

# Maryland Certified Local Government Program Procedures Manual

*Approved September 2004*



Maryland Historical Trust

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## INTRODUCTION

Since 1966, when Congress established a preservation program for the United States, the national historic preservation program has operated as a decentralized partnership between the Federal government and the States. In the simplest of terms, the Federal government established a program of identification, evaluation and protection of historic properties and prehistoric sites. Federal, State, Tribal and Local governments each have clearly defined and mutually beneficial roles in the national historic preservation partnership.

The National Historic Preservation Act (NHPA), as amended (16 USC 470 et seq.) contains the legal basis for the federal-state-local preservation partnership known as the Certified Local Government (CLG) program. The purposes of this program are:

- (1) to ensure the broadest possible participation of local governments in the national historic preservation program while maintaining standards consistent with the National Historic Preservation Act, as amended, and the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation* (available on the internet at [www.cr.nps.gov/local-law/arch\\_stnds\\_0.htm](http://www.cr.nps.gov/local-law/arch_stnds_0.htm));
- (2) to enrich, develop, and help maintain local historic preservation programs in cooperation and coordination with the State Historic Preservation Officer; and
- (3) to provide financial and technical assistance to further these purposes.

The federal Act directs the State Historic Preservation Officer (SHPO) and the Secretary of the Interior to certify local governments to participate in the CLG Program. In Maryland, the Director of the Maryland Historical Trust (MHT) is the SHPO and the Maryland Historical Trust serves as the State Historic Preservation Office.

The role of the Certified Local Governments in the partnership involves, at a minimum, responsibility for review and approval of nominations of properties to the National Register of Historic Places and eligibility to apply to the SHPO for matching funds earmarked for CLGs. In order to become certified, a local government must meet several requirements, chief of which are to have enacted a historic preservation ordinance and appointed a qualified historic preservation (or district) commission.

Final regulations, "Procedures for State, Tribal, and Local Government Historic Preservation Programs" were published in the Federal Register on April 13, 1984, became effective on May 13, 1984, and were amended in 1999. Specific requirements regarding the program are outlined in Chapter 9 of the Historic Preservation Fund Grants Manual [formerly referred to as NPS-49] published in June of 1988 and updated in September of 1995 and October 1997. This document outlines how the CLG program is implemented in Maryland.

## **I. REQUIREMENTS FOR LOCAL GOVERNMENT CERTIFICATION**

To become a CLG in Maryland, local governments must enact appropriate legislation for the designation and protection of historic properties, appoint a qualified historic preservation commission, maintain a system for the survey and inventory of historic properties and provide for adequate public participation in local historic preservation programs. The specific criteria for certification under each of these requirements is outlined below.

### **A. Legislation for the Designation and Protection of Historic Properties**

To participate in Maryland's CLG Program, local governments must provide a legally enforceable method for the designation and protection of historic properties that is consistent with the Federal statutory definitions in Section 101(c)(4) of the National Historic Preservation Act, as amended, and with Article 66B, Section 8, Historic Area Zoning (Annotated Code of Maryland, as amended). Such legislation or ordinance must meet the following criteria:

1. The purpose of the historic preservation ordinance must be clearly stated and closely coincide with the language of the purpose clause of Article 66B, Section 8.01–8.17, Historic Area Zoning, Annotated Code of Maryland, as amended (*see Appendix I*). Even those local governments who do not derive their land use powers from Article 66B must reflect its language in the purpose clause of their ordinance;
2. The ordinance must provide for the designation of sites, structures and historic districts that meet established state or local criteria consistent with the *Secretary of the Interior's Standards for Identification and Registration*. Criteria for designation of such sites, structures and districts must be clearly set forth by the local government;
3. The ordinance must require that the local government establish a historic preservation review commission with at least five qualified members;
4. The ordinance must provide commissions with the authority to review and render a decision upon alterations to or relocation or demolition of all structures or sites within the boundaries of designated sites, structures or districts;
5. The ordinance must provide commissions with the authority to review and render a decision on any proposed demolition within the boundaries of designated sites, structures or districts with a minimum provision for delaying demolition for a period of no less than 90 days in cases of structures that commissions deem to be of unusual importance to the jurisdiction, state or nation;
6. The ordinance must provide commissions with the authority to review and render a decision on all proposed new construction within the boundaries of designated sites, structures or districts;
7. The criteria upon which proposals for alteration, new construction and demolition will be reviewed must be clearly set forth in the ordinance and should coincide, at minimum, with the language of the criteria clause of Article 66B, Section 8.06(b);
8. The ordinance must require that the local jurisdiction adopt design guidelines consistent with the *Secretary of the Interior's Standard's for the Treatment of Historic Properties*;
9. The ordinance must require that the commission adopt rules and regulations for the transaction of commission business;

10. The ordinance must contain specific time limits, as per Article 66B, Section 8.12, within which the commission and applicant must act;
11. Decisions of the commission must be binding upon applicants on all applications for new construction, and alterations to or demolition of all sites and structures within boundaries designated under the ordinance; and
12. Provisions for enforcing decisions and a right of appeal must exist in the historic area zoning ordinance or in the jurisdiction's general zoning ordinance.

### **B. Qualified Historic Preservation Commission**

Local governments must have established an adequate and qualified historic preservation review commission by state or local legislation. Members of the commission must be appointed by the jurisdiction's chief elected official. A historic preservation commission must meet the following criteria:

1. All members of the commission must possess a demonstrated special interest, specific knowledge or professional or academic training in such fields as history, architecture, architectural history, planning, prehistoric and historic archaeology, cultural anthropology, folklore, curation, conservation, landscape architecture, historic preservation, urban design, or related disciplines and must provide information sufficient to allow MHT to verify those qualifications.
2. Each CLG is required to have a historic preservation commission with at least two (2) members who possess professional or academic training in history, architectural history, architecture, historic architecture or archeology in accordance with the *Secretary of the Interior's Professional Qualification Standards (see Appendix II)* to the extent that such professionals are available in the community. Each certified jurisdiction will make a good-faith effort to locate and appoint such professionals, and will provide written information to the State describing how this effort was accomplished.
3. If the membership of the proposed commission does not meet the professional qualifications stipulated in (1) and (2) above, the commission must provide written information concerning how it has sought participation in CLG activities by qualified professionals. This could be provided by copies of newspaper notices, radio announcements, letters to local colleges, universities, and other pertinent institutions and organizations, and copies of any written responses to such inquiries. If the proposed commission does not meet the professional qualifications stipulated above, and if the local government has made other arrangements for the acquisition and use of professional expertise by the commission, a description of these arrangements must accompany the CLG application.
4. Terms of office of commission members shall be staggered and of three years' duration (except as provided in the initiation of a commission).
5. The appointing authority shall act within 60 days to fill a vacancy.
6. Each commission member is required to attend at least one MHT-approved educational training per year, pertaining to the work and functions of the commission or to historic preservation generally. The training should be designed to provide a working knowledge of federal, state or local preservation programs and pertain to the work and functions of the commission. Automatically approved educational sessions include attendance at Maryland's Annual Preservation and Revitalization Conference, attendance at CLG workshops, and participation in

Renovator's Roundtable workshops. Historic preservation courses offered at local community colleges or universities are also acceptable. Other programs, including those developed in-house by and for the education of commissioners, may be acceptable. However, CLGs are encouraged consult with MHT prior to commencing such alternative training programs.

### **C. System for Survey and Inventory**

Local governments must maintain a system for the survey and inventory of historic properties. The system for survey and inventory must meet the following criteria:

1. The CLG shall initiate or continue the process of identifying historic properties within the county or municipal boundaries. Such a process must be compatible with the *Standards and Guidelines for Architectural and Historical Investigations in Maryland* (2000) and the *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994), so that the data it produces can be readily integrated into statewide comprehensive historic preservation planning efforts, SHPO office inventories and databases.
2. A detailed inventory of the designated sites, structures and districts under the specific jurisdiction of the commission must be maintained.
3. All inventory material is required to be:
  - (a) added to the Maryland Inventory of Historic Properties, and completed in accordance with the *Standards and Guidelines for Architectural and Historical Investigations in Maryland* (2000) and the *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994). This includes the submission of both a hard copy and computerized version of inventory forms to the SHPO.
  - (b) accessible to the public (except data on location of archaeological sites that are vulnerable to damage and loss by unauthorized investigation and collection).
  - (c) updated periodically.
  - (d) available through duplicates at the SHPO office.
  - (e) in a form which may be readily integrated into the statewide comprehensive historic preservation planning process, and other state, county, regional and local planning efforts.

### **D. Public Participation**

Local governments shall provide for adequate public participation in local historic preservation programs, including the process of recommending properties for nomination to the National Register. Local governments must meet the following criteria:

1. All meetings of historic preservation commissions must be publicly announced, be open to the public, and have a previously advertised agenda. Commission meetings must occur at regular intervals, at least four times a year. Public notice must be provided prior to any special meetings.
2. Careful minutes of all decisions and actions of the commission, including the reasons for making these decisions, must be kept on file and be available for public inspection.
3. All decisions by a commission shall be made in a public forum and applicants shall be given written notification of decisions of the commission.
4. The commission must have adopted rules of procedure that are available for public inspection.

5. The local government must have adopted design guidelines that are available for public inspection.
6. The commission shall review all proposed National Register nominations for properties within the boundaries of the local government. Public notice of the date, time and place of the commission's review of a National Register nomination, including an agenda of the items to be considered, will be publicly advertised or posted in a public place not less than 10 days prior to the meeting.

#### **E. Conflict Of Interest**

CLG commission members, staff and agents must abide by the conflict of interest provisions stated in the National Park Service (NPS) Historic Preservation Fund (HPF) Grants Manual, as well as the Maryland Public Ethics Law, as applicable.

The HPF Grants Manual states that “a ‘conflict of interest’ exists when a person may benefit (either through financial or personal gain) from the position he/she holds with respect to the HPF-assisted [CLG] program or may be unable to make impartial decisions or render impartial advice due to outside relationships or other activities.”

The HPF Grants Manual further states that “an ‘apparent conflict of interest’ exists whenever circumstances are such that a person may appear to be in a position to benefit (either through financial or personal gain) from the position he/she holds with respect to the HPF-assisted [CLG] program or may be unable to make impartial decisions or render impartial advice due to outside relationships or other activities.”

The manual requires that “when a real or apparent conflict of interest situation arises in the context of a voting situation, the person must disclose the possible conflict and physically absent and recuse himself/herself from the decision-making process (including presentations and discussion) and neither vote directly, in absentia, nor by proxy in that matter. The recusal and the reasons therefore must be recorded in the meeting minutes. Those in a position to make a decision must be fully informed as to the possible interest of the person abstaining and recusing him/her self.”

For further guidance or copies of the HPF Grants Manual conflict of interest provisions, contact the CLG Coordinator at the Maryland Historical Trust. For advice on specific situations under the Maryland Public Ethics Law, contact the Maryland State Ethics Commission at <http://ethics.gov.state.md.us> or your local government ethics advisor, such as the local government ethics commission, board of ethics, local government attorney, or chief administrative officer.

#### **F. Satisfactory Performance of Duties**

Local governments shall satisfactorily perform the responsibilities listed above and those specifically delegated to it by the Maryland State Historic Preservation Officer. This requires that:

1. Local governments must have the legal authority to fulfill the minimum requirements outlined above.
2. Each CLG must ensure that its responsibilities as enumerated above are complementary to and carried out in coordination with those of MHT.

3. The SHPO may, at his/her discretion, and by mutual written agreement with the local governing body, delegate further responsibilities to the historic preservation/district commission.
4. Each CLG must submit an annual report of its activities to the SHPO in the format outlined in the Annual Report Data Sheet, which serves as Attachment A to the CLG/MHT Certification Agreement (*see Appendix III*). MHT shall monitor and evaluate the performance of CLGs according to written standards and procedures as outlined in Part III of this manual, based on information submitted in these annual reports.

## II. PROCESS FOR LOCAL GOVERNMENT CERTIFICATION

To become a CLG, the local government must submit an application to MHT which must be approved by the SHPO and the NPS.

### A. Application

The Chief Elected Official (CEO) of the local jurisdiction shall request certification from the Maryland SHPO. The request for certification shall include the following items:

1. Written assurance by the CEO that the local government fulfills all the standards for certification outlined in Section I above;
2. A copy of Maryland's Certified Local Government Application Form (*see Appendix IV*); and
3. All required attachments to the CLG Application Form, which include:
  - a. A copy of the adopted historic preservation ordinance creating the commission;
  - b. Copies of any laws providing for the designation and/or protection of historic properties within the applicant jurisdiction;
  - c. A copy of the commission's rules of procedure;
  - d. A copy of the commission's design guidelines;
  - e. A list of both professional and non-professional members of the historic preservation commission noting their qualifications and terms of office;
  - f. Information sheets for each commission member and attached resumes;
  - g. Copies of the minutes of at least three consecutive commission meetings;
  - h. A sample notice to an applicant of a commission decision;
  - i. A sample notice of a public meeting of the commission with an indication of how that notice is given; and
  - j. A list and accompanying maps of designated sites, structures, or historic districts.

### B. Approval Schedule

The Maryland SHPO will respond to the chief elected official within 60 days of the receipt of an adequately documented written request as to whether or not the local government meets the certification criteria. If the local government does not meet the certification requirements, the SHPO will state why the local government does not meet the certification requirements. If the local government meets the certification requirements, the SHPO will prepare a written Certification Agreement that lists all responsibilities of the local government when certified (*see Appendix III*). The Certification Agreement will be signed by the SHPO and sent to the local government for signature by the chief elected official. A certification agreement is not effective until it is signed by the chief elected official and the SHPO and is concurred with in writing by the NPS.

An inadequately documented request will be returned to the local government within 15 working days of its receipt by the MHT and will include a list of deficiencies requiring correction prior to resubmission.

The fully signed Certification Agreement and a CLG Application Checklist (*see Appendix V*), signed by the SHPO, are then sent to the National Park Service (NPS) for concurrence. If the NPS does not take exception to the application for certification within 15 working days after receiving the required documentation, certification has been approved. When NPS concurs with the SHPO recommendation for certification, NPS will notify the SHPO in writing and send a copy of that letter to the CLG. The effective date of certification is the date of NPS concurrence.

### **III. MONITORING, EVALUATION AND DECERTIFICATION OF CLGS**

MHT monitors CLGs on an on-going basis as part of the CLG program administration. The primary means of this monitoring is through MHT review of CLG annual reports. No less than once every four years, MHT will perform an evaluation of each CLG to assure that the CLG continues to meet minimum requirements and satisfactorily perform all responsibilities delegated to it through the certification agreement.

#### **A. Annual Reporting Requirement**

An Annual Report, which describes the yearly activities of the commission, must be submitted every year to MHT. The report shall include all items outlined in Attachment A of the CLG/MHT Certification Agreement (*see Appendix III*). In addition to satisfying federal reporting requirements, the Annual Report provides MHT with data useful in the development of training and public outreach programs that address those stresses and challenges particular to CLGs.

For local governments operating on a state fiscal year schedule (July to June), Annual Reports are due on August 31st. For local governments operating on a calendar year schedule (January to December), Annual Reports are due on January 31st. Failure to submit an Annual Report constitutes a breach of the MHT/CLG Certification Agreement and is grounds for recommending decertification of the CLG to NPS.

#### **B. Evaluation of CLGs**

Evaluations of CLGs are performed at least once every four years by MHT. The purpose of this evaluation is to ensure adequate performance within the CLG program and to provide data that the SHPO will use in reporting the results of the CLG program to the NPS as part of Maryland's Historic Preservation Fund (HPF) Annual Report. The evaluation is based on information obtained from CLG Annual Reports and measured against program performance standards outlined in Attachment B of the CLG/MHT Certification Agreement (*see Appendix III*). The periodic evaluation results in an assessment of "exceeds standards," "meets standards," "needs improvement" or "unsatisfactory" provided to the CLG by MHT. MHT will promptly notify the CLG in writing of the results of the evaluation. Copies of the CLG evaluation letters are maintained by MHT for NPS review.

#### **C. Decertification of CLGs**

Should a CLG no longer comply with the terms of its certification agreement or meet the requirements which made it eligible for certification, the CLG may be decertified. Once a CLG has been decertified, it will no longer be eligible to receive CLG Subgrants or subsidies through the CLG Educational Set Aside. The CLG will also no longer be able to participate in the National Register nomination process.

##### **1. Involuntary Decertification**

If the MHT evaluation indicates that the performance of a CLG is inadequate, MHT will document that assessment and delineate for the local government ways to improve performance. The CLG shall have a period of not less than 30, or more than 120 days to implement improvements. If MHT determines that sufficient improvement has not occurred, the SHPO may recommend decertification of the CLG to the NPS for concurrence. The SHPO shall notify the CLG, in writing, that the decertification process has begun and will cite specific reasons for the recommendation.

The local government is decertified if the NPS does not object within 30 working days of receipt of the SHPO's recommendation to decertify the CLG. Upon receipt of NPS concurrence or following 30 working days, the SHPO will inform the CLG, in writing, of the decertification.

## 2. Voluntary Decertification

If a CLG wishes to terminate its participation in the CLG program, it must notify the SHPO, in writing, of its request for decertification. The SHPO will forward the written request to the NPS for determination of the official date of NPS concurrence. Upon receipt of the NPS's written determination of the CLG's date of decertification, the SHPO will notify the CLG in writing within 30 working days of the official date of decertification.

## 3. Recertification

If the decertified local government wishes to become recertified, it must reapply for certification through the regular certification process.

#### **IV. CLG SUBGRANTS**

All CLGs meeting minimum requirements are eligible to compete for the 10% share of Maryland's total annual Historic Preservation Fund (HPF) award. At such time as Congress may appropriate more than \$65 million to the HPF, one-half of the excess will be transferred to CLGs. The intent of the grant program is to use HPF assistance to augment rather than replace existing local commitment to historic preservation activities.

Annually, MHT will distribute a notice to each CLG informing them of the availability of grant funds. This notification will include: the total amount of funding available or expected to be available, state priorities for funding, selection criteria, the deadline for submitting requests, and application requirements. CLGs receiving HPF grants through the SHPO shall be considered subgrantees of the state.

##### **A. Eligibility Requirements**

To remain eligible to receive a portion of the CLG share of the HPF allocation to Maryland, CLGs must continue to satisfactorily comply with the conditions and requirements of its certification agreement with MHT.

To be eligible, the NPS and MHT require that each CLG must, in addition:

1. Maintain an adequate financial management system which shall be:
  - a. In accordance with the standards specified in 43 CFR 12.60, "Standards for Grantee Financial Management Systems," and
  - b. Auditable in accordance with OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations." These audits shall be forwarded to the SHPO for review and appropriate action along with the appropriate certifications of the auditor.
2. Adhere to all required administrative procedures and policies for HPF subgrants established by the SHPO, including those in accordance with grants awarded by NPS, as set forth in the NPS Historic Preservation Fund Grants Manual. All costs claimed or applied as matching share must be reasonable and necessary for proper and efficient conduct of subgrant-supported activities in keeping with OMB Circular A-87. Records must evidence compliance with the competitive procurement requirements of 43 CFR 12.76, including small purchase procedures, or competitive negotiation for professional services.
3. Adhere to requirements mandated by Congress regarding the use of HPF funds.
4. Adhere to requirements specified by MHT in the Subgrant Agreement.
5. Ensure that CLG monies are not directly applied as a matching share for any other Federal grant.

These conditions will be clearly stated and included in the SHPO's written contract with a local government.

##### **B. Funding Allocation**

The local share of the Maryland allocation of the HPF will be available to CLGs on a 60-40 matching basis for a variety of historic preservation activities and projects. CLGs are required to provide a match totaling 40% of the *total project cost*. The 60% matching reimbursement grant is payable to the recipient during or at the conclusion of the funding period, based on the financial documentation submitted.

Records of the administration of funds allocated from the HPF will be examined upon each submission of request for reimbursement. If deficiencies occur, the SHPO will request information to correct the problem so that payments may be made. A financial report will also be submitted as part of the final project report and will be reviewed by the SHPO. This report assists the State of Maryland which is responsible for properly accounting, through financial audit, for CLG share monies in accordance with OMB Circular A-128, "Audit Requirements."

### **C. Eligible Projects**

CLG funds may be used for a wide variety of heritage preservation activities. However, all CLG-funded activities or those used as matching share must meet the applicable *Secretary of the Interior's Standards for Archeology and Historic Preservation*. In addition, principal investigator(s) undertaking CLG-funded projects must meet the applicable minimum professional qualifications as set forth in the *Secretary of the Interior's Professional Qualification Standards (see Appendix II)*. Capital (i.e. bricks and mortar) projects are not eligible for CLG funding in Maryland.

In Maryland, CLG funds may be used to complete survey, identification, evaluation and registration; planning and protection; or educational outreach activities. Activities most commonly supported by CLG subgrant funds include:

- Professionally organized and supervised identification, evaluation and documentation of historic, architectural, archeological, and cultural resources.
- Upgrading of existing Maryland Inventory of Historic Properties data for properties and archeological sites now designated as historic, or under consideration for local designation.
- Thematic research supporting historic context development for more effective evaluation and protection of historic, archeological, and cultural resources. Priority shall be given to themes that have received little attention in the past.
- Documentation of oral traditions, cultural heritage, and related collections. The curation of objects or collections is *not* an eligible activity.
- Preparation of nominations to the National Register of Historic Places in multiple property formats, such as historic contexts, themes, and districts.
- Strengthening of historical and cultural resource protection through the development of local preservation plans, modeled after the state preservation plan, as part of the comprehensive growth management planning process.
- Integration of resource and evaluation data into formats available to local planning agencies, preservation organizations, private firms, businesses, and the general public. This includes research projects utilizing existing MHT Geographic Information Systems (GIS) data and databases.
- Development of heritage areas which include research, survey, and development of systems to protect, develop, manage, promote, and interpret historic, archeological, and cultural resources.
- Development and testing/refinement of archeological predictive models of site location and significance.
- Studies determining the fiscal impact and potential of heritage preservation activities and resources.
- Production of heritage education materials, ranging from design guidelines and publications to videotapes and curricula.
- Development or sponsorship of educational workshops for historic preservation commission applicants, commission members, and the general public on topics such as technical rehabilitation issues, commission activities, and the value of historic preservation at the local level.

#### **D. Selection Criteria**

Grant funds will be awarded to CLG applicants meeting grantee requirements on a **competitive basis**. All grant applications will be reviewed for conformance with the goals of any annual state priorities, for the applicants' ability to produce a specific product with funds requested, and for all conditions stated in these procedures. In no event will a grant which is insufficient to produce a specific product or impact be awarded to any applicant. The requirement for measurable results may not be waived.

Funding decisions will be based on how project applications rank against the Project Selection Criteria. These Criteria are assigned point values weighted according to state historic preservation office priorities. Point values may change from year to year, reflecting on-going efforts to adjust statewide priorities. The criteria are outlined in detail each year in the CLG grant application and generally include:

- Significance
- Urgency
- Project Design
- Protective Value
- Educational Value
- Demonstration Value
- Professional Capability of the Project Personnel
- Administrative Capability of the Applicant
- Project Readiness
- Financial Capability
- Leverage
- Equitable Distribution of CLG Funds
- Annual Funding Priorities

Criteria may change from year to year. Consult with the current CLG subgrant application for specific details. Typically, a successful application clearly demonstrates that the project will make a significant contribution to meeting the stated goals of both MHT and the local preservation community, and that it will be managed carefully in a professional manner.

The SHPO will make a reasonable effort to distribute grant monies among the maximum number of CLGs, and between urban and rural CLGs, but only to the extent that such distribution is consistent in producing tangible results. The SHPO will ensure that no CLG will receive a disproportionate share of grant monies.

In a situation where, after grants have been awarded, a balance still exists in the fund, the balance will be redistributed to approved local governments already receiving grant funds, pending their availability to match. The SHPO will make available to the public, upon request, the rationale for applicants selected for funding and the amounts awarded.

#### **E. Timeline**

The chief elected official of a CLG may submit a grant application to the SHPO which outlines the proposed activity and the budget, including the source of matching funds. The grant award process consists of three phases: application solicitation, project ranking and approval.

Applications are sent to all CLGs in early fall, generally in the first full week of October. The application contains detailed information regarding the selection process, including a description of:

- a. application and funding procedures;
- b. applicants eligible to receive funding;
- c. the State's priorities for funding for that year;
- d. activities eligible for funding;
- e. eligibility requirements;
- f. Project Selection Criteria; and,
- g. the project selection process and time schedule.

Completed applications will be due at a previously advertised date, generally at the end of January of each year. MHT staff is available for consultation and assistance in the preparation of grant applications.

Project ranking occurs in late winter when copies of all applications are distributed to a committee of MHT staff members who comprise the CLG Subgrant Review Committee. The committee evaluates each proposal on the merits of its method, goals, and products, with careful attention to the budget and demonstrated experience of the applicant in managing grant funds. The Committee members then rank the project applications according to the Project Selection Criteria.

The final staff ranking and proposed funding levels for project applications are completed in April and forwarded to the SHPO for review. Following approval by the SHPO, the projects are presented to the MHT Board of Trustees for confirmation at their spring board meeting. Once the Board has approved the final project ranking and funding, applicants are notified of the results. Notification and contract preparation generally occurs in early June. Projects can begin at any time after July 1, but must be completed by June 30 of the following year.

#### **F. CLG Pass-Through Funds Used Outside Boundaries of a CLG**

A CLG may use Pass-Through funds for activities involving historical or archeological resources outside its jurisdiction if:

- a. Such activity is not prohibited by State or local ordinances or State CLG procedures; and,
- b. The activity conducted and the proposed costs are allowable under the provisions of the *Historic Preservation Fund Grants Manual*; and,
- c. The activities which will occur outside the jurisdiction of the CLG clearly demonstrate a direct benefit to identifying, evaluating, and protecting the historic and archeological resources of the CLG; and,
- d. Both the CLG and the other local government with jurisdiction agree to pursue the project.

#### **G. Pooling CLG Subgrants**

Subgrants can be pooled by CLGs for specific purposes. For example, several CLGs could pool a subgrant to share the services of a preservation professional who could travel among the CLGs as a "circuit rider." Such an arrangement is permissible when the following conditions are met:

1. All local governments involved in the pooling are certified;
2. One CLG is designated as the administrator of the subgrant and identifies itself as such in its request for CLG funding; and
3. The CLG designated as the administrator of the subgrant has consented and demonstrates such agreement by submittal of a letter to MHT in conjunction with its request to the State for CLG funds which contains the following information:
  - a. Names of all CLGs involved in the pooling of CLG subgrants and signatures of each CLG's chief elected local official or designee;
  - b. The amount of CLG subgrant funds requested to be used in the pool;

- c. The donor, source, kind, and amount of each CLG matching share commitment to the total subgrant; and
- d. The proposed products or services provided by the subgrant.

#### **H. Third-Party Administration**

CLG subgrants may be administered by a designated third-party if the CLG indicates in its funding application to MHT that it wants any subgrant awarded to it to be administered by a specific organization. Designation of a third-party to administer a subgrant is not a procurement action. Such delegate agency may be another unit of local government, a commercial firm, a nonprofit entity, or an educational institution as long as it has appropriate administrative capability. This provision is intended to facilitate such projects as workshops for multiple CLGs, or hiring a consultant to perform services for several CLGs.

The subgrant agreement will be executed between MHT and the CLG's designated administrative agent provided that the CLG's grant application designates a third party to administer the subgrant. The third party will be paid the subgrant funds upon satisfactory completion of the scope of work and compliance with all conditions of the subgrant agreement. Any CLG receiving grant assistance under this provision must continue to satisfactorily comply with the conditions and requirements of its certification agreement with MHT.

## V. CLG INVOLVEMENT IN THE NATIONAL REGISTER NOMINATION PROCESS

In the CLG program, local jurisdictions play an important part in the process of nominating properties to the National Register of Historic Places through a special working relationship between CLGs and MHT. Under this program, both the local historic preservation commission and the jurisdiction's Chief Elected Official (CEO) are asked to provide recommendations concerning a property's eligibility for National Register listing.

### A. The Nomination Process

The nomination process generally begins with submission of an application to MHT. The application is reviewed by MHT staff with regard to the National Register eligibility of the resource, appropriate nomination format, and sufficiency of documentation. The applicant is notified of the necessity for CLG review and its implications, and a projected date for consideration of the application by the Governor's Consulting Committee (GCC) on the National Register.

When MHT determines that the application materials meet documentation standards, a copy is forwarded to the CLG. Local review must be completed within 60 days of receipt of the application materials.

### B. Local Review Procedures

Local review is coordinated by the staff of the historic preservation commission and results in recommendations for or against nomination by the commission and the CEO. The review is reported on the MHT CLG/NR Recommendation Form (*see Appendix VI*) and supplemental information, if necessary. The Recommendation Form includes an explicit statement of the reasons for the decision, addressing National Register criteria for evaluation, and is signed by both the commission chairperson and the CEO.

Local review is carried out within 60 days of receipt of the application from the Trust, according to the following procedures:

1. Upon receipt, the nomination is scheduled for review by the commission.
2. The property owner is notified of the commission's intent to consider the nomination. This notification must be made by means of a standard letter whose wording is provided by the Trust (*see Attachment VII*). The notice must be sent to the owner 14-21 days before the meeting. In case of a nomination with more than 50 property owners, the commission may provide general notice through publication in one or more local newspapers, using the standard text provided by the Trust (*see Attachment VIII*). This notice must be published 14-21 days before the meeting. Any changes to the text of the owner notification letter or the general notice must be approved in writing by the Trust prior to use. Additional public notice of the date, time and place of the commission meeting at which the application will be reviewed, including an agenda of the items to be considered, must be posted in a public place not less than 10 days prior to the meeting.
3. At least 14 days prior to the meeting, a copy of the nomination and the Trust staff recommendations is sent to each member of the commission.
4. Consideration of the nomination takes place in a public hearing room, according to procedures specified in the commission rules of procedure.

5. The commission reviews nominations according to the National Register Criteria for Evaluation, following guidance presented in National Register Bulletin 15, "How to Apply the National Register Criteria for Evaluation." In evaluating the integrity of buildings or structures proposed for nomination, the commission will consider both the exterior and interior historic architectural fabric.
6. When the commission considers a nomination for a resource type whose evaluation requires professional expertise in a specific discipline, such as archeology, and that professional discipline is not represented on the commission, the commission will seek appropriate expertise before making a decision by consulting with:
  - a. Commission staff who meet the Secretary of the Interior's *Professional Qualifications Standards*, or
  - b. A qualified representative of the State Historic Preservation Office, or
  - c. A hired consultant meeting the Secretary of the *Interior's Professional Qualifications Standards*.

In all reviews involving participation by professionals who are not members of the commission, the CLG will include with the Recommendation Form a statement indicating the name of the non-member, whether commission or SHPO staff or a consultant, and the type of participation (correspondence or meeting attendance). If a consultant is hired, a statement of his/her qualifications must be made a part of the record submitted to the Trust.

7. Not more than seven (7) days following the commission meeting at which a National Register nomination is considered, the action on this nomination will be forwarded to the CEO along with the Recommendation Form bearing the signature of the commission chairperson.
8. Within 30 days of receipt of the Recommendation Form, the CEO will indicate his/her recommendation and forward the completed Recommendation Form to the Trust, thus notifying the Trust of the results of local review.

Local review affects whether a nomination is processed. If both the commission and the CEO recommend against nomination, the process stops unless an appeal is filed with the SHPO. If either the commission or the CEO recommends nomination, the nomination process continues.

The CLG program does not delegate to local jurisdictions the authority to nominate properties directly to the National Register. Local review does not apply when a Federal agency nominates a property under its ownership or control.

### **C. Expedited CLG Review**

The Trust may expedite CLG participation in the nomination process, including shortening the 60-day commenting period, with the concurrence of both the commission and the CEO as long as owner notification procedures have been met. Such situations require a statement of agreement to expedite procedures signed by the commission chair and the CEO plus a description of opportunities for public participation that have been provided.

### **D. Failure to Complete Review**

If the local government does not complete its review within the 60-day time frame prescribed in Federal regulations, the Trust will proceed with the nomination process.

## **VI. CERTIFICATION OF MARYLAND CLG PROCEDURES**

### **A. Amendments**

Maryland's CLG Procedures were approved by NPS on February 12, 1985, and amended in March of 1990, and in August of 2004. At any time, Maryland may again amend its approved state certifications and funds transfer process. In developing the amendment, Maryland will submit its proposed local certification process to the NPS for review and approval. In developing the submission, the SHPO will consult with local governments, local historic preservation commissions, and other interested parties (including but not limited to Preservation Maryland and the Maryland Association of Historic District Commissions), consider local preservation needs and capabilities, and invite comments on the proposed process from local governments, commissions, and interested parties in Maryland. The SHPO's proposal shall review the result of the consultation process.

The NPS shall review the SHPO's proposed amendment for conformance with the Historic Preservation Fund Grants Manual. Within 45 working days of receipt of the proposal, the NPS will issue an appropriate approval or disapproval notice.

### **B. Public Comment**

Procedures for public comment, set forth in 36 CFR 61.5(f) need not be met for changes required as a result of NPS policy directives or regulatory changes, or for amendments involving changes or technical corrections deemed minor after consultation with NPS. In such cases, notification procedures will be considered adequate. All CLG's will be notified in writing of any amendments or changes to these procedures.

**APPENDIX I**  
**ANNOTATED CODE OF MARYLAND, ARTICLE 66B, SECTION 8.01-8.17**

**§ 8.01.**

- (a) (1) In this subheading the following words have the meanings indicated.
  - (2) "Appurtenances" and "environmental settings" include:
    - (i) Paved or unpaved walkways and driveways;
    - (ii) Trees;
    - (iii) Landscaping;
    - (iv) Pastures;
    - (v) Croplands;
    - (vi) Waterways; and
    - (vii) Rocks.
  - (3) "Demolition" includes any willful neglect in the maintenance and repair of a structure, other than the structure's appurtenances and environmental settings, that:
    - (i) Does not result from a financial inability to maintain and repair the structure; and
    - (ii) Threatens to result in a substantial deterioration of the exterior features of the structure.
  - (4) "District" means a significant concentration, linkage, or continuity of sites, structures, or objects united historically or aesthetically by plan or physical development.
  - (5) "Routine maintenance" means work that does not alter the exterior fabric or features of a site or structure and has no material effect on the historical, archaeological, or architectural significance of the site or structure.
  - (6) "Site" means the location of an event of historic significance or a standing or ruined structure that possesses historic, archaeological, or cultural significance.
  - (7) (i) "Structure" means a combination of material to form a construction that is stable.
  - (ii) "Structure" includes buildings, stadiums, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks and towers, trestles, bridges, piers, paving, bulkheads, wharves, sheds, coal bins, shelters, fences, and display signs visible or intended to be visible from a public way.
  - (iii) "Structure" also includes a natural land formation and an appurtenance and environmental setting.
  - (iv) "Structure" includes a part of a structure.
- (b) (1) It is a public purpose in this State to preserve sites, structures, and districts of historical, archeological, or architectural significance and their appurtenances and environmental settings.
  - (2) Except for the Mayor and City Council of Baltimore, the local legislative body of every local jurisdiction may, by ordinance or resolution, regulate:
    - (i) The construction, alteration, reconstruction, moving, and demolition of sites or structures of historical, archeological, or architectural significance;
    - (ii) The construction, alteration, reconstruction, moving, and demolition of sites and structures within districts; and
    - (iii) The appurtenances and environmental settings of sites and structures within their limits.
- (c) The purpose of an ordinance or resolution adopted under this subtitle is to:
    - (1) Safeguard the heritage of the local jurisdiction by preserving sites, structures, or districts which reflect elements of cultural, social, economic, political, archeological, or architectural history;
    - (2) Stabilize and improve the property values of those sites, structures, or districts;
    - (3) Foster civic beauty;
    - (4) Strengthen the local economy; and
    - (5) Promote the preservation and appreciation of those sites, structures, and districts for the education and welfare of the residents of each local jurisdiction.

**§ 8.02.**

For the purposes of this subtitle, each local jurisdiction may designate boundaries for sites, structures, or districts which are deemed to be of historic, archeological, or architectural significance, by following the procedures of the local jurisdiction for establishing or changing areas and classifications of zoning.

**§ 8.03.**

- (a) (1) A local jurisdiction may create a "historic district commission" or "historic preservation commission".
- (2) (i) A historic district commission or historic preservation commission shall have at least five members.
- (ii) Each member of a historic district commission or historic preservation commission shall possess a demonstrated special interest, specific knowledge, or professional or academic training in such fields as history, architecture, architectural history, planning, archeology, anthropology, curation, conservation, landscape architecture, historic preservation, urban design, or related disciplines.
- (iii) A majority of the members of a historic district commission or historic preservation commission shall be residents of the local jurisdiction that created the commission.
- (iv) Each local jurisdiction that creates a historic district commission or historic preservation commission under this subtitle shall establish and publicly adopt criteria for qualifying as a member of the commission.
- (3) (i) Each member of a historic district commission or historic preservation commission shall be appointed for a 3-year term.
- (ii) The terms of the members of the commission shall be staggered.
- (iii) A member of a historic district commission or historic preservation commission is eligible for reappointment.
- (iv) The appointing authority shall fill any vacancy on a commission for the unexpired term of the vacant position.
- (4) Subject to any requirements of the local jurisdiction governing the acceptance and use of gifts by public officials, a historic district commission or historic preservation commission shall have the right to accept and use gifts as needed to perform its duties.
- (b) (1) The Maryland Historical Trust may be designated by a historic district commission or historic preservation commission to analyze and make recommendations concerning the preservation of sites, structures, or districts of historic, archeological, architectural, or cultural significance within the area served by the commission.
- (2) The recommendations of the Maryland Historical Trust may include:
  - (i) Proposed boundaries for sites, structures, or districts; and
  - (ii) The identification and designation of particular sites, structures, or districts to be preserved.

**§ 8.04.**

- (a) Subject to any requirements of a local jurisdiction governing the acquisition of easements, a historic district commission or historic preservation commission may acquire easements in connection with individual sites or structures, or with sites or structures located in or adjacent to a locally designated historic district.
- (b) The easements acquired by a historic district commission or historic preservation commission may grant to the commission, the residents of the historic district, and the general public the right to ensure that any site, structure, or surrounding property on which the easement is applied is protected, in perpetuity, from changes that would affect the historic, archeological, or architectural significance of the site, structure, or surrounding property.

**§ 8.05.**

- (a) Before a person may construct, alter, reconstruct, move, or demolish a site or structure located within a designated district of a local jurisdiction, if any exterior changes are involved which would affect the historic, archeological, or architectural significance of the site or structure, any portion of which is visible or intended to be visible from a public way, the person shall file an application with the historic district commission or historic preservation commission.
- (b) An application filed under subsection (a) of this section shall be considered by the historic district commission or historic preservation commission and approved or rejected by the commission.
- (c) An applicant may not resubmit an application that is identical to a rejected application for 1 year after the rejection.

- (d) The local jurisdiction may not grant a permit for a change to a site or structure or to a site or structure located in a district until the historic district commission or historic preservation commission has acted on the application as provided under § 8.06 of this subtitle.

**§ 8.06.**

- (a) (1) A local jurisdiction shall adopt guidelines for rehabilitation and new construction design for designated sites, structures, and districts that are consistent with those generally recognized by the Maryland Historical Trust.
  - (2) (i) The guidelines adopted under this section may include:
    - 1. Design characteristics intended to meet the needs of particular types of sites, structures, and districts; and
    - 2. Identification of categories of changes that are so minimal in nature that they do not affect historic, archeological, or architectural significance and require no review by a historic district commission or historic preservation commission.
  - (ii) A historic district commission or historic preservation commission shall use the guidelines in the commission's review of applications.
- (b) In reviewing applications, a commission shall consider:
    - (1) The historic, archeological, or architectural significance of the site or structure and its relationship to the historic, archeological, or architectural significance of the surrounding area;
    - (2) The relationship of the exterior architectural features of the structure to the remainder of the structure and to the surrounding area;
    - (3) The general compatibility of exterior design, scale, proportion, arrangement, texture, and materials proposed to be used; and
    - (4) Any other factors, including aesthetics, which the historic district commission or historic preservation commission considers pertinent.

**§ 8.07.**

- (a) A historic district commission or historic preservation commission shall consider only the exterior features of a structure and may not consider any interior arrangements.
- (b) A historic district commission or historic preservation commission may not disapprove an application except as based on the considerations listed in § 8.06 of this subtitle.

**§ 8.08.**

- (a) A historic district commission or historic preservation commission shall strictly judge plans for sites or structures determined by research to be of historic, archeological, or architectural significance.
- (b) Unless the plans would seriously impair the historic, archeological, or architectural significance of the surrounding site or structure, a historic district commission or historic preservation commission may not strictly judge plans:
  - (1) For a site or structure of little historic, archeological, or architectural significance; or
  - (2) Involving new construction.
- (c) A historic district commission or historic preservation commission is not required to limit construction, reconstruction, or alteration to the architectural style of any one period.

**§ 8.09.**

- (a) (1) If an application is submitted for construction, reconstruction, or alteration affecting a site or the exterior of a structure or for the moving or demolition of a structure, and a historic district commission or historic preservation commission considers preservation of the site or structure to be of unusual importance to the local jurisdiction, the State, or the nation, the commission shall attempt, with the owner of the structure, to formulate an economically feasible plan to preserve the site or structure.
- (2) Unless the historic district commission or historic preservation commission is satisfied that the proposed construction, reconstruction, or alteration will not materially impair the historic, archeological, or architectural significance of the site or structure, the commission shall:
  - (i) Reject the application; and
  - (ii) File a copy of its rejection with the building inspector of the local jurisdiction.

- (b) The historic district commission or historic preservation commission shall have 90 days from the date that it concludes that an economically feasible plan cannot be formulated under this section to negotiate with the owner and other parties to find a means of preserving the site or structure.

**§ 8.10.**

If a site or structure is considered to be valuable for its historic, archeological, or architectural significance, a historic district commission or historic preservation commission may approve proposed construction, reconstruction, alteration, moving, or demolition, despite the fact that the changes come within the provisions of § 8.09 of this subtitle, if:

- (1) The site or structure is a deterrent to a major improvement program which will be of substantial benefit to the local jurisdiction; or
- (2) The retention of the site or structure would:
  - (i) Cause undue financial hardship to the owner; or
  - (ii) Not be in the best interests of a majority of persons in the community

**§ 8.11.**

- (a) A historic district commission or historic preservation commission shall adopt those rules and regulations necessary for the proper transaction of the commission's business.
- (b) Any interested person or representative of an interested person may appear and be heard at any public hearing conducted by a historic district commission or historic preservation commission.

**§ 8.12.**

- (a) A historic district commission or historic preservation commission shall:
  - (1) File with the building inspector of the local jurisdiction a certificate of the commission's approval, modification, or rejection of any application or plan submitted to the commission for review; or
  - (2) If there is no building inspector in the county or municipal corporation, issue to the owner, lessee, or tenant of the property and premises that is the subject of the application or plan a certificate of the commission's approval, modification, or rejection.
- (b) An applicant may not begin work on any project submitted for review by a historic district commission or historic preservation commission, until the commission has filed the certificate of approval with the building inspector.
- (c) The building inspector may not issue a building permit for a change or construction submitted for review by a historic district commission or historic preservation commission until the building inspector has received the certificate of approval.
- (d) If there is no building inspector in the local jurisdiction, the owner, lessee, or tenant of the property and premises may not commence the proposed work or change until the historic district commission or historic preservation commission has issued to the owner, lessee, or tenant a certificate of approval.
- (e) If a historic district commission or historic preservation commission fails to act on a completed application within 45 days after the date that the completed application was filed, the application shall be considered approved unless:
  - (1) The applicant and the commission agree to an extension of the 45-day period; or
  - (2) The application is withdrawn.

**§ 8.13.**

This subtitle may not be interpreted to prevent routine maintenance, customary farming operations, or landscaping which does not have a material effect on the historic, archeological, or architectural significance of a designated site, structure, or district. Nothing in this subtitle affects the right to complete any work covered by a permit or authorization issued prior to October 1, 1995.

**§ 8.14.**

A historic district commission or historic preservation commission may request that the enforcing authority institute any of the remedies and penalties provided by law for any violation of an ordinance or resolution adopted under this subtitle.

**§ 8.15.**

Any person aggrieved by a decision of a historic district commission or historic preservation commission may appeal the decision in the manner provided for an appeal from the decision of the zoning board or commission of the local jurisdiction.

**§ 8.16.**

- (a) (1) Every local jurisdiction in which a district is designated may enact laws requiring that:
  - (i) Utility companies relocate underground existing overhead lines and facilities within the defined part of the district or the entire district; and
  - (ii) If necessary, private owners receiving service from the relocated lines and facilities place any connection underground.
- (2) A law enacted under this section shall:
  - (i) Require that the estimated cost to property owners for work performed on private property be determined and made available to affected property owners;
  - (ii) Provide financing for these costs to private owners, including financing for any charges for the amortization of the bonds issued to initially cover private costs; and
  - (iii) Include any other provisions reasonably related to placing overhead lines and facilities underground and the administration of underground relocation projects.
- (b) (1) Notwithstanding any other provision of this section, the Public Service Commission shall:
  - (i) Prescribe the amount of the monthly surcharge required to support the net capital costs of an underground relocation and determine which customers of the applicable utility are subject to the surcharge;
  - (ii) Include the related net capital costs in the rate base; or
  - (iii) Adopt any other method to appropriately apportion the costs.
- (2) A utility may not be required to pay more than one-half of the net capital costs of underground relocation.
- (3) A local jurisdiction may appropriate money for underground relocation projects from any appropriate federal, State, and local funds it receives for the purpose.
- (c) (1) In implementing subsection (a)(2)(ii) of this section, the local jurisdiction may enter into an agreement with individual property owners under which the local jurisdiction agrees to advance funds to cover the property owner's costs for the relocation of the overhead lines and facilities.
- (2) (i) The local jurisdiction may appropriate funds, levy taxes, or borrow funds to pay and advance the costs of an underground relocation.
- (ii) The local jurisdiction also may:
  - 1. In order to recapture expended costs, impose a benefit assessment against property in the district on behalf of which the utility is relocated underground; and
  - 2. Provide for the collection of the assessment.
- (d) Section 1.02 of this article does not apply to this section.

**§ 8.17.**

- (a) The provisions of this subtitle are severable.
- (b) If any provision of this subtitle is held unconstitutional by a court of competent jurisdiction, the decision of the court does not affect or impair any of the remaining provisions.

## **APPENDIX II**

### **SECRETARY OF THE INTERIOR'S PROFESSIONAL QUALIFICATION STANDARDS**

In the September 29, 1983, issue of the *Federal Register*, the National Park Service published the following Professional Qualification Standards as part of the larger *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation*. These Professional Qualification Standards are in effect currently. Since 1983, the National Park Service has not issued any revisions for effect, although the National Park Service is in the process of drafting such revisions.

The following requirements are those used by the National Park Service, and have been previously published in the Code of Federal Regulations, 36 CFR Part 61. The qualifications define minimum education and experience required to perform identification, evaluation, registration, and treatment activities. In some cases, additional areas or levels of expertise may be needed, depending on the complexity of the task and the nature of the historic properties involved. In the following definitions, a year of full-time professional experience need not consist of a continuous year of full-time work but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of a year of full-time experience.

#### **History**

The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field plus one of the following:

1. At least two years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historical organization or agency, museum, or other professional institution; or
2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

#### **Archeology**

The minimum professional qualifications in archeology are a graduate degree in archeology, anthropology, or closely related field plus:

1. At least one year of full-time professional experience or equivalent specialized training in archeological research, administration or management;
2. At least four months of supervised field and analytic experience in general North American archeology; and
3. Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period. A professional in historic archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the historic period.

### **Architectural History**

The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history; or a bachelor's degree in architectural history, art history, historic preservation or closely related field plus one of the following:

1. At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or
2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

### **Architecture**

The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years of full-time experience in architecture; or a State license to practice architecture.

### **Historic Architecture**

The minimum professional qualifications in historic architecture are a professional degree in architecture or a State license to practice architecture, plus one of the following:

1. At least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field; or
2. At least one year of full-time professional experience on historic preservation projects.

Such graduate study or experience shall include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.

### APPENDIX III

#### MHT CERTIFIED LOCAL GOVERNMENT CERTIFICATION AGREEMENT

This Agreement entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between \_\_\_\_\_, Maryland and the **Maryland Historical Trust** (the Maryland State Historic Preservation Office), an agency of the Maryland Department of Housing and Community Development, does hereby testify that \_\_\_\_\_, Maryland is a participating Certified Local Government (CLG) under the U.S. Department of the Interior's Certified Local Government Program pursuant to the provisions of the National Historic Preservation Act, as amended, to applicable federal regulations (including the Historic Preservation Fund Grants Manual), and to the Maryland Certified Local Government Procedures Manual.

This designation entitles \_\_\_\_\_, Maryland to:

1. review and comment on the nomination of properties within its jurisdiction for listing in the National Register of Historic Places;
2. request and receive professional staff support from the Maryland Historical Trust, when desired, in areas of expertise not represented on the \_\_\_\_\_ Historic Preservation Commission for the review of such nominations;
3. receive copies of all historic preservation survey materials pertaining to its jurisdiction previously or currently being developed by the Trust;
4. be eligible to apply for available Certified Local Government grant funds in competition only with other CLGs; and
5. receive such other benefits as may accrue to a member of this intergovernmental preservation partnership.

In turn, \_\_\_\_\_, Maryland agrees to:

1. maintain the level of professionalism and responsible performance for the public benefit which has made it eligible for Certified Local Government designation, including adhering to all federal and state requirements for the Certified Local Government Program;
2. continue to enforce state and local legislation for the designation and protection of historic properties;
3. maintain an adequate and qualified historic preservation (or district) commission and to send each of its commission members to at least one training session sponsored or approved by the Maryland Historical Trust during the first year of CLG certification and every year thereafter, and to provide such other training for its members as it deems proper to meet the needs of the Commission;
4. make all preservation decisions in an open forum based on an agenda and times published in advance in accordance with State and local laws;
5. make its governing regulations and appeals process readily available to all applicants and the public;

6. keep scrupulous minutes of public meetings, recording deliberations, public comments, abstentions and votes;
7. disburse CLG subgrant funds when awarded in accordance with the terms of the grant agreement governing that award;
8. continue to survey and evaluate the significance of properties within its jurisdiction in a manner consistent with the *Standards and Guidelines for Architectural and Historical Investigations in Maryland* (2000) and the *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994) and to maintain an up-to-date register of historic resources.
9. encourage public participation in local historic preservation programs, including the process of review and comment on properties within its jurisdiction proposed for nomination to the National Register of Historic Places;
10. submit an annual report of its activities and grant performance to the Trust in the format shown in Attachment A; and
11. adhere to all requirements outlined in the State of Maryland CLG Procedures Manual issued by the Maryland Historical Trust.

It is understood that this Agreement shall be renewed annually so long as \_\_\_\_\_, Maryland remains a Certified Local Government in good standing, which continuing designation shall be based on a periodic evaluation of compliance with the terms set forth above as further described in Attachment B, and for so long as the United States Department of the Interior continues to sponsor the Certified Local Government Program.

**WITNESS** the following signatures and seals:

\_\_\_\_\_  
*(CLG CEO Signature and Date)*

\_\_\_\_\_  
*Title*

\_\_\_\_\_  
*(SHPO Signature and Date)*

State Historic Preservation Officer/Director of the Maryland Historical Trust  
*Title*

## ATTACHMENT A

### CLG ANNUAL REPORT DATA SHEET

The National Park Service (NPS) requires all State Historic Preservation Offices (SHPO) to monitor and evaluate CLG performance in program operation and administration according to written procedures and standards. The primary means of this monitoring and evaluation is through MHT review of CLG annual reports. In addition to satisfying federal reporting requirements, the Annual Report provides the SHPO with data useful in the development of training and public outreach programs that address those issues and challenges particular to CLGs.

Annual Reports are due at the conclusion of the first full year of CLG certification, and every year thereafter. For local governments operating on the state fiscal year (July 1 – June 30) schedule, Annual Reports are due on August 31st. For local governments operating on a calendar year schedule, Annual Reports are due on January 31st. Failure to submit an Annual Report constitutes a breach of the MHT/CLG Certification Agreement and is grounds for recommending decertification of the CLG to the National Park Service.

The CLG Annual Report should be a three-part document which includes:

- Part I Summary of CLG Activities
- Part II Financial Summary (required only if receiving CLG grant funds)
- Part III Appendix of Required Source Documents

The categories outlined on the following pages provide guidance regarding the type of information and statistics that should be included within the Annual Report. This data sheet is not intended to limit CLGs in highlighting successes, describing perceived deficiencies in the program, or in reorganizing the material in a format more appropriate to individual CLG activities and needs.

Questions about the Annual Report Data Sheet and requests for assistance in the preparation of the Annual Report should be directed to Nicole A. Diehlmann, Administrator of Statewide Preservation Programs at 410-514-7625 or [diehlmann@dhcd.state.md.us](mailto:diehlmann@dhcd.state.md.us).

## CLG ANNUAL REPORT DATA SHEET

### PART I: SUMMARY OF ACTIVITIES

#### Category A: Enforcement of State and Local Legislation

1. Number of cases reviewed: Approved, Denied, Appealed
  - a. Alteration
  - b. Demolition
  - c. New construction
2. Has the commission amended its historic area zoning ordinance since the last reporting period?  
*(Please attach a copy of the new ordinance)*
3. Has the commission amended its design guidelines since the last reporting period?  
*(Please attach a copy of the new design guidelines)*
4. Has the commission amended its rules of procedure since the last reporting period?  
*(Please attach a copy of the new rules of procedure)*
5. Has the commission amended its criteria for the designation of sites, structures and districts?  
*(Please attach a copy of the new designation criteria)*
6. Can archaeological sites be designated under the commission's ordinance?
7. Number of new designations: [GPRA #2]  
*(Please attach maps of newly designated sites, structures, or districts.)*
8. Number of cases given automatic approval through expiration of time limit for review:
9. Number of projects reviewed for compliance with the local governments historic preservation laws *(e.g. those laws similar to Section 106 of the National Historic Preservation Act)* [GPRA #5]

#### Category B: Qualified Preservation Review Commission

1. List of current commission members with their term expiration dates  
*(Please identify the members on the commission that meet the Secretary of the Interior's Professional Qualification Standards, noting what discipline they represent, and attach resumes for any new commissioners appointed during the reporting period.)*
2. Has the commission publicly adopted criteria for qualifying as a commission member?
3. Number of vacancies and the duration of each:
4. Number of meetings held:
5. Number of meetings attended by member:
6. Educational training attended by member:

#### Category C: Survey and Inventory of Historic Properties

1. Number of survey forms produced: [GPRA #1]  
*(Please indicate survey level: reconnaissance, intensive, National Register.)*
2. Usability of survey:
  - a. Where is it housed?
  - b. Is it accessible to the public?
  - c. How and when is it updated?
3. Exchange and update of data:
  - a. Does the SHPO have a duplicate of the CLG survey?
  - b. Does the CLG have a duplicate of the SHPO survey forms?
  - c. Is the SHPO informed of changes to forms or copied on updated photos?

#### Category D: Public Participation

1. How are regular meetings advertised:
  - a. By what media?
  - b. How many times?
  - c. How far in advance of the meeting?
2. How are special meetings advertised?
3. Minutes:
  - a. How are minutes recorded?
  - b. Are transcribed drafts circulated for corrections?
  - c. Who reviews and approves the minutes?
  - d. Where are the corrected minutes housed?

- e. Are minutes available to the public?
- 4. Notification of commission hearing to Applicants:
  - a. When are notification letters mailed?
  - b. Where are notification letters filed?
- 5. Notification of commission decision to Applicants:
  - a. When are notification letters mailed?
  - b. Where are notification letters filed?
- 6. How are the commission's rules and procedures made available to the public?
- 7. Design Guidelines:
  - a. What design guidelines does the commission use?
  - b. How are the guidelines made available to the public?

**Category E: Financial Assistance**

- 1. Does the local government have a tax incentive program?
  - a. What is the nature of the incentive (e.g. property tax abatement/freeze, property tax credit)?
  - b. How many projects were assisted through the program? [GPRA #3]
  - c. What was the total investment generated by these incentives?
- 2. Does the local government have a local historic preservation grant or loan program?
  - a. How many projects were assisted through a preservation grant? [GPRA #4]
  - b. What was the total amount of grant assistance?
  - c. How many projects were assisted through a preservation loan? [GPRA #4]
  - d. What was the total amount of loan assistance?

**Category F: Historic Property Acquisition**

- 1. How many historic properties were acquired in whole or in part by the local government through purchase, donation or other means? [GPRA #6]
- 2. How many properties were acquired through easements?
- 3. How many properties were acquired in whole?

**Category G: National Register Recommendations**

- 1. Number of nominations received:
- 2. Total number evaluated, rejected, approved:
- 3. Number of meetings held:
- 4. Outside support solicited to meet Review Board standards, if necessary:

**PART II: FINANCIAL SUMMARY** *(Only required if receiving CLG grant funds)*

**A. Commission Funding**

- 1. How is the commission funded?
- 2. Does the commission have its own budget and appropriation?
- 3. What is the commission's current budget?

**B. Audit Report**

- 1. Letter indicating approximate date SHPO may anticipate receipt of audit.
- 2. Letter verifying auditor's awareness of Attachment P requirements.

**PART III: APPENDIX OF REQUIRED SOURCE DOCUMENTS**

- Category A:
  - 1. Copy of new ordinance, if applicable
  - 2. Copy of new design guidelines, if applicable
  - 3. Copy of new rules of procedure, if applicable
  - 4. Copy of new designation criteria, if applicable
  - 5. Maps of newly designated sites, structures, or districts, if applicable.
- Category B:
  - 1. Resumes of any new commission members appointed during the year.
- Category D:
  - 1. Copy of advertisement of regular meeting.
  - 2. Copies of minutes from four consecutive meetings during the reporting period.
  - 3. Sample of notification to applicant of commission meeting.
  - 4. Sample of notification to applicant of commission decision.
- Category G:
  - 1. Copy of one owner notification letter, if applicable.
  - 2. Copy of one general notice, if applicable.
  - 3. Copy of all CLG/NR Recommendation forms, if applicable.

## ATTACHMENT B

### CERTIFIED LOCAL GOVERNMENT PROGRAM PERFORMANCE MEASURES

The National Park Service (NPS) requires all State Historic Preservation Officers (SHPO) to establish written procedures and standards to evaluate CLG performance in program operation and administration. The SHPO will use these procedures and standards to periodically evaluate each Certified Local Government, regardless of whether a municipality receives CLG subgrant funds. The evaluation ensures consistency within the Certified Local Government Program, and provides data that the SHPO office will use in reporting the results of the CLG program to the National Park Service as part of Maryland's Historic Preservation Fund (HPF) Annual Report.

Using information contained in CLG Annual Reports, the Maryland Historical Trust will make a measurable determination of the adequacy or inadequacy of local government performance. CLG performance will be measured against eleven performance standards required under the CLG certification agreement. Each performance item will be weighted according to the importance of the standard in terms of its effect on total performance of CLG Program requirements. Individual areas of performance will be rated in one of four categories: exceeds standards, meets standards, needs improvement and unsatisfactory. Each performance rating will be assigned a numeric equivalent to quantify CLG performance into categories of "exceeds standards," "meets standards," "needs improvement," or "unsatisfactory."

#### PERFORMANCE STANDARDS

The performance standards are those duties required of the CLG from the Maryland Historical Trust in its certification agreement. These standards are listed on the following page (CLG Performance Requirements Worksheet).

#### IMPORTANCE

Each performance standard has been ranked according to the importance of the standard in terms of its effect on total performance of CLG requirements. All duties required of a Certified Local Government under the Certification Agreement have been assigned one of the following rankings:

- 3 – Critical:** A crucial element of the Certified Local Government Program and essential for the achievement of the Program's goals and objectives.
- 2 – Important:** A principal responsibility which has a significant impact on the achievement of the Certified Local Government Program's goals and objectives.
- 1 – Moderately Important:** A supplementary responsibility which is important in meeting the minimum certification standards for the Certified Local Government Program.

#### EVALUATION STANDARDS

Individual areas of performance will be rated according to the following definitions:

- Exceeds Standards (E):** Exceeds the required level of performance and expected results for adequately implementing the CLG Program under the Certification Agreement. Quality of performance is high.
- Meets Standards (M):** Meets the minimum requirements and expected results in a timely manner for adequately implementing the CLG Program under the Certification Agreement. Quality of performance is satisfactory.
- Needs Improvement (N):** Partially meets the minimum requirements and expected results for adequately implementing the CLG Program under the Certification Agreement. Quality of performance is low.
- Unsatisfactory (U):** Performance does not meet even the minimum standards for certification in the CLG Program.

What follows are the evaluation sheets that the Maryland Historical Trust will use in its periodic performance review of each CLG. Please note that these program performance requirement worksheets are provided to Certified Local Governments for informational purposes only. It is not the responsibility of the CLG to complete these forms.

**CLG PERFORMANCE REQUIREMENTS WORKSHEET**

| <b>CLG Performance Requirements</b>   | <b>Importance</b> | <b>Performance Rating</b> | <b>Comments</b> |
|---|-------------------|---------------------------|-----------------|
| 1. Maintain an adequate and qualified historic preservation commission with at least two members meeting the <i>Secretary of the Interior's Professional Qualification Standards</i>                                    | <b>3</b>          |                           |                 |
| 2. Enforce state and local legislation for the designation and protection of historic properties  | <b>3</b>          |                           |                 |
| 3. Send each CLG Historic Preservation commission member to at least one training session sponsored or approved by the Maryland Historical Trust each year  | <b>3</b>          |                           |                 |
| 4. Make all preservation decisions in open forum based on an agenda and times published in advance in accordance with State and local laws  | <b>2</b>          |                           |                 |
| 5. Make its governing regulations and appeals process readily available to all applicants and the public  | <b>2</b>          |                           |                 |
| 6. Keep scrupulous minutes of public meetings, recording deliberations, public comments, abstentions and votes  | <b>2</b>          |                           |                 |
| 7. Disburse CLG subgrant funds, when awarded, in accordance with the terms of the grant agreement governing that award  | <b>1</b>          |                           |                 |
| 8. Survey and evaluate the significance of properties within its jurisdiction and to maintain an up-to-date register of historic sites compatible with the Maryland Inventory of Historic Properties                    | <b>2</b>          |                           |                 |
| 9. Encourage public participation in local historic preservation programs, including the process of review and comment on properties within its jurisdiction for nomination to the National Register of Historic Places | <b>2</b>          |                           |                 |
| 10. Submit an annual report of CLG activities and grant performance to the Trust in an approved format  | <b>1</b>          |                           |                 |
| 11. Adhere to all requirements outlined in the State of Maryland CLG Procedures Manual issued by the Maryland Historical Trust  | <b>1</b>          |                           |                 |

**OVERALL PERFORMANCE RATING WORKSHEET**

| PERFORMANCE STANDARDS      | RATING |   | NUMERIC EQUIVALENT |   | IMPORTANCE |   | SCORE |
|----------------------------|--------|---|--------------------|---|------------|---|-------|
| 1. Professionalism         |        | → |                    | X | 3          | = |       |
| 2. Legislation Enforcement |        | → |                    | X | 3          | = |       |
| 3. Commissioner Training   |        | → |                    | X | 3          | = |       |
| 4. Decisions               |        | → |                    | X | 2          | = |       |
| 5. Regulation Availability |        | → |                    | X | 2          | = |       |
| 6. Record Keeping          |        | → |                    | X | 2          | = |       |
| 7. Grant Disbursement      |        | → |                    | X | 1          | = |       |
| 8. Survey and Evaluation   |        | → |                    | X | 2          | = |       |
| 9. Public Participation    |        | → |                    | X | 2          | = |       |
| 10. Annual Report          |        | → |                    | X | 1          | = |       |
| 11. CLG Procedures         |        | → |                    | X | 1          | = |       |

**Importance  
TOTAL**

22

**Score  
TOTAL**

| <u>Rating</u>     |   |   | <u>Value</u> |
|-------------------|---|---|--------------|
| Exceeds Standards | E | = | 15           |
| Meets Standards   | M | = | 10           |
| Needs Improvement | N | = | 5            |
| Unsatisfactory    | U | = | 0            |

| OVERALL SCORE                    |                             |   |                        |
|----------------------------------|-----------------------------|---|------------------------|
|                                  | <b>Importance<br/>TOTAL</b> |   | <b>Score<br/>TOTAL</b> |
| <b>Performance<br/>Standards</b> | 22                          |   |                        |
| <b>TOTAL</b>                     | 22                          |   | = (B)                  |
| <b>OVERALL SCORE</b>             | (B) ÷ 22                    | = |                        |

| OVERALL PERFORMANCE EVALUATION |                            |                              |                       |
|--------------------------------|----------------------------|------------------------------|-----------------------|
| <b>Exceeds<br/>Standards</b>   | <b>Meets<br/>Standards</b> | <b>Needs<br/>Improvement</b> | <b>Unsatisfactory</b> |
|                                |                            |                              |                       |
| 15—11                          | 10.99—7                    | 6.99—3                       | 2.99—0                |

**APPENDIX IV:  
MARYLAND CERTIFIED LOCAL GOVERNMENT PROGRAM APPLICATION FORM**

**I. Contact Information**

Name of Local Government: \_\_\_\_\_  
Address: \_\_\_\_\_

Primary Contact Name and Title: \_\_\_\_\_  
Primary Contact Phone: \_\_\_\_\_  
Primary Contact Email: \_\_\_\_\_  
Primary Contact Fax: \_\_\_\_\_  
Primary Contact Address (if different from above): \_\_\_\_\_

Name of Chief Elected Official: \_\_\_\_\_  
Name of Historic Preservation Commission (HPC) Chairperson: \_\_\_\_\_  
Name of Historic Preservation Commission: \_\_\_\_\_  
Date, Time and Place of HPC Meetings: \_\_\_\_\_

**II. Legislation and Commission**

1. Does the local government have the authority to enforce legislation for the designation and protection of historic properties consistent with Section 101(c)(4) of the National Historic Preservation Act, as amended, and Article 66B, Section 8, Historic Area Zoning, Annotated Code of Maryland, as amended?  
*\* Please attach the legislation as Exhibit 1.*  Yes  No
  
2. Does the ordinance provide for the designation of sites, structures and/or historic districts?  
*\*Please attach maps clearly indicating the boundaries of historic sites and districts as Exhibit 2*  Yes  No
  
3. Has the local government established a qualified historic preservation (or district) commission with at least five members?  Yes  No
  
4. Do all members have a demonstrated interest, competence or knowledge in historic preservation, with at least two (2) members appointed from the disciplines of architecture, historic architecture, history, architectural history, or archeology as defined in the Secretary of the Interior's Professional Qualification Standards?  
*\* Please attach Exhibits 3-6 as shown in the application checklist.*  Yes  No
  
5. Are decisions of the commission binding on all applications for new construction and alterations to, relocation or demolition of, all structures or sites within the boundaries designated by the ordinance?  Yes  No
  
6. Has the local government adopted design guidelines consistent with the *Secretary of the Interior's Standard's for the Treatment of Historic Properties*?  Yes  No
  
7. Has the historic preservation commission adopted rules of procedure?  Yes  No

**III: Survey and Inventory**

1. Will the local government initiate or continue the process of identifying historic properties within the local government's boundaries in a manner that is compatible with MHT guidelines?  Yes  No
  
2. Does the commission maintain a detailed inventory of historic sites, structures and districts under the local government's jurisdiction?  Yes  No
  
3. Is the survey accessible to the public?  Yes  No
  
4. Is the survey updated periodically?  Yes  No
  
5. Is the survey available through duplicates at the SHPO office?  Yes  No

**Section IV: Public Participation**

1. Are meetings of the commission open to the public?  Yes  No
2. How is notice of commission meetings given (e.g. in local newspaper, posted in courthouse)? \_\_\_\_\_  
*\* Please attach of a copy of such notice as Exhibit 7.*
3. Is there a previously advertised agenda?  Yes  No
4. How regularly do commission meetings occur (e.g. one per month)? \_\_\_\_\_
5. Is public notice provided for special meetings?  Yes  No
6. Are minutes kept of all meetings, and are these on file and available for public inspection?  Yes  No  
*\* Please attach copies of minutes from three consecutive commission meetings as Exhibit 8.*
7. Do all applicants receive written notification of decisions of the commission?  Yes  No  
*\* Please attach a copy of such notice as Exhibit 9.*
8. Are the commission's rules of procedure available for public inspection?  Yes  No  
*\* Please attach a copy of the rules of procedure as Exhibit 10*
9. Are the commission's design guidelines available for public inspection?  Yes  No  
*\* Please attach a copy of the design guidelines as Exhibit 11.*
10. Does the commission intend to review all proposed National Register nominations for properties within the boundaries of the local government according the Maryland CLG Procedures Manual?  Yes  No
11. If certified, will the local government fulfill all the minimum standards for certification as delineated in the Maryland CLG Procedures Manual?  Yes  No  
*\* Please attach a letter from the chief elected official stating such as Exhibit 12*

**Application Attachments Checklist** *(Please check each item and attach with completed application form.)*

- Exhibit 1: A copy of the adopted historic preservation (or district) ordinance
- Exhibit 2: Clearly defined map(s) of the boundaries of designated districts or landmark sites
- Exhibit 3: A list of the professional members (see attached sample) of the commission and their qualifications, who are experts in the disciplines of architecture, historic architecture, history, architectural history or archeology (as defined by the *Secretary of the Interior's Professional Qualification Standards*)
- Exhibit 4: A list of non-professional members (see attached sample) of the commission, and their qualifications, who have a demonstrated special interest, experience, knowledge or training in architecture, history, architectural history, planning, archaeology, or related disciplines, such as urban planning, American civilization, law, or cultural anthropology
- Exhibit 5: A list of the terms of office of the commission members (see attached sample)
- Exhibit 6: A completed Historic District Commission Member Background Information Sheet (see attached) with attached resume for each member of the commission
- Exhibit 7: A sample notice to the public about a meeting of the commission
- Exhibit 8: Copies of minutes from three consecutive commission meetings
- Exhibit 9: A sample notice to an applicant of the decision of the commission
- Exhibit 10: A copy of the commission's rules of procedure
- Exhibit 11: A copy of the commission's design guidelines
- Exhibit 12: Letter (see attached sample) from the chief elected official requesting to become a certified local government under the provisions of the National Historic Preservation Act, as amended, and acknowledging that the local government will fulfill all the minimum standards for certification

**SAMPLE LETTER FROM CHIEF ELECTED OFFICIAL  
REQUESTING TO PARTICIPATE IN  
MARYLAND'S CERTIFIED LOCAL GOVERNMENT PROGRAM**

Mr. J. Rodney Little  
Director-State Historic Preservation Officer  
Maryland Historical Trust  
100 Community Place  
Crownsville, Maryland 21032

Re: Participation in Maryland's Certified Local Government Program

Dear Mr. Little:

The (City or County), Maryland requests that it become a Certified Local Government as provided for in the National Historic Preservation Act, as amended.

As the fully constituted chief elected official, I understand that it will be necessary for (County or Municipality) to fulfill minimum standards for certification.

Please find enclosed all requested materials to be considered in order to participate in the Certified Local Government program. Should you need additional materials or have any questions, please call (local contact) at (local telephone number).

Sincerely,

Chief Elected Official

enclosures

## SAMPLE COMMISSION MEMBER LISTS

### EXHIBIT 3: Professional Members

| <u>Professional Members:</u> | <u>Area of Expertise:</u> |
|------------------------------|---------------------------|
| Dr. Claire Schmidt           | Ph.D. Art History         |
| Jeanette Hinte               | Architect                 |
| Mark Digger                  | Archeologist              |

### EXHIBIT 4: Non-Professional Members

| <u>Non-Professional Members:</u> | <u>Area of Interest:</u>                         |
|----------------------------------|--|
| Margaret S. Martin               | Historic property owner                          |
| Marie Tower                      | President, Historyville Preservation Society     |
| George Clark                     | Main Street Historyville Design Committee Member |
| Arthur F. Smith, III             | Docent, Historyville Museum                      |

### EXHIBIT 5: Commission Member Qualifications and Terms

| <u>Title or Profession</u>  | <u>Name</u>          | <u>Term Expiration</u> |
|-----------------------------|----------------------|------------------------|
| 1. Teacher (Chairwoman)     | Margaret S. Martin   | October 21, 2004       |
| 2. Registered Architect     | Jeanette Hinte       | October 21, 2003       |
| 3. Professor of Art History | Dr. Claire Schmidt   | October 21, 2002       |
| 4. Downtown Business Owner  | George Clark         | October 21, 2002       |
| 5. Attorney                 | Arthur F. Smith, III | October 21, 2003       |
| 6. Archeologist             | Mark Digger          | October 21, 2004       |
| 7. Director of Development  | Marie Tower          | October 21, 2003       |

**HISTORIC DISTRICT COMMISSION MEMBER  
BACKGROUND INFORMATION SHEET**

Name \_\_\_\_\_

Address \_\_\_\_\_

Daytime Telephone \_\_\_\_\_

Email Address \_\_\_\_\_

Occupation \_\_\_\_\_

\*\*\*\*\*

Commission members participating in the Certified Local Government Program must be minimally qualified by a demonstrated special interest, knowledge, or training in such fields as history, architecture, preservation, or urban design. At least two commission members must possess academic or professional training in one or more of these fields.

**1. Please give a brief description of your demonstrated special interest, knowledge, or academic or professional training in such fields:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2. List any special training and date received:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**3. Memberships:**

|  |                              |                             |
|--|------------------------------|-----------------------------|
| Preservation Maryland                    | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Maryland Heritage Alliance               | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Maryland Historical Society              | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| National Trust for Historic Preservation | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Other _____                              | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

**4. Are you presently or have you ever been a member of any other government board or commission?**

Yes       No

If yes, please list: \_\_\_\_\_

**5. Appointment term:** \_\_\_\_\_

**6. Please Attach Full Resume**

**APPENDIX V:  
MHT CLG APPLICATION CHECKLIST**

**Town/County/Municipality:**  
**CLG Contact Name and Title**  
**CLG Contact Address:**  
**CLG Contact Phone & Email:**

**Date Submitted to State:**  
**Date Approved by State:**

---

J. Rodney Little, Director and State Historic Preservation Officer

1. Applicant has authority to enforce acceptable legislation for the designation and protection of historic properties.  Yes  No
  
2. Applicant has established a qualified historic preservation review commission consisting of **(NUMBER)** members in the following disciplines:  Yes  No  
  
There are **(NUMBER)** non-professional members.
  
3. All commission members have a demonstrated interest, competence or knowledge in historic preservation.  Yes  No
  
4. At least two commission members have documented that they possess professional qualifications acceptable under the *Secretary of the Interior's Professional Qualification Standards*. If not, the applicant has documented an adequate search for such members and described how it will obtain access to professional expertise.  Yes  No
  
5. The role and responsibilities of the commission in local preservation decisions have been specified in detail in the enclosed agreement.  Yes  No
  - A. Includes basic responsibilities only:  Yes  No
    - 1) Enforcing legislation
    - 2) Maintaining qualified commission
    - 3) Maintaining a system for survey and inventory
    - 4) Providing adequate public participation
    - 5) Adhering to all requirements in the Maryland CLG Procedures Manual
    - 6) Adhering to any requirements regarding the use of federal historic preservation funds when receiving any CLG Subgrants
  
  - B. Includes basic responsibilities and ***additional responsibilities*** specific to this CLG (list below):  Yes  No
  
6. Orientation/training sessions for the local commission will be held on **[DATE]**

**APPLICANT:** \_\_\_\_\_

**Section I: Legislation**

The Local Government enforces state legislation, consistent with Article 66B, Section 8, Historic Area Zoning, Annotated Code of Maryland, as amended, for designation and protection of historic properties.  Yes  No

Purpose of ordinance is clearly stated and coincides with the purpose clause of Article 66B, Section 8 et al., Historic Area Zoning, Annotated Code of Maryland as amended.  Yes  No

The ordinance establishes a qualified Historic Preservation (or District) Commission with at least five members.  Yes  No

Ordinance establishes designation of sites, structures and/or historic districts.  Yes  No

Commission reviews and renders a decision upon alterations to, or relocation of, all structures or sites within the boundaries designated by the ordinance.  Yes  No

Commission reviews and renders a decision on all proposed new construction within boundaries designated by the ordinance.  Yes  No

Criteria for designation and review of alterations, demolition and new construction are clearly set forth.  Yes  No

Commission has the power to delay demolition for a period of no less than 90 days in cases of structures that the commission deems to be of unusual importance to the jurisdiction, state or nation.  Yes  No

Ordinance requires the local government to adopt design guidelines consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*.  Yes  No

The ordinance requires that the commission adopt rules and regulations for the transaction of commission business.  Yes  No

Ordinance contains specific time limits within which the commission and applicant must act.  Yes  No

Decisions of commission are binding on all applications for new construction and alterations to, relocation or demolition of, all structures or sites within the boundaries designated by the ordinance.  Yes  No

Provision for enforcing commission decisions and a right of appeal exist in the ordinance.  Yes  No

**Section II: Commission Membership**

The local government has established a preservation review commission by state or local legislation.  Yes  No

All members have a demonstrated interest, competence or knowledge in preservation.  Yes  No

Commission has at least two (2) members appointed from the disciplines of architecture, historic architecture, history, architectural history, or archeology as defined in the *Secretary of the Interior's Professional Qualification Standards*.  Yes  No

- | <i>Name</i> | <i>Profession</i> |
|-------------|-------------------|
| 1.          |                   |
| 2.          |                   |
| 3.          |                   |

Commission's membership also includes at least three (3) other members who have a demonstrated special interest, expertise, or knowledge in architecture, history, architectural history, planning, archeology, or related disciplines (e.g. urban planning, American Civilization, law, or cultural anthropology).

Yes  No

Name Special Interest/Knowledge, etc.

- 1.
- 2.
- 3.
- 4.
- 5.

Office terms of commission members are staggered and of 3 years in duration (except as provided in the initiation of commission).

Yes  No

The appointing authority acts within 60 days to fill a vacancy.

Yes  No

### **Section III: Survey and Inventory**

The local government will initiate or continue the process of identifying historic properties within the local government's boundaries in a manner that is compatible with appropriate MHT guidelines.

Yes  No

Commission is maintaining a detailed inventory of historic sites, structures and districts under the local government's jurisdiction.

Yes  No

Survey is accessible to the public.

Yes  No

Survey is updated periodically.

Yes  No

Survey is available through duplicates at the SHPO office.

Yes  No

### **Section IV: Public Participation**

Meetings of the commission are publicly announced, open to the public, and have a previously advertised agenda.

Yes  No

Commission meetings occur at regular intervals, at least 4 times per year.

Yes  No

Public notice is provided for special meetings.

Yes  No

Minutes are kept of all meetings, and are on file and available for public inspection.

Yes  No

All decisions of commission are made in a public forum and all applicants receive written notification of decisions of commission.

Yes  No

Rules of procedure of commission are available for public inspection.

Yes  No

Design guidelines of commission are available for public inspection.

Yes  No

The commission intends to review all proposed National Register nominations for properties within the boundaries of the local government according to the Maryland CLG Procedures Manual.

Yes  No

### **Section V: Comments**

**APPENDIX VI:  
MARYLAND HISTORICAL TRUST  
CERTIFIED LOCAL GOVERNMENT  
NATIONAL REGISTER RECOMMENDATION FORM**

Property Name \_\_\_\_\_

Location \_\_\_\_\_

County \_\_\_\_\_

CLG Name \_\_\_\_\_

**HISTORIC PRESERVATION COMMISSION RECOMMENDATION**

\_\_\_\_\_ Nomination recommended      \_\_\_\_\_ Nomination not recommended

Please check the applicable National Register criteria and/or considerations (exceptions) used in decision:

**criteria:** \_\_\_A \_\_\_B \_\_\_C \_\_\_D

**considerations:** \_\_\_A \_\_\_B \_\_\_C \_\_\_D \_\_\_E \_\_\_F \_\_\_G

**Justification of decision:** (use continuation sheet if necessary)

\_\_\_\_\_  
signature of commission chairman date

\_\_\_\_\_  
name of commission

**CHIEF ELECTED OFFICIAL RECOMMENDATION**

\_\_\_\_\_ I concur with the opinion of the historic preservation review commission.

\_\_\_\_\_ I do not concur with the opinion of the historic preservation review commission.

(Please justify disagreement on a separate sheet.)

\_\_\_\_\_  
signature of chief elected official date

\_\_\_\_\_  
title

**APPENDIX VII:**

**MARYLAND HISTORICAL TRUST/CERTIFIED LOCAL GOVERNMENT  
NATIONAL REGISTER OWNER NOTIFICATION LETTER**

**RE:** (name of property)

Dear (owner/owners):

The (Commission) will consider the above referenced property for nomination to the National Register of Historic Places on (date). The National Register is the Federal Government's official list of properties considered worthy of recognition for their significance in American history and culture. Listing in the National Register confers certain benefits which are outlined on the attached list. The meeting will be held at (place) beginning at (time); you are most welcome to attend and comment. Should you wish to submit written comments at this time, please address your comments to (name and title of Commission chair).

(Government Name) is certified by the Maryland Historical Trust and the National Park Service to participate in the National Register nomination process. In its role as a Certified Local Government, (Government Name) is charged with evaluating the National Register eligibility of the resource. The (Commission) and the (CEO) will make recommendations to the Maryland Historical Trust which administers the National Register program as the State Historic Preservation Office for Maryland. If both the (Commission) and the (CEO) oppose the nomination, the process will stop unless an appeal is filed with the State Historic Preservation Officer. If either of these recommends nomination, the nomination process will continue.

A copy of the Commission meeting agenda, effects of listing, and the criteria used for evaluation, are enclosed. If you have questions or want a copy of the nomination documentation, please contact me at (phone). For further information on the National Register, the nomination process, effects of listing, and the owner's right to comment or object, please contact the National Register Administrator at the Maryland Historical Trust, 100 Community Place, Crownsville, MD 21032, 410-514-7649.

Sincerely,

(Commission staff)

Enclosures: meeting agenda  
Effects of Listing Maryland Properties  
Criteria for Evaluation

## **NATIONAL REGISTER OF HISTORIC PLACES**

### **Effects of Listing Maryland Properties**

The National Register of Historic Places is a list of properties acknowledged by the Federal Government as worthy of recognition and preservation for their significance in American history and culture. National Register properties include districts, sites, buildings, structures, and objects of significance to their local community, state, or the nation. The National Register program is part of a national policy to recognize and protect the country's historic and cultural heritage. The National Register is maintained by the Secretary of the Interior and administered by the National Park Service. In Maryland, the National Register program is administered by the Maryland Historical Trust, the State Historic Preservation Office.

#### **Benefits of listing in the National Register:**

1. The prestige of formal recognition that a property is of significance in American history, architecture, archeology, engineering and/or culture. Nomination involves a multiple-step review process that includes professional evaluations of the significance of the property.
2. Consideration in the planning for federally or state assisted projects. Procedures require careful consideration of properties which will be affected by projects involving federal and state funds, licenses, permits, or tax benefits.
3. Eligibility for federal income tax benefits that include: 1) a 20% investment tax, credit for a certified rehabilitation of historic commercial, industrial, and rental residential buildings and 2) a charitable donation deduction for the conveyance of a perpetual easement to a qualified preservation organization.
4. Eligibility for a Maryland income tax benefit for approved rehabilitation.
5. Eligibility to apply for grants and low interest loans for historic preservation projects.
6. Consideration of historic values in the decision to issue a surface coal mining permit where coal is located, in accord with the Surface Mining Control and Reclamation Act of 1977.

#### **Listing in the National Register:**

- does NOT mean that the Federal Government or the State of Maryland wants to acquire the property, place restrictions on the property, or dictate the colors or materials used on individual buildings. Local ordinances or laws establishing restrictive zoning, special design review committees, or review of exterior alterations, are NOT a part of the National Register program.
- does NOT require the owner to preserve or maintain the property or seek approval of the Federal Government or the State of Maryland to alter the property. Unless the owner applies for and accepts special federal or state tax, licensing, or funding benefits, the owner can do anything with his property he wishes so long as it is permitted by state and local law.
- does NOT guarantee preservation of the property. The owner is not required to preserve the property, nor is the property protected from the effects of development projects, unless federal or state funding, licensing or tax benefits are involved.
- does NOT stop federally or state funded or licensed projects when these are desired by the owner and shown to be in the public interest. Procedures do require careful consideration of federally or state funded or licensed projects which call for alteration or demolition of National Register properties before the license is issued or funds released.
- does NOT impose tax penalties on owners who demolish listed properties.

For further information about the National Register program in Maryland or the eligibility of a property for listing in the National Register, please contact the Office of Survey and Registration of the Maryland Historical Trust at 410-514-7644.

For further information concerning tax benefits, grants and loans, please contact the Office of Preservation Services at the Trust at 410-514-7628.

## **NATIONAL REGISTER OF HISTORIC PLACES**

### **Criteria for Evaluation**

The National Register's standards for evaluating the significance of properties were developed to recognize the accomplishments of all peoples who have made a contribution to our country's history and heritage. The criteria are designed to guide State and local governments, Federal agencies, and others in evaluating potential entries in the National Register.

#### **Criteria for Evaluation**

The quality of significance in American history, architecture, archeology, engineering and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and:

- a. that are associated with events that have made a significant contribution to the broad patterns of our history: or
- b. that are associated with the lives of persons significant in our past; or
- c. that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d. that have yielded, or may be likely to yield, information important in prehistory or history

#### **Criteria Considerations:**

Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- a. a religious property deriving primary significance from architectural or artistic distinction or historical importance; or
- b. a building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- c. a birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his productive life; or
- d. a cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
- e. a reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
- f. a property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or
- g. a property achieving significance within past 50 years if it is of exceptional importance.

## APPENDIX VIII:

### MARYLAND HISTORICAL TRUST/CERTIFIED LOCAL GOVERNMENT NATIONAL REGISTER GENERAL NOTICE

The (Commission) will consider (name of Property) for nomination to the National Register of Historic Places on (date). The National Register is the Federal Government's official list of properties considered worthy of recognition for their significance in American history and culture. The meeting will be held at (place) beginning at (time) you are most welcome to attend and comment. Should you wish to submit written comments at this time, please address your comments to (Commission chair and title).

(Government) is certified by the Maryland Historical Trust and the National Park Service to participate in the National Register nomination process. In its role as a Certified Local Government, (Government) is charged with an initial assessment of the National Register eligibility of the resource and the sufficiency of the nomination documentation. The (commission) and (Chief Elected official) will make recommendations to the Maryland Historical Trust which administers the National Register program as the State Historic Preservation Office for Maryland. If both the (Commission) and the (Chief Elected Official) oppose the nomination, the process will stop unless an appeal is filed with the State Historic Preservation Officer. If either of these recommends nomination, the documentation will be forwarded to the Maryland Historical Trust for further processing. At a later date in the nomination process, the Maryland Historical Trust will offer you the opportunity to comment again and to submit letters of support or objection if you so desire.

A copy of the Commission meeting agenda, effects of listing, the criteria used for evaluation, general information on the Certified Local Government involvement in the National Register nomination process and the nomination documentation are available from the Commission. Please contact (name of Commission staff contact) at (address) and (phone). For further information on the National Register, the nomination process, effects of listing, and the owner's right to comment or object, please contact the National Register Administrator at the Maryland Historical Trust, 100 Community Place, Crownsville, MD 21032, 410-514-7600.