Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 1230   (Delegate Buckel, *et al.*)

Environment and Transportation   Education, Health, and Environmental Affairs

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Maryland Historical Trust - Property Subject to Historic Preservation Easement - Application for Change or Alteration

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This bill establishes a timeframe within which the Maryland Historical Trust (MHT) must notify an applicant of the decision of the Director of MHT on an application for a change or alteration, for general repair and maintenance, to a property subject to a historic preservation easement held by MHT.

Fiscal Summary

State Effect: None. The bill can be implemented with existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill requires – if an application for a change or alteration to a property subject to a historic preservation easement held by MHT is for general repair or maintenance of the property – that MHT notify the applicant of the director's decision on the application on or before the earlier of (1) the expiration of the period of time specified in the easement documentation in which MHT is required to notify the applicant of the director's decision or (2) 90 days after the date the application or any supplement to an application is submitted to MHT. "General repair and maintenance" is defined as work to correct damage from deterioration or wear and tear of a property, including maintenance, reconstruction, repair, repainting, and refinishing.

Current Law/Background: Statute does not currently establish a timeframe within which MHT must notify an applicant of the director's decision on an application for a change or alteration to a historic preservation easement held by MHT. In MHT's sample deed of easement, the director is required to notify the owner of the property of a decision on a request that requires the director's approval not later than 45 days after the later of (1) the receipt of the request or (2) the date the request is deemed complete.

According to MHT, the timeframe within which the director typically notifies applicants of a decision on an application ranges from 6 days to 43 days from the date the application is deemed complete, with an average of 25 days. There are some cases, if an application is not deemed to be complete by MHT, where it can take considerably longer than 45 days from the date of the receipt of an application for an application to be deemed complete and a decision to be made on the application.

MHT indicates that a preservation easement is a type of conservation easement – a private legal right given by the owner of a property to a qualified easement-holding organization or governmental entity by written contract to protect a property with historic, architectural, or archeological significance in perpetuity. MHT acquires easements in a variety of ways, including (1) donation by the property owner and (2) as a condition of State financing (capital grants, bond bills, or loans) for construction projects that affect historic and cultural properties.

MHT indicates that, typically, owners of easement properties agree that they must receive MHT's approval before making changes to the protected building and before constructing new buildings. Owners also agree to maintain the property and buildings in good condition and to provide limited access for the public to view the historic structures.

MHT holds more than 700 easements encompassing approximately 7,000 acres statewide.

Additional Information

Prior Introductions: None.

Cross File: SB 960 (Senator Edwards) - Education, Health, and Environmental Affairs.

Information Source(s): Maryland Department of Planning; Department of Legislative Services

Fiscal Note History:
nb/lgc

First Reader - February 28, 2018
Third Reader - March 20, 2018
Enrolled - April 27, 2018
    Revised - Amendment(s) - April 27, 2018
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