

West's Annotated Code of Maryland  
Land Use (Refs & Annos)

Division II. Maryland-National Capital Park and Planning Commission [Titles 14-27] (Refs & Annos)

Title 26. Miscellaneous Provisions (Refs & Annos)

Subtitle 1. Historic Grant Programs (Refs & Annos)

MD Code, Land Use, § 26-101

§ 26-101. Definitions

Effective: October 1, 2012

Currentness

**In general**

(a) In this subtitle the following words have the meanings indicated.

**Fund**

(b) "Fund" means:

(1) in Montgomery County, the Montgomery County Historic Preservation Grant Fund; and

(2) in Prince George's County, the Prince George's County Historic Property Grant Fund.

**Historic property**

(c)(1) "Historic property" means a district, site, building, structure, or object significant in the history, upland or underwater archaeology, architecture, engineering, or culture of the State.

(2) "Historic property" includes remains related to a district, site, building, structure, or object described in paragraph (1) of this subsection.

**Preservation**

(d) "Preservation" means the identification, evaluation, recordation, documentation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, or reconstruction of a historic property.

**Program**

(e) "Program" means:

(1) in Montgomery County, the Montgomery County Historic Preservation Grant Program; and

(2) in Prince George's County, the Prince George's County Historic Property Grant Program.

**Credits**

Added by Acts 2012, c. 426, § 2, eff. Oct. 1, 2012.

**Editors' Notes**

**LEGISLATIVE NOTES**

Revisor's Note (Acts 2012, c. 426):

This subsection [(a)] formerly was Art. 28, § 5-301(a).

No changes are made.

This subsection [(b)] formerly was Art. 28, § 5-301(c).

The only change is in style.

Defined terms: "Historic property" § 26-101

"Preservation" § 26-101

This subsection [(c)] formerly was Art. 28, § 5-301(d).

In paragraph (2) of this subsection, the phrase "described in paragraph (1) of this subsection" is added for clarity.

The only other changes are in style.

Defined term: "State" § 14-101

This subsection [(d)] formerly was Art. 28, § 5-301(e).

The only change is in style.

Defined term: "Historic property" § 26-101

This subsection [(e)] formerly was Art. 28, § 5-301(f).

The only change is in style.

Defined terms: "Historic property" § 26-101

"Preservation" § 26-101

REVISOR'S NOTE TO SECTION:

Former Art. 28, § 5-301(b), which defined "Board" to mean the Montgomery County Planning Board or the Prince George's County Planning Board, is deleted because the term is not used in this revision.

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Subtitle 1. Historic Grant Programs (Refs & Annos)

MD Code, Land Use, § 26-102

§ 26-102. Established; purpose

Effective: October 1, 2012

Currentness

**Established**

(a)(1) There is a Montgomery County Historic Preservation Grant Program.

(2) There is a Prince George's County Historic Property Grant Program.

**Purposes**

(b) The purposes of each Program are to:

(1) preserve, protect, and enhance historic properties;

(2) encourage others to preserve, protect, and enhance historic properties; and

(3) promote interest in and the study of historic properties.

**Credits**

Added by Acts 2012, c. 426, § 2, eff. Oct. 1, 2012.

**Editors' Notes**

**LEGISLATIVE NOTES**

Revisor's Note (Acts 2012, c. 426):

This section formerly was Art. 28, § 5-302.

In the introductory language to subsection (b) of this section, the reference to the "purposes of each Program" is substituted for the former reference to the "purpose of the Program" for clarity and accuracy.

The only other changes are in style.

§ 26-102. Established; purpose, MD LAND USE § 26-102

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Defined terms: "Historic property" § 26-101

"Preservation" § 26-101

"Program" § 26-101

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MD Code, Land Use, § 26-102, MD LAND USE § 26-102

The statutes and Constitution are current through all chapters of the 2013 Regular Session of the General Assembly.

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MD Code, Land Use, § 26-103

§ 26-103. Nature of Programs

Effective: October 1, 2012

Currentness

Each Program is of general benefit to the residents of the State and is charitable in nature.

**Credits**

Added by Acts 2012, c. 426, § 2, eff. Oct. 1, 2012.

**Editors' Notes**

**LEGISLATIVE NOTES**

Revisor's Note (Acts 2012, c. 426):

This section is new language derived without substantive change from former Art. 28, § 5-303.

The Land Use Article Review Committee notes, for consideration by the General Assembly, that the reference to "residents" is substituted for the former reference to "citizens" because the relationship between the Program benefits and the proximity of residents is clear, whereas the relationship between the benefits and citizenship, including its attendant rights and duties such as voting and jury service, is unclear. No substantive change is intended.

The former phrase "declared to be" is deleted as unnecessary.

Defined terms: "Program" § 26-101

"State" § 14-101

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MD Code, Land Use, § 26-103, MD LAND USE § 26-103

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MD Code, Land Use, § 26-104

§ 26-104. Powers and duties

Effective: October 1, 2012

Currentness

**In general**

(a) The powers and duties of each Program are vested in and exercised by:

(1) in Montgomery County, the county planning board in consultation with the Montgomery County Historic Preservation Commission; and

(2) subject to subsection (b) of this section, in Prince George's County, the county planning board.

**Prince George's County**

(b)(1) In Prince George's County, the county, by local law, may provide for the historic preservation, outreach and marketing, and maintenance of historic properties activities of the Commission.

(2) A local law enacted under paragraph (1) of this subsection shall be consistent with the provisions of this division.

**Credits**

Added by Acts 2012, c. 426, § 2, eff. Oct. 1, 2012.

**Editors' Notes**

**LEGISLATIVE NOTES**

Revisor's Note (Acts 2012, c. 426):

This section is new language derived without substantive change from former Art. 28, § 5-304.

Defined terms: "Commission" § 14-101

"County planning board" § 14-101

"Historic property" § 26-101

“Local law” § 14-101

“Preservation” § 26-101

“Program” § 26-101

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MD Code, Land Use, § 26-104, MD LAND USE § 26-104

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MD Code, Land Use, § 26-105

§ 26-105. Funding

Effective: October 1, 2012

Currentness

**Funds established**

(a)(1) There is a Montgomery County Historic Preservation Grant Fund.

(2) There is a Prince George's County Historic Property Grant Fund.

**Administration**

(b) Each county planning board administers its Fund.

**Deposits**

(c) Each county planning board shall deposit in its Fund those amounts authorized in accordance with Title 18, Subtitle 1 of this article to:

(1) implement and encourage restoration and preservation of historic properties; and

(2) implement the purposes of its Program.

**Expenditures**

(d)(1) Each county planning board shall expend the amounts in its Fund to make grants to nonprofit organizations or foundations.

(2) In Montgomery County:

(i) grants may also be made for research, developing educational materials, and generally promoting historic preservation; and

(ii) in making grants, the county planning board, if practical to do so, shall obtain and implement the recommendations of the Montgomery County Historic Preservation Commission.



(3) In Prince George's County:

(i) grants may also be made to political subdivisions or individuals to acquire, preserve, restore, or rehabilitate historic properties; and

(ii) in making grants, the county planning board shall solicit and consider the recommendations of the Prince George's County Historic Preservation Commission.

**Grant of perpetual easement**

(e) When a county planning board awards a grant, the grant recipient shall convey a perpetual preservation easement to the county planning board.

**Matching funds**

(f)(1) Decisions by a county planning board concerning grants shall be made without regard to the financial status or annual income of the applicant.

(2) Notwithstanding paragraph (1) of this subsection, a county planning board may require matching funds in whatever proportion the county planning board considers appropriate.

**Credits**

Added by Acts 2012, c. 426, § 2, eff. Oct. 1, 2012.

**Editors' Notes**

**LEGISLATIVE NOTES**

Revisor's Note (Acts 2012, c. 426):

This section is new language derived without substantive change from former Art. 28, § 5-306.

Defined terms: "County planning board" § 14-101

"Fund" § 26-101

"Historic property" § 26-101

"Preservation" § 26-101

"Program" § 26-101

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MD Code, Land Use, § 26-105, MD LAND USE § 26-105

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MD Code, Land Use, § 26-106

§ 26-106. Adoption of regulations

Effective: October 1, 2012

Currentness

Each county planning board shall adopt regulations to carry out this subtitle.

**Credits**

Added by Acts 2012, c. 426, § 2, eff. Oct. 1, 2012.

**Editors' Notes**

**LEGISLATIVE NOTES**

Revisor's Note (Acts 2012, c. 426):

This section is new language derived without substantive change from former Art. 28, § 5-305.

Defined term: "County planning board" § 14-101

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MD Code, Land Use, § 26-106, MD LAND USE § 26-106

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MD Code, Land Use, § 26-107

§ 26-107. Applicability of Administrative Procedure Act

Effective: October 1, 2012

Currentness

Title 10, Subtitle 2 of the State Government Article does not apply to this subtitle.

**Credits**

Added by Acts 2012, c. 426, § 2, eff. Oct. 1, 2012.

**Editors' Notes**

**LEGISLATIVE NOTES**

Revisor's Note (Acts 2012, c. 426):

This section formerly was Art. 28, § 5-307.

The only change is in style.

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MD Code, Land Use, § 26-107, MD LAND USE § 26-107

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