

**Title 34
DEPARTMENT OF
PLANNING**

**Subtitle 04 HISTORICAL AND
CULTURAL PROGRAMS**

Notice of Proposed Action

[21-147-P]

The Secretary of Planning proposes to amend:

- (1) Regulation .02 under COMAR 34.04.07 **Historic Revitalization Tax Credit Certifications**; and
- (2) Regulations .02—.04 and .08 under COMAR 34.04.09 **Maryland Historical Trust African American Heritage Preservation Program**.

Statement of Purpose

The purpose of this action is to: (1) with respect to the amendments to COMAR 34.04.07, Historic Revitalization Tax Credit Certifications, incorporate statutory changes made during the 2021 Session of the General Assembly adding to properties that qualify for the Historic Revitalization Tax Credit certain properties owned by the Department of Natural Resources, see 2021 Md. Laws, chapter 521; and (2) with respect to the amendment to COMAR 34.04.09, African American Heritage Preservation Program, make a non-substantive technical change that substitutes “local jurisdiction” for “political subdivision” as a qualifying grantee under the Program in order to standardize terminology across the Maryland Historical Trust’s funding programs.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Collin Ingraham, Chief, Office of Preservation Services, Maryland Historical Trust, 100 Community Place, 3rd Floor, Crownsville, Maryland 21032-2023, or call 410-697-9556, or email to collin.ingraham@maryland.gov, or fax to 410-697-9616. Comments will be accepted through November 8, 2021. A public hearing has not been scheduled.

34.04.07 Historic Revitalization Tax Credit Certifications

Authority: State Finance and Procurement Article, §5A-303, Annotated Code of Maryland

.02 Definitions.

- A. (text unchanged)
- B. Terms Defined.

- (1)—(4) (text unchanged)
- (5) “Certified historic structure” means a structure that is:
 - (a) (text unchanged)

(b) [Not] *Except as provided in §B(5)(c)(v) of this regulation, not owned by the State, a political subdivision of the State, or the federal government; and*

(c) One of the following:

- (i)—(ii) (text unchanged)
- (iii) Located in a historic district listed on the National Register of Historic Places or in a local historic district that the Director determines is eligible for listing on the National Register of Historic Places, and certified by the Director as contributing to the significance of the district; [or]

(iv) Located in an area established as a certified heritage area under Financial Institutions Article, §13-1101, Annotated Code of Maryland, and certified by the Maryland Heritage Areas Authority as contributing to the significance of the certified heritage area; *or*

(v) *Located on property that is owned by the Department of Natural Resources or one of its units, occupied by a person under an agreement with the Department of Natural Resources under which the person pays for rehabilitation of the structure as a condition of occupancy, and either meets one of the criteria under §B(5)(c)(i)—(iv) of this regulation or is eligible to be listed in the National Register of Historic Places as determined by the Director.*

(6)—(29) (text unchanged)

(30) “Single-family, owner-occupied residence” means:

(a) (text unchanged)

(b) *A structure that is described under §B(5)(c)(v) of this regulation; or*

[(b)] (c) (text unchanged)

(31)—(33) (text unchanged)

34.04.09 Maryland Historical Trust African American Heritage Preservation Program

Authority: State Finance and Procurement Article, §§5-7B-01—5-7B-10 and 5A-330, Annotated Code of Maryland; Executive Orders 01.01.1992.27C and 01.01.1998.04

.02 Objective.

The objective of the Program is to provide a source of grant funding to [the political subdivisions of the State] *local jurisdictions*, nonprofit organizations, business entities, and individuals, to assist efforts to identify and preserve, through acquisition, construction, or improvements, buildings, communities, and sites of historical and cultural importance to the African American experience in Maryland.

.03 Definitions.

- A. (text unchanged)
- B. Terms Defined.

(1)—(15) (text unchanged)

(16) *“Local jurisdiction” means a county or municipality and any duly authorized agency or instrumentality of a county or municipality.*

[(16)] (17)—[(18)] (19) (text unchanged)

[(19)] *“Political subdivision” means any county or municipality and any duly authorized agency or instrumentality of a county or municipality.*

(20)—(24) (text unchanged)

.04 Eligible Grantees.

A. Subject to §B of this regulation, the following are eligible for grants under the Program, subject to meeting the grant selection criteria of Regulation .06B of this chapter:

(1) (text unchanged)

(2) A [political subdivision] *local jurisdiction*;

(3)—(4) (text unchanged)

B. (text unchanged)

.08 Grant Terms and Conditions.

A.—C. (text unchanged)

D. Additional Grant Requirements.

(1) Deeds of Easement and Preservation Agreements.

(a) If a grant is for a project on real property that is individually listed in, or individually eligible for listing in, the Maryland Register of Historic Properties, the grantee and the owner of the real property, if the owner is not the grantee, shall convey to the Trust a deed of easement containing preservation covenants applicable to the real property, in form, substance, and duration satisfactory to the Trust, which shall be recorded in the land records of the [political subdivision] *local jurisdiction* in which the real property is situated.

(b)—(c) (text unchanged)

(2)—(4) (text unchanged)

E. (text unchanged)

ROBERT McCORD
Secretary of Planning

