

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.

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.*

Office of the County Auditor
Auditor's Analysis

Council Bill No. 88-2021

Introduced: November 1, 2021

Auditor: Michael A. Martin

Fiscal Impact:

The fiscal impact of this legislation cannot be determined at this time. The Department of Planning and Zoning (DPZ) has indicated it does not know how many complaints resulting from this legislation might require action from its staff.

Purpose:

This legislation would prevent the demolition by neglect of historic sites or historic structures by prohibiting the owners of those properties from willfully failing to maintain or repair them. It would also allow for a waiver for those property owners who can demonstrate that such an opportunity to cure would represent a financial hardship.

Other Comments:

The DPZ has provided the following information related to this proposed legislation:

- Consistent with other code enforcement violations in the County Code, monitoring and compliance associated with this legislation will be entirely complaint-driven.
- The DPZ has not yet determined how a financial hardship waiver, which may be provided by a property owner as evidence of undue financial hardship, may be evaluated. However, it expects the Office of Law or Department of Finance may be able to provide appropriate evaluation guidance.
- The provisions allowing a violator to request a hearing within 30 days of their notice of violation may result in additional Historic Preservation Commission meetings outside of the normally scheduled monthly meetings. These hearings may also result in additional responsibilities for Commission staff members and County employees that worked on the associated violations.

CB88-2021

Sayers, Margery

From: LISA MARKOVITZ <lmarkovitz@comcast.net>
Sent: Tuesday, November 30, 2021 3:11 PM
To: CouncilMail
Subject: CB88

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

The People's Voice supports CB88 and requests stronger enforcement and penalty language. Avoiding the need for intervention for expensive upkeep or losses of our historic assets should be a high priority, especially regarding any causes from neglect.

Thank you,
Lisa Markovitz
President, The People's Voice



**HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

I, Stu Kohn, have been duly authorized by
(name of individual)

Howard County Citizens Association -- HCCA to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB88-2021 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Stu Kohn

Signature: _____

Date: 13 November 2021

Organization: HCCA

Organization Address: PO Box 89 - Ellicott City MD 21041

PO Box 89 - Ellicott City MD 21041

Number of Members: 500

Name of Chair/President: Stu Kohn

*This form can be submitted electronically via email to
councilmail@howardcountymd.gov no later than 2 hours prior to the start of the
Public Hearing.*



HCCA

Howard County Citizens Association

Since 1961...

The Voice Of The People of Howard County

Date: 15 November 2021

Subject: HCCA is in FAVOR of CB88-2021

Good evening. My name is Stu Kohn. I am testifying on behalf of the Howard County Citizens Association, HCCA as President. We are by all means in **FAVOR** of CB88-2021. If anyone believes in preservation and cares about history then this Bill is very appropriate to ensure structures are maintained and to prevent a very negative situation.

We commend Council-member Liz Walsh for once again showing her constituents and the public that history really does matter. We undoubtedly appreciate her fortitude not only with this Bill but throughout her tenure. As past President of the Friends of Montpelier, a member of their Collections Committee and a member of the Collections Committee at Hammond-Hardwood in Annapolis I am especially appreciative of maintaining the preservation of historic properties.

Winston Churchill stated, "We shape our buildings; thereafter, our buildings shape us." This proposed Bill promotes this quote and should undoubtedly be passed unanimously without much question except one.

Please refer to page 1 – lines 23 and 24. The concern is if the Historic Preservation Commission were to grant the owner a waiver for compliance, then how long will the structure continue to be in a disarray? Why isn't there a specified time period to correct the situation? This should be amended to put some strength in the Bill. As it stands now it's a so what! Furthermore, what happens if the owner of the structure in question ignores the notification. We need solid enforcement rules for this Bill to be effective to ensure all Howard County historic structures are preserved to the fullest extent possible.

Thank You for listening and hopefully you will improve the Bill by implementing stricter rules of enforcement.

Stu Kohn
HCCA President



HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Elly Cowan, have been duly authorized by
(name of individual)

Preservation Maryland to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB88-2021 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Elly Cowan

Signature:  Digitally signed by Elly Cowan
Date: 2021.11.15 09:55:47 -05'00'

Date: 11/15/2021

Organization: Preservation Maryland

Organization Address: Baltimore, MD 21211

Baltimore, MD 21211

Number of Members: 5,000

Name of Chair/President: Thomas Spencer, Esq.

*This form can be submitted electronically via email to
councilmail@howardcountymd.gov no later than 2 hours prior to the start of the
Public Hearing.*

Smarter Growth Alliance for Howard County

The Honorable Howard County Council
George Howard Building
3430 Court House Drive
Ellicott City, MD 21043

RE: Support of CB88-2021

November 15, 2021

Dear Howard County Council Members:

The Smarter Growth Alliance for Howard County (SGAHC) is an alliance of local and state organizations working together to foster healthy, equitable, and sustainable communities through smarter development and transportation decisions and improved protections for the county's natural, historic and cultural resources. The Alliance has long-standing interests in historic preservation, and as such, we **support** CB88 legislation.

Historic preservation is smart growth. Historic preservation strengthens our communities by protecting our historic assets, getting the most out of past investments in infrastructure and development, and encouraging growth in currently developed areas. However, many historic buildings and sites are not protected well due to intentional neglect. Implementing CB88 allows Howard County to protect its historic assets that have improved the environment and local economy.

With the additional protections, Howard County can hold owners accountable for maintaining historic buildings. Repurposing old buildings, such as vacant homes, reduces the need to construct new buildings. Moreover, it limits the consumption of land, energy, materials, and financial resources. In 2018, the Environmental Protection Agency (EPA) reported that 600 million tons of construction & demolition (C&D) debris was generated in the United States, which demolition consists of ninety percent of the waste. This waste results in an excessive amount of landfills, a decline in ecosystems, and the loss of valuable resources. When dumping hazardous materials, such as paints and other chemicals, it affects groundwater and results in runoff that contaminates local streams and water quality.

In addition, demolition can also introduce pollutants to the environment. When contractors tear down buildings, wind can carry loose dust and debris. Eventually, this dust could travel to areas miles away from the demolition site. Depending on what is in the dust, it could adversely affect the public health of local communities. Minimizing demolition by neglect will protect our

*Audubon MD-DC • Audubon Society of Central Maryland • Bicycling Advocates of Howard County
Chesapeake Bay Foundation • Clean Water Action • Coalition for Smarter Growth • Community Ecology Institute
Earth Forum of Howard County • HARP • Howard County Citizens Association
Howard County Conservancy • Howard County Sierra Club • Maryland Conservation Council
Maryland League of Conservation Voters • Maryland Ornithological Society • Patapsco Heritage Greenway • Safe Skies
Maryland • Savage Community Association • Smart Growth Maryland • The People's Voice • Transition Howard County*

environmentally and economically sustainable investments while protecting our heritage for future generations.

The Smarter Growth Alliance for Howard County wholeheartedly supports CB88 and asks you to pass this bill.

Thank you again for your consideration

Sincerely,

Smart Growth Maryland

Elly Colmers Cowan

Director of Government Relations

Maryland Conservation Council

Paulette Hammond

President

Patapsco Heritage Greenway

Mark Southerland

President

The People's Voice

Lisa Markovitz

President

Howard County Sierra Club

Carolyn Parsa

Chair

Howard County Citizen's Association

Stu Kohn

President

cc: The Honorable Calvin Ball, County Executive

Sayers, Margery

From: Fred Dorsey <fredwdorsey@gmail.com>
Sent: Monday, November 15, 2021 3:11 PM
To: CouncilMail
Subject: CB 88 Demolition by Neglect
Attachments: CB 88.docx

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

My name is Fred Dorsey, I live at 10774 Judy Lane, Columbia and I am a historic preservation advocate.

I appreciate and applaud Councilwoman Walsh for bringing this important issue with CB 88 - Demolition by Neglect. I support the intent of the bill. Demolition by Neglect has long destroyed historic buildings many of which could have been avoided. I believe the ownership of a historic building has the obligation for its care and protection. There are many areas that are absent and critical to the success of a strong and effective bill that need to be addressed.. I have attached those areas to this testimony. I can not support the passage of this bill as written but I can offer my assistance and knowledge in working toward a stronger and more effective bill.

I was part of a group of seven historic preservationists (Grace Kubofcik, Lisa Wingate, Barbara Russell, Jen Noyes, Nancy Pickard,, Ed Lilley and Dick Tufts) concerned with this issue collaborating with DPZ and the Office of Law. We met every three weeks for a year, in between times we researched by telephone, email and visits with other County historic districts to find the best and most effective areas for a Howard Count bill. Our progress was stymied by a County election, new county executive, new county council, two Ellicott City floods and the pandemic all with priorities requiring attention.

Council members and historic preservation colleagues I ask you to seize upon this opportunity to offer support in making such a bill stronger and more effective by having the right remedies to end Demolition by Neglect.

Having done this I could support the passage such a strong and effective bill.

Thank yOu,

CB 88-2021 - Demolition by Neglect

Has this bill been consulted with DPZ and the HPC for their input?

I worked with a group (Historic Preservation Advocates) of concerned historic preservation colleagues collaborating with DPZ for a year researching other Maryland counties to find the most operative and effective manner to approach the Important need for this type of legislation starting with the historic districts.

The ACT – The first and second lines should be corrected by deleting the word **certain** historic structures to be replaced it the with the word **any** historic structure. Clarify this is not a bill affecting the entire county.

Section 16.609A. Demolition by Neglect

(B) Financial Hardship Waivers

The Commission may waive compliance with this section if compliance would cause undue financial hardship to the owner

The owner must submit a letter requesting a financial hardship waiver explaining why the deterioration to the property occurred and why its repair would be a financial hardship

What measurement would be used by HPC to determine a financial hardship – determination of willful neglect, the length of time the deterioration has occurred – the extend of the deterioration and cost of repairs, value of the building, attempts to sell the property, cause by fire or flood. lack of insurance

What happens to the repair of the structure when a hardship waiver is given to the owner by HPC?

A waiver to available waiving the fees and charges associated with building permits, etc.?

The owner can apply of a Preservation Property Tax Credit for the repairs?

(C) opportunities for Cure

(1) (II) to require the owner to provide a plan to complete the minimum items of

The owner will submit a detailed plan of the nature of the repairs for approval of the HPC?

What penalties would be applied to the owner for the act of demolition by neglect?

The owner will have to submit any application for repairs to HPC for approval requiring a hearing or special consideration for approval

Consideration of additions to the bill -

DILP and the Howard County Architectural Historian to visit site of suspected deterioration to determine the extent of neglect, required repairs and report to HPC

(Properties that are greatly deteriorated because of willfully deferring maintenance will not be approved for demolition)

HPC will issue letter to the owner of record stating the specifics of neglect to include: a list of total repairs required and a minimum list of repairs to be made immediately to prevent further deterioration and to be start in 30 days The owner will submit a plan of action for both total and immediate repairing the building, structure. The owner may request a hearing reply within 10 business days of receiving the letter from HPC. days with a plan and timeline to restore the property



TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, STEPHEN MCKENNA, Ph.D., have been duly authorized by
(name of individual)

PRESERVATION HOWARD COUNTY to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB88-2021 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: STEPHEN MCKENNA

Signature: [Handwritten Signature]

Date: 11/15/21

Organization: PRESERVATION HOWARD COUNTY

Organization Address: preservationhowardcounty@gmail.com

Number of Members: _____

Name of Chair/President: TARA SIMPSON, D. PSY.

This form can be submitted electronically via email to councilmail@howardcountyma.gov no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.