

# **Title 14 INDEPENDENT AGENCIES**

## **Subtitle 29 MARYLAND HERITAGE AREAS AUTHORITY**

### **Chapter 03 Designation of Certified Heritage Areas**

(Incorporates amendments effective October 24, 2005)

**Authority: Financial Institutions Article, §§13-1107(6) and 13-1111(b), Annotated Code of Maryland**

#### **.01 General.**

A. Financial Institutions Article, Title 13, Subtitle 11, Annotated Code of Maryland, establishes the Maryland Heritage Areas Authority and the Maryland system of recognized and certified heritage areas.

B. The Maryland Heritage Areas Authority is:

- (1) An independent unit that operates in the Department of Housing and Community Development; and
- (2) Authorized to consider proposals submitted by local jurisdictions for certification of recognized heritage areas that meet established criteria.

#### **.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Act" means Financial Institutions Article, §§13-1101—13-1124, Annotated Code of Maryland.

(2) "Authority" means the Maryland Heritage Areas Authority established under Financial Institutions Article, §13-1103, Annotated Code of Maryland.

(3) "Certified heritage area" means a recognized heritage area designated as a certified heritage area by the Authority in accordance with Financial Institutions Article, §13-1111, Annotated Code of Maryland.

(4) "Fund" means the Maryland Heritage Areas Authority Financing Fund established under Financial Institutions Article, §13-1114, Annotated Code of Maryland.

(5) Heritage Area.

(a) "Heritage area" means a developed area of public and private uses that:

(i) Ranges in size from a portion of a county or municipal corporation to a regional area with a special coherence;

(ii) Is distinguished by physical and cultural resources which have played a vital role in the historic life and development of the community and contribute to the public through interpretive, educational, and recreational use; and

(iii) Is composed of contiguous or noncontiguous geographic areas.

(b) "Heritage area" may include:

(i) Traditional parks or historic places; or

(ii) Property on the National Register of Historic Places or the Maryland Register of Historic Properties.

(6) "Local jurisdiction" means any of the 23 counties of the State, the City of Baltimore, any municipal corporation in the State subject to the provisions of Article XI-E of the Maryland Constitution, or any of their duly authorized agencies or instrumentalities.

(7) Local Plan.

(a) "Local plan" means the policies, statements, goals, and plans for private and public land use, transportation, and community facilities documented in texts and maps which constitute the guide for the areas' future development.

(b) "Local plan" includes a general plan, master plan, comprehensive plan, community plan, and similar plans adopted by a local jurisdiction in accordance with Article 66B, §§3.01—3.09, Annotated Code of Maryland.

(8) "Management plan" means a document prepared in accordance with Financial Institutions Article, §13-1111, Annotated Code of Maryland, that includes a comprehensive statement in words, maps, illustrations, or other media of communication of the objectives, policies, and standards to guide public and private action for the preservation, interpretation, development, and use of the cultural, historic, natural, and architectural resource of a heritage area certified under Financial Institutions Article, §13-1111, Annotated Code of Maryland.

(9) "Recognized heritage area" means a heritage area that the:

(a) Local jurisdictions within the heritage area have nominated for designation by the Authority as a recognized heritage area under Financial Institutions Article, §13-1110, Annotated Code of Maryland; and

(b) Authority has designated, without conditions, as eligible to apply for designation as a certified heritage area under Financial Institutions Article, §13-1111, Annotated Code of Maryland.

### **.03 Eligible Proposals.**

A. The governing bodies of all of the local jurisdictions located within the specific boundaries of a recognized heritage area may submit a proposal for designation of all or part of the heritage area by the Authority as a certified heritage area.

B. A proposal shall include a management plan for the proposed certified heritage area, developed in cooperation and consultation with the Authority and relevant private interests. The management plan shall include:

(1) An identification of the:

(a) Proposed boundaries of the certified heritage area;

(b) Land use recommendations of the local plans of all of the local jurisdictions within the proposed certified heritage area;

(c) Zones within the proposed certified heritage area for particular types and intensity of use, including zones most appropriately devoted to private use and zones most appropriately devoted to public use and development by the State or local jurisdictions; and

(d) Proposed boundaries of one or more zones within the proposed certified heritage area where investment, including tax credits, will be targeted to produce the most immediate visible preservation and economic development that significantly enhances the quality of the heritage area and visitor experience;

(2) An inventory and evaluation of the significant natural and cultural resources within the proposed certified heritage area, including all properties eligible for listing in the National Register of Historic Places;

(3) An identification of the types of public and private uses to be encouraged within the proposed certified heritage area;

(4) An identification of properties, if any, to be acquired, in whole or in part, for the benefit of the proposed certified heritage area by the local jurisdictions or other entities authorized by the local jurisdictions;

(5) A description of the educational, interpretive, and recreational programs and projects to be undertaken in the proposed certified heritage area;

(6) A description of the plans for encouraging and accommodating visitation to and compatible economic development of the proposed certified heritage area;

(7) An economic assessment of the long-term and short-term costs and benefits related to the implementation of the management plan, including an identification of expected sources of funding;

(8) A description of the techniques or means for preservation and protection of the natural and cultural resources within the proposed certified heritage area, including:

(a) Appropriate existing or proposed local legislation for the designation and protection of historic properties or natural areas to assure that future local actions and development will be consistent with the goals and objectives for the proposed certified heritage area; and

(b) If the plan proposes the enactment of one or more ordinances to provide for one or more historic preservation commissions for specific sites, structures, or districts within the proposed certified heritage area, provisions that:

(i) Are consistent with Article 66B, §§8.01—8.17, Annotated Code of Maryland,

(ii) Provide for membership on the historic preservation commission in accordance with the minimum professional requirements of the United States Department of the Interior for certifying local governments under 36 CFR 61, and

(iii) Provide that the historic preservation commission review and approve the design of all projects that the local jurisdiction conducts, assists, licenses, or permits that affect properties within the proposed certified heritage area designated as historic by the local jurisdiction;

(9) Identification of those structures which contribute to the significance of the proposed certified heritage area for the purposes of any available State and local tax benefits;

(10) A description of proposed categories of improvements, and proposed procedures to certify rehabilitation of structures, which contribute to the significance of the proposed certified heritage area for purposes of State rehabilitation tax credits;

(11) A description of the organizational structure to be used for planning, development, and management of the proposed certified heritage area, including the responsibilities and interrelationships of local and State agencies;

(12) A schedule for the planning, development, and management of the proposed certified heritage area;

(13) Specific baseline performance data for the heritage area; and

(14) A description of specific additional performance measures to gauge success in meeting the goals and objectives of the program and the management plan, and methods for data collection and distribution.

C. The management plan shall:

(1) Before submission of the proposal to the Authority, have been submitted to the governing bodies of all of the local jurisdictions, within which the specific boundaries of the proposed certified heritage area are located, for approval in the form of an amendment to the local plan of each jurisdiction; and

(2) Be submitted to the Authority within 45 days after preliminary approval of the amendments to the local plans of all the local jurisdictions.

#### **.04 Certification Criteria.**

The Authority may designate a certified heritage area if:

A. The proposal submitted for certification:

(1) Contains the information required under Regulation .03B of this chapter, or, in the determination of the Authority, incorporates that information by specific reference from a previously submitted management plan, and

(2) Meets all other requirements of Regulation .03 of this chapter; and

B. The management plan demonstrates that the capability exists to implement and manage the proposed certified heritage area, including the capability to:

(1) Accept and disburse funds,

(2) Acquire, improve, and dispose of property,

(3) Manage, operate, and maintain appropriate public facilities, and

(4) Adopt and enforce land use and preservation standards as necessary to protect the significant natural and cultural resources within the proposed certified heritage area.

#### **.05 Processing Proposals.**

A. A proposal shall include the:

(1) Resolution, ordinance, or other appropriate authorization issued by the governing body of each local jurisdiction within which the proposed certified heritage area is located, preliminarily approving amendment of its local plan to include the management plan and approving submittal of the proposal to the Authority;

(2) Information required under Regulation .03B of this chapter upon which the local jurisdictions relied in determining that the proposal meets the criteria under Regulation .04 of this chapter; and

(3) Any additional information the Authority requests.

B. Subject to §C of this regulation, within 90 days after the Authority receives a proposal, the Authority shall:

- (1) Hold at least one public hearing in the proposed certified heritage area concerning the proposed management plan; and
- (2) Approve, approve with conditions, or disapprove the management plan.

C. Before approving a management plan, the Authority shall determine that the plan would adequately carry out the purposes of Financial Institutions Article, §§13-1101—13-1124, Annotated Code of Maryland.

D. The Authority in writing shall notify the local jurisdiction or jurisdictions of the approval, approval with conditions, or disapproval of the management plan together with all reasons for disapproval and recommendations for revision of the plan.

E. Subject to §F of this regulation, upon approval of the management plan, the Authority shall designate the proposed certified heritage area, as approved by the Authority, as a certified heritage area.

F. The Authority may designate not more than two proposed certified heritage areas as certified heritage areas in each State fiscal year.

G. Amendment of the local plan of each jurisdiction within the certified heritage area to incorporate the management plan, and approval of a management plan and designation of a certified heritage area by the Authority shall:

- (1) Establish the management plan, as approved by the Authority, as the plan for purposes of implementing the certified heritage area by the State and by local jurisdictions within which the certified heritage area is located;
- (2) Establish eligibility within the heritage area for receipt of certified heritage area acquisition, development, and programming assistance from the Authority; and
- (3) Certify those properties identified in the approved management plan as contributing to the significance of the certified heritage area, for purposes of State and local tax benefits.

H. The boundaries of the certified heritage area are the boundaries described in the management plan, as approved or approved with conditions by the Authority.

I. Certified heritage area boundary maps shall be kept on file at the Department of Housing and Community Development and at the office of the county clerk of the county or counties in which the certified heritage area is located.

## **.06 Revision of Management Plans.**

A. The Authority shall approve, approve with conditions, or disapprove any amendments or revisions proposed to an approved management plan, including any certified heritage area boundary changes, submitted by all of the local jurisdictions within which the certified heritage

area is located, in the same manner as provided for review and approval of management plans under Regulation .05B-D of this chapter.

B. The Authority shall approve, approve with conditions, or disapprove any certified heritage area boundary changes submitted jointly by the heritage area management entity and all of the local jurisdictions in which the property to be added or deleted from the heritage area is located. Any amended or revised certified heritage area boundaries are effective upon publication by the Authority of a revised boundary drawing or description in the Maryland Register.”

### **.07 Withdrawal of Certified Heritage Area Designation.**

A. Subject to §B of this regulation, the Authority may withdraw its approval of a management plan for a certified heritage area if the Authority finds that a local jurisdiction within which the certified heritage area is located has:

(1) Taken actions which have had a significant adverse impact upon significant natural or cultural resources in the heritage area;

(2) Failed to take appropriate local action to protect and safeguard the significant natural and cultural resources in the heritage area; or

(3) Failed to implement its role under the management plan.

B. Before withdrawing approval of the management plan for a certified heritage area, the Authority shall hold a public hearing in the certified heritage area.

C. If the Authority withdraws approval of a management plan for a certified heritage area:

(1) The certified heritage area shall no longer be designated as a certified heritage area; and

(2) The Authority shall report withdrawal of its approval to the Governor and the General Assembly, stating the reasons for withdrawal.

### **.08 Program Administration.**

The Authority may adopt a handbook containing internal guidelines related to the administration of the heritage area certification criteria and process or establish other requirements relating to the certification process. The handbook shall be available for public examination at the Department of Housing and Community Development. The Authority, upon request, shall make copies available to the public.

### **.09 Waiver.**

The Authority may waive or vary a provision of this chapter to the extent that the waiver or variance is consistent with Financial Institutions Article, Title 13, Subtitle 11, Annotated Code of Maryland, and in the written determination of the Authority, the application of the provision in a

specific case or in an emergency situation would be inequitable or contrary to the purposes of Financial Institutions Article, §§13-1101—13-1124, Annotated Code of Maryland.

### **.10 False Statements.**

A person who knowingly makes or causes to be made a false statement in any document submitted to the Authority in connection with a proposal for certified heritage area designation or boundary amendment or revision is subject to any penalties authorized by law.

#### **Administrative History**

**Effective date: December 25, 2000 (27:25 Md. R. 2283)**