

THE PRESBYTERY OF BALTIMORE
PROPERTY AND LOAN COMMISSION
POLICY AND PROCEDURES

Approved by the Presbytery as
Standing Rule IX-1, "Property and Loan Commission"

1. The Property and Loan Commission ("The Commission") is established by the Presbytery Manual as a joint Commission of the Board of Trustees and the Committee on Administration.
2. The Commission will consist of three classes of members: Trustees, Presbytery representatives, and Presbytery staff. There will be two Trustees appointed by the Executive Committee of the Trustees; three Presbytery representatives of which one will be appointed by the Chair of the Committee on Administration with the approval of the Committee and two will be appointed by the Chair of Council with the concurrence of the Council, and one of these will be a current member of the Council; and two members of the Presbytery staff, the Executive Presbytery and the Stated Clerk. If the Commission meets between the time a member is appointed and the required concurrence, the member will sit as a full member of the Commission for that meeting. A quorum of the Commission will be at least one person from each of the classes of members. It is expected that the appointing authorities will seek to appoint to the Commission persons who bring an expertise in financial, loan, and property issues; furthermore the Commission may add additional non-voting members with special expertise in matters relating to the work of the Commission.
3. The Commission will receive, through the Stated Clerk, all requests from churches to encumber real property, to purchase encumbered real property, to borrow money to purchase or improve real property, or to have the Trustees of the Presbytery guarantee loans for the purchase or improvement of real property. The Commission will establish timelines for the receipt of, and action upon such requests, and will establish guidelines regarding the content of all such proposals.
4. The Commission will review all such proposals and make appropriate recommendations to the Board of Trustees or its Executive Committee as appropriate and the Presbytery – through the Council and/or the Committee on Administration when meeting schedules permit. When authorized by this Standing Rule (as indicated in the Table CONGREGATIONAL PROPERTY AND LOAN ACTIONS) the Commission may act on behalf of the Presbytery and/or the Board of Trustees.
5. Appended to this Standing Rule is a Table entitled CONGREGATIONAL PROPERTY AND LOAN ACTIONS. For each type of action the necessary approvals and the authority of the Commission are specified. The requirements and authorities incorporated into the Table are made a part of this Standing Rule. The *Book of Order* requires that all actions taken by a Commission on behalf of another body must be reported to that body at its next regular meeting.

6. New Church Developments are entities of the Presbytery and not particular congregations of the Presbytery. This Standing Rule does not apply to property of New Church Developments, as that is the property of the Presbytery.
7. The Board of Trustees of the Presbytery is the legal titleholder to the property of some congregations. In cases where the Trustees of the Presbytery hold the property in trust for the congregation, this Standing Rule applies. That situation is addressed in those rows of the Table where the Presbytery (Pby) is listed in the column "Deed held by". In other cases, the Trustees of the Presbytery hold legal title to the property in trust for the Presbytery, i.e. the Presbytery is making the property available to a congregation, but has retained an ownership interest. In those cases, this Standing Rule does not apply.

CONGREGATIONAL PROPERTY AND LOAN ACTIONS

Type of Church Action	Deed held by	Presbytery Approval Required	Commission Authority	Trustee Approval Required	Commission Authority	Council Involvement
Commercial Mortgage (no Trustee Guarantee)	Cong/Pby	Yes	Rec & Act ⁴	Yes (D ⁵)	Act ⁶	No
Commercial Loan guaranteed by Trustees	Cong/Pby	Yes	Rec & Act ⁴	Yes	Recommend	No
GA/PILP Loan	Cong/Pby	Yes (D ⁷)	Act	Yes	Recommend	No
Trustee Loan	NA	Yes (D ⁷)	Act	Yes	Recommend	Must be consulted by Commission
Sale of Ecclesiastical Property	Cong	Yes	Recommend	No	N/A	If a move of location of worship, Council acts instead of Commission
Sale of Ecclesiastical Property	Pby	Yes	Recommend	Yes (D ⁵)	Act	If a move of location of worship, Council acts instead of Commission
Sale of Other Property	Cong	Yes (D ⁷)	Act	No	N/A	No
Sale of Other Property	Pby	Yes (D ⁷)	Act	Yes (D ⁵)	Act	No
Encumbrance of Property that includes sanctuary	Cong	Yes (D ⁷)	Act	No	N/A	Must be consulted by Commission
Encumbrance of Property that includes sanctuary	Pby	Yes (D ⁷)	Act	Yes	Act	Must be consulted by Commission
Encumbrance of Other Property	Cong	Yes (D ⁷)	Act	No	N/A	No

Encumbrance of Other Property	Pby	Yes (D ⁷)	Act	Yes	Act	No
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NOTES:

1. In most cases churches hold title to their own property. However, in some cases the deeds are in the name of the Trustees of the Presbytery. Because of the naming of the Trustees on the deed, the paperwork and necessary approvals for encumbering the property may be different.
2. The Book of Order requires the approval of the Presbytery for all congregational property encumbrances. That approval authority may be delegated. The columns "Commission Authority" indicate whether such authority has been delegated to the Commission. In all cases, the Presbytery Manual delegates the authority to the Council, and again to the Council Executive Committee, when delay could adversely affect to mission of the Presbytery, its members, or particular churches.
3. In most, but not all, cases, approval of the Board of Trustees is required for actions described in this chart. The chart shows delegations of authority to the Commission. The Executive Committee of the Trustees has the same authority to act for the Trustees that the Council has to act for the Presbytery.
4. "Rec/Act" means that the Commission normally recommends action to the Presbytery, but that the Commission may act on behalf of the Presbytery when delay could adversely affect to mission of the Presbytery, its members, or particular churches.
5. Yes (D⁵) indicates that the approval authority for the Board of Trustees has been delegated to the Commission.
6. "Act" means that the Commission has been granted final authority to act on behalf of the Presbytery or Board of Trustees, as indicated.
7. Yes (D⁷) indicates that the Presbytery has delegated approval authority to the Commission.