

equipment acquisition, renovation, and/or equipping of each community mental health center component, addiction facility, or mental retardation facility. State grants shall amount to up to 50 percent of the eligible cost remaining after the federal grant has been applied. For those projects designated under federal regulations, State plans and regulations provided for by this Act as eligible for poverty area funding, State grants shall amount to up to 75 percent of the eligible cost remaining after the federal grant has been applied.

(iii) The amount of the State grant to be made for any facility shall be determined after due consideration of all pending eligible applicants, the total of unallocated State funds available at the time the application is received, and such priorities of area need as may have been established by the State Department of Health and Mental Hygiene.

(iv) If, at any time within 15 years after completion of construction, a facility with respect to which funds have been paid under the provisions of this Act:

1. Is sold or transferred to any person, agency, or organization which would not itself qualify as an applicant under the terms of this Act, or which is not approved as a transferee by the Secretary of Health and Mental Hygiene, or

2. Ceases to be a public or nonprofit facility, as defined in this Act, then the State shall be entitled to recover from either the transferor or transferee thereof or, in the case of an institution which has ceased to be a public or nonprofit facility, from the owner thereof, an ~~amount~~ amount bearing the same ratio to the then value (as determined by agreement of the State and such transferor, transferee, or owner or by action brought in a court of competent jurisdiction) of so much of the institution as constituted an approved project, as the amount of the State participation bore to the cost of the construction under that project. This right of recovery shall be recorded in the land records of the political subdivision in which the facility is located prior to the release of any grant funds to the facility. This recording of the State's right of recovery shall not constitute a lien against the property. When a facility is determined to be in default then the Secretary of Health and Mental Hygiene shall cause to be recorded among the land records of the political subdivision in which the facility is located a notice of the amount which the State is entitled to recover; and such amount shall constitute a lien upon the real property of the institution from the date of the determination. All funds recovered pursuant to this right of recovery shall be deposited in the Annuity Bond Fund and shall be applied to the debt service requirements of the State. The Secretary of Health and Mental Hygiene may waive the State's right of recovery if he determines that there is