

HOUSE BILL 640

Q3, P3, M1

0lr2502

By: **Delegate Luedtke**

Introduced and read first time: January 29, 2020

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 28, 2020

CHAPTER _____

1 AN ACT concerning

2 ~~Rehabilitation~~ **Historic Revitalization Tax Credit – Certified Historic Structure**
3 ~~– Definition and Single-Family, Owner-Occupied Residence – Definitions~~

4 FOR the purpose of altering the ~~definition~~ definitions of “certified historic structure” and
5 “~~single-family, owner-occupied residence~~” to include a certain structure ~~under~~
6 ~~certain circumstances~~; that is located on property that is owned by the Department
7 of Natural Resources or one of its units; providing for the application of this Act; and
8 generally relating to the State ~~rehabilitation~~ historic revitalization tax credit
9 program.

10 BY repealing and reenacting, without amendments,
11 Article – State Finance and Procurement
12 Section 5A–303(a)(1), (5), (9), (12), and (15)
13 Annotated Code of Maryland
14 (2015 Replacement Volume and 2019 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – State Finance and Procurement
17 Section 5A–303(a)(6) and (24)
18 Annotated Code of Maryland
19 (2015 Replacement Volume and 2019 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article – State Finance and Procurement**

2 5A-303.

3 (a) (1) In this section the following words have the meanings indicated.

4 (5) “Certified heritage area” has the meaning stated in § 13-1101 of the
5 Financial Institutions Article.

6 (6) (i) “Certified historic structure” means a structure that is located in
7 the State and ~~is~~:

8 1. IS listed in the National Register of Historic Places;

9 2. IS designated as a historic property under local law and
10 determined by the Director to be eligible for listing on the National Register of Historic
11 Places;

12 3. A. IS located in a historic district listed on the National
13 Register of Historic Places or in a local historic district that the Director determines is
14 eligible for listing on the National Register of Historic Places; and

15 B. IS certified by the Director as contributing to the
16 significance of the district; ~~or~~

17 4. IS located in a certified heritage area and certified by the
18 Maryland Heritage Areas Authority as contributing to the significance of the certified
19 heritage area; OR

20 **5. A. IS LOCATED ON PROPERTY THAT IS OWNED BY**
21 **THE DEPARTMENT OF NATURAL RESOURCES OR ONE OF ITS UNITS;**

22 **B. IS OCCUPIED BY A PERSON UNDER AN AGREEMENT**
23 **WITH THE DEPARTMENT OF NATURAL RESOURCES UNDER WHICH THE PERSON**
24 **PAYS FOR REHABILITATION OF THE STRUCTURE AS A CONDITION OF OCCUPANCY;**
25 **AND**

26 **C. MEETS ONE OF THE CRITERIA LISTED UNDER ITEMS 1,**
27 **2, 3, OR 4 OF THIS SUBPARAGRAPH OR IS ELIGIBLE TO BE LISTED IN THE NATIONAL**
28 **REGISTER OF HISTORIC PLACES AS DETERMINED BY THE DIRECTOR.**

29 (ii) [“Certified] **EXCEPT AS PROVIDED IN SUBPARAGRAPH ~~(H)~~**
30 **(I)5 OF THIS PARAGRAPH, “CERTIFIED** historic structure” does not include a structure
31 that is owned by the State, a political subdivision of the State, or the federal government.

~~(H) “CERTIFIED HISTORIC STRUCTURE” INCLUDES A STRUCTURE THAT IS OWNED BY THE STATE, A POLITICAL SUBDIVISION OF THE STATE, OR THE FEDERAL GOVERNMENT IF THE STRUCTURE IS LOCATED ON PROPERTY THAT IS:~~

~~1. OWNED BY THE DEPARTMENT OF NATURAL RESOURCES OR ONE OF ITS UNITS; AND~~

~~2. OCCUPIED BY A PERSON UNDER AN AGREEMENT WITH THE DEPARTMENT OF NATURAL RESOURCES BY WHICH THE PERSON PAYS FOR REHABILITATION OF THE STRUCTURE AS A CONDITION OF OCCUPANCY.~~

(9) “Director” means the Director of the Maryland Historical Trust.

(12) (i) “Historic property” means a district, site, building, structure, monument, or object significant to:

1. the prehistory or history of the State; or

2. the upland or underwater archeology, architecture, engineering, or culture of the State.

(ii) “Historic property” includes related artifacts, records, and remains.

(15) “Local historic district” means a district that the governing body of a county or municipal corporation, or the Mayor and City Council of Baltimore, has designated under local law as historic.

(24) (i) “Single-family, owner-occupied residence” means a structure or a portion of a structure occupied by the owner and the owner’s immediate family as their primary or secondary residence.

(ii) “Single-family, owner-occupied residence” includes:

1. a residential unit in a cooperative project owned by or leased to a cooperative housing corporation, as defined in § 5-6B-01 of the Corporations and Associations Article, and leased for exclusive occupancy to, and occupied by, a member of the corporation and the member’s immediate family under a proprietary lease; [or]

2. A STRUCTURE THAT IS DESCRIBED UNDER PARAGRAPH (6)(I)5 OF THIS SUBSECTION; AND

3. a small commercial project.

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1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 ~~October 1, 2020~~ July 1, 2020, and shall be applicable to all taxable years beginning after
3 December 31, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.