

**Department of Legislative Services**  
Maryland General Assembly  
2012 Session

**FISCAL AND POLICY NOTE**

House Bill 858

(Delegate Gilchrist)

Environmental Matters

Education, Health, and Environmental Affairs

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**Land Use - Local Historic District Commissions and Historic Preservation  
Commissions - Alternate Members**

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This bill, under provisions generally applicable to noncharter counties and municipal corporations, authorizes a local jurisdiction that has an historic district commission or historic preservation commission to designate one alternate member who may sit on the commission when any other member is absent. In addition, when the alternate member is absent, the local jurisdiction may designate a temporary alternate.

The bill takes effect June 1, 2012.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** None. The bill does not directly affect local government finances.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Under provisions of current law that are generally applicable to noncharter counties and municipal corporations, a local jurisdiction may create an “historic district commission” or “historic preservation commission,” which must have at least five members. Each member of an historic district commission or historic preservation commission must possess specified interest, knowledge, or training in one of a number of specified fields or related disciplines. A local jurisdiction that creates an historic district commission or historic preservation commission must establish and

publicly adopt criteria for qualifying as a member. A majority of the members must be residents of the local jurisdiction that created the commission.

Each member of an historic district commission or historic preservation commission must be appointed for a three-year term, and terms of the members must be staggered. A member is eligible for reappointment. The appointing authority must fill any vacancy on a commission for the unexpired term of the vacant position.

**Background:** Under specified provisions of State law, local jurisdictions are given certain powers to preserve historically significant sites, structures, and districts, including the ability to designate boundaries for sites, structures, or districts which are deemed to be of historic, archeological, or architectural significance by following procedures applicable to local zoning. Before a person may make exterior changes to a site or structure within a designated district which would affect the historic, archeological, or architectural significance of the site or structure, any portion of which is visible or intended to be visible from a public way, an application must be filed with the historic district commission or historic preservation commission for approval or rejection before beginning the project. A commission may also acquire specified easements to preserve sites or structures.

The bill's provisions allowing for an alternate member and temporary alternate to be designated are similar to other provisions under State law applicable to planning commissions of municipal corporations and local boards of appeals.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of Planning, Maryland-National Capital Park and Planning Commission, Baltimore and Garrett counties, Department of Legislative Services

**Fiscal Note History:** First Reader - February 21, 2012  
ncs/lgc

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