

Introduced	<u>11-1-2021</u>
Public Hearing	<u>11-15-2021</u>
Council Action	<u>2-7-2022</u>
Executive Action	<u>2-9-2022</u>
Effective Date	<u>4-11-2022</u>

County Council of Howard County, Maryland

2021 Legislative Session

Legislative Day No. 17

Bill No. 88 -2021

Introduced by Liz Walsh

AN ACT specifying a duty of the Historic Preservation Commission; 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 Preservation Commission to waive compliance in certain cases of financial hardship; providing for a hearing and an opportunity to cure specified violations; providing for a certain waiting period; and generally relating to historic structures, historic sites, and historic districts in the County.

Introduced and read first time Nov 1, 2021. Ordered posted and hearing scheduled.
 By order Michelle Harrod
 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 Nov 15, 2021.
 By order Michelle Harrod
 Michelle Harrod, Administrator

This Bill was read the third time on Feb 7 2022, 2021 and Passed , Passed with amendments , Failed .
 By order Michelle Harrod
 Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 9 day of Feb, 2021 at 2:00 a.m./p.m.
 By order Michelle Harrod
 Michelle Harrod, Administrator

Approved by the County Executive Feb 9, 2022
Calvin Ball
 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.

Tabled 12-6-2021
Extended & Tabled 1-4-2022

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 16.606(h) Demolition by Neglect.

7 Section 16.609A. Demolition by Neglect.

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

10 Subtitle 6. Historic Preservation Commission.

11
12 **SECTION 16.606. - POWERS OF THE COMMISSION.**

13 **(H) DEMOLITION BY NEGLECT.**

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

17
18 **SECTION 16.609A. DEMOLITION BY NEGLECT.**

19 (A) IN GENERAL.

20 ~~THE OWNER OF A HISTORIC STRUCTURE OR A STRUCTURE IN A HISTORIC DISTRICT~~
21 ~~SHALL NOT WILLFULLY FAIL TO MAINTAIN AND REPAIR THE STRUCTURE INCLUDING BY~~
22 ~~WILLFULLY FAILING TO:~~

23 ~~(1) PREVENT THE DETERIORATION OF EXTERIOR WALLS, ROOFS, CHIMNEYS,~~
24 ~~DOORS, WINDOWS, AND OTHER EXTERIOR FEATURES;~~

25 ~~(2) ENSURE ADEQUATE WATERPROOFING SO AS TO AVOID DETERIORATION OF~~
26 ~~INTERIOR FEATURES OR FOUNDATIONS THAT WILL OR COULD RESULT IN PERMANENT~~
27 ~~DAMAGE OR LOSS OF OR TO EXTERIOR FEATURES; AND~~

28 ~~(3) KEEP THE STRUCTURE IN A SAFE CONDITION.~~

29 ~~(1) A STRUCTURE IN A HISTORIC DISTRICT SHALL BE MAINTAINED AND REPAIRED TO~~
30 ~~PREVENT THE DETERIORATION OF THE STRUCTURE.~~

31 ~~(2) DETERIORATION OF EXTERIOR WALLS, ROOFS, CHIMNEYS, DOORS, WINDOWS,~~
32 ~~VERTICAL SUPPORTS, HORIZONTAL MEMBERS, FOUNDATIONS, SIDING, WOODEN WALLS, BRICK,~~

1 STONE, PLASTER, MORTAR OR OTHER EXTERIOR FEATURES SHALL CONSTITUTE A VIOLATION OF
2 THIS SECTION, TO THE EXTENT THAT THE DETERIORATION:

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

4 (II) RENDERS THE BUILDING NOT WATERTIGHT; OR

5 (III) CREATES OR PERMITS A HAZARDOUS OR UNSAFE CONDITION.

6 (B) *FINANCIAL HARDSHIP WAIVERS.*

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

9 ~~(C) — OPPORTUNITY TO CURE.~~

10 ~~(C) INSPECTION; NOTICE; HEARING; DECISION; WAITING PERIOD.~~

11 ~~(1) — (I) BEFORE ENFORCEMENT ACTION IS TAKEN UNDER SECTION 16.610 OF THIS~~
12 ~~SUBTITLE BECAUSE OF A VIOLATION OF THIS SECTION, THE DEPARTMENT OF PLANNING AND~~
13 ~~ZONING SHALL SEND WRITTEN NOTICE TO THE OWNER OF THE VIOLATION.~~

14 ~~(II) THE NOTICE SHALL SPECIFY THE MINIMUM ITEMS OF REPAIR OR~~
15 ~~MAINTENANCE NECESSARY TO CURE THE VIOLATION.~~

16 ~~(III) THE NOTICE SHALL PROVIDE THAT CORRECTIVE ACTION SHALL:~~

17 ~~1. BEGIN WITHIN 30 DAYS AFTER THE RECEIPT OF THE NOTICE; AND~~

18 ~~2. BE COMPLETED WITHIN A REASONABLE TIME AS SPECIFIED IN THE~~

19 ~~NOTICE.~~

20 ~~(2) — (I) WITHIN 10 DAYS AFTER THE RECEIPT OF THE NOTICE, A PERSON WHO IS~~
21 ~~THE SUBJECT OF THE NOTICE MAY REQUEST A HEARING ON THE NECESSITY OF THE ITEMS~~
22 ~~AND CONDITIONS CONTAINED IN THE NOTICE.~~

23 ~~(II) THE COMMISSION SHALL HOLD THE HEARING WITHIN 30 DAYS AFTER:~~

24 ~~1. SENDING WRITTEN NOTICE TO THE OWNER OF THE PROPERTY; AND~~

25 ~~2. NOTICE IS CONSPICUOUSLY POSTED ON THE COMMISSION'S~~

26 ~~WEBSITE.~~

27 ~~(3) AFTER THE HEARING, THE COMMISSION MAY AFFIRM, MODIFY, OR CANCEL THE~~
28 ~~ACTIONS REQUIRED IN THE NOTICE.~~

29 (1) (I) UPON INSPECTION BY THE DEPARTMENT OF INSPECTIONS, LICENSES AND
30 PERMITS AND RECEIPT OF AN INSPECTION REPORT ALLEGING A VIOLATION OF SUBSECTION (A) OF
31 THIS SECTION, AND BEFORE ENFORCEMENT ACTION IS TAKEN UNDER SECTION 16.610 OF THIS

1 SUBTITLE BECAUSE OF A VIOLATION OF THIS SECTION, THE DEPARTMENT OF PLANNING AND
2 ZONING SHALL SEND WRITTEN NOTICE TO THE OWNER OF THE ALLEGED VIOLATION.

3 (ii) THE NOTICE SHALL SPECIFY THE NATURE OF THE ALLEGED VIOLATION AND
4 THE DATE OF A HEARING BEFORE THE COMMISSION CONCERNING THE ALLEGED VIOLATION.

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

7 (3) THE COMMISSION SHALL HOLD THE HEARING:

8 (i) DURING THE NEXT REGULARLY SCHEDULED PUBLIC MEETING OF THE
9 COMMISSION FOR WHICH PUBLIC NOTICE AND ADVERTISING HAS BEEN COMPLETED IN
10 ACCORDANCE WITH THE COMMISSION’S RULES OF PROCEDURE AND SECTION 16.605 OF THIS
11 SUBTITLE; OR

12 (ii) IF A REQUEST FOR AN ALTERNATIVE HEARING DATE IS RECEIVED, THE
13 HEARING MAY BE SCHEDULED FOR THE PUBLIC MEETING IMMEDIATELY FOLLOWING THE
14 ORIGINALLY-NOTICED HEARING DATE FOR WHICH FOR WHICH PUBLIC NOTICE AND ADVERTISING
15 HAS BEEN COMPLETED IN ACCORDANCE WITH THE COMMISSION’S RULES OF PROCEDURE AND
16 SECTION 16.605 OF THIS SUBTITLE.

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

18 (i) AFFIRM OR DENY THE PRESENCE OF A VIOLATION; AND

19 (ii) 1. IF A VIOLATION IS AFFIRMED, PRESCRIBE MINIMUM ITEMS OF REPAIR
20 OR MAINTENANCE AND DEADLINES TO CURE A VIOLATION; OR

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

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

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

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

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on

Feb 9, 2021 ~~2021~~ 2022
Michelle Harrod
Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2021.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2021.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2021.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2021.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2021.

Michelle Harrod, Administrator to the County Council