

(3) LOANS TO INDIVIDUALS AND BUSINESS ENTITIES MAY BE MADE ONLY IF PRIVATE FINANCING CANNOT OTHERWISE BE OBTAINED AS SHOWN BY DOCUMENTATION IN ACCORDANCE WITH THE REGULATIONS.

(G) THE TRUST SHALL:

(1) ENSURE THAT FUNDING UNDER THE MHT LOAN PROGRAM FOR THE ACQUISITION, RESTORATION, OR REHABILITATION OF HISTORIC PROPERTIES IS UTILIZED ONLY IF THE PROPERTY HAS BEEN LISTED IN OR IS ELIGIBLE FOR THE MARYLAND REGISTER OF HISTORIC PROPERTIES; AND

(2) REQUIRE RECIPIENTS OF LOANS MADE UNDER THE MHT LOAN PROGRAM TO ENTER INTO AN AGREEMENT TO PRESERVE AND MAINTAIN THE HISTORIC PROPERTY, WHICH AGREEMENT SHALL BE A RECORDABLE HISTORIC PRESERVATION EASEMENT IF THE PROPERTY IS HISTORIC REAL PROPERTY, UNLESS THE SECRETARY HAS DETERMINED THAT SUCH AN AGREEMENT OR EASEMENT IS IMPRACTICABLE OR INFEASIBLE UNDER THE CIRCUMSTANCES IN ACCORDANCE WITH THE REGULATIONS.

(H) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THE PURPOSES OF THE MHT LOAN PROGRAM.

(2) IN ADDITION TO PROVISIONS OTHERWISE REQUIRED BY THIS SECTION, THE REGULATIONS SHALL INCLUDE THE FOLLOWING:

(I) APPLICATION PROCEDURES;

(II) PROCEDURES FOR ADEQUATE PUBLIC NOTICE OF AVAILABLE ASSISTANCE UNDER THE MHT LOAN PROGRAM;

(III) PROVISIONS FOR THE REVIEW OF PLANS AND SPECIFICATIONS AND THE INSPECTION OF PROJECTS DURING CONSTRUCTION; AND

(IV) A SET OF SELECTION CRITERIA WHICH THE TRUST MUST CONSIDER IN RECOMMENDING APPROVAL OF APPLICATIONS FOR LOANS AND WHICH MUST INCLUDE:

A. THE RELATIVE HISTORICAL OR CULTURAL SIGNIFICANCE OF, AND URGENCY OF NEED FOR, THE PROJECT BEING FINANCED WITH THE LOAN;

B. THE EXTENT TO WHICH THERE IS ANY PROPOSED CONTRIBUTION BY THE APPROPRIATE LOCAL JURISDICTION TO SUPPORT THE PROJECT BEING FINANCED WITH THE LOAN; AND

C. OTHER FACTORS THAT MAY BE RELEVANT, SUCH AS THE GEOGRAPHIC DISTRIBUTION OF LOAN ASSISTANCE FROM THE MHT LOAN FUND.

(I) THE SECRETARY SHALL SUBMIT LOANS OR EXPENDITURES FROM THE MHT LOAN FUND WHICH WERE FINANCED THROUGH THE SALE OF STATE GENERAL OBLIGATION BONDS TO THE BOARD OF PUBLIC WORKS FOR