

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 581

(Senator Stone, *et al.*)

Education, Health, and Environmental Affairs

Environmental Matters

Maryland Historical Trust - National Register of Historic Places - Essex Skypark

This bill requires the Director of the Maryland Historical Trust (MHT), by August 1, 2012, to determine whether Essex Skypark is eligible for listing in the National Register of Historic Places in accordance with specified provisions of the State Finance and Procurement Article.

The bill takes effect June 1, 2012.

Fiscal Summary

State Effect: The bill does not materially affect State finances.

Local Effect: The bill does not directly affect Baltimore County's operations or finances.

Small Business Effect: Potential meaningful.

Analysis

Current Law/Background: MHT was established in 1961 to preserve, protect, and enhance districts, sites, buildings, structures, and objects significant in the prehistory, history, upland, and underwater archaeology, architecture, engineering, and culture of the State. MHT is a division of the Maryland Department of Planning (MDP). Among other things, MHT:

- acquires and maintains properties of historic or architectural merit by gift, grant, or purchase and, through an easement program, holds partial interest in such

properties in order to monitor their condition and appearance without the necessity of public ownership;

- helps organizations, local governments, businesses, and individuals restore and acquire historic properties through State grants and a revolving loan fund program;
- gives grants to local jurisdictions surveying Maryland historic sites; and
- administers a local volunteer network represented by advisory organizations.

MHT capital programs that provide historic preservation assistance include the:

- Revolving Loan Fund, which provides loans to nonprofit organizations, local jurisdictions, business entities, and private individuals for the purpose of acquiring, rehabilitating, or refinancing all categories of real property listed in or eligible for listing in the Maryland Register of Historic Properties; and
- Sustainable Communities Rehabilitation Tax Credit, which provides Maryland income tax credits based on a percentage of the qualified capital costs expended in the rehabilitation of a certified heritage structure.

The Maryland Register of Historic Properties is the statutorily mandated compilation of designated historic properties under State law. The Maryland register must include all properties listed in, or determined by MHT to be eligible for listing in, National Register of Historic Places (NRHP). To be listed in NRHP, properties must be found to demonstrate significance in (1) association with significant events or trends; (2) association with individuals who made a demonstrable and lasting contribution; (3) architectural merit; or (4) the potential to yield information that will contribute to a better understanding of our past. In addition to demonstrating significance, a property must retain physical integrity to reflect that significance; therefore, it cannot be altered to the extent that it no longer accurately or adequately reflects that significance.

Listing in NRHP is the effective threshold for eligibility for a variety of federal and State programs designed to assist in the preservation of significant properties, including federal and State tax credits. Listing in the Maryland register affords properties certain regulatory protections.

Over the years, MHT has evaluated and processed thousands of NRHP nominations and determinations of eligibility. As part of this process, MHT must build a justification for a property's significance that can withstand legal and administrative challenge. The regulations controlling the process include detailed provisions for challenge and appeal. An MHT determination of eligibility or ineligibility has never been overturned at the State or federal level.

Essex Skypark opened in 1942 and is a general aviation airport located on the water in Baltimore County. At present, Essex Skypark is home to antique and amateur-built aircraft in addition to more modern aircraft. Several small aviation-related businesses involved with flight instruction and aerial photography, among other things, operate at the airport. Baltimore County owns the airport property; however, the Essex Skypark Association currently operates the airport through a lease with the county.

Baltimore County originally purchased the Essex Skypark property to permanently preserve its environmental attributes. Reports indicate that the county has expressed interest in enhancing the property's natural resources and ceasing airport operations in the future.

MDP advises that Essex Skypark *may* meet the criteria for inclusion in the Maryland Register of Historic Properties.

Small Business Effect: To the extent the bill results in historic designation and such designation enhances or preserves Essex Skypark airport operations, small businesses that operate at the airport may benefit.

Additional Information

Prior Introductions: None.

Cross File: HB 1108 (Delegate Weir, *et al.*) - Environmental Matters.

Information Source(s): Essex Skypark Association, Maryland Department of Planning, *The Baltimore Sun*, Department of Legislative Services

Fiscal Note History: First Reader - March 2, 2012
mlm/lgc Revised - Senate Third Reader - March 16, 2012

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