

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 944

(Senator Waldstreicher)

Judicial Proceedings

Appropriations

Maryland Historical Trust - Warner Manor in the Town of Kensington -
Extinguishment or Termination of Easement

This bill requires the Maryland Historical Trust (MHT) to, by July 1, 2023, extinguish or terminate a specified easement, dated June 28, 2010, granted by Montgomery County to MHT, on the parcel of land known as Warner Manor (also known as Brainard Warner House and/or Circle Manor) in the Town of Kensington. **The bill takes effect June 1, 2023.**

Fiscal Summary

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

Local Effect: The bill does not directly affect local government finances.

Small Business Effect: None.

Analysis

Current Law: MHT is given various authority and duties under State law, including:

- the authority (1) to make contracts, leases, or other agreements necessary or incidental to the performance of the duties of the trust and (2) to preserve, restore, rehabilitate, reconstruct, protect, document, excavate, salvage, exhibit, and interpret historic properties; and
- the duty to carry out programs and activities to protect, preserve, and encourage the preservation of historic properties.

MHT describes a preservation easement as a contractual agreement between a property owner and a qualified organization in which the owner typically agrees to relinquish partial development rights, to maintain the property, to provide limited public access, and to obtain prior approval for any changes or alterations. In exchange, the easement-holding organization promises to ensure compliance with the terms of the easement to protect the property for future generations. MHT indicates that the State's historic preservation easements are managed by MHT, which works with property owners to develop easement terms, review and approve any changes or alterations to the property, and advise owners on the best preservation methods.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Montgomery County; Maryland-National Capital Park and Planning Commission; Maryland Department of Planning; State Department of Assessments and Taxation; Department of Legislative Services

Fiscal Note History: First Reader - March 16, 2023
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