

**Title 14 INDEPENDENT AGENCIES**  
**Subtitle 29 MARYLAND HERITAGE AREAS AUTHORITY**  
**Chapter 01 Designation of Recognized Heritage Areas**

**Authority: Financial Institutions Article, §§13-1107(6) and 13-1110, Annotated Code of Maryland**

*14.29.01.01*

**.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 Heritage Areas.

B. The Maryland Heritage Areas Authority is an independent unit in the Executive Branch of State Government that operates within the Maryland Department of Planning and is authorized to consider proposals submitted by local jurisdictions for designation of a heritage area as a recognized heritage area.

C. Once a heritage area is designated by the Authority as a recognized heritage area, grant funds are available through the Authority for the development of a management plan for the heritage area. A management plan for a heritage area must be approved by the Authority before the Authority can designate the heritage area as a certified heritage area under COMAR 14.29.02.

*14.29.01.02*

**.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 by the Act.

(3) “Certified heritage area” means a recognized heritage area that has been designated as a certified heritage area by the Authority in accordance with the Act and COMAR 14.29.02

(4) “Geographic information system file” means an electronic data file that captures, stores, and displays various types of spatial and attribute data on a map.

(5) “Heritage area” means a contiguous or noncontiguous developed geographic area of public and private uses that:

(a) Can range in size from as small as a portion of a county or municipal corporation to as large as a regional area;

(b) Has a coherent and cohesive special character;

(c) Is distinguished by a concentration of natural, recreational, cultural, and historic resources of Statewide significance that have played a vital role in the historic life and development of the area and contribute to the public through interpretive, educational, and recreational uses; and

(d) May include traditional parks and historic places or properties.

(6) “Heritage area management entity” means either a nonprofit organization or an agency of either State or local government that is or will be responsible for coordinating development of a management plan for a recognized heritage area or is responsible for implementing the management plan for a certified heritage area.

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

(8) “Management plan” means a document prepared and approved in accordance with the Act and COMAR 14.29.02, that includes a comprehensive strategy expressed in words, maps, illustrations, or other media for planning, implementing, and achieving the goals and objectives of a heritage area.

(9) “Recognized heritage area” means a heritage area designated by the Authority as a recognized heritage area in accordance with this chapter.

*14.29.01.03*

**.03 Proposals for Designation of Recognized Heritage Areas.**

A. A local jurisdiction with land area located within the geographic boundaries of a heritage area may submit to the Authority a proposal for designation of the heritage area as a recognized heritage area, and if the land area of the

heritage area is located within more than one local jurisdiction the proposal shall be jointly submitted by each of the local jurisdictions.

B. A proposal for designation of a recognized heritage area shall:

- (1) Include a geographic information system file that identifies the boundaries for the heritage area;
- (2) Include a resolution, ordinance, or other appropriate authorization issued by the governing body of each local jurisdiction with land area located within the boundaries of the heritage area establishing that the local jurisdiction has approved the proposal;
- (3) Identify the heritage area management entity;
- (4) Identify and describe the natural, recreational, cultural, and historic resources that contribute to the special cohesive character of the heritage area;
- (5) Identify, as located within the heritage area, any:
  - (a) Historic districts either listed, or determined by the Director of the Maryland Historical Trust to be eligible for listing, in the Maryland Register of Historic Properties; or
  - (b) Natural or recreational resources determined by the Secretary of Natural Resources to be of Statewide significance;
- (6) Specify the general goals and objectives for preservation, development, and management of the heritage area;
- (7) Identify the types of public and private uses within the heritage area that will be intended or designed to advance the goals and objectives of the heritage area;
- (8) Describe the strategies for encouraging and accommodating visitation to, and the compatible economic development of, the heritage area;
- (9) Provide an economic overview of both the short-term and long-term costs and benefits related to development of the heritage area;
- (10) Describe the methods and means to be instituted by the local jurisdictions to assure the long-term preservation and protection of the heritage area's resources, including zoning, subdivision, and other growth management controls;
- (11) To the extent that any of the following State agencies have programs or plans that may be affected by, or may be able to coordinate on, the designation of the heritage area as a recognized heritage area, identify to what extent such agencies were consulted during development of the proposal:
  - (a) Department of Housing and Community Development regarding housing and neighborhood revitalization;
  - (b) Maryland Department of Planning regarding land use planning, historic preservation, museum programs, and management of cultural and historic resources;
  - (c) Department of Commerce regarding tourism, economic development, and job creation;
  - (d) Department of Natural Resources regarding outdoor recreation and the management of natural resources and State greenways;
  - (e) Department of Agriculture regarding agricultural activities;
  - (f) Maryland Higher Education Commission and the State Department of Education regarding educational resources and education of the public about the heritage areas;
  - (g) Department of Transportation regarding access to and transportation within the heritage area, including on the State scenic byways program and programs for special signage; and
  - (h) Department of General Services regarding the management, maintenance, and disposition of State property; and
- (12) Include any additional information as may be requested by the Authority either prior or subsequent to submission of the proposal.

*14.29.01.04*

#### **.04 Review of Proposals.**

A. The Authority shall review a proposal submitted under Regulation .03 of this chapter for designation of a heritage area as a recognized heritage area.

B. The Authority may designate a heritage area as a recognized heritage area only if the Authority finds that:

- (1) The proposal for designation includes all information and requirements of Regulation .03B of this chapter;
- (2) The area proposed for designation satisfies the definition of a heritage area set forth in Regulation .02B(5) of this chapter;
- (3) The area includes at least one or more:

(a) Historic districts either listed, or determined by the Director of the Maryland Historical Trust to be eligible for listing, in the Maryland Register of Historic Properties; or

(b) Natural or recreational resources determined by the Secretary of Natural Resources to be of Statewide significance; and

(4) Public assistance for the heritage area is reasonably expected to produce:

(a) Additional private investments;

(b) Job creation; and

(c) Tourism revenues.

C. The Authority shall disapprove a proposal for designation of a heritage area as a recognized heritage area if the proposal does not satisfy the criteria in §B of this regulation.

D. If a proposal for designation of a heritage area as a recognized heritage area satisfies the criteria in §B of this regulation, the Authority may:

(1) Approve the proposal, which shall constitute designation of the heritage area as a recognized heritage area;

or

(2) Approve the proposal subject to one or more modifications as determined necessary by the Authority, which shall constitute designation of the heritage area as a recognized heritage area, as modified by the Authority.

E. In determining whether to approve or disapprove a proposal under this regulation, the Authority may consider as factors:

(1) The number of certified heritage areas in existence at the time of the determination; and

(2) Financial resources available or anticipated to be available.

F. Upon reaching a determination under either §C or D of this regulation, the Authority shall promptly send written notice of the determination to each local jurisdiction that submitted the proposal and to the heritage area management entity identified in the proposal.

G. The boundaries of a recognized heritage area approved under this regulation shall be:

(1) The boundaries of the heritage area as identified in the geographic information system file submitted with the proposal for designation as a recognized heritage area, as approved or approved with modifications by the Authority;

(2) Posted on the website of the Maryland Historical Trust in the form of a Uniform Resource Locator (URL) to the geographic information system file; and

(3) Published in the Maryland Register by the Authority in the form of a Uniform Resource Locator (URL) to the geographic information system file.

H. A local jurisdiction within, or the heritage area management entity for, a recognized heritage area may apply for a grant from the Authority under COMAR 14.29.03 to assist with the development of a management plan for the heritage area.

#### *14.29.01.05*

### **.05 Amendments to Recognized Heritage Area Boundaries.**

A. The Authority shall consider a proposal to amend the boundaries of the recognized heritage area if the proposal:

(1) Is submitted by the heritage area management entity;

(2) Is approved by resolution, ordinance, or other appropriate authorization issued by the governing body of each local jurisdiction with land area located either within the portion of a recognized heritage area to be removed or within the area proposed to be added to the recognized heritage area;

(3) Includes a geographic information system file that identifies the boundaries of the area proposed to be removed or added; and

(4) Contains information or explanation as to why an area proposed to be added, viewed in relation to the recognized heritage area, satisfies the criteria for designation in Regulation .04B of this chapter.

B. When considering a proposal submitted under Regulation .05A of this chapter, the Authority shall:

(1) Approve, approve with modification, or disapprove the proposal;

(2) Send written notice of the action taken on the proposal to the heritage area management entity and all the local jurisdictions that approved of the proposal; and

(3) If it approves the proposal or approves the proposal with modification:

(a) Publish in the Maryland Register a Uniform Resource Locator (URL) to a geographic information system file for the revised boundaries; and

(b) Post on the website of the Maryland Historical Trust a Uniform Resource Locator (URL) to a geographic information system file for the revised boundaries.

*14.29.01.06*

**.06 Program Administration.**

A. The Authority may adopt written policies or guidelines related to or governing the criteria for and administration of the procedures for designating recognized heritage areas and shall post any such adopted policies or guidelines on the website hosted by the Maryland Historical Trust.

B. A determination of the Authority made under Regulations .04 or .05 of this chapter is not a contested case within the meaning of State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

*14.29.01.07*

**.07 Waiver.**

The Authority may waive or vary a provision of this chapter if the waiver or variance is consistent with the Act and, as determined by the Authority, application of the provision in a specific instance or case, or in an emergency situation, would be inequitable or contrary to the purposes of the Act.

*14.29.01.08*

**.08 False Statements.**

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

*14.29.01.9999*

Administrative History

Effective date: July 13, 1997 (24:14 Md. R. 1014)

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**Regulations .01—.09 repealed and new Regulations .01—.08 adopted effective November 4, 2019 (46:22 Md. R. 978)**

**Title 14 INDEPENDENT AGENCIES**  
**Subtitle 29 MARYLAND HERITAGE AREAS AUTHORITY**  
**Chapter 02 Adoption of Management Plans and Designation of Certified Heritage Areas**  
**Authority: Financial Institutions Article, §§13-1107(6) and (12), 13-1111, and 13-1113,**  
**Annotated Code of Maryland**

*14.29.02.01*

**.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 Heritage Areas.

B. The Maryland Heritage Areas Authority is an independent unit in the Executive Branch of State Government that operates within the Maryland Department of Planning and is authorized to consider proposals submitted by local jurisdictions for designation of a recognized heritage area as a certified heritage area.

C. Once a recognized heritage area is designated by the Authority as a certified heritage area, certain entities located within the heritage area may apply for and receive grants and loans as provided by Financial Institutions Article, §13-1113, Annotated Code of Maryland, and COMAR 14.29.04 and 14.29.05.

*14.29.02.02*

**.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 by the Act.

(3) “Certified heritage area” means a recognized heritage area that has been designated as a certified heritage area by the Authority in accordance with the Act and this chapter.

(4) “Fund” means the Maryland Heritage Areas Authority Financing Fund established by the Act.

(5) “Geographic information system file” means an electronic data file that captures, stores, and displays various types of spatial and attribute data on a map.

(6) “Heritage area” means a contiguous or noncontiguous developed geographic area of public and private uses that:

(a) Can range in size from as small as a portion of a county or municipal corporation to as large as a regional area;

(b) Has a coherent and cohesive special character;

(c) Is distinguished by a concentration of natural, recreational, cultural, and historic resources of Statewide significance that have played a vital role in the historic life and development of the area and contribute to the public through interpretive, educational, and recreational uses; and

(d) May include traditional parks and historic places or properties.

(7) “Heritage area management entity” means a nonprofit organization or agency of either State or local government that is or will be responsible for coordinating development of a management plan for a recognized heritage area or is responsible for implementing the management plan for a certified heritage area.

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

(9) 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 and established as the guide for future development within a jurisdiction or area.

(b) “Local plan” includes a general plan, master plan, comprehensive plan, community plan, sector plan, or similar plan adopted by a local jurisdiction in accordance with the Land Use Article, Annotated Code of Maryland.

(10) “Management plan” means a document prepared and approved in accordance with the Act and this chapter, that includes a comprehensive strategy expressed in words, maps, illustrations, or other media for planning, implementing, and achieving the goals and objectives of the heritage area.

(11) “Recognized heritage area” means a heritage area designated by the Authority as a recognized heritage area in accordance with COMAR 14.29.01.

*14.29.02.03*

**.03 Proposals for Designation of Certified Heritage Areas.**

A. A local jurisdiction with land area located within the geographic boundaries of a recognized heritage area may submit to the Authority a proposal for designation of the recognized heritage area as a certified heritage area, and if land area of the recognized heritage area is located within more than one local jurisdiction the proposal shall be jointly submitted by each of the local jurisdictions.

B. Before submitting to the Authority a proposal for designation of a certified heritage area, the governing body of each local jurisdiction with land area located within the boundaries of the proposed certified heritage area must, by resolution, ordinance, or other appropriate authorization:

- (1) Approve submission of the proposal to the Authority; and
- (2) Preliminarily approve adoption of an amendment to the jurisdiction’s local plan that incorporates the management plan for the heritage area.

C. A proposal for designation of a certified heritage area shall be submitted to the Authority within 45 days after the last local jurisdictions’ approvals under Regulation .03B of this chapter are completed.

D. A proposal for designation of a certified heritage area shall include:

(1) An adopted resolution, ordinance, or other appropriate authorization issued by the governing body of each local jurisdiction with land area located within the boundaries of the proposed certified heritage area that amends the local plan of the local jurisdiction to incorporate the proposed management plan into the local plan;

(2) A proposed management plan for the heritage area that:

- (a) Was developed in cooperation and consultation with the Authority and relevant private interests;
- (b) Contains a geographic information system file that identifies the boundaries for the proposed certified heritage area;
- (c) Identifies the heritage area management entity and describes:
  - (i) Its organizational structure;
  - (ii) Its relations with agencies of State and local government; and
  - (iii) The specific performance criteria and methods for data collection and analysis that the heritage area management entity will use to measure success in achieving the goals and objectives of the management plan;
- (d) Identifies the land use recommendations for all land areas within the proposed certified heritage area as detailed in the corresponding local plan;
- (e) Identifies the types of public and private uses that will be encouraged and promoted within the proposed certified heritage area;
- (f) Identifies the local zoning for all land areas located within the proposed certified heritage area, which shall specify potential intensity of uses and identify those zones that are most appropriately devoted to, respectively, public uses and private uses;
- (g) Identifies property, if any, to be acquired, in whole or in part, for the benefit of the proposed certified heritage area by a local jurisdiction or other entity authorized by a local jurisdiction;
- (h) Describes those educational, interpretive, and recreational programs and projects planned to be undertaken within the proposed certified heritage area;
- (i) Describes plans for encouraging and accommodating visitation to, and compatible economic development of, the proposed certified heritage area;
- (j) Includes an economic assessment of both the short-term and long-term costs and benefits related to implementation of the management plan, including identification of anticipated sources of funding for implementation of the management plan;
- (k) Contains an inventory and evaluation of the significant natural, recreational, cultural, and historic resources located within the proposed certified heritage area;
- (l) Describes the plans and the means and methods for preserving and protecting the natural, recreational, cultural, and historic resources located within the proposed certified heritage area, including identification and summary of any existing or proposed local law or ordinance that:
  - (i) Designates or operates to protect cultural or historic properties or natural areas; and
  - (ii) Assures that future local actions and development will be consistent with the goals and objectives of preserving the natural, recreational, cultural, and historic resources of the proposed certified heritage area;

(m) If the management plan proposes enactment of local law or ordinance to provide for one or more historic preservation commissions that would govern historic sites, structures, or districts located within the proposed certified heritage area, verifies that the provisions of the proposed enactment or enactments will:

- (i) Be consistent with Land Use Article, Title 8, Annotated Code of Maryland;
- (ii) Provide that members of the historic preservation commission will have minimum professional requirements established by the United States Department of the Interior under Part 61, Title 36, Code of Federal Regulations, for certifying local governments; and
- (iii) Provide that the historic preservation commission must review and approve the plans of any project that the local jurisdiction conducts, assists, licenses, or permits, if the project may affect a property located within the proposed certified heritage area that is either designated as historic by the local jurisdiction or is listed or eligible for listing in the Maryland Register of Historic Properties;

(n) Includes a schedule for the planning, development, and management of the proposed certified heritage area; and

(o) Demonstrates that the capabilities and capacities exist within the proposed certified heritage area, by or through either the heritage area management entity or local government agencies, to implement and manage the proposed certified heritage area, including the capability and capacity to:

- (i) Accept and disburse funds;
- (ii) Acquire, improve, and dispose of property;
- (iii) Manage, operate, and maintain appropriate public facilities; and
- (iv) Adopt and enforce land use and preservations standards and controls necessary to protect the significance natural, recreational, cultural, and historic resources located within the proposed certified heritage area; and

(3) Any additional information as may be requested by the Authority either prior or subsequent to submission of the proposal.

#### *14.29.02.04*

### **.04 Review of Proposals and Designation.**

A. Within 90 days of receiving a proposal under Regulation .03 of this chapter, the Authority shall:

(1) Hold at least one public hearing concerning the proposed management plan within the proposed certified heritage; and

(2) Approve, approve with conditions, or disapprove the proposed management plan.

B. The Authority shall disapprove a proposed management plan for a proposed certified heritage area if the Authority determines that:

- (1) The management plan does not adequately carry out the purposes of the Act; or
- (2) The proposal does not include all information required under, or meet all requirements of, Regulation .03D of this chapter.

C. If the Authority determines that a proposed management plan for a proposed certified heritage area includes all information required under, and meets all requirements of, Regulation .03D of this chapter, the Authority may:

- (1) Approve the proposed management plan; or
- (2) Approve the proposed management plan subject to one or more modifications as determined necessary by the Authority.

D. In determining whether to approval or disapprove a proposal under this regulation, the Authority may consider as factors:

- (1) The number of certified heritage areas in existence at the time of the determination; and
- (2) Financial resources available or anticipated to be available.

E. Upon reaching a determination under either §B or C of this regulation, the Authority shall promptly send written notice to the heritage area management entity and each local jurisdiction that submitted the proposed management plan:

- (1) Of the Authority's determination; and
- (2) If the Authority disapproved the plan, of the reasons for disapproval and recommendations on how the plan might be revised to make it approvable.

F. Subject to §G of this regulation, an approval or an approval with modifications by the Authority of a proposed management plan shall constitute designation of the proposed certified heritage area as a certified heritage area.

G. During any one State fiscal year, the Authority may designate not more than two recognized heritage areas as certified heritage areas.

H. The boundaries of a certified heritage area shall be:

(1) The boundaries of the proposed certified heritage area as identified in the geographic information system file submitted with the proposal for designation as a certified heritage area, as approved or approved with modifications by the Authority;

(2) Published in the Maryland Register by the Authority in the form of a Uniform Resource Locator (URL) to the geographic information system file; and

(3) Posted on the website of the Maryland Historical Trust in the form of a Uniform Resource Locator (URL) to the geographic information system file, a copy of which shall be sent electronically to the office of the county clerk of the county or counties in which the certified heritage area is located.

*14.29.02.05*

## **.05 Revisions to Management Plans and Certified Heritage Area Boundaries.**

A. Definitions.

(1) In this regulation, the following terms have the meanings indicated.

(2) Terms Defined.

(a) “Administrative revision” means a revision of or change to an approved management plan for a certified heritage area that relates to the administration of the heritage area by the heritage area management entity and does not revise or change the management plan’s themes, areas of focus, goals and objectives, or other programmatic components.

(b) “Programmatic revision” means a revision of or change to an approved management plan for a certified heritage area that revises or changes the management plan’s themes, areas of focus, goals and objectives, or other programmatic components.

B. Administrative Revisions to Approved Management Plans.

(1) A heritage area management entity for a certified heritage area may propose an administrative revision to the approved management plan for the heritage area by:

(a) Submitting the proposal to the Authority in writing; and

(b) Providing a copy of the proposal to each local jurisdiction located within the heritage area.

(2) Within 90 days of receiving a proposal made under this section, the Authority shall:

(a) Complete its review of the proposal;

(b) Determine whether the proposal would adequately carry out the purposes of the Act;

(c) Approve, approve with modification, or disapprove the proposal; and

(d) Send written notice to the heritage area management entity of the action taken by the Authority on the proposal.

C. Programmatic Revisions to Approved Management Plans; Certain Expansions of Certified Heritage Area Boundaries.

(1) A heritage area management entity for a certified heritage area may submit a proposal to:

(a) Make a programmatic revision to the approved management plan for a certified heritage area; or

(b) Amend or revise the boundaries of a certified heritage area to include property not contemplated in the approved management plan for inclusion in the certified heritage area.

(2) For a proposal submitted under §C(1) of this regulation, the proposal shall:

(a) Be approved by the heritage area management entity;

(b) Be approved by resolution, ordinance, or other appropriate authorization issued by the governing body of:

(i) For a revision to a management plan under §C(1)(a) of this regulation, each local jurisdiction with land area located within the certified heritage area; or

(ii) For an amendment or revision to a heritage area boundary under §C(1)(b) of this regulation, each local jurisdiction with land area located within the property proposed to be added to the certified heritage area;

(c) For a proposed boundary amendment, include a geographic information system file of the revised boundary; and

(d) Be jointly submitted in writing to the Authority by the heritage area management entity and each local jurisdiction from which approval is required under §C(2)(b) of this regulation.

(3) Within 90 days of receiving a proposal under this section, the Authority shall:

(a) Hold at least one public hearing in the certified heritage area concerning the proposal;

(b) Determine whether the proposal would adequately carry out the purposes of the Act;

(c) Approve, approve with modification, or disapprove the proposal; and



(d) Send written notice to the heritage area management entity and each local jurisdiction with land area located within the certified heritage area of the action taken by the Authority on the proposal.

D. Other Boundary Amendments.

(1) A proposal to amend or revise the boundary of a certified heritage area to either remove property from the heritage area or to add or include within the heritage area property that the approved management plan contemplates for inclusion shall be:

(a) Approved by the heritage area management entity;

(b) Approved by resolution, ordinance, or other appropriate authorization issued by the governing body of each local jurisdictions with land area located within the property proposed to be added to or removed from the certified heritage area; and

(c) Jointly submitted in writing to the Authority by the heritage area management entity and each such local jurisdiction, which submission shall include a geographic information system file of the revised boundary.

(2) Within 90 days of receiving a proposal made under this section, the Authority shall:

(a) Determine whether the proposal would adequately carry out the purposes of the Act;

(b) Approve, approve with modifications, or disapprove the proposal; and

(c) Send written notice to the heritage area management entity and each local jurisdiction with land area located within the property proposed to be added to or removed from the certified heritage area of the action taken by the Authority on the proposal.

E. Effective Date of Revisions.

(1) A revision to an approved management plan approved by the Authority under either §B or C of this regulation is effective upon approval of the revision by the Authority.

(2) A boundary amendment or revision approved by the Authority under either §C or D this regulation is effective upon publication by the Authority in the Maryland Register of the Uniform Resource Locator (URL) to a geographic information system file for the revised boundary.

(3) A boundary amendment or revision approved by the Authority under this regulation shall be posted on the website of the Maryland Historical Trust in the form of a Uniform Resource Locator (URL) to the geographic information system file, a copy of which shall be sent electronically to the office of the county clerk of the county or counties in which the certified heritage area is located.

*14.29.02.06*

**.06 Changes to Certified Heritage Area Designations.**

A. The Authority may take action specified in §C of this regulation if the Authority finds that a local jurisdiction with land area located within a certified heritage area has:

(1) Either acted or failed to act in a manner that has had a substantial adverse impact upon a significant natural, recreational, cultural, or historic resource located within the heritage area; or

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

B. Before taking action under §C of this regulation, the Authority shall:

(1) Provide written notice to the local jurisdiction that:

(a) Includes the Authority's findings under §A of this regulation;

(b) Informs the local jurisdiction of the actions the Authority might take under §C of this regulation;

(c) Includes corrective instructions, recommendations, or suggestions as appropriate; and

(d) Is sent by copy to the heritage area management entity and each other local jurisdiction with land area located within the certified heritage area;

(2) Provide the local jurisdiction 60 days to respond in writing to the Authority's notice; and

(3) Either uphold, modify, or rescind the findings.

C. Upon a finding against a local jurisdiction under §A of this regulation that the Authority either upholds or modifies under §B of this regulation, the Authority may:

(1) Remove from the certified heritage area the land area of the local jurisdiction that is the subject of the finding; or

(2) After holding a public hearing in the certified heritage area, withdraw the Authority's approval of the management plan for the certified heritage area.

D. If, under §C(1) of this regulation, the Authority removes a local jurisdiction from a certified heritage area, the Authority shall:

(1) Provide written notice of the removal to the heritage area management entity and each local jurisdiction with land area located within the heritage area; and

(2) Direct the remaining local jurisdictions in the certified heritage area to amend the management plan in accordance with Regulation .05D of this chapter to reflect the revised boundaries of the certified heritage area resulting from the removal.

E. If, under §C(2) of this regulation, the Authority withdraws approval of a management plan for a certified heritage area:

- (1) The heritage area will no longer be designated as a certified heritage area;
- (2) The heritage area will return to being designated as a recognized heritage area; and
- (3) The Authority shall:

(a) Report the withdrawal of its approval of the management plan to the Governor and the General Assembly and include in the report a statement of the reasons for withdrawal; and

(b) Provide written notice of the withdrawal of approval to the heritage area management entity and each local jurisdiction with land area located within the heritage area.

*14.29.02.07*

### **.07 Removal of a Heritage Area Management Entity.**

A. The Authority may remove an entity from its role as the heritage area management entity for a certified heritage area if the Authority finds that the entity has:

- (1) Either acted or failed to act in a manner that has had a substantial adverse impact upon a significant natural, recreational, cultural, or historic resource located within the heritage area;
- (2) Failed to effectively implement the management plan for the heritage area; or
- (3) In any way misused, mismanaged, or misappropriated funds received from the Authority.

B. Before taking action under §A of this regulation, the Authority shall:

(1) Provided written notice to the heritage area management entity and to each local jurisdiction with land area located within the certified heritage area that:

- (a) Includes the Authority's findings under §A of this regulation;
- (b) Informs of the actions the Authority might take under §A of this regulation; and
- (c) Includes corrective instructions, recommendations, or suggestions as appropriate;
- (2) Provide the heritage area management entity 60 days to respond in writing to the Authority's notice; and
- (3) Either uphold, modify, or rescind the findings.

C. If, under §A of this regulation, the Authority removes an entity from its role as the heritage area management entity for a certified heritage area, the Authority shall:

- (1) Provide written notice to the entity and each local jurisdiction with land area located within the certified heritage area of the removal; and
- (2) Discontinue for all purposes under this subtitle the Authority's recognition of the entity as the heritage area management entity for the certified heritage area.

D. Within 90 days of receiving notice of a removal under §C(1) of this regulation or of a disapproval under §E(2) of this regulation, the local jurisdictions with land area located within the certified heritage area shall:

- (1) Agree upon a new entity to serve as the heritage area management entity; and
- (2) Send to the Authority:
  - (a) The identity of the new entity and its organizational structure;
  - (b) Information sufficient for the Authority to assess the capability and capacity of the new entity to serve as the heritage area management entity, including its relations with agencies of State and local government; and
  - (c) A resolution, ordinance, or other appropriate authorization issued by the governing body of each local jurisdiction establishing the local jurisdiction's support for the new entity to serve as the heritage area management entity.

E. Within 90 days of receiving the information required under §D(2) of this regulation, the Authority shall:

- (1) Either approve or disapprove of the new entity as the heritage area management entity; and
- (2) Provide written notice to the local jurisdictions of the Authority's approval or disapproval.

F. The Authority may withdraw its approval of a management plan for a certified heritage area as provided for in Regulation .06 of this chapter if:

- (1) Upon removal by the Authority of a heritage area management entity, the local jurisdictions with land area located within a certified heritage area fail to comply with §D of this regulation; or
- (2) The Authority disapproves of a new entity under §E of this regulation.

*14.29.02.08*

## **.08 Program Administration.**

A. The Authority may adopt written policies or guidelines related to or governing the criteria for and administration of the procedures for designating certified heritage areas and shall post any such adopted policies or guidelines on the website hosted by the Maryland Historical Trust.

B. A determination of the Authority made under Regulations .04, .05, .06, or .07 of this chapter is not a contested case within the meaning of State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

*14.29.02.09*

## **.09 Waiver.**

The Authority may waive or vary a provision of this chapter if the waiver or variance is consistent with the Act and, as determined by the Authority, application of the provision in a specific instance or case, or in an emergency situation, would be inequitable or contrary to the purposes of the Act.

*14.29.02.10*

## **.10 False Statements.**

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

*14.29.02.9999*

### Administrative History

Effective date: October 20, 1997 (24:21 Md. R. 1452)

Regulation .01 amended effective April 24, 2017 (44:8 Md. R. 406)

Regulation .03B amended effective December 25, 2000 (27:25 Md. R. 2283); August 18, 2003 (30:16 Md. R. 1076)

Regulation .04 amended effective December 25, 2000 (27:25 Md. R. 2283); June 10, 2002 (29:11 Md. R. 890); August 18, 2003 (30:16 Md. R. 1076); April 24, 2017 (44:8 Md. R. 406)

Regulation .05 amended effective September 7, 1998 (25:18 Md. R. 1437); December 25, 2000 (27:25 Md. R. 2283)

Regulation .05A amended effective April 24, 2017 (44:8 Md. R. 406)

Regulation .06 amended effective September 7, 1998 (25:18 Md. R. 1437); December 25, 2000 (27:25 Md. R. 2283)

Regulation .06A amended effective April 24, 2017 (44:8 Md. R. 406)

Regulation .08A amended effective September 7, 1998 (25:18 Md. R. 1437); December 25, 2000 (27:25 Md. R. 2283)

Regulation .09B amended effective December 25, 2000 (27:25 Md. R. 2283)

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Regulations .01—.12 repealed and new Regulations .01—.10 adopted effective November 4, 2019 (46:22 Md. R. 978)

**Title 14 INDEPENDENT AGENCIES**  
**Subtitle 29 MARYLAND HERITAGE AREAS AUTHORITY**  
**Chapter 03 Maryland Heritage Areas Grant Program**

**Authority: Financial Institutions Article, §§13-1107(6) and (12), 13-1111(b), 13-1113, and 13-1114, Annotated Code of Maryland**

*14.29.03.01*

**.01 General.**

A. This chapter sets forth the policies, procedures, and authorizations for administering the Maryland Heritage Areas Grant Program, established within the Maryland Heritage Areas Authority, which provides grants from the Maryland Heritage Areas Authority Financing Fund.

B. The objective of the Grant Program is to provide a source of funding, including grants to local jurisdictions and other appropriate entities, to develop management plans for recognized heritage areas, assist the operations of heritage area management entities, and undertake capital and non-capital projects that will assist and encourage preservation, tourism, and other economic development within certified heritage areas.

*14.29.03.02*

**.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 by the Act.

(3) “Capital project” means a project to acquire, develop, preserve, rehabilitate, or restore either real property or tangible personal property that has a useful life of at least 15 years.

(4) “Certified heritage area” means a recognized heritage area that has been designated a certified heritage area in accordance with the Act and Chapter .02 of this subtitle.

(5) “Fund” means the Maryland Heritage Areas Authority Financing Fund established by the Act.

(6) “Grant” means an award of financial assistance from the Fund.

(7) “Grant Program” means the Maryland Heritage Areas Grant Program of the Authority established by this chapter as authorized under the Act.

(8) “Grantee” means the recipient of a grant.

(9) “Heritage area” means a contiguous or noncontiguous developed geographic area of public and private uses that:

(a) Can range in size from as small as a portion of a county or municipal corporation or as large as a regional area;

(b) Has a coherent and cohesive special character;

(c) Is distinguished by a concentration of natural, recreational, cultural, and historic resources of Statewide significance that have played a vital role in the historic life and development of the area and contribute to the public through interpretive, educational, and recreational uses; and

(d) May include traditional parks and historic places or property.

(10) “Heritage area management entity” means a nonprofit organization or agency of either State or local government that is or will be responsible for coordinating development of a management plan for a recognized heritage area or is responsible for implementing the management plan for a certified heritage area.

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

(12) “Management plan” means a document prepared and approved in accordance with the Act and COMAR 14.29.02, that includes a comprehensive strategy expressed in words, maps, illustrations, or other media for planning, implementing, and achieving the goals and objectives for the heritage area.

(13) “Noncapital project” means a project that is not a capital project and involves:

(a) The development or presentation of interpretive exhibits, materials, or other products intended to further the educational or recreational objectives of a certified heritage area; or

## Chapter 03 Maryland Heritage Areas Grant Program

(b) Planning, design, interpretation, marketing, or programming activities intended to encourage revitalization of, or reinvestment in, a certified heritage area or its resources.

(14) “Nonprofit organization” means a corporation, foundation, governmental entity, or other legal entity, no part of the net earnings of which inures to the benefit of a private shareholder or individual holding an interest in the entity.

(15) “Recognized heritage area” means a heritage area designated a recognized heritage area in accordance with the Act and COMAR 14.29.01.

(16) “Trust” means the Maryland Historical Trust established under State Finance and Procurement Article, §5A-310, Annotated Code of Maryland.

### 14.29.03.03

## **.03 Eligible Grantees and Eligible Activities.**

A. An entity is eligible for a grant under the Grant Program if:

(1) The entity is a:

- (a) Local jurisdiction;
- (b) Agency or unit of Maryland State Government;
- (c) Agency or unit of the federal government; or
- (d) Nonprofit organization that:
  - (i) Is in good standing and qualified to do business in Maryland; and
  - (ii) Has the legal capacity and all necessary legal authority to be obligated by the grant; and

(2) For a grant for a noncapital project or a capital project, the entity is authorized to apply for the grant by the heritage area management entity for the certified heritage area that will benefit from the grant.

B. The Authority may provide a grant to an entity eligible under §A of this regulation if the grant is for purposes of funding:

- (1) Development of a management plan;
- (2) The operations and management of a heritage area management entity;
- (3) A noncapital project that:
  - (a) Will be undertaken within a certified heritage area; and
  - (b) Will further or complete an activity that is:
    - (i) Identified in the management plan for the certified heritage area; or
    - (ii) Consistent with goals, objectives, strategies, or actions outlined in the management plan or other planning document applicable to or utilized by the certified heritage area;
- (4) Marketing of a heritage area by either:
  - (a) The heritage area management entity; or
  - (b) The tourism office or agency for a local jurisdiction located within the heritage area;
- (5) A block grant to a heritage area management entity that the entity will exclusively use to fund subgrants for noncapital projects in accordance with policies implemented by the Authority;
- (6) A capital project that:
  - (a) Will be undertaken within a certified heritage area; and
  - (b) Will further or complete an activity that is:
    - (i) Identified in the management plan for the certified heritage area; or
    - (ii) Consistent with goals, objectives, strategies, or actions outlined in the management plan or other planning document applicable to or utilized by the certified heritage area; or
- (7) Other activities as may be approved by the Authority.

### 14.29.03.04

## **.04 Grant Application Procedures.**

A. For any year during which money is available in the Fund to make grants from the Grant Program, the Authority shall:

- (1) Establish grant application procedures;
- (2) Establish selection criteria that the Authority will utilize when awarding grants;
- (3) Establish grant application deadlines;
- (4) Establish minimum and maximum amounts for awards of individual grants; and
- (5) Publish on the Trust’s website the grant application procedures, selection criteria, grant application deadline, and minimum and maximum award amounts.

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B. An application for a grant shall be made on forms prescribed by the Authority and posted on the Trust's website.

C. A grant application shall include information and documentation that:

(1) Establishes that the applicant is an eligible grantee as provided in Regulation .03A of this chapter evidenced by copies of the applicant's organizational documents, including as applicable its articles of incorporation and bylaws, its articles of organization and operating agreement, its certificate of limited partnership and limited partnership agreement, or its partnership or joint venture agreement;

(2) Describes in detail the proposed activity;

(3) Identifies the estimated or actual cost of the proposed activity evidenced by contractor bids, proposals, or other good faith estimates;

(4) Identifies in a proposed budget all proposed sources and uses of funding for the activity;

(5) Establishes the applicant's capability and readiness to initiate and undertake the activity and to complete the activity within an established time frame;

(6) Establishes the applicant's financial capacity to pay for costs of the proposed activity that will not be funded by the grant;

(7) Identifies the sources, forms, and amounts for the matching contribution required under Regulation .06B of this chapter;

(8) Details the applicant's administrative capabilities, including the applicant's capacity to manage the proposed activity; and

(9) May otherwise be required by the Authority as specified in the grant application form.

### *14.29.03.05*

## **.05 Grant Application Review and Approval.**

A. For each grant application submitted prior to the grant application deadline established by the Authority under Regulation .04A of this chapter, Authority staff shall review the application and determine if:

(1) The applicant is an eligible grantee under Regulation .03A of this chapter; and

(2) The activity for which the applicant seeks grant funding is an eligible activity under Regulation .03B of this chapter.

B. For each application that Authority staff determined under §A of this regulation that either the grantee or the project is ineligible for a grant, the Authority shall promptly send written notice of such determination to the grant applicant.

C. For each grant application that Authority staff determines under §A of this regulation is eligible for a grant, staff shall:

(1) Evaluate and rank the application competitively with all other eligible applications in accordance with the selection criteria established by the Authority under Regulation .04A of this chapter;

(2) Make a funding recommendation based upon the evaluation and ranking; and

(3) Forward the funding recommendation to the Authority.

D. After receipt of Authority staff's recommendations made under §C of this regulation, the Authority shall:

(1) Review and consider staff's recommendations;

(2) Approve or disapprove each grant application; and

(3) For each grant application approved, authorize an amount of funding for the grant:

(a) That is within the limitations established under Regulation .06 of this chapter; and

(b) Which may be an amount less than the amount requested by the applicant.

E. Authority staff shall promptly notify each grant applicant of the action taken by the Authority under §D of this regulation.

F. A decision by the Authority made under this regulation on an application for a grant is final and is not a contested case within the meaning of State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

### *14.29.03.06*

## **.06 Grant Limitations, Terms, and Conditions.**

A. Limitations. The amount of a grant may not:

(1) Exceed 50 percent of the total cost of the proposed activity, as evidenced by contractor bids, proposals, or other good faith estimates or budgets provided by the applicant; or

(2) Fall outside the minimum or maximum grant amounts established by the Authority.

B. Matching Requirements. A grantee shall make a matching contribution to an activity funded by a grant:

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- (1) In an amount not less than the amount of the grant;
  - (2) That consists of either cash, an equivalent dollar value of in-kind contributions, or a combination thereof;
- and

- (3) That is from sources and is in substance, form, and amount acceptable to the Authority.

### C. Grant Agreement.

(1) No funds shall be disbursed from the Fund to a grantee unless the grantee has first executed a grant agreement in form and substance acceptable to the Authority.

- (2) A grant agreement shall establish all terms and conditions of the grant, including:

- (a) The amount of the grant;
- (b) The matching contribution requirements;
- (c) A scope of work for the activity funded by the grant;
- (d) A budget for the activity funded by the grant;
- (e) A grant disbursement schedule;
- (f) Special conditions on grant disbursement as may be required by the Authority;
- (g) A project timeline and deadlines for expenditures of grant funds;
- (h) Insurance requirements, as may be applicable;
- (i) Historic preservation requirements, as may be applicable;
- (j) Reporting requirements;
- (k) Defaults and remedies; and
- (l) Other terms and conditions as may be required by the Authority.

(3) For a capital project funded by a grant that will affect property that is listed or eligible for listing on the Maryland Register of Historic Properties, the grant agreement shall provide that:

- (a) The plans and specifications for the project must be reviewed and approved by the Trust prior to the grantee undertaking any work specified in the grant agreement;
- (b) All aspects of the project must conform to historic preservation standards established or applied by the Trust, including, but not limited to, the Secretary of the Interior's Standards for Treatment of Historic Properties;
- (c) The grantee must permit staff from the Trust to inspect ongoing construction to ensure that the grantee is undertaking the project in conformance with the applicable historic preservation standards and requirements; and
- (d) If required by the Trust, the grantee shall:
  - (i) Convey or cause to be conveyed to the Trust for recording in the applicable land records a deed of easement, in form, substance, and duration satisfactory to the Director of the Trust, for preservation of the historic real property and the improvements and the settings thereon affected by the project; or
  - (ii) Enter into an agreement with the Trust, or cause an agreement with the Trust, that obligates preservation and maintenance of the historic property affected by the project, in form, substance, and duration satisfactory to the Director of the Trust.

14.29.03.07

## **.07 Grant Administration.**

### A. Books, Accounts, and Records.

(1) A grantee shall maintain those books, accounts, and records related to a grant or an activity funded by a grant that the Authority from time to time may require, and shall cause the grantee's contractors and subcontractors to do the same.

(2) A grantee shall file with the Authority financial and other reports as the Authority may from time to time require.

- (3) Books, accounts, and records required to be maintain under this section shall be:

- (a) Open for inspection by representatives of the Authority or the State during reasonable working hours, before, during, or after the period of time during which the grant proceeds are expended; and

- (b) Maintained and made available for inspection for 3 years after either the date of grantee's final expenditure of grant proceeds or the termination of the contractual relationship between the Authority and the grantee, whichever is later.

(4) A grantee shall, upon request of the Authority or the State, make the grantee's administrative offices and personnel, whether full-time, part-time, consultants, or volunteers, available to discuss or address matters concerning administration of a grant or of an activity funded by a grant.

B. Inspections. The Authority may conduct periodic inspections during the undertaking of an activity funded by a grant to assure that the activity is progressing in accordance with all terms and conditions of the grant agreement or other requirements of the Authority.

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C. Reports. A grantee shall submit a final report, and interim reports as may be required by the Authority, that documents progress and evaluates effectiveness of the activity funded by a grant.

D. Nondiscrimination.

(1) A grantee may not discriminate on the basis of age (except with respect to residents in elderly projects), race, color, religion, national origin, sex, marital status, or physical or mental handicap in any aspect of an activity financed or assisted under the Grant Program or in any aspect of employment by either a grantee or a contractor for the activity.

(2) A grantee shall comply with all applicable federal, State, and local laws, and Authority policies and programs, regarding discrimination and equal opportunity in employment, housing, and credit practices, including:

(a) Titles VI and VII of the Civil Rights Act of 1964, as amended;

(b) Title VIII of the Civil Rights Act of 1968, as amended;

(c) The Governor's Code of Fair Practices, as amended; and

(d) The Authority's Minority Business Enterprise Program, as amended, if the grantee does not have a minority business participation program which is acceptable to the Authority.

*14.29.03.08*

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

A. Except for waivers under Regulation .09 of this chapter, any action or decision required or permitted to be taken or made by the Authority under this chapter may be taken or made by the Authority's designee.

B. The Authority may terminate a grant or refuse to make additional disbursements under a grant agreement if the Authority finds that the grantee is not in compliance with a requirement of the Grant Program or a term of the grant agreement.

C. The Authority may adopt written policies or guidelines related to administration of the Grant Program and shall post any such adopted policies or guidelines on the Trust's website.

*14.29.03.09*

### **.09 Waiver.**

The Authority may waive or vary a provision of this chapter if the waiver or variance is consistent with the Act and, as determined by the Authority, application of the provision in a specific instance or case, or in an emergency situation, would be inequitable or contrary to the purposes of the Act.

*14.29.03.10*

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

A person who knowingly makes or causes to be made a false statement submitted or made to the Authority in connection with an application for a grant or affecting an existing grant is subject to any penalties authorized by law.

*14.29.03.9999*

#### Administrative History

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

Regulation .03B amended effective April 24, 2017 (44:8 Md. R. 406)

Regulation .05G amended effective October 24, 2005 (32:21 Md. R. 1709)

Regulation .06 amended effective October 25, 2004 (31:21 Md. R. 1545)

Regulation .06 repealed and new Regulation .06 adopted effective February 12, 2018 (45:3 Md. R. 157)

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Regulations .01—.10 repealed and new Regulations .01—.10 adopted effective November 4, 2019 (46:22 Md. R. 978)



**Title 14 INDEPENDENT AGENCIES**  
**Subtitle 29 MARYLAND HERITAGE AREAS AUTHORITY**  
**Chapter 04 Maryland Heritage Areas Loan Program**

**Authority: Financial Institutions Article, §§13-1107(6) and (12), 13-1113, and 13-1114,  
Annotated Code of Maryland**

*14.29.04.01*

**.01 General.**

A. This chapter sets forth the policies, procedures, and authorizations for administering the Maryland Heritage Areas Loan Program, established within the Maryland Heritage Area Authority, which provides loans from the Maryland Heritage Areas Authority Financing Fund.

B. The objective of the Loan Program is to provide a source of funding, including loans to local jurisdictions or other appropriate entities, to undertake projects that will assist and encourage preservation, tourism, and other economic development within certified heritage areas.

*14.29.04.02*

**.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 by the Act.

(3) “Borrower” means the recipient of a loan.

(4) “Business entity” means a corporation, limited liability company, association, partnership, joint venture, or other legally organized entity.

(5) “Capital project” means a project to acquire, develop, preserve, rehabilitate, or restore either real property or tangible personal property that has a useful life of at least 15 years.

(6) “Certified heritage area” means a recognized heritage area that has been designated a certified heritage area in accordance with the Act and COMAR 14.29.02.

(7) “Fund” means the Maryland Heritage Areas Authority Financing Fund established by the Act.

(8) “Heritage area” means a contiguous or noncontiguous developed geographic area of public and private uses that:

(a) Can range in size from as small as a portion of a county or municipal corporation to as large as a regional area;

(b) Has a coherent and cohesive special character;

(c) Is distinguished by a concentration of natural, recreational, cultural, and historic resources of Statewide significance that have played a vital role in the historic life and development of the area and contribute to the public through interpretive, educational, and recreational uses; and

(d) May include traditional parks and historic places or property.

(9) “Heritage area management entity” means a nonprofit organization or agency of either State or local government that is or will be responsible for coordinating development of a management plan for a recognized heritage area or is responsible for implementing the management plan for a certified heritage area.

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

(11) “Loan” means a loan made from the Fund.

(12) “Loan documents” means the promissory note, loan agreement, security instruments and other documents between a borrower and the Authority which evidence the terms and conditions of a loan.

(13) “Loan Program” means the Maryland Heritage Areas Loan Program of the Authority established by this chapter as authorized under the Act.

(14) “Management plan” means a document prepared and approved in accordance with the Act and COMAR 14.29.02, that includes a comprehensive strategy expressed in words, maps, illustrations, or other media for planning, implementing, and achieving the goals and objectives for the heritage area.

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(15) “Nonprofit organization” means a corporation, foundation, governmental entity, or other legal entity, no part of the net earnings of which inure to the benefit of a private shareholder or individual holding an interest in the entity.

(16) “Trust” means the Maryland Historical Trust established under State Finance and Procurement Article, §5A-310, Annotated Code of Maryland.

### *14.29.04.03*

#### **.03 Eligible Borrowers and Eligible Activities.**

A. An entity is eligible to receive a loan under the Program if the entity:

(1) Is a:

(a) Local jurisdiction;

(b) Nonprofit organization or a business entity that:

(i) Is in good standing and qualified to do business in Maryland; and

(ii) Has the legal capacity and all necessary legal authority to be obligated by the loan; or

(c) An individual who has the legal capacity and all necessary legal authority to be obligated by the loan; and

(2) Is authorized to apply for the loan by the heritage area management entity for the certified heritage area that will benefit from the loan.

B. The Authority may provide a loan to an entity eligible under §A of this regulation if the loan is for purposes of funding:

(1) An activity that will:

(a) Be undertaken within a certified heritage area; and

(b) Further or complete an activity identified in the management plan for the certified heritage area; and

(2) Is:

(a) A capital project;

(b) The purchase of capital equipment, furnishings, or inventory; or

(c) Working capital to be used in conjunction with a capital project.

C. For an activity that involves improvement to leasehold property, the remaining term of the lease at the time the loan is made must not be less than the term of the loan.

### *14.29.04.04*

#### **.04 Loan Application Procedures.**

A. An entity eligible to receive a loan under Regulation .03A of this chapter may apply to the Authority for a loan to fund an activity eligible under Regulation .03B of this chapter.

B. For reasons or circumstances determined appropriate or necessary by the Authority, the Authority may at its discretion:

(1) Establish deadlines for acceptance of loan applications;

(2) Refuse to accept loan applications; and

(3) For a loan application accepted by the Authority:

(a) Hold the Authority’s consideration of the application in abeyance; or

(b) Decide not to consider the loan application.

C. Application. A loan application shall:

(1) Be made on forms prescribed by the Authority;

(2) Establish that the applicant is an eligible borrower as provided in Regulation .03A of this chapter evidenced by copies of its organizational documents, including as applicable its articles of incorporation and bylaws, its articles of organization and operating agreement, its certificate of limited partnership and limited partnership agreement, or its partnership or joint venture agreement, and evidence of being in good standing and qualified to do business in the State;

(3) Describe in detail the proposed activity;

(4) Identify the estimated or actual cost of the proposed activity evidenced by contractor bids, proposals, or other good faith estimates;

(5) Identify in a proposed budget all proposed sources and uses of funding for the activity;

(6) Establish the applicant’s capability and readiness to initiate and undertake the activity and to complete the activity within an established time frame;

(7) Identify the property that will benefit from or be assisted by the loan;

(8) Identify the ownership of the property and any lessees of the property;

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- (9) Include information sufficient for the Authority to evaluate:
    - (a) The activity's consistency with the goals of the management plan;
    - (b) The historical or cultural significance of the property;
    - (c) The current and proposed conditions and uses of the property;
    - (d) The extent to which the activity will impact use of the property;
    - (e) The applicant's ability to repay the loan, including identification of sources of revenue that will be used to repay the loan;
    - (f) If the activity involves a leasehold property, that the activity is authorized under the lease and the remaining lease term is equal to the proposed term of the loan; and
    - (g) If the activity involves acquisition of property, that the applicant has the authority to purchase the property under a valid purchase option agreement, purchase and sale agreement, or other evidence satisfactory to the Authority; and
  - (10) Include other information as may be required by the Authority.
- D. Application Fee. The Authority may require a loan applicant to pay an application fee to cover some portion of the cost of processing the application and the loan.
- E. Loan Application Review and Processing.
- (1) After receipt of an application for a loan that the Authority has accepted and will consider for potential funding, staff of the Authority:
    - (a) Will conduct an initial assessment for the completeness of the information required under §C of this regulation;
    - (b) May conduct an inspection of the property for any assessment purpose related to the review and processing of the application; and
    - (c) Shall notify the applicant in writing of any missing information required under §C of this regulation or of other requirements that the applicant must satisfy in order for the application to be complete.
  - (2) The Authority shall not consider for approval a loan application for which the applicant has not satisfied all requirements.
- F. Withdrawal of Application.
- (1) An applicant may withdraw an application for a loan at any time before closing of the loan by sending written notice to the Authority.
  - (2) An applicant who withdraws an application shall be responsible for all costs, other than the Authority's internal processing costs, incurred by the Authority to process the application, including, but not limited to, costs to obtain credit reports or appraisals.

### *14.29.04.05*

## **.05 Loan Application Evaluation and Approval.**

- A. The Authority shall review and evaluate a completed loan application accepted under Regulation .04 of this chapter in accordance with selection criteria established by the Authority, which criteria may include:
- (1) The viability of the activity for which the loan is sought;
  - (2) The applicant's readiness to commence the activity and complete it within an established time frame;
  - (3) The level of urgency of the applicant's need for a loan to complete the activity;
  - (4) The activity's consistency with the goals of the management plan;
  - (5) The extent to which the activity will have a positive impact on the certified heritage area;
  - (6) The extent to which the activity, once completed, might serve as a model for other projects within certified heritage areas;
  - (7) The applicant's administrative capability, including the applicant's capacity to manage the activity;
  - (8) The applicant's ability to repay the loan;
  - (9) The availability of private or non-State funds for the activity; and
  - (10) Such additional criteria as the Authority considers appropriate.
- B. Following review and evaluation under §A of this regulation, the Authority shall:
- (1) Either approve, approve with modification, or disapprove the loan;
  - (2) If approved, determine a level of funding for the loan, which may be in an amount less than the amount applied for by the applicant; and
  - (3) Notify the applicant in writing of the action taken by the Authority on the application.
- C. For a loan approved under §B of this regulation, the Authority may issue to the applicant a commitment letter for the loan that sets forth:
- (1) The amount of the loan;

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(2) Terms and conditions under which the loan will be made, which shall at a minimum include the terms and conditions set forth in Regulation .06 of this chapter; and

(3) A time limit within which execution of loan documents shall occur before the Authority will withdraw its commitment, which time limit the Authority may extend at its sole discretion.

D. A decision of the Authority to approve or disapprove a loan is not a contested case within the meaning of State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

E. Loan closing shall be scheduled at a time and place acceptable to the applicant, Authority staff, and the Office of the Attorney General.

### *14.29.04.06*

## **.06 Loan Terms and Conditions.**

A. General Requirements. A loan shall, as necessary and required by the Authority, include terms and conditions consistent with this section.

(1) Maximum Loan Amount. A loan may be in an amount not to exceed an 80 percent loan to value ratio based on the appraised value of the property assisted by the loan, or other property offered as collateral for the loan, less any preexisting indebtedness secured by a lien on the assisted property or the collateral property.

(2) Interest Rate. The rate of interest charged by the Authority against the loan:

(a) Shall be, as established from time to time by the Authority, consistent with applicable federal regulations governing State borrowing; and

(b) May be either lower or higher than rates charged for other loans made by the Authority.

(3) Insurance. The borrower shall cause the property assisted by the loan or securing the loan to be insured against loss or damage by fire and other hazards, casualties, and contingencies as may be required from time to time by the Authority in amounts satisfactory to the Authority, as described in §B of this regulation.

(4) Term. The loan shall have a term established by the Authority that is based upon the use and amount of the loan.

(5) Repayment.

(a) Except as otherwise provided in §A(5)(b) of this regulation, a single monthly payment shall be charged, which shall be applied first to late charges, then the Authority's enforcement and collection expenses, if applicable, then to interest, and then to principal, in that order.

(b) At the discretion of the Authority, repayments of either principal or interest, or of both principal and interest, may be deferred, subject to the following additional requirements:

(i) The loan term may provide for deferred payments of either principal or interest, or of both principal and interest.

(ii) The deferred terms shall provide for repayment of deferred amounts at the loan maturity date, any earlier date established by the Authority, or upon any sale or other transfer of the property securing the loan.

(c) The Authority may charge interest on deferred interest payments.

(6) Late Charge. Late charges may be imposed by the Authority, as permitted by law.

(7) Security. The loan shall be secured, at the discretion of the Authority, by collateral acceptable to the Authority, which may include:

(a) Cash escrow;

(b) A letter of credit;

(c) A pledge of depository accounts;

(d) A pledge of accounts receivable;

(e) An assignment of income;

(f) A security interest in machinery and equipment;

(g) A mortgage or deed of trust on the real property assisted by the loan;

(h) A mortgage or deed of trust on other real property satisfactory to the Authority;

(i) Guarantees of repayment from guarantors acceptable to the Authority; or

(j) Any other form of security or collateral acceptable to the Authority.

(8) Plans and Specifications. The plans and specifications for a capital project funded by a loan shall be subject to prior review and approval by Authority staff and shall conform to applicable acquisition, construction, rehabilitation, and restoration requirements established or applied by the Authority.

(9) Disbursement. Disbursement of loan funds shall be made as the activity progresses based upon requests for disbursement submitted by the borrower in a form satisfactory to the Authority.

(10) Modification of Loan. In order to facilitate the successful completion or operation of an activity funded by a loan, the Authority may modify:

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- (a) The rate of interest on the loan;
  - (b) The time or amount of payment of principal or interest, or both principal and interest;
  - (c) The maturity date of the loan; or
  - (d) Any other term of a loan.
- (11) Loan Default. In the event of default under the loan documents, the Authority may:
- (a) Modify the rate of interest;
  - (b) Modify the time or amount of payment of principal, interest, or both principal and interest;
  - (c) Modify the maturity date of the loan;
  - (d) Modify the loan in any other manner that promotes repayment of the loan and achieves the purposes of the Loan Program; and
  - (e) Exercise all remedies provided by law and at equity, or available pursuant to the loan documents, including acceleration of payment of the entire principal and interest due on the loan, foreclosure, receivership, attachment, and repossession of property and collateral securing the loan.
- (12) If the Authority obtains title to property by taking action under §A(11)(e) of this regulation, the Authority shall obtain approval from the Board of Public Works prior to further conveyance of title to the property.
- (13) Prepayment Penalty. The Authority may not charge a prepayment penalty.
- (14) Historic Property. If an activity funded by a loan will impact property that is listed or eligible for listing on the Maryland Register of Historic Properties, the loan agreement shall provide that:
- (a) The plans and specifications for the project must be reviewed and approved by the Trust prior to the borrower undertaking any work on the property;
  - (b) All aspects of the project must conform to historic preservation standards established or applied by the Trust, including, but not limited to, the Secretary of the Interior's Standards for Treatment of Historic Properties;
  - (c) The borrower must permit staff from the Trust to inspect ongoing construction to ensure that the borrower is undertaking the project in conformance with the applicable historic preservation standards and requirements; and
  - (d) If required by the Trust, the borrower shall:
    - (i) Convey or cause to be conveyed to the Trust for recording in the applicable land records a deed of easement, in form, substance, and duration satisfactory to the Director of the Trust, for preservation of the historic real property and the improvements and the settings thereon affected by the project; or
    - (ii) Enter into a preservation agreement with the Trust, or cause an agreement with the Trust, that obligates preservation and maintenance of the historic property affected by the project, in form, substance, and duration satisfactory to the Director.
- (15) Other Requirements. The Authority may establish other terms and conditions in the loan documents as considered reasonable and necessary by the Authority.
- B. Real Property Requirements. The following requirements apply when a loan is secured by real property.
- (1) Mortgage or Deed of Trust.
- (a) A mortgage or deed of trust on real property securing the loan shall be recorded in the land records of the local jurisdiction in which the real property is situated.
  - (b) The mortgage or deed of trust may be subordinate to other recorded mortgage liens, at the Authority's discretion, provided that the Authority and the other mortgagee or mortgagees give any required consents and the loan to value ratio of the property being subordinated complies with the requirements of §B(4)(b) of this regulation.
- (2) Property, Liability, and Other Insurance.
- (a) The borrower shall provide evidence that the borrower, the property owner if borrower is not the property owner, and contractors, have obtained and will continue to maintain the following insurance coverages, as applicable:
    - (i) Owner's commercial general liability;
    - (ii) Owner's property or hazard on the property securing the loan, in an amount not less than the loan plus all other debt secured by a lien on the property;
    - (iii) Builder's risk during construction only;
    - (iv) Contractor's general liability; and
    - (v) Flood insurance, if required by the Authority.
  - (b) All insurance required under this section shall:
    - (i) Be written by a company registered with the Maryland Insurance Administration, or a company approved by the Authority in the event the property securing the loan or insurance company are located out-of-State;
    - (ii) Be in force at or before the time of loan closing;
    - (iii) Not be terminable without prior notification to the Authority; and
    - (iv) Contain such other terms and coverage satisfactory to the Authority.

## Chapter 04 Maryland Heritage Areas Loan Program

- (c) Owner's commercial general liability insurance shall:
  - (i) Name the Authority as an additional insured; and
  - (ii) Remain in force until full repayment of the loan.
- (d) Contractor's general liability insurance shall:
  - (i) Name the Authority as an additional insured; and
  - (ii) Remain in place through completion of the project, or such later date as the Authority may require.
- (e) Owner's property or hazard insurance and builder's risk insurance shall:
  - (i) Name the Authority as an additional insured, loss payee, and mortgagee; and
  - (ii) Remain in force until full repayment of the loan.
- (3) Title Insurance.
  - (a) For loans in amounts of \$15,000 or greater, the Authority may require the borrower to provide a standard American Land Title Association Loan Policy — 2006, as amended, which policy shall:
    - (i) Be issued by a title insurance company acceptable to the Authority;
    - (ii) Be issued in an amount not less than the maximum principal amount of the loan;
    - (iii) Insure the Authority as additional insured, mortgagee, and loss payee;
    - (iv) Evidence that fee simple interest in the real property securing the loan is, as of the date of closing, vested in the borrower;
    - (v) Contain only exceptions and encumbrances approved by the Authority; and
    - (vi) Not include exceptions for survey matters, general or blanket exceptions, materialman's liens or for taxes or assessments that are due and payable as of the date of closing.
  - (b) For loans in amounts up to \$15,000, the Authority may require the borrower to provide an attorney's certificate of title or other evidence of title acceptable to the Authority, which:
    - (i) Establishes that fee simple interest in the real property securing the loan is, as of the date of closing, vested in the borrower;
    - (ii) May contain only exceptions and encumbrances approved by the Authority; and
    - (iii) May not include exceptions for survey matters, general or blanket exceptions or materialman's liens or for taxes or assessments that are due and payable as of the date of closing.
- (4) Appraisals. The Authority may require:
  - (a) An appraisal of the real property assisted by the loan that establishes the property's value after completion of the project; or
  - (b) An appraisal of other real property that secures the loan that established that the property has sufficient value, taking into account all senior debt secured by a lien on the property, to secure the loan at an 80 percent loan to value ratio.

14.29.04.07

### **.07 Loan Administration.**

#### **A. Books and Records.**

- (1) A borrower shall maintain the books, accounts, and records related to a loan or the activity funded by a loan that the Authority from time to time may require, and shall cause the borrower's contractors and subcontractors to do the same.
- (2) A borrower shall file with the Authority financial and other reports as the Authority may from time to time require.
- (3) Books, accounts, and records required to be maintained under this section shall be:
  - (a) Open for inspection by representatives of the Authority or the State during reasonable working hours before, during, or after repayment of the loan; and
  - (b) Maintained and made available for inspection for up to 3 years after either the date of the borrower's repayment of the loan or the termination of the contractual relationship between the Authority and the borrower, whichever is later.
- (4) A borrower shall, upon request of the Authority or the State, make the borrower's administrative offices and personnel, whether full-time, part-time, consultants, or volunteers, available to discuss or address matters concerning administration of the loan or of the activity funded by a loan.

**B. Inspections.** The Authority may conduct periodic inspections during the undertaking of an activity funded by a loan to assure that the activity is progressing in accordance with all terms and conditions of the loan documents or other requirements of the Authority.

**C. Reports.** A borrower shall submit a final report, and interim reports as may be required by the Authority, that document progress and evaluate effectiveness of the activity funded by a loan.

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### D. Nondiscrimination.

(1) A borrower may not discriminate on the basis of age (except with respect to residents in elderly projects), race, color, religion, national origin, sex, sexual orientation, marital status, or physical or mental handicap in any aspect of the project financed under the Program, or in any aspect of employment by any borrower, or contractor for any project financed under the Program.

(2) A borrower shall comply with all applicable federal, State, and local laws and Authority policies and programs regarding discrimination and equal opportunity in employment, housing, and credit practices including:

(a) Titles VI and VII of the Civil Rights Act of 1964, as amended;

(b) Title VIII of the Civil Rights Act of 1968, as amended;

(c) The Governor's Code of Fair Practices, as amended; and

(d) The Authority's Minority Business Enterprise Program, as amended, if the borrower does not have a minority business participation program which is acceptable to the Authority.

14.29.04.08

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

A. Except for waivers under Regulation .09 of this chapter, any action or decision required or permitted to be taken or made by the Authority under this chapter may be taken or made by the Authority's designee.

B. The Authority may terminate a loan or refuse to make additional disbursements of a loan if the Authority finds that the borrower is not in compliance with a requirement of the Loan Program or any term of the loan documents.

C. The Authority may adopt written policies or guidelines related to administration of the Loan Program and shall post any such adopted policies or guidelines on the Trust's website.

D. The Authority may enter into agreements for loan servicing or other services useful to the operation of the Loan Program on terms acceptable to the Authority.

14.29.04.09

### **.09 Waiver.**

The Authority may waive or vary a provision of this chapter if the waiver or variance is consistent with the Act and, as determined by the Authority, application of the provision in a specific instance or case, or in an emergency situation, would be inequitable or contrary to the purposes of the Act.

14.29.04.10

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

A person who knowingly makes or causes to be made a false statement submitted or made to the Authority in connection with an application for a loan or affecting an existing loan is subject to any penalties authorized by law.

14.29.04.9999

### Administrative History

Effective date: October 13, 2003 (30:20 Md. R. 1448)

Regulation .04 amended effective April 24, 2017 (44:8 Md. R. 406)

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Regulations .01—.13 repealed and new Regulations .01—.10 adopted effective November 4, 2019 (46:22 Md. R. 978)

**Title 14 INDEPENDENT AGENCIES**  
**Subtitle 29 MARYLAND HERITAGE AREAS AUTHORITY**  
**Chapter 05 Procedures for Reviewing Complaints**  
**Authority: Financial Institutions Article, §§13-1107(6), 13-1108(4)(i), and 13-1124,**  
**Annotated Code of Maryland**

*14.29.05.01*

**.01 General.**

This chapter establishes procedures for submission to the Maryland Heritage Areas Authority, and review by the Authority, of complaints made by local governments or heritage area management entities related to activities undertaken by agencies of State Government that might have an adverse effect on a heritage area resource.

*14.29.05.02*

**.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) “Administrator” means the Administrator of the Authority.

(3) “Authority” means the Maryland Heritage Areas Authority established by the Act.

(4) “Certified heritage area” means a recognized heritage area that has been designated a certified heritage area in accordance with the Act and COMAR 14.29.02.

(5) “Heritage area management entity” means a nonprofit organization or agency of either State or local government that may be responsible for coordinating development of a management plan for a heritage area or is responsible for implementing the management plan for a heritage area.

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

*14.29.05.03*

**.03 Submission of Complaints.**

A. A local jurisdiction or a heritage area management entity may submit to the Authority a complaint concerning activities undertaken by an agency or unit of State Government if the undertaking has an adverse effect, or has the potential to have an adverse effect, upon a natural, recreational, cultural, or historic resource located within a certified heritage area that is located within the local jurisdiction or for which heritage area management entity is responsible.

B. A complaint shall:

(1) Be in writing;

(2) Be submitted to the Administrator;

(3) Identify the certified heritage area;

(4) Identify the agency or unit of State Government that is undertaking or has undertaken the activity and the nature of the activity;

(5) Identify the heritage area resource that is subject to the adverse effect;

(6) Describe the adverse effect; and

(7) Identify any law, rule, or regulation that the agency or unit of State Government may be in violation of in undertaking the activity.

*14.29.05.04*

**.04 Review of Complaints.**

A. Upon receiving a complaint under Regulation .03 of this chapter, the Administrator shall:

(1) Review the complaint;

(2) Conduct an investigation into the allegations contained in the complaint to the extent and in a manner determined appropriate, necessary, and warranted by the Administrator;



## Chapter 05 Procedures for Reviewing Complaints

(3) As may be appropriate and relevant, consider:

(a) The relative value and significance to the certified heritage area of the resource that the complaint alleges is or will be adversely affected; and

(b) Any impacts that the activity has had or may have upon properties listed, or eligible for listing, in the Maryland Register of Historic Properties; and

(4) Refer to the Authority for its review and consideration the complaint and the results of the Administrator's investigation.

B. If, after review and consideration under §A of this regulation, the Authority finds that the activity complained of is having, or may have, an adverse effect upon a natural, recreational, cultural, or historic resource located within a certified heritage area, the Administrator shall:

(1) Inform the agency or unit of State Government of the findings; and

(2) To the extent justified, practicable, and warranted by the circumstances, consult and work cooperatively with the unit or agency and the complainant, as may be appropriate, to identify alternatives for the activity or methods to mitigate the adverse effect.

C. Review of a complaint under this regulation does not constitute a contested case within the meaning of State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

*14.29.05.9999*

Administrative History

Effective date: December 11, 2003 (30:24 Md. R. 1745)

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**Regulations .01—.13 repealed and new Regulations .01—.04 adopted effective November 4, 2019 (46:22 Md. R. 978)**

**Title 14 INDEPENDENT AGENCIES**  
**Subtitle 29 MARYLAND HERITAGE AREAS AUTHORITY**  
**Chapter 06 Procedures for Resolving Disputes**  
**Authority: Financial Institutions Article, §§13-1107(6), 13-1108(4)(ii), and 13-1124,**  
**Annotated Code of Maryland**

*14.29.06.01*

**.01 General.**

This chapter establishes procedures for the review and resolution of disputes that arise in connection with exercise by the Maryland Heritage Areas Authority of its authority under Financial Institutions Article, Title 13, Subtitle 11, Annotated Code of Maryland.

*14.29.06.02*

**.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) “Administrator” means the Administrator of the Authority.

(3) “Authority” means the Maryland Heritage Areas Authority established by the Act.

(4) “Certified heritage area” means a recognized heritage area that has been designated a certified heritage area in accordance with the Act and COMAR 14.29.02.

(5) Decision of the Authority.

(a) “Decision of the Authority” means a decision, action, or exercise of statutory authority by the Authority and includes an exercise of authority by the Authority that is permitted, required, or contemplated under the Act.

(b) “Decision of the Authority” does not include a determination by the Authority:

(i) Under the Act or COMAR 14.29.01 regarding designation or an application for designation of a heritage area as a recognized heritage area;

(ii) Under the Act or COMAR 14.29.02 regarding review and approval of a management plan or designation or an application for designation of a recognized heritage area as a certified heritage area;

(iii) Under the Act or COMAR 14.29.03 related to review and approval of grant applications;

(iv) Under the Act or COMAR 14.29.04 related to review and approval of loan applications; or

(v) Related to enforcement of the terms of a grant, loan, or other financing.

(6) “Petition” means a petition filed under Regulation .03 of this chapter concerning a decision of the Authority.

(7) “Petitioner” means a person or entity that files a petition under Regulation .03 of this chapter concerning a decision of the Authority.

*14.29.06.03*

**.03 Petition for Dispute Resolution.**

A. A person or entity that disputes a decision of the Authority and is aggrieved by the decision may file a petition with the Authority that seeks to have the Authority resolve the dispute.

B. A petition submitted under this regulation shall:

(1) Be in writing;

(2) Be submitted to the Administrator;

(3) Identify the decision of the Authority that the petitioner disputes;

(4) Explain how the petitioner is aggrieved by the decision; and

(5) Identify any law, rule, or regulation that the petitioner contends is or was violated by the decision of the Authority.

*14.29.06.04*

**.04 Review of Petitions.**

A. Upon receiving a petition, the Administrator shall:

(1) Review the petition;

## Chapter 06 Procedures for Resolving Disputes

- (2) Review the decision of the Authority that the petitioner disputes; and
- (3) Refer to the Authority for its consideration the petition and the results of the Administrator's review.

B. Within 90 days of receipt by the Administrator of a petition, the Authority shall consider the petition at meeting of the Authority during which the Authority shall:

- (1) Review the petition;
- (2) Consider the results of the Administrator's review of the petition;
- (3) Provide the petitioner an opportunity to address the Authority and present to the Authority any additional information or evidence that is relevant to the petition; and
- (4) Make a determination to:
  - (a) Alter, amend, or rescind the decision of the Authority; or
  - (b) Deny the petition by affirming the decision of the Authority.

C. The Administrator shall promptly send written notice to the petitioner of the Authority's determination under §B(4) of this regulation.

D. The Authority's minutes for a meeting during which it considers a petition shall include:

- (1) A summary of all oral statements and discussions concerning the petition;
- (2) A copy of all documents submitted to, received by, or considered by the Authority on the petition; and
- (3) The Authority's determination on the petition.

*14.29.06.05*

### **.05 Appeal.**

A. A determination made by the Authority under Regulation .04B of this chapter may be appealed by the petitioner to the Office of Administrative Hearings in accordance with State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

B. On appeal, a determination made by the Authority under Regulation .04B of this chapter may not be reversed or modified unless the petitioner establishes by a preponderance of the evidence that:

- (1) The determination was arbitrary, capricious, or contrary to law, rule, or regulation; or
- (2) The Authority failed to follow its own procedures or this chapter.

C. The decision of the Office of Administrative Hearings on an appeal is the final administrative decision.

*14.29.06.9999*

Administrative History

Effective date: November 4, 2019 (46:22 Md. R. 978)