

# HOUSE BILL 1403

P3

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CF SB 741

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By: **Delegates Kittleman and Miller**

Introduced and read first time: February 28, 2019

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Historical Trust – Properties Subject to Historic Preservation**  
3 **Easements – Waiver Process**

4 FOR the purpose of requiring the Maryland Historical Trust to develop a process for the  
5 waiver, in exceptional circumstances, of certain requirements, regulations, and  
6 processes applicable to a property subject to a certain historic preservation  
7 easement; specifying the conditions under which exceptional circumstances exist for  
8 purposes of this Act; and generally relating to properties subject to historic  
9 preservation easements held by the Maryland Historical Trust.

10 BY repealing and reenacting, without amendments,  
11 Article – State Finance and Procurement  
12 Section 5A–301(a), (m), and (n)  
13 Annotated Code of Maryland  
14 (2015 Replacement Volume and 2018 Supplement)

15 BY adding to  
16 Article – State Finance and Procurement  
17 Section 5A–321  
18 Annotated Code of Maryland  
19 (2015 Replacement Volume and 2018 Supplement)

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

22 **Article – State Finance and Procurement**

23 5A–301.

24 (a) In this subtitle the following words have the meanings indicated.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (m) "Trust" means the Maryland Historical Trust.

2 (n) "Undertaking" means a project that involves or may result in building  
3 construction, building alteration, or land disturbance.

4 **5A-321.**

5 (A) THE TRUST SHALL DEVELOP A PROCESS FOR THE WAIVER, IN  
6 EXCEPTIONAL CIRCUMSTANCES, OF REQUIREMENTS, REGULATIONS, AND  
7 PROCESSES APPLICABLE TO A PROPERTY SUBJECT TO A HISTORIC PRESERVATION  
8 EASEMENT HELD BY THE TRUST.

9 (B) FOR THE PURPOSES OF THIS SECTION, EXCEPTIONAL CIRCUMSTANCES  
10 EXIST IF:

11 (1) THE PROPERTY IS SUBJECT TO REPEATED FLOODING OR OTHER  
12 CONTINUING CONDITIONS THAT HAVE RESULTED IN DAMAGE TO THE PROPERTY'S  
13 INFRASTRUCTURE;

14 (2) THERE IS AN URGENT NEED TO STABILIZE HISTORIC STRUCTURES  
15 OR CONDUCT ENVIRONMENTAL REMEDIATION AT THE PROPERTY;

16 (3) THE COST OF COMPLYING WITH THE REQUIREMENTS,  
17 REGULATIONS, OR PROCESSES OF THE TRUST WOULD EXCEED THE NORMAL COST  
18 OF AN UNDERTAKING BY 20% OR MORE;

19 (4) EXTRAORDINARY INFRASTRUCTURE COSTS CHALLENGE THE  
20 VIABILITY OF AN UNDERTAKING; OR

21 (5) THE TRUST DETERMINES THAT, IN THE ABSENCE OF A WAIVER,  
22 THE PROPERTY MAY BECOME ABANDONED OR DILAPIDATED.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2019.