

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

(v) 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 may recover from either the transferor or transferee or, in the case of ~~an institution~~ a facility which has ceased to be a public or nonprofit facility, from the owner, an amount bearing the same ratio to the current 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~~ facility as constituted an approved project, as the amount of the State participation bore to the cost of the construction under that project. A notice of 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. The recording of the notice shall not create any lien against the property. However, when a facility is determined to be in default, the Secretary of Health and Mental Hygiene shall record in 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 that 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 the Secretary determines that there is good cause for releasing the transferor, transferee, or owner from this obligation.

(e) The application shall initially be directed to the Secretary of Health and Mental Hygiene. Upon approval of the project and the project's plans, the Secretary shall promptly report the application to the Board of Public Works, together with the report that the project has been approved by the Secretary and the Secretary's recommendation that the Board of Public Works make funds available as provided in this Act.