



FREDERICK COUNTY GOVERNMENT

DIVISION OF PLANNING & PERMITTING

Livable Frederick Planning & Design Office

Jessica Fitzwater
County Executive

Deborah A. Carpenter, AICP, Division Director
Kimberly Gaines, Director

MEMORANDUM

TO: Historic Preservation Commission
FROM: Beau Lockard, Historic Preservation Planner
DATE: August 25, 2023
RE: County Executive Request for 2024 Legislative Considerations

Issue:

Does the Commission have any ideas or suggestions for Frederick County's legislative package for the 2024 General Assembly Session?

Background and Discussion:

County Executive Fitzwater has reached out to the Historic Preservation Commission seeking ideas and suggestions for Frederick County's legislative package for the 2024 General Assembly Session ([Attachment 1](#)). If the Commission is aware of any issues or concerns that could be resolved through state legislation, these suggestions should be provided by Wednesday September 13, 2023. All suggestions for legislation will be reviewed and considered at a public meeting in October before specific bills are drafted.

Suggestions that the Commission may want to consider submitting include:

- Support increasing or, at the minimum, maintaining current funding levels to the State's historic preservation grant programs. These grant programs are important for preserving and interpreting historic sites throughout the State. However, the amount of grant requests far outweighs the amount of funding available. Typically, Frederick County averages about one awardee per program per year.

The Historic Preservation Capital Grant Program is currently funded at \$600,000 to support capital upgrade projects on certified historic structures state-wide with each applicant able to request up to \$100,000.

The Historic Preservation Non-Capital Research and Survey Grant Program is currently funded at \$300,000 to support architectural and archeological research, survey and documentation, public education, and planning and feasibility projects state-wide with each applicant able to request up to \$75,000.

The African American Heritage Grant Program is currently funded at \$5 million to support capital upgrade projects on sites representing African American historical experiences with each applicant able to request up to \$250,000.

- Support funding the State's Barn Preservation Fund. The bill to create this fund was passed in 2006 and amended in 2015 but has yet to be allocated any funding. This fund would be used to preserve historic barns and agricultural structures in the State. The Fiscal and Policy Notes for House Bill 699 indicate that the fund would require approximately \$300,000 to begin to address the demand for barn preservation. While Frederick County has created the Rural Historic Preservation Grant Program to support preservation of historic resources such as barns and other agricultural outbuildings, the Barn Preservation Fund would provide an additional funding source to meet the needs of preserving these historic resources.
- Support maintaining current funding levels for the Maryland Heritage Areas Program. This program supports capital and non-capital projects within the boundaries of a heritage area and with a clear heritage tourism component. Funding for this program was recently increased from \$3 million to \$6 million. Parts of Frederick County are included within the boundary of the Heart of the Civil War Heritage Area (HCWHA), which encompasses areas of Washington, Frederick, and Carroll Counties. The HCWHA routinely has one of the largest applicant pools of all the heritage areas seeking funding from this program.
- Support striking state tax code §9-312 (b) (2), in which preservation tax credits are based on the change in assessed value, and instead establish a preservation tax credit for the restoration and preservation of historic properties designated to the County Register of Historic Places based on Qualified Rehabilitation Expenses (Attachment 2).
- Support new legislation for increased protection of cemeteries, especially orphaned cemeteries (cemeteries without clear ownership).
- Support the creation of the *Maryland Smart Growth Investment Fund*, which was proposed in the 2018 legislative session (SB3/HB117) but did not pass, and the funding needed to support its execution (Attachment 3).

Staff will forward the suggestions approved by the Commission to the County Executive.

Attachment

Attachment 1: Legislative Letter from County Executive Fitzwater.

Attachment 2: Proposed – Frederick County Historic Preservation Tax Credit Program.

Attachment 3: Preservation Maryland Smart Growth Investment Fund One Pager.