and in a manner
21 the Authority considers proper, real property or rights or interests in real property;
- 22 (xv) own in the Authority’s name real property acquired by or conveyed to the Authority by
23 the State, a local government, an intergovernmental agency created under the laws of this
24 State, or any other public or private person, including tax foreclosed real property and real
25 property without clear title;
- 26 (xvi) sell, lease as lessor, transfer, and dispose of the Authority’s real property or interest in
27 real property;
- 28 (xvii) procure insurance against loss in connection with the real property, assets, or activities of
29 the Authority; and
- 30 (xviii) execute deeds, mortgages, contracts, leases, purchases, or other agreements regarding the
31 real property of the Authority.

32 **FIFTH:** The street address of the principal office of the Corporation in the City of
33 Baltimore and in Maryland is _____ .

34 **SIXTH:** The name of the Resident Agent of the Corporation in the City of Baltimore and
35 in Maryland is _____. The office address of the Corporation’s Resident
36 Agent is _____ .

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1 **SEVENTH:** The Corporation has no authority to issue capital stock. The Directors of the
2 Corporation shall be the only members. Qualifications for membership may not be restricted on
3 the basis of age, race, sex, sexual orientation, religion, or national origin.

4 **EIGHTH:** The number of Directors of the Corporation are 11, with the initial number of
5 Directors being 9.

6 **NINTH:** The number of Directors of the Corporation are 11, which number may be
7 increased or decreased pursuant to the Baltimore City Code and the Bylaws of the Corporation.
8 Each of the Directors has 1 vote. The names of the initial Directors, who shall act until the first
9 annual meeting or until their successors are chosen are:

10 The Mayor of Baltimore City or Mayor’s designee, whose address in Baltimore City
11 is _____.

12 The President of the Baltimore City Council or the President’s designee, whose
13 address in Baltimore City is _____.

14 The Baltimore City Comptroller or the Comptroller’s designee, whose address in
15 Baltimore City is _____.

16 City Councilwoman Odette Ramos, whose address in Baltimore City is
17 _____.

18 Bree Jones, whose address in Baltimore City is _____.

19 Carrie Banizewski, whose address in Baltimore City is _____.

20 Ernst Valery, whose address in Baltimore City is _____.

21 Nneka Namndi, whose address in Baltimore City is _____.

22 Jon Laria, whose address in Baltimore City is _____.

23 **TENTH:** The Corporation is not organized for pecuniary profit. The Corporation has no
24 power to declare dividends. No part of the net earning of the Corporation may inure to the
25 benefit of, nor be distributed to, any member, director, officer, or other individual, except that the
26 Corporation is authorized and empowered to pay reasonable compensation for services actually
27 rendered and to make payments and distributions in furtherance of the purposes set forth in these
28 Articles.

29 **ELEVENTH:** Except as provided in § 501(c)(3) of the Internal Revenue Code, no
30 substantial part of the activities of the Corporation may be the carrying on of propaganda or
31 otherwise attempting to influence legislation. The Corporation may not participate in, nor
32 intervene in (including the publishing or distribution of statements), any political campaign on
33 behalf of any candidate for public office. Notwithstanding any other provisions, the Corporation
34 may not carry on any activities not permitted to be carried on by:

- 35 (i) a corporation exempt from federal income tax under § 501(c)(3) of the Internal Revenue
36 Code; or

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1 (ii) a corporation, contributions to which are deductible under § 170(c)(2) of the Internal
2 Revenue Code.

3 **TWELFTH:** If the Corporation is dissolved or ended for any reason, the net assets of the
4 Corporation, after paying all of its liabilities as required by law, shall be distributed exclusively
5 to the Mayor and City Council of Baltimore City.

6 **THIRTEENTH:** At the discretion of the Mayor and City Council, the duration and
7 existence of the Corporation may terminate the Authority by Ordinance.

8 **FOURTEENTH:** These Articles of Incorporation may be amended by an Ordinance of the
9 Mayor and City Council of Baltimore City.

10 **FIFTHTEENTH:** The Corporation may indemnify any and all of its current and future
11 directors, officers, employees, and agents as provided in the Bylaws of the Corporation.

12 **IN WITNESS WHEREOF,** I have signed these Articles of Incorporation and acknowledged
13 them to be my act on this _____ day of _____, 2023.

14
15 Signature of Incorporators
16 _____
17 _____
18 _____
19 _____
20 _____
21 _____
22 _____
23 _____
24 _____
25 _____
26 _____
27 _____

I hereby consent to my designation in
this document as resident agent for
this corporation.

Filing Party's return address:

