

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1408

(Delegate Flanagan, *et al.*)

Environment and Transportation

Education, Health, and Environmental Affairs

Historic Ellicott City Workgroup on Preservation and Flooding

This bill establishes the Historic Ellicott City Workgroup on Preservation and Flooding to study and design a specified process for determining instances in which specific exceptions to historic preservation standards in the Ellicott City Historic District may be made to protect against flood risks. The workgroup must report its study and the designed process by January 1, 2019. **The bill takes effect June 1, 2018, and terminates June 30, 2019.**

Fiscal Summary

State Effect: Any expense reimbursements for workgroup members and staffing costs for the workgroup are assumed to be minimal and absorbable within existing budgeted resources.

Local Effect: The bill is expected to be implemented with existing resources.

Small Business Effect: None.

Analysis

Bill Summary: The workgroup must study and design a process for determining instances in which the benefits provided to the historic preservation of the Ellicott City Historic District by adherence to a particular historic preservation standard are outweighed by the benefits provided by the adoption of a particular set of measures that allows for a specific exception to the historic preservation standard (1) in order to protect against the risk of severe property damage or harm to individuals caused by flooding; (2) subject to the supervision, advice, and guidance of the Howard County Historic Preservation

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

The offices of the elected State and county officials who represent the Ellicott City Historic District must provide staff for the workgroup. Members of the workgroup may not receive compensation but are entitled to reimbursement for expenses.

The workgroup must report its study and the designed process, by January 1, 2019, to the Howard County Historic Preservation Commission, the Howard County Executive, the Howard County Council, and the members of the Howard County Delegation to the General Assembly.

Current Law/Background:

Ellicott City Historic District and Flooding

The Howard County Council first established the Ellicott City Historic District in 1974, the county's first officially recognized historic district. The historic district is also listed on the National Register of Historic Places. The historic district is uniquely vulnerable to flooding due to the hydrologic characteristics of surrounding tributaries and the Patapsco River, the topography of the land, and development. Recently, in July 2016, severe flooding was experienced during a storm in which six inches of rain fell in roughly two hours, resulting in loss of life and significant damage.

Local Historic Preservation

Local jurisdictions are authorized under State statute to enact historic preservation laws. Provisions under Division I of the Land Use Article (which has certain, limited applicability to charter counties, and, under specified circumstances, code counties) describes local jurisdictions' authorization to enact historic preservation laws. Charter counties and code counties are authorized, under the Express Powers Act (under the Local Government Article), to enact laws for historic and landmark zoning and preservation (1) generally; (2) in accordance with the historic preservation provisions under Division I of the Land Use Article; or (3) to be administered generally by a historic district commission. Baltimore City is also separately authorized to enact laws for historic and landmark zoning and preservation under the Land Use Article.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Howard County; Department of Legislative Services

Fiscal Note History: First Reader - February 26, 2018
md/lgc Third Reader - April 2, 2018
Revised - Amendment(s) - April 2, 2018

Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510