

5-105.

When deciding whether to provide financial assistance for a business project, the Department shall consider whether the project will be located:

(1) in an enterprise zone or a focus area as designated under Subtitle 7 of this title; OR

(2) IN A BRAC REVITALIZATION AND INCENTIVE ZONE AS DESIGNATED UNDER SUBTITLE 12 OF THIS TITLE.

5-707.

(d) (1) Except as provided in § 10-702 of the Tax - General Article and § 9-103 of the Tax - Property Article, the incentives and initiatives set forth in this section are available for 10 years after the date that an area is designated an enterprise zone.

(2) A law enacted after the enactment of this section that eliminates or reduces the benefits available to a business entity under this section does not apply to a business entity that was in an enterprise zone before the effective date of the law.

(E) (1) (I) NOTWITHSTANDING SUBSECTION (D) OF THIS SECTION, EXCEPT FOR A BUSINESS ENTITY CERTIFIED TO RECEIVE A PROPERTY TAX CREDIT UNDER § 9-103 OF THE TAX - PROPERTY ARTICLE FOR A TAX YEAR BEGINNING BEFORE JULY 1, 2008, A BUSINESS ENTITY LOCATED IN AN ENTERPRISE ZONE MAY NOT RECEIVE THE INCENTIVES AND INITIATIVES SET FORTH IN SUBSECTION (A)(1) AND (2) OF THIS SECTION IF THE ENTITY IS LOCATED ON LAND OR WITHIN IMPROVEMENTS OWNED BY THE FEDERAL GOVERNMENT, THE STATE, A COUNTY, OR A MUNICIPAL CORPORATION UNLESS THE BUSINESS ENTITY HAS FIRST UTILIZED ALL APPLICABLE PROPERTY TAX EXEMPTIONS UNDER TITLE 7 OF THE TAX - PROPERTY ARTICLE, INCLUDING ENTERING INTO ANY AVAILABLE PAYMENT IN LIEU OF TAX AGREEMENT.

(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT APPLY TO A BUSINESS ENTITY LEASING LAND OR IMPROVEMENTS OWNED BY THE MARYLAND ECONOMIC DEVELOPMENT CORPORATION.

(2) NOTWITHSTANDING SUBSECTION (D) OF THIS SECTION, A BUSINESS ENTITY LOCATED IN A BRAC REVITALIZATION AND INCENTIVE ZONE ESTABLISHED UNDER SUBTITLE 12 OF THIS TITLE MAY NOT RECEIVE THE