

Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council of Howard County, Maryland

2021 Legislative Session

Legislative Day No. 17

### Bill No. 88 -2021

Introduced by Liz Walsh

AN ACT to prohibit the willful failure to do specified maintenance and repair of certain historic structures thus prohibiting certain demolition by neglect of those structures; allowing the Historic District Commission to waive compliance in certain cases of financial hardship; providing for a hearing and an opportunity to cure specified violations; and generally relating to historic structures, historic sites, and historic districts in the County.

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Introduced and read first time \_\_\_\_\_, 2021. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Michelle Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on \_\_\_\_\_, 2021.

By order \_\_\_\_\_  
Michelle Harrod, Administrator

This Bill was read the third time on \_\_\_\_\_, 2021 and Passed \_\_\_\_, Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order \_\_\_\_\_  
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_\_\_ day of \_\_\_\_\_, 2021 at \_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Michelle Harrod, Administrator

Approved by the County Executive \_\_\_\_\_, 2021

\_\_\_\_\_  
Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the  
2 Howard County Code is amended as follows:

3 By adding:

4 Title 16. Planning, Zoning, and Subdivisions and Land Development Regulations

5 Subtitle 6. Historic Preservation Commission.

6 Section 16.609A. Demolition by Neglect.

7  
8 **Title 16. Planning, Zoning, and Subdivisions and Land Development Regulations.**

9 Subtitle 6. Historic Preservation Commission.

10  
11 **SECTION 16.609A. DEMOLITION BY NEGLECT.**

12 (A) IN GENERAL.

13 THE OWNER OF A HISTORIC STRUCTURE OR A STRUCTURE IN A HISTORIC DISTRICT  
14 SHALL NOT WILLFULLY FAIL TO MAINTAIN AND REPAIR THE STRUCTURE INCLUDING BY  
15 WILLFULLY FAILING TO:

16 (1) PREVENT THE DETERIORATION OF EXTERIOR WALLS, ROOFS, CHIMNEYS,  
17 DOORS, WINDOWS, AND OTHER EXTERIOR FEATURES;

18 (2) ENSURE ADEQUATE WATERPROOFING SO AS TO AVOID DETERIORATION OF  
19 INTERIOR FEATURES OR FOUNDATIONS THAT WILL OR COULD RESULT IN PERMANENT  
20 DAMAGE OR LOSS OF OR TO EXTERIOR FEATURES; AND

21 (3) KEEP THE STRUCTURE IN A SAFE CONDITION.

22 (B) *FINANCIAL HARDSHIP WAIVERS.*

23 THE COMMISSION MAY WAIVE COMPLIANCE WITH THIS SECTION IF COMPLIANCE  
24 WOULD CAUSE UNDUE FINANCIAL HARDSHIP TO THE OWNER.

25 (C) *OPPORTUNITY TO CURE.*

26  
27 (1) (I) BEFORE ENFORCEMENT ACTION IS TAKEN UNDER SECTION 16.610 OF THIS  
28 SUBTITLE BECAUSE OF A VIOLATION OF THIS SECTION, THE DEPARTMENT OF PLANNING AND  
29 ZONING SHALL SEND WRITTEN NOTICE TO THE OWNER OF THE VIOLATION.

30 (II) THE NOTICE SHALL SPECIFY THE MINIMUM ITEMS OF REPAIR OR  
31 MAINTENANCE NECESSARY TO CURE THE VIOLATION.

32 (III) THE NOTICE SHALL PROVIDE THAT CORRECTIVE ACTION SHALL:

1                                   1. BEGIN WITHIN 30 DAYS AFTER THE RECEIPT OF THE NOTICE; AND  
2                                   2. BE COMPLETED WITHIN A REASONABLE TIME AS SPECIFIED IN THE  
3 NOTICE.

4                   (2)     (I) WITHIN 10 DAYS AFTER THE RECEIPT OF THE NOTICE, A PERSON WHO IS  
5 THE SUBJECT OF THE NOTICE MAY REQUEST A HEARING ON THE NECESSITY OF THE ITEMS  
6 AND CONDITIONS CONTAINED IN THE NOTICE.

7                                   (II) THE COMMISSION SHALL HOLD THE HEARING WITHIN 30 DAYS AFTER:  
8                                   1. SENDING WRITTEN NOTICE TO THE OWNER OF THE PROPERTY; AND  
9                                   2. NOTICE IS CONSPICUOUSLY POSTED ON THE COMMISSION’S  
10 WEBSITE.

11                   (3) AFTER THE HEARING, THE COMMISSION MAY AFFIRM, MODIFY, OR CANCEL THE  
12 ACTIONS REQUIRED IN THE NOTICE.

13  
14     ***Section 2. And Be It Further Enacted*** by the County Council of Howard County,  
15 *Maryland that this Act shall become effective 61 days after its enactment.*