

HEARING DATE: February 24, 2021

BILL NO: HB1099

COMMITTEE: Appropriations

POSITION: Letter of Information

FOR INFORMATION CONTACT: Adam Gruz (410) 767-4613

TITLE:

Historic African American Cemeteries Preservation Fund and Study

BILL ANALYSIS:

HB1099 creates an Historic African American Cemeteries Preservation Fund, which would be administered by the Maryland Department of Planning (Planning) in partnership with the Maryland Commission on African American History and Culture (MCAAHC). Grants from the Fund would be awarded for projects aimed at identifying, preserving, restoring, protecting, maintaining, or commemorating graves, monuments, or markers at a cemetery or burial ground that is of significance to the enslaved African or African American experience in Maryland. This section of the bill would become effective July 1, 2023, meaning that grants would not be awarded for these projects until FY24.

HB1099 also directs that Planning, in consultation with concerned stakeholders, including the Maryland Historical Trust (MHT), the MCAAHC, the Coalition to Protect Maryland Burial Sites, Preservation Maryland, and descendant communities of historic African American cemeteries, to:

1. Study the issues facing historic African American cemeteries in the state, including by identifying the types of cemetery identification, restoration, protection, preservation, maintenance, or commemoration activities that can be accomplished under current law, through changes to regulations, and through legislative action; and
2. Examine the types of cemetery identification, restoration, protection, preservation, maintenance, or commemoration used in other states.

The report is due to be submitted to the Governor and the General Assembly on or before July 1, 2022. Report recommendations are expected to inform the development of regulations guiding the Historic African American Cemeteries Preservation Fund grant program as well as identify future legislative, regulatory or policy changes needed to advance the preservation of these historic cemeteries.

POSITION AND RATIONALE:

The African American Heritage Preservation Program (AAHPP) was established by the General Assembly in 2010 to provide capital (construction-related) grants to assist in the preservation of buildings, sites, or communities of historical and cultural importance to the African American experience in Maryland. Cemeteries are among the types of properties that may be assisted by this program. Cemetery preservation projects typically rank well in the AAHPP program. In the most recent grant round, for example, 57% of cemetery applications were funded (13 out of 23, with four of the unsuccessful applications being for the same project in different grant rounds) while only 45% of applications were funded overall (135 out of 297).

Although both AAHPP and the program envisioned in HB1099 can provide support for capital projects, only HB1099 is written to support essential non-capital cemetery preservation activities, including “identification, maintenance, and commemoration” of cemeteries. HB1099 specifically calls out “delineation activities, archeological study, public education, historical research, or other methods of preservation and memorializing the history of individuals buried at the location” as the types of projects this legislation is designed to support. While some of these activities may be eligible for AAHPP grants if conducted in combination with and in support of a capital project, they would not be eligible for funding as stand-alone projects.

The source of funding for the proposed fund is not identified in the bill. If appropriations to the Fund are restricted to GO bonds (as is the case with AAHP) then only the capital activities cited in HB1099 would be eligible for funding. General or special funds will need to be appropriated into the Fund in order for HB1099 to support the non-capital preservation activities described in the bill. The amount of funding should be related to the number of projects that could be successfully undertaken in any given year. The study indicated in Section 2 of the bill should be conducted by a qualified consultant under the direction of a steering committee of the stakeholders mentioned therein. Funding should be provided of up to \$50,000 to complete the study, the reporting date should be extended to December 1, 2022, and the report should include a recommendation for proposed levels of funding for the program that takes into account existing programs and funding as well as the extent of the activities that may reasonably be accomplished.

Thank you for your consideration of the above. We have also attached a report on AAHPP cemetery conservation case studies for your reference. Please do not hesitate to contact me if you have any questions or concerns.