



2021-2022 General Assembly

SENATE BILL 389: Department of Environmental Quality/Department of Natural and Cultural Resources Omnibus, Sec. 1: Modify Conditions for State Funding of Beach Access Property

Committee:
Introduced by:
Analysis of: Sec. 1 of S.L. 2021-158

Date: February 7, 2022
Prepared by: Kyle Evans
Staff Attorney

OVERVIEW: *Section 1 of S.L. 2021-158 eliminates the requirement under the Public Beach and Coastal Waterfront Access Program (Program) that local governments that receive grants under the Program for land acquisition transfer title to any real property to the State if used for non-beach/coastal water access purposes, and instead requires that:*

- *Local governments dedicate acquired lands in perpetuity for public access and for the benefit of the public and record such dedication in the office of the register of deeds in the relevant county.*
- *Leases or easements acquired with Program grant funds must have a minimum term of 25 years.*
- *Local governments that use real property acquired with Program grant funds for any purpose other than beach or coastal water access, or otherwise sell or dispose of the property, must reimburse the State in an amount that is the greater of (i) the amount of Program grant funds provided to purchase the land or (ii) an amount equal to the same proportion of the current market value of the property as the proportion of the original purchase price of the property funded with Program grant funds.*

This section became effective September 16, 2021.

BILL ANALYSIS:

Section 1 of S.L. 2021-158 eliminates the requirement under the Program that local governments that receive grants under the Program for land acquisition transfer title to any real property to the State if used for non-beach/coastal water access purposes, and instead requires that:

- Local governments dedicate acquired lands in perpetuity for public access and for the benefit of the public and record such dedication in the office of the register of deeds in the relevant county.
- Leases or easements acquired with Program grant funds must have a minimum term of 25 years.
- Local governments that use real property acquired with Program grant funds for any purpose other than beach or coastal water access, or otherwise sell or dispose of the property, must reimburse the State in an amount that is the greater of (i) the amount of

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