

## Chapter 138

(House Bill 858)

AN ACT concerning

### **Land Use – Local Historic District Commissions and Historic Preservation Commissions – Alternate Members**

FOR the purpose of authorizing a local jurisdiction that creates a historic district commission or historic preservation commission to designate one alternate member for the historic district commission or historic preservation commission to sit on the commission under specified circumstances; authorizing the local jurisdiction to designate a temporary alternate when the alternate member is absent; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; and generally relating to the appointment of alternate members for historic district commissions and historic preservation commissions.

BY repealing and reenacting, with amendments,  
Article 66B – Land Use  
Section 8.03(a)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,  
Article – Land Use  
Section 8–201  
Annotated Code of Maryland  
(As enacted by Chapter 426 (S.B. \_\_\_/H.B. \_\_\_)(2lr0396) of the Acts of the  
General Assembly of 2012)

BY repealing and reenacting, with amendments,  
Article – Land Use  
Section 8–202  
Annotated Code of Maryland  
(As enacted by Chapter 426 (S.B. \_\_\_/H.B. \_\_\_)(2lr0396) of the Acts of the  
General Assembly of 2012)

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

#### **Article 66B – Land Use**

8.03.

(a) (1) A local jurisdiction may create a “historic district commission” or “historic preservation commission”.

(2) (i) A historic district commission or historic preservation commission shall have at least five members.

(ii) Each member of a historic district commission or historic preservation commission shall possess a demonstrated special interest, specific knowledge, or professional or academic training in such fields as history, architecture, architectural history, planning, archeology, anthropology, curation, conservation, landscape architecture, historic preservation, urban design, or related disciplines.

(iii) A majority of the members of a historic district commission or historic preservation commission shall be residents of the local jurisdiction that created the commission.

(iv) Each local jurisdiction that creates a historic district commission or historic preservation commission under this subtitle shall establish and publicly adopt criteria for qualifying as a member of the commission.

(3) (i) Each member of a historic district commission or historic preservation commission shall be appointed for a 3-year term.

(ii) The terms of the members of the commission shall be staggered.

(iii) A member of a historic district commission or historic preservation commission is eligible for reappointment.

(iv) The appointing authority shall fill any vacancy on a commission for the unexpired term of the vacant position.

**(4) (I) EACH LOCAL JURISDICTION MAY DESIGNATE ONE ALTERNATE MEMBER FOR THE HISTORIC DISTRICT COMMISSION OR HISTORIC PRESERVATION COMMISSION WHO MAY SIT ON THE COMMISSION WHEN ANY OTHER MEMBER OF THE COMMISSION IS ABSENT.**

**(II) WHEN THE ALTERNATE MEMBER IS ABSENT, THE LOCAL JURISDICTION MAY DESIGNATE A TEMPORARY ALTERNATE.**

**[(4)] (5)** Subject to any requirements of the local jurisdiction governing the acceptance and use of gifts by public officials, a historic district commission or historic preservation commission shall have the right to accept and use gifts as needed to perform its duties.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Article – Land Use**

8–201.

A local jurisdiction may create a historic district commission or a historic preservation commission.

8–202.

(a) (1) A commission shall consist of at least five members.

(2) A majority of the members of a commission shall be residents of the local jurisdiction that created the commission.

(b) (1) Each member of a commission shall have a demonstrated special interest, specific knowledge, or professional or academic training in:

- (i) history;
- (ii) architecture;
- (iii) architectural history;
- (iv) planning;
- (v) archaeology;
- (vi) anthropology;
- (vii) curation;
- (viii) conservation;
- (ix) landscape architecture;
- (x) historic preservation;
- (xi) urban design; or
- (xii) a related discipline.

(2) A local jurisdiction that creates a commission may establish and publicly adopt additional qualifications for a member of the commission.

(c) (1) The term of a member of a commission is 3 years.

(2) The terms of the members shall be staggered.

(3) A member is eligible for reappointment.

(4) The appointing authority shall fill any vacancy on a commission for the unexpired term of the vacant position.

**(D) (1) EACH LOCAL JURISDICTION MAY DESIGNATE ONE ALTERNATE MEMBER FOR THE ~~HISTORIC DISTRICT COMMISSION OR HISTORIC PRESERVATION~~ COMMISSION WHO MAY SIT ON THE COMMISSION WHEN ANY OTHER MEMBER OF THE COMMISSION IS ABSENT.**

**(2) WHEN THE ALTERNATE MEMBER IS ABSENT, THE LOCAL JURISDICTION MAY DESIGNATE A TEMPORARY ALTERNATE.**

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of Chapter 426 (S.B. \_\_\_/H.B. \_\_\_)(2lr0396) of the Acts of the General Assembly of 2012. If Section 2 of this Act takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.

SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 3 of this Act, this Act shall take effect June 1, 2012.

**Approved by the Governor, April 10, 2012.**