

Procedures for the Appeal of Easement Determinations Made by the Director

All historic preservation easements held by the Maryland Historical Trust permit an appeal to the MHT Board of Trustees of any determination made by the Director to disapprove a request that requires the Director's approval under the easement. This paper details the requirements for filing an appeal and describes the procedures that the Board of Trustees adheres to when considering an appeal.

1. **Filing Requirements.** An appeal must in writing, addressed by the property owner to the Chairman of the Maryland Historical Trust Board of Trustees, in care of the Director of MHT, Elizabeth Hughes, and mailed to the address below. It must be received by MHT **not later than 45 days after the property owner's receipt of the Director's determination** that is the subject of the appeal. The appeal should state in detail the reason(s) for the appeal and should include any information relevant to the appeal that the property owner would like considered.
2. **New Information.** Upon receipt, MHT staff will review the appeal. If materials submitted with the appeal include information relevant to the property owner's request that was not considered by the Director at the time of the Director's original determination, the Director will review the new information and, if warranted, reconsider the request and issue a new determination.
3. **Scheduling of Appeal.** If the Director does not reconsider the request after review of the appeal, the appeal will be scheduled to be heard by the Board of Trustees during either of the following two regularly scheduled meetings of the Board. The property owner will be notified not less than 10 days in advance, by either U.S. mail or electronic mail, of the date, time, and location of the Board meeting. Prior to the Board meeting, the Board's Capital Programs Committee (the "Committee") may meet to review and make a recommendation to the Board regarding disposition of the appeal. In such event, the Committee may choose to give the property owner, or the owner's representative, an opportunity to address the Committee.
4. **Hearing Before the Board of Trustees.** The Board of Trustees will hear and consider the appeal, as scheduled, during a regularly conducted meeting. The hearing will occur during an open session of the Board's meeting, during which the Board will:
 - receive a presentation from MHT staff that summarizes the appeal and its background and provides any findings and recommendations made by either staff or the Committee;
 - provide the property owner, or the owner's representative, an opportunity to address the Board regarding the appeal, which presentation may be limited in duration by the Chairman of the Board as the Chairman deems appropriate for the orderly and efficient conduct of the meeting; and
 - make a final decision on the appeal by resolution adopted by the Board.

In considering the appeal, the Board will apply to the property owner's request the Secretary of the United States Department of the Interior's *Standards for the Treatment of Historic Properties* (Part 68, Title 36, Code of Federal Regulation).

5. **Effect of Board's Decision.** The decision of the Board of Trustees on an appeal is final and not subject to further appeal.

A schedule of MHT Board meetings may be requested from Kathy Monday at kathy.monday@maryland.gov.