

**Amendment 1 to Council Bill No. 88-2021**

**BY: Liz Walsh**

**Legislative Day No. 4**

**Date: February 7, 2022**

**Amendment No. 1**

*(This Amendment alters procedures and clarifies the powers of the Commission reflecting the advice of the Department of Planning and Zoning and provides that if corrections are not made, the property will be subject to a 5-year waiting period before the property may be developed.)*

1 On the title page, in the first line of the purpose paragraph after “ACT” insert “specifying a duty of the  
2 Historic Preservation Commission;” and in the fourth line of the purpose paragraph after “violations;”  
3 insert “providing for a certain waiting period;”.

4  
5 Also on the title page, in the third line of the purpose paragraph, strike “District” and substitute  
6 “Preservation”.

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8 On page 1, after line 5, insert:

9 “Section 16.606(h) Demolition by Neglect.”

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11 On page 1, after line 10, insert:

12 “**SECTION 16.606. - POWERS OF THE COMMISSION.**  
13 **(H) DEMOLITION BY NEGLIGENCE.**

14 **THE COMMISSION SHALL REVIEW ALL ALLEGED VIOLATIONS OF SECTION 16.609A, DETERMINE**  
15 **THE EXISTENCE OF VIOLATIONS, AND PRESCRIBE MINIMUM ITEMS OF REPAIR OR MAINTENANCE AND**  
16 **DEADLINES TO CURE VIOLATIONS.**”

17  
18 On page 1, strike lines 13 through 21, and substitute:

19 “**(1) A STRUCTURE IN A HISTORIC DISTRICT SHALL BE MAINTAINED AND REPAIRED TO**  
20 **PREVENT THE DETERIORATION OF THE STRUCTURE.**

21 **(2) DETERIORATION OF EXTERIOR WALLS, ROOFS, CHIMNEYS, DOORS, WINDOWS, VERTICAL**

1 SUPPORTS, HORIZONTAL MEMBERS, FOUNDATIONS, SIDING, WOODEN WALLS, BRICK, STONE, PLASTER,  
2 MORTAR OR OTHER EXTERIOR FEATURES SHALL CONSTITUTE A VIOLATION OF THIS SECTION, TO THE  
3 EXTENT THAT THE DETERIORATION:

4 (I) COULD REASONABLY LEAD TO IRREVERSIBLE DAMAGE TO THE STRUCTURE;

5 (II) RENDERS THE BUILDING NOT WATERTIGHT; OR

6 (III) CREATES OR PERMITS A HAZARDOUS OR UNSAFE CONDITION.”.

7  
8 On page 1, strike line 25 in its entirety and substitute:

9 “(C) INSPECTION; NOTICE; HEARING; DECISION; WAITING PERIOD.”.

10  
11 Beginning on page 1, strike lines 27 through line 12 on page 2 and substitute:

12 “(1) (I) UPON INSPECTION BY THE DEPARTMENT OF INSPECTIONS, LICENSES AND PERMITS AND  
13 RECEIPT OF AN INSPECTION REPORT ALLEGING A VIOLATION OF SUBSECTION (A) OF THIS SECTION, AND  
14 BEFORE ENFORCEMENT ACTION IS TAKEN UNDER SECTION 16.610 OF THIS SUBTITLE BECAUSE OF A  
15 VIOLATION OF THIS SECTION, THE DEPARTMENT OF PLANNING AND ZONING SHALL SEND WRITTEN  
16 NOTICE TO THE OWNER OF THE ALLEGED VIOLATION.

17 (II) THE NOTICE SHALL SPECIFY THE NATURE OF THE ALLEGED VIOLATION AND THE DATE  
18 OF A HEARING BEFORE THE COMMISSION CONCERNING THE ALLEGED VIOLATION.

19 (2) WITHIN 10 DAYS AFTER THE RECEIPT OF THE NOTICE, AN OWNER WHO RECEIVES A  
20 NOTICE MAY REQUEST AN ALTERNATIVE HEARING DATE ON THE ALLEGED VIOLATION.

21 (3) THE COMMISSION SHALL HOLD THE HEARING:

22 (I) DURING THE NEXT REGULARLY SCHEDULED PUBLIC MEETING OF THE  
23 COMMISSION FOR WHICH PUBLIC NOTICE AND ADVERTISING HAS BEEN COMPLETED IN ACCORDANCE  
24 WITH THE COMMISSION’S RULES OF PROCEDURE AND SECTION 16.605 OF THIS SUBTITLE; OR

25 (II) IF A REQUEST FOR AN ALTERNATIVE HEARING DATE IS RECEIVED, THE HEARING  
26 MAY BE SCHEDULED FOR THE PUBLIC MEETING IMMEDIATELY FOLLOWING THE ORIGINALLY-NOTICED  
27 HEARING DATE FOR WHICH FOR WHICH PUBLIC NOTICE AND ADVERTISING HAS BEEN COMPLETED IN  
28 ACCORDANCE WITH THE COMMISSION’S RULES OF PROCEDURE AND SECTION 16.605 OF THIS SUBTITLE;  
29 AND

30 (4) AFTER THE HEARING, THE COMMISSION SHALL:

31 (I) AFFIRM OR DENY THE PRESENCE OF A VIOLATION; AND

32 (II) 1. IF A VIOLATION IS AFFIRMED, PRESCRIBE MINIMUM ITEMS OF REPAIR OR

1 MAINTENANCE AND DEADLINES TO CURE A VIOLATION; OR

2 2. WAIVE COMPLIANCE IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

3 (5) IF THE VIOLATION IS NOT CURED IN ACCORDANCE WITH THIS SUBSECTION, THE  
4 PROPERTY WILL BE SUBJECT TO A 5-YEAR WAITING PERIOD DURING WHICH TIME AN APPLICATION FOR  
5 RESIDENTIAL SUBDIVISION OR A SITE DEVELOPMENT PLAN MAY NOT BE SUBMITTED. THE 5-YEAR  
6 WAITING PERIOD BEGINS UPON AFFIRMATION OF A VIOLATION AND PRESCRIPTION OF MINIMUM ITEMS OF  
7 REPAIR OR MAINTENANCE BY THE COMMISSION IN ACCORDANCE WITH PARAGRAPH (4)(II)1. OF THIS  
8 SUBSECTION. HOWEVER, DURING THE WAITING PERIOD, IF THE CODE ENFORCEMENT OFFICIAL  
9 DETERMINES THAT THE MINIMUM ITEMS OF REPAIR IDENTIFIED IN PARAGRAPH (4)(II)1. ARE SATISFIED,  
10 ANY REMAINING TIME IN THE WAITING PERIOD TERMINATES.

11 (6) VIOLATIONS OR PENALTIES ASSESSED IN ACCORDANCE WITH THIS SUBSECTION DO NOT  
12 PRECLUDE ASSESSMENT OF CIVIL FINES AS PROVIDED FOR UNDER TITLE 24 – CIVIL PENALTIES OF THE  
13 COUNTY CODE.”.