

(1) A bona fide religious organization, no part of the earnings of which inures to the benefit of any individual or is used for any purpose other than the maintenance and operation of the facility, the purchase of equipment to be used in the facility, or the expansion of the facility; or

(2) An organization:

(i) That is chartered as a nonprofit corporation and classified by the Internal Revenue Service as nonprofit; and

(ii) No part of the earnings of which inures to the benefit of any individual or is used for any purpose other than the maintenance and operation of the facility, the purchase of equipment to be used in the facility, or the expansion of the facility.

(d) "Wholly owned" includes leased, if [the]:

(1) (i) [Lease] THE LEASE is for a minimum term of 30 years following project completion; or

(ii) The lease agreement extends the right of purchase to the lessee; and

(2) Lessor consents to the recording, in the land records of the political subdivision in which the facility is located, of a notice of the State's right of recovery, as provided under § 24-606 of this subtitle; or

(3) Lease agreement is with the State for a State-owned building OR STATE-OWNED PROPERTY.

24-606.

(A) IN ACCORDANCE WITH THIS SECTION, THE STATE SHALL HAVE THE RIGHT TO RECOVER FUNDS DISBURSED UNDER THIS SUBTITLE.

(B) IN THE EVENT OF FAILURE TO COMPLETE A PROJECT OR FAILURE TO COMMENCE OPERATION OF A FACILITY, THE STATE MAY RECOVER FROM THE RECIPIENT OF THE FUNDS DISBURSED FOR THE PROJECT OR FACILITY OR THE OWNER OF THE PROPERTY AN AMOUNT EQUAL TO THE AMOUNT OF STATE FUNDS DISBURSED FOR THE PROJECT, TOGETHER WITH ALL COSTS AND REASONABLE ATTORNEYS' FEES INCURRED BY THE STATE IN THE RECOVERY PROCEEDINGS.

[(a)](C) If, within 30 years after completion of a project, a community mental health facility, addiction facility, or developmental disabilities facility with respect to which funds have been paid under this subtitle is sold or transferred to any person, agency, or organization that would not qualify as an applicant under this subtitle, or that is not approved as a transferee by the Board of Public Works, or if, within the same period, a community mental health facility, addiction facility, or developmental disabilities facility ceases to be a "facility" as defined in this subtitle, then the State may recover from either the transferor or transferee or, in the case of a community mental health facility, addiction facility, or developmental disabilities facility that has ceased to be a "facility" as defined in this subtitle, from the owner, an amount bearing the same