

SUSAN K. McCOMAS
Legislative District 34B
Harford County

DEPUTY MINORITY WHIP

Appropriations Committee

Subcommittees

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The Maryland House of Delegates
ANNAPOLIS, MARYLAND 21401

March 31, 2025

VIA HAND-DELIVERY

The Honorable Shelly Hettleman
Chair, Senate Rules Committee
220 James Office Building
11 Bladen Street
Annapolis, MD 21401 – 1991

RE: HB 1255 Land Use – Historic Preservation Commission – Right of Appeal

Dear Chair Hettleman,

I respectfully request that HB1255 as referenced above be presented to the Senate Rules Committee.

It is a very simple but important bill to the Town of Bel Air, a municipality on three square miles with a population of 10,000 residents. It is the home of Harford County Government. Last year the Town celebrated its 150th anniversary.

This bill is specifically requested by the Historic Commission of the Town of Bel Air. It was amended in the Environment and Transportation Committee to allow any person aggrieved by a decision of the Historic Preservation Commission to appeal the decision to the board of appeals of the local jurisdiction or the circuit court of competent jurisdiction. The option to choose is important given the costs of transcripts, subpoenas, filing fees, and possible expert witnesses, not to mention the additional time element when appealing to the Circuit Court.

Unfortunately, HB1255 was scheduled several times before its hearing in Environment and Transportation and received a unanimous vote in the House chamber today.

I know that the Senate just received the House Budget as well as the Budget Reconciliation Act and will be very engaged in this budget review process since Sine Die is ONE WEEK AWAY! However, I am hoping that you will consider this for a hearing to allow a Senate vote on this simple, but important, bill for the Town of Bel Air.

Finally, I have included the record in the House as testimony for your review and have distributed copies to your committee members. Thank you for considering House Bill 1255 in the Senate Rules Committee.

Sincerely Yours,

Susan K. McComas
District 34B – Harford County

CC: Vice Chair, Senator Arthur Ellis
Senator Pamela Beidle
Senator Benjamin Brooks
Senator Brian J. Feldman, Chairman of the Finance Committee
Senator Bill Ferguson, President of the Senate
Senator Guy Guzzone, Chairman of the Budget, and Taxation Committee
Senator Stephen S. Hershey, Jr., Senate Minority Leader
Senator J.B. Jennings
Senator Nancy J. King
Senator Justin Ready
Senator Will Smith, Chairman of the Judicial Proceedings Committee

Enclosures:

HB1255 as amended and passed unanimously in the House
Bill File History
Written Testimony of Susan K. McComas – Hearing in the E & T Committee
Written Testimony of Mayor Paula Etting, Town of Bel Air
Written Testimony of Nina Themelis, Director of Government Relations, Baltimore Mayor's Office
First Reader Fiscal and Policy Note

HOUSE BILL 1255

L6

5lr2740

By: **Delegates McComas and Buckel**

Introduced and read first time: February 7, 2025

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2025

CHAPTER _____

1 AN ACT concerning

2 **Land Use – Historic Preservation Commission – Right of Appeal**

3 FOR the purpose of authorizing a local jurisdiction to authorize any person aggrieved by a
4 decision of a historic preservation commission to appeal the decision to the board of
5 appeals of the local jurisdiction or the appropriate circuit court; and generally
6 relating to the right to appeal a decision of a historic preservation commission.

7 BY repealing and reenacting, with amendments,

8 Article – Land Use

9 Section 8–308

10 Annotated Code of Maryland

11 (2012 Volume and 2024 Supplement)

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

14 **Article – Land Use**

15 8–308.

16 **(A)** Any person aggrieved by a decision of a commission may appeal the decision
17 in the manner provided for an appeal from the decision of the planning commission of the
18 local jurisdiction.

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 (B) IN ADDITION TO THE RIGHT TO APPEAL PROVIDED UNDER SUBSECTION
2 (A) OF THIS SECTION, A LOCAL JURISDICTION MAY AUTHORIZE ANY PERSON
3 AGGRIEVED BY A DECISION OF A COMMISSION TO APPEAL THE DECISION TO THE
4 BOARD OF APPEALS OF THE LOCAL JURISDICTION, THE APPROPRIATE CIRCUIT
5 COURT, OR BOTH.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2025.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.

Details Bill File Type: Regular
Effective Date(s): October 1, 2025

History ^

Chamber	Calendar Date	Legislative Date	Action	Proceedings
House	2/07/2025	2/07/2025	First Reading Environment and Transportation Text - First - Land Use - Historic Preservation Commission - Right of Appeal	
House	2/07/2025	2/07/2025	Hearing 2/28 at 1:00 p.m.	
House	2/11/2025	2/11/2025	Hearing canceled	
House	2/11/2025	2/11/2025	Hearing 3/06 at 1:00 p.m.	
House	3/02/2025	3/02/2025	Hearing canceled	
House	3/02/2025	3/02/2025	Hearing 3/11 at 1:00 p.m. Vote - House - Committee - Environment and Transportation	
House	3/28/2025	3/28/2025	Favorable with Amendments Report by Environment and Transportation	
House	3/28/2025	3/13/2025	Favorable with Amendments {353425/1 Adopted	53
House	3/28/2025	3/13/2025	Second Reading Passed with Amendments Text - Third - Land Use - Historic Preservation Commission - Right of Appeal	53
House	3/31/2025	3/14/2025	Third Reading Passed (132-0)	54

File Code v

Subjects v

Statutes v

Last Updated: 3/31/2025 10:48 AM



TOWN OF BEL AIR MARYLAND

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BOARD OF COMMISSIONERS

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TOWN ADMINISTRATOR
Edward Hopkins

March 7, 2024

The Honorable Marc Korman
Environment and Transportation Committee
251 Taylor House Office Building
Annapolis, Maryland 21401

RE: House Bill 1255 – Land Use – Historic Preservation – Right of Appeal - FAV

Dear Chair Korman:

I am writing in support of House Bill 1255. Current Maryland law says that appeals from the Historic Preservation Commission (HPC) are addressed in the same fashion as appeals from the decision of the Planning Commission – meaning that an appeal of the decision of the HPC will be to the Circuit Court under current state law. Md. Code, LU § 8-308; Md. Code, LU §4-406.

The legislative notes and committee notes suggested that the legislature revisit and clarify what path exists for appellate review. I suspect that prior to the passage of that section, some jurisdictions did have an HPC appeal to its board of appeals and did not want to change that. That is where the Town of Bel Air finds itself.

The Town of Bel Air changed its code to follow state law and appeals are now to the Circuit Court rather than to the Board of Appeals. The HPC would prefer that it be clear that an appeal from its decision is to the Board of Appeals. As a result, the Town is asking that HB1255 be passed to clarify that appeals may be to the Board of Appeals rather than to the Circuit Court. Each municipality can make its own determination which path is best for appeals from its HPC.

Allowing an appeal to the local board of appeals will be easier, faster, and cheaper than requiring an appeal to the Circuit Court. It will also lessen the burden on the Circuit Court's already crowded dockets.

With respect to sending appeals from HPC to the Board of Appeals:

1. Board of Appeals always has a court reporter.
2. It will not take months to get an answer. An appellant would likely have an answer within 1-2 months after the meeting. If it is hotly contested, the Board could hold the matter over and instruct Town Counsel and the Planning Department to draft a written opinion.
3. The Appellant would have the right to further appeal to the Circuit Court for Harford County as set forth above as a Petition for Judicial Review.

I strongly urge the Committee to issue a favorable report on House Bill 1255. This bill will give flexibility to local jurisdictions to permit a faster and easier review of decisions of the HPC.

Sincerely,



Paula S. Etting
Chair, Board of Commissioners
410-937-6154
petting@belairmd.org

cc via e-mail only:

Harford County Executive Bob Cassilly
Harford County Council President Patrick S. Vincenti
Harford County Council Vice-President Anthony A. Giangiardano
Senator Mary-Delany James
Delegate Susan K. McComas
Angelica Bailey Thupari, Esq., Director, Advocacy and Public Affairs, MML

SUSAN K. McCOMAS
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HB 1255 Land Use – Historic Preservation Commission - Right to Appeal

This is a bill meant to clarify and codify the appeal rights of those who own land in areas deemed to have historic significance. Under Title 8 of the Land Use Article (Historic Preservation), local authorities have certain powers to preserve sites and/or structures by following procedures set forth by the local zoning authority. Before a landowner may make changes that would affect the historic significance of any such site or structure, the owner must apply to the local Historic Preservation Commission for approval before the project may move forward.

Under Title 4 (Zoning) of the Land Use Article, and upon application by the landowner, the local board of appeals may hear and decide whether any decision by the Commission is errant in its determination. A 1982 Attorney General Opinion advised the Town of Easton that §4-305 gave the local board of appeals the power to hear and decide appeals from the decisions of local historic district commissions. The Opinion went on to state that §4-406 allowed the locality to provide an alternative right of appeal of such decisions directly to the circuit court. Although an option, an appeal to the circuit court is expensive and time consuming for all concerned.

In 2012, the Land Use Article was revised again. However, the revisor opined that “consideration by the General Assembly” was needed because the appeal rights and the process for appeal for those aggrieved remained unclear.

That is exactly what HB1255 proposes to do: clarify and codify those rights.

Please enter a FAVORABLE REPORT FOR HB1255.



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

HB 1255

March 11, 2025

TO: Members of the House Environment and Transportation Committee
FROM: Nina Themelis, Director of Mayor's Office of Government Relations
RE: House Bill 1255 - Land Use - Historic Preservation Commission - Right of Appeal

POSITION: FAVORABLE WITH AMENDMENTS

Chair Korman, Vice Chair Boyce, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) supports House Bill (HB) 1255 with amendments.

HB 1255 would authorize a local jurisdiction to authorize any person aggrieved by a decision of a historic preservation commission to appeal the decision to the board of appeals of the local jurisdiction.

The BCA supports the intent of this bill which aims to ensure an appeal process for a party aggrieved by a decision of the local historic preservation commission. However, we recommend that the bill be amended to remove the specific directive that the arbiter for the appeal must be the local board of appeals. In the City of Baltimore, the enabling legislation for the Commission for Historical and Architectural Preservation (CHAP), the local historic preservation commission, directs that a person aggrieved by any decision of the Commission may seek judicial review of that decision by petition to the Circuit Court for Baltimore City. We recommend that the language in HB 1255 be updated to require that each jurisdiction identify an arbiter for an appeal process for local preservation commission rulings, but not mandate that the local board of appeals be the arbiter for each jurisdiction.

For the above stated reasons, the BCA respectfully requests a favorable with amendments report on HB 1255.

