

SENATE BILL 741

P3

9lr2227

By: **Senator Hester**

Introduced and read first time: February 4, 2019

Assigned to: Education, Health, and Environmental Affairs

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.

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.