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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.