

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2018

CHAPTER _____

1 AN ACT concerning

2 ~~Local Jurisdictions—Historic Preservation Standards—Prevention of Lethal~~
3 ~~and Life-Threatening Nontidal Flooding~~
4 Historic Ellicott City Workgroup on Preservation and Flooding

5 FOR the purpose of ~~authorizing the legislative body of a local jurisdiction in which a certain~~
6 ~~district is designated to authorize, by local law, a deviation from historic preservation~~
7 ~~standards in order to prevent and reduce the risk of lethal and life-threatening~~
8 ~~nontidal flooding under certain circumstances; defining certain terms; and generally~~
9 ~~relating to the historic preservation standards and the prevention of lethal and~~
10 ~~life-threatening nontidal flooding~~ establishing the Historic Ellicott City Workgroup
11 on Preservation and Flooding; providing for the composition, chair, and staffing of
12 the Workgroup; prohibiting a member of the Workgroup from receiving certain
13 compensation, but authorizing the reimbursement of certain expenses; requiring the
14 Workgroup to study certain matters and design a certain process; requiring the
15 Workgroup to report its findings and a certain process to certain entities and the
16 members of the Howard County Delegation to the General Assembly on or before a
17 certain date; providing for the termination of this Act; and generally relating to the
18 Historic Ellicott City Workgroup on Preservation and Flooding.

19 ~~BY repealing and reenacting, with amendments,~~
20 ~~Article—Land Use~~
21 ~~Section 1—401(b) and 10—103(b)~~
22 ~~Annotated Code of Maryland~~
23 ~~(2012 Volume and 2017 Supplement)~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~BY repealing and reenacting, without amendments,
Article — Land Use
Section 8 — 101(e)
Annotated Code of Maryland
(2012 Volume and 2017 Supplement)~~

~~BY adding to
Article — Land Use
Section 8 — 402
Annotated Code of Maryland
(2012 Volume and 2017 Supplement)~~

Preamble

WHEREAS, The governing body of Howard County, under local law, may designate locations within the county as historic in order to protect their architectural integrity and preserve their history for future generations; and

WHEREAS, The governing body of Howard County has, under local law, designated a portion of Ellicott City as historic; and

WHEREAS, Historic Ellicott City has retained its unique charm and prospered as a result of this designation; and

WHEREAS, Howard County's Historic Preservation Commission serves as a resource to provide advice and counsel to Howard County agencies, boards, commissions, and property owners regarding historic sites, either within or outside the boundaries of historic districts; and

WHEREAS, Historic Ellicott City has a history that includes overbank flooding from the Patapsco River and sudden, intense, high velocity flooding from tributaries in the Tiber-Hudson Watershed; and

WHEREAS, Such flooding has caused repetitive loss of property, loss of capital, loss of employment, loss of home, and loss of life; and

WHEREAS, The recurrence intervals of such flooding in the Tiber-Hudson Watershed has increased; and

WHEREAS, Climate change as a result of global warming increases the likelihood of such recurrences to increase further; and

WHEREAS, Continued preservation of the historic character of Ellicott City is promoted by mitigation and defense against flooding; and

1 WHEREAS, A workgroup should determine the most effective manner for defending
2 against flooding while preserving the historic character and integrity of Ellicott City; now,
3 therefore,

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

6 (a) There is an Historic Ellicott City Workgroup on Preservation and Flooding.

7 (b) The Workgroup consists of the following members:

8 (1) one representative of Preservation Maryland, selected by Preservation
9 Maryland;

10 (2) one representative of the Maryland Historical Trust, selected by the
11 Secretary of Planning;

12 (3) one representative of the Howard County Department of Planning and
13 Zoning's Resources Conservation Division, selected by the Howard County Department of
14 Planning and Zoning;

15 (4) one representative of the Howard County Department of Parks and
16 Recreation, selected by the Howard County Department of Parks and Recreation;

17 (5) one representative of the Howard County Department of Public Works'
18 Bureau of Environmental Services, selected by the Howard County Department of Public
19 Works;

20 (6) one representative of the Howard County Office of Emergency
21 Management, selected by the Howard County Office of Emergency Management;

22 (7) one representative of the Howard County Historic Preservation
23 Commission, selected by the Howard County Historic Preservation Commission;

24 (8) one representative of the Historic Ellicott City Flood Workgroup,
25 selected by the Historic Ellicott City Flood Workgroup;

26 (9) one representative of the Board of Directors of the Patapsco Heritage
27 Greenway, selected by the Board of Directors of the Patapsco Heritage Greenway;

28 (10) one representative of the Board of Directors of Historic Ellicott City,
29 Inc., selected by the Board of Directors of Historic Ellicott City, Inc.;

30 (11) one representative of the Board of Directors of the Ellicott City
31 Partnership, selected by the Board of Directors of the Ellicott City Partnership;

1 (12) two individuals who reside within the Ellicott City Historic District,
2 appointed jointly by the Howard County Executive and the Howard County Councilman
3 who represents the Ellicott City Historic District;

4 (13) two individuals who operate businesses within the Ellicott City Historic
5 District, appointed jointly by the Howard County Executive and the Howard County
6 Councilman who represents the Ellicott City Historic District; and

7 (14) one individual who owns property within the Ellicott City Historic
8 District, appointed jointly by the Howard County Executive and the Howard County
9 Councilman who represents the Ellicott City Historic District.

10 (c) The Howard County Executive and the Howard County Councilman who
11 represents the Ellicott City Historic District shall jointly designate the chair of the
12 Workgroup.

13 (d) The offices of the elected State and county officials who represent the Ellicott
14 City Historic District shall provide staff for the Workgroup.

15 (e) A member of the Workgroup:

16 (1) may not receive compensation as a member of the Workgroup; but

17 (2) is entitled to reimbursement for expenses under the Standard State
18 Travel Regulations, as provided in the State budget.

19 (f) The Workgroup shall study and design a process for determining instances in
20 which the benefits provided to the historic preservation of the Ellicott City Historic District
21 by adherence to a particular historic preservation standard are outweighed by the benefits
22 provided by the adoption of a particular set of measures that allows for a specific exception
23 to the historic preservation standard:

24 (1) in order to protect against the risk of severe property damage or harm
25 to individuals caused by flooding;

26 (2) subject to the supervision, advice, and guidance of the Howard County
27 Historic Preservation Commission; and

28 (3) if the exception does not threaten current local, State, or federal
29 designations, tax credits, or other benefits.

30 (g) On or before January 1, 2019, the Workgroup shall report its study and
31 process designed under subsection (f) of this section to the Howard County Historic
32 Preservation Commission, the Howard County Executive, the Howard County Council,
33 and, in accordance with § 2-1246 of the State Government Article, the members of the
34 Howard County Delegation to the General Assembly.

~~Article Land Use~~~~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 NONTIDAL FLOODING);~~

~~[(19)] (20) for Baltimore County only, Title 9, Subtitle 3 (Single County Provisions Baltimore County);~~

~~[(20)] (21) for Frederick County only, Title 9, Subtitle 10 (Single County Provisions Frederick County);~~

~~[(21)] (22) for Howard County only, Title 9, Subtitle 13 (Single County Provisions Howard County);~~

~~[(22)] (23) for Talbot County only, Title 9, Subtitle 18 (Single County Provisions Talbot County); and~~

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

~~§ 101.~~

~~(e) "District" means a significant concentration, linkage, or continuity of sites, structures, or objects united historically or aesthetically by plan or development.~~

~~§ 402.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) "QUALIFIED HISTORIC DISTRICT" MEANS A LOCALLY DESIGNATED HISTORIC DISTRICT IN WHICH:~~

~~(i) NONTIDAL FLOODING HAS RESULTED IN:~~

~~1. A DEMONSTRABLE THREAT TO THE LIFE AND SAFETY OF INDIVIDUALS; OR~~

~~2. THE DEATH OF AN INDIVIDUAL; AND~~

~~(ii) FOUR OR MORE REPETITIVE LOSS PROPERTIES ARE LOCATED.~~

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

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

~~10-103.~~

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

~~(1) this title;~~

~~(2) § 1-101(m) (Definitions — “Priority funding area”);~~

~~(3) § 1-101(o) (Definitions — “Sensitive area”);~~

~~(4) § 1-201 (Visions);~~

~~(5) § 1-206 (Required education);~~

~~(6) § 1-207 (Annual report — In general);~~

~~(7) § 1-208 (Annual report — Measures and indicators);~~

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

~~(9) Title 1, Subtitle 4, Parts II and III (Home Rule Counties — Comprehensive Plans; Implementation);~~

~~(10) § 4-104(b) (Limitations — Bicycle parking);~~

~~(11) § 4-205 (Administrative adjustments);~~

~~(12) § 4-207 (Exceptions — Maryland Accessibility Code);~~

~~(13) § 4-210 (Permits and variances — Solar panels);~~

~~(14) § 5-201(d) (Subdivision regulations — Burial sites);~~

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

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

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

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

1 ~~(19) § 8-402 (PREVENTION OF LETHAL AND LIFE-THREATENING~~
2 ~~NONTIDAL FLOODING); and~~

3 ~~[(19)](20) Title 11, Subtitle 2 (Civil Penalty).~~

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
5 1, 2018. It shall remain effective for a period of 1 year and 1 month and, at the end of June
6 30, 2019, this Act, with no further action required by the General Assembly, shall be
7 abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.