



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of Audits and Investigations


February 24, 2021

MEMORANDUM

TO: Robert J. Williams, Jr.
Council Administrator

William M. Hunt
Deputy Council Administrator

THRU: Josh Hamlin 
Senior Legislative Budget and Policy Analyst

FROM: Warren E. Burris, Sr. 
Senior Legislative Budget and Policy Analyst

RE: Policy Analysis and Fiscal Note
CB-005-2021 – Amendments to Building Code of Prince George's County - Permits

CB-005-2021 (*Proposed and Sponsored by Councilmembers Glaros, Dernoga, Anderson-Walker, Davis, Franklin, Harrison, Hawkins, Ivey, Streeter, Taveras and Turner*)
Referred to Committee of the Whole (COW)

AN ACT CONCERNING BUILDING - AMENDMENTS TO THE INTERNATIONAL BUILDING CODE - PERMITS for the purpose of making a further local amendment to the International Building Code for permits relating to historic sites, unclassified historic resources, or property located in a historic district.

Fiscal Summary

Direct Impact:

Expenditures: Minimal.

Revenues: None.

Indirect Impact:

None likely.

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Legislative Summary:

CB-005-2021, proposed and sponsored by Councilmembers Glaros, Dernoga, Anderson-Walker, Davis, Franklin, Harrison, Hawkins, Ivey, Streeter, Taveras and Turner was presented on January 28, 2021 and referred to the Committee of the Whole (COW). CB-005-2021 will amend the Building Code in §4-111. “Administration; Section 105-Permits.”

If enacted, CB-005-2021 would:

- Amend §4-111(a), Section 105.2-Work Exempt from Permits – to remove “classified Historic Sites” from certain work permit requirements in the section.
 - Add a new §4-111(b) to require that a Historic Area Work Permit must be issued by the Historic Preservation Commission prior to any work on the exterior features of a property that contains a historic site or unclassified historic resource identified on the master plan for historic preservation or that is located within a local historic district; and
 - Add §4-111(c) to require the Director of DPIE, or the Director’s designee to maintain an electronic inventory of historic sites, properties within local historic districts, and unclassified historic resources.
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Background/Current Law:

Currently, §4-111(a) of the Code provides that building permits are not required for certain work. Specifically, the law provides that, “[e]xcept for *classified historic sites* and property located within Chesapeake Bay Critical Area Overlay Zones” permits shall not be required in certain identified circumstances (page 1, line 18 through page 2, line 5). That subsection also currently provides that “[e]xcept for classified Historic Sites, and commercial properties, permits shall not be required for installation of siding, roofing, or storm door/window installations, provided that no construction is involved” (page 2, lines 5 through 8).

Subtitle 29 of the County Code, “Preservation of Historic Resources” provides for the “identification, designation, and regulation, for purposes of protection, preservation, and continued use and enhancement of, those sites, structures (including their appurtenances and environmental settings), and districts of historical, archaeological, architectural, or cultural value.”¹ Division 3 of Subtitle 29 establishes the Historic Preservation Commission (HPC) and requires it, among other things, “to maintain and update an inventory of historic resources” and “to act upon applications for Historic Area Work Permits and other matters referred to it for action pursuant to the provisions of this Subtitle.”² The requirement, application process, criteria, and procedure for HPC action in considering applications for Historic Area Work Permits are set forth in Division 4 of Subtitle 29.

¹ County Code, §29-101(a).

² County Code, §29-106(a)(2) and (3).

Generally, a Historic Area Work Permit for work on publicly- or privately-owned property containing a historic resource classified as a Historic Site or property within a Historic District is required before:

- (1) Constructing, reconstructing, moving, relocating, demolishing, or in any manner modifying, changing, or altering the exterior features;
- (2) Performing any grading, excavating, construction, or substantially modifying, changing, or altering the appurtenances and environmental setting; or
- (3) Erecting or causing to be erected any sign or other advertisement.³

Policy Analysis:

The purpose of this Bill is to streamline and clarify the permitting process for classified historic sites by requiring a Historic Area Work Permit prior to the issuance of a County building permit “for ordinary repairs as defined in Section 105.2.2, or for ordinary maintenance as defined in Section 29-107(d)” where there is a Historic Area Work Permit that is determined by the Historic Preservation Commission to be required (See page 2, lines 17-20). The Bill would effectively put the issuance of these permits *first* within the purview of the HPC.

In addition to, and in order to facilitate the implementation of the above provision, the Bill would require the HPC to transmit the listing of historic sites, properties within local historic districts, and unclassified historic resources to the Director or the Director’s designee on or about January 1 and July 1 of each year. This listing would be then be used as notification to the Director or the Director’s Designee and applicants for County building permits issued by the Director or his Designee that the Historic Area Work Permit requirement described in above applies to any property that contains a historic site or unclassified historic resource or is located within a local historic district (See page 2, lines 24-30). Finally, the Bill would provide that the Director and/or the Director’s Designee “shall not issue any permits for a property that contains a historic site or unclassified historic resource or is located within a local historic district, *unless the Historic Preservation Commission has first issued a Historic Area Work Permit*” (page 2, line 30 through page 3, line 3).

- *Potential Benefits of Enacting CB-005-2021*

Enacting CB-005-2021 would streamline the process of permits that requires review by the HPC as it will omit the need to also go through the building permit process. Currently the process requires the project to go through both processes. This bill would alleviate the need to have DPIE review projects that are under the guidance and authority of the HPC. DPIE would be allowed to recommit its resources to the permits under their authority; and would also have knowledge that the projects have undergone a thorough review process from the HPC as DPIE would be required to maintain the inventory of the permits. This would cut down time and redundant process for these projects, which could save the project owner time and resources.

³ County Code, §29-107(a)

- *Potential Costs of Enacting CB-005-2021*

Enacting CB-005-2021 could be a negligible cost for DPIE as the Department would not be required to expend resources on projects that are under the purview of the HPC. There may be minimal cost associated with structuring a process to receive and maintain inventory from the Historic Review Commission and educating staff. It is not likely that the Bill will impact the workflow of the HPC.

Fiscal Impact:

Direct Impact

Enactment of CB-005-2021 may have a small negative fiscal impact due to the administrative costs associated with the transmittal and maintenance of the inventory of history prices. Beyond that, there is not likely to be a significant direct fiscal impact.

Indirect Impact

Enactment of CB-005-2021 should not have an indirect fiscal impact.

Appropriated in the Current Fiscal Year Budget:

No.

Effective Date of Proposed Legislation:

The proposed Act shall take effect forty-five (45) calendar days after it becomes law.

Resource Personnel:

DPIE Staff
Council Administration

If you require additional information, or have questions about this fiscal impact statement, please call me.