

HOUSE BILL 1408

L6

8lr3478

By: **Delegates Flanagan, Fraser-Hidalgo, Frush, Healey, McMillan, Otto, Robinson, and P. Young**

Introduced and read first time: February 9, 2018

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Local Jurisdictions – Historic Preservation Standards – Prevention of Lethal**
3 **and Life-Threatening Nontidal Flooding**

4 FOR the purpose of authorizing the legislative body of a local jurisdiction in which a certain
5 district is designated to authorize, by local law, a deviation from historic preservation
6 standards in order to prevent and reduce the risk of lethal and life-threatening
7 nontidal flooding under certain circumstances; defining certain terms; and generally
8 relating to the historic preservation standards and the prevention of lethal and
9 life-threatening nontidal flooding.

10 BY repealing and reenacting, with amendments,
11 Article – Land Use
12 Section 1–401(b) and 10–103(b)
13 Annotated Code of Maryland
14 (2012 Volume and 2017 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Land Use
17 Section 8–101(e)
18 Annotated Code of Maryland
19 (2012 Volume and 2017 Supplement)

20 BY adding to
21 Article – Land Use
22 Section 8–402
23 Annotated Code of Maryland
24 (2012 Volume and 2017 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
26 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Land Use

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1–401.

(b) The following provisions of this division apply to a charter county:

(1) this subtitle, including Parts II and III (Charter county – Comprehensive plans);

(2) § 1–101(l), (m), and (o) (Definitions – “Plan”, “Priority funding area”, and “Sensitive area”);

(3) § 1–201 (Visions);

(4) § 1–206 (Required education);

(5) § 1–207 (Annual report – In general);

(6) § 1–208 (Annual report – Measures and indicators);

(7) Title 1, Subtitle 3 (Consistency);

(8) Title 1, Subtitle 5 (Growth Tiers);

(9) § 4–104(b) (Limitations – Bicycle parking);

(10) § 4–208 (Exceptions – Maryland Accessibility Code);

(11) § 4–210 (Permits and variances – Solar panels);

(12) § 5–102(d) (Subdivision regulations – Burial sites);

(13) § 5–104 (Major subdivision – Review);

(14) Title 7, Subtitle 1 (Development Mechanisms);

(15) Title 7, Subtitle 2 (Transfer of Development Rights);

(16) except in Montgomery County or Prince George’s County, Title 7, Subtitle 3 (Development Rights and Responsibilities Agreements);

(17) Title 7, Subtitle 4 (Inclusionary Zoning);

(18) § 8–401 (Conversion of overhead facilities);

(19) § 8–402 (PREVENTION OF LETHAL AND LIFE-THREATENING

1 **NONTIDAL FLOODING);**

2 [(19)] **(20)** for Baltimore County only, Title 9, Subtitle 3 (Single-County
3 Provisions – Baltimore County);

4 [(20)] **(21)** for Frederick County only, Title 9, Subtitle 10 (Single-County
5 Provisions – Frederick County);

6 [(21)] **(22)** for Howard County only, Title 9, Subtitle 13 (Single-County
7 Provisions – Howard County);

8 [(22)] **(23)** for Talbot County only, Title 9, Subtitle 18 (Single-County
9 Provisions – Talbot County); and

10 [(23)] **(24)** Title 11, Subtitle 2 (Civil Penalty).

11 8–101.

12 (e) “District” means a significant concentration, linkage, or continuity of sites,
13 structures, or objects united historically or aesthetically by plan or development.

14 **8–402.**

15 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
16 **INDICATED.**

17 **(2) “QUALIFIED HISTORIC DISTRICT” MEANS A LOCALLY**
18 **DESIGNATED HISTORIC DISTRICT IN WHICH:**

19 **(I) NONTIDAL FLOODING HAS RESULTED IN:**

20 **1. A DEMONSTRABLE THREAT TO THE LIFE AND SAFETY**
21 **OF INDIVIDUALS; OR**

22 **2. THE DEATH OF AN INDIVIDUAL; AND**

23 **(II) FOUR OR MORE REPETITIVE LOSS PROPERTIES ARE**
24 **LOCATED.**

25 **(3) “REPETITIVE LOSS PROPERTY” MEANS AN INSURABLE BUILDING**
26 **FOR WHICH TWO OR MORE CLAIMS OF MORE THAN \$1,000 WERE PAID BY THE**
27 **NATIONAL FLOOD INSURANCE PROGRAM WITHIN ANY ROLLING 10–YEAR PERIOD**
28 **SINCE 1978, WHETHER OR NOT THE PROPERTY IS CURRENTLY INSURED UNDER THE**
29 **NATIONAL FLOOD INSURANCE PROGRAM.**

1 **(B) IN ORDER TO PREVENT AND REDUCE THE RISK OF LETHAL AND**
2 **LIFE-THREATENING NONTIDAL FLOODING, THE LEGISLATIVE BODY OF A LOCAL**
3 **JURISDICTION IN WHICH A DISTRICT IS DESIGNATED MAY, BY LOCAL LAW,**
4 **AUTHORIZE A DEVIATION FROM HISTORIC PRESERVATION STANDARDS IF THE**
5 **DISTRICT IS A QUALIFIED HISTORIC DISTRICT UNDER THIS SECTION.**

6 10–103.

7 (b) The following provisions of this division apply to Baltimore City:

8 (1) this title;

9 (2) § 1–101(m) (Definitions – “Priority funding area”);

10 (3) § 1–101(o) (Definitions – “Sensitive area”);

11 (4) § 1–201 (Visions);

12 (5) § 1–206 (Required education);

13 (6) § 1–207 (Annual report – In general);

14 (7) § 1–208 (Annual report – Measures and indicators);

15 (8) Title 1, Subtitle 3 (Consistency);

16 (9) Title 1, Subtitle 4, Parts II and III (Home Rule Counties –
17 Comprehensive Plans; Implementation);

18 (10) § 4–104(b) (Limitations – Bicycle parking);

19 (11) § 4–205 (Administrative adjustments);

20 (12) § 4–207 (Exceptions – Maryland Accessibility Code);

21 (13) § 4–210 (Permits and variances – Solar panels);

22 (14) § 5–201(d) (Subdivision regulations – Burial sites);

23 (15) Title 7, Subtitle 1 (Development Mechanisms);

24 (16) Title 7, Subtitle 2 (Transfer of Development Rights);

25 (17) Title 7, Subtitle 3 (Development Rights and Responsibilities
26 Agreements);

1 (18) Title 7, Subtitle 4 (Inclusionary Zoning);

2 (19) § 8-402 (PREVENTION OF LETHAL AND LIFE-THREATENING
3 NONTIDAL FLOODING); and

4 [(19)] (20) Title 11, Subtitle 2 (Civil Penalty).

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
6 1, 2018.