

Maryland Institute for Continuing Professional Education of Lawyers “Historic Preservation in Maryland”

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Overview of Historic Preservation Law

**National Park Service
US Department of the Interior**
www.cr.nps.gov/preservation

The laws and regulations that govern the preservation of the nation's cultural heritage developed over the course of the 20th century, beginning with the protection of cultural sites on federal lands. Today, many aspects of the nation's cultural heritage are recognized, protected, and interpreted in national parks, other public lands, and in communities. Many of these laws are broadly applicable – the *Antiquities Act* and the *National Historic Preservation Act* – while others are specific to particular lands or resource types.

To encourage consistent preservation practices the National Park Service has developed guidelines and standards that guide decision-making at the national, tribal, state, and local levels. The flagship of these preservation guideposts are the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation*.

The Federal Historic Preservation Tax Incentives program offers a 20% tax credit for the rehabilitation of income-producing historic structures. Since 1976, the National Park Service has administered the program in partnership with the Internal Revenue Service and State Historic Preservation Officers. Tax incentives are one of the nation's most successful and cost-effective community revitalization programs having leveraged more than \$30 billion in private investment to rehabilitate historic buildings into rental housing, offices, and retail stores.

The National Park Service website is a comprehensive source for information on federal laws, guidelines and tax incentives for historic preservation.

**Maryland Historical Trust
State Historic Preservation Office**
www.marylandhistoricaltrust.net

The Maryland Historical Trust was formed in 1961 to assist the people of Maryland in identifying, studying, evaluating, preserving, protecting, and interpreting the state's significant prehistoric and historic districts, sites, structures, cultural landscapes, heritage areas, cultural objects, and artifacts, as well as less tangible human and community traditions. The Trust is the principal operating unit within the Division of Historical and Cultural Programs, which is an agency of the Maryland Department of Planning.

Maryland's State Historic Preservation Officer, appointed by the Governor pursuant to the National Historic Preservation Act of 1966, is a member of the Trust staff. The Maryland Historical Trust website contains information on state enabling legislation

for the agency and its programs, the State and National Register inventories, and the Maryland Heritage Structure Rehabilitation Tax Credit.

Baltimore City Commission for Historical & Architectural Preservation

www.ci.baltimore.md.us/government/historic/index

The City of Baltimore established the Commission for Historical and Architectural Preservation in 1964 to protect dozens of historic buildings near Mount Vernon Place. The Commission's program is the most extensive of any historic commission in Maryland. CHAP recommends buildings and neighborhoods for designation, provides follow-up design review. A fundamental purpose is to review plans affecting designated landmark buildings, and properties in designated historic districts. CHAP serves a unique legal function in the prevention of demolition of significant buildings.

The Commission for Historical and Architectural Preservation is linked by law to the Baltimore City permit process, and currently protects over 8000 buildings in 30 historic districts, as well as 120 local landmarks. Historic designation in Baltimore City makes properties eligible for City, State and Federal rehabilitation tax credits to support reinvestment. The Commission's website contains information on local and National Register historic districts and landmarks in Baltimore city, applications for notices to proceed, and local and state tax incentives.

Additional Sources

A Layperson's Guide to Historic Preservation Law: A survey of Federal, State, and Local Laws Governing Historic Resource Protection

(Preservation Books 2005, by Julia Miller)

Federal Historic Preservation Case Law, 1966-2000

Advisory Council for Historic Preservation

www.achp.gov/book/COVER1

Information on federal historic preservation law and summaries of related court decisions.

Preservation Law Reporter

National Trust for Historic Preservation

www.nationaltrust.org/legal/plr

A publication of the National Trust for Historic Preservation on local, state, and federal cases relating to historic preservation.

Preservation Maryland

www.preservationmaryland.org

Founded in 1931 as the Society for the Preservation of Maryland Antiquities, Preservation Maryland was the first statewide nonprofit organization in Maryland and one of the first statewide organizations in the country. The goals and objectives in 1931 reflected the period's

strong interest in colonial and revolutionary history. Over the years Preservation Maryland has expanded its mission.

In 1948 Preservation Maryland began its three-decade-long management of Historic Hampton on behalf of the National Park Service. In addition, Preservation Maryland also acquired and/or managed several other endangered historic properties, restoring them and opening them to the public: Rodgers Tavern, Wye Mill, Sotterly, and Waverly. It was during this period of stewardship that Preservation Maryland leaders played a role in the formation of the National Trust for Historic Preservation and later with the creation of the Maryland Historical Trust.

Gradually, beginning in the late 1970s, Preservation Maryland divested itself of historic properties and their direct management, concentrating instead on larger outreach, funding, and advocacy efforts. In this way, the history of the organization mirrors the history of the preservation movement nationwide. Of statewide organizations, Preservation Maryland is now one of the largest grant makers, leveraging state and foundation support for programs such as Save Maryland's Treasures and the Historic Communities Investment Fund. It has also become known for its advocacy, in both public policy and direct action to save threatened historic resources. The creation and expansion of these programs is a result of Preservation Maryland working closely with state agencies and elected officials. Maryland has one of the nation's best state preservation programs including the Heritage Structure Rehabilitation Tax Credit, the Heritage Area Program, and the Preservation Grant Funds.