

Chapter 520

(House Bill 539)

AN ACT concerning

Historic Revitalization Tax Credit – Certified Historic Structure and Single-Family, Owner-Occupied Residence – Definitions

FOR the purpose of altering the definitions of “certified historic structure” and “single-family, owner-occupied residence” to include a certain structure that is located on property that is owned by the Department of Natural Resources or one of its units; providing for the application of this Act; and generally relating to the State historic revitalization tax credit program.

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 5A-303(a)(1), (5), (13), (17), and (20)
Annotated Code of Maryland
(2015 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 5A-303(a)(6) and (29)
Annotated Code of Maryland
(2015 Replacement Volume and 2020 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – State Finance and Procurement

5A-303.

(a) (1) In this section the following words have the meanings indicated.

(5) “Certified heritage area” has the meaning stated in § 13-1101 of the Financial Institutions Article.

(6) (i) “Certified historic structure” means a structure that is located in the State and [is]:

1. IS listed in the National Register of Historic Places;
2. IS designated as a historic property under local law and determined by the Director to be eligible for listing on the National Register of Historic

Places;

3. A. IS located in a historic district listed on the National Register of Historic Places or in a local historic district that the Director determines is eligible for listing on the National Register of Historic Places; and

B. IS certified by the Director as contributing to the significance of the district; [or]

4. IS located in a certified heritage area and certified by the Maryland Heritage Areas Authority as contributing to the significance of the certified heritage area; OR

5. A. IS LOCATED ON PROPERTY THAT IS OWNED BY THE DEPARTMENT OF NATURAL RESOURCES OR ONE OF ITS UNITS;

B. IS OCCUPIED BY A PERSON UNDER AN AGREEMENT WITH THE DEPARTMENT OF NATURAL RESOURCES UNDER WHICH THE PERSON PAYS FOR REHABILITATION OF THE STRUCTURE AS A CONDITION OF OCCUPANCY; AND

C. MEETS ONE OF THE CRITERIA LISTED UNDER ITEM 1, 2, 3, OR 4 OF THIS SUBPARAGRAPH OR IS ELIGIBLE TO BE LISTED IN THE NATIONAL REGISTER OF HISTORIC PLACES AS DETERMINED BY THE DIRECTOR.

(ii) [“Certified] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (I)5 OF THIS PARAGRAPH, “CERTIFIED historic structure”** does not include a structure that is owned by the State, a political subdivision of the State, or the federal government.

(13) “Director” means the Director of the Maryland Historical Trust.

(17) (i) “Historic property” means a district, site, building, structure, monument, or object significant to:

1. the prehistory or history of the State; or

2. the upland or underwater archeology, architecture, engineering, or culture of the State.

(ii) “Historic property” includes related artifacts, records, and remains.

(20) “Local historic district” means a district that the governing body of a county or municipal corporation, or the Mayor and City Council of Baltimore, has designated under local law as historic.

(29) (i) “Single–family, owner–occupied residence” means a structure or a portion of a structure occupied by the owner and the owner’s immediate family as their primary or secondary residence.

(ii) “Single–family, owner–occupied residence” includes:

1. a residential unit in a cooperative project owned by or leased to a cooperative housing corporation and leased for exclusive occupancy to, and occupied by, a member of the corporation and the member’s immediate family under a proprietary lease; [or]

2. **A STRUCTURE THAT IS DESCRIBED UNDER PARAGRAPH (6)(I)5 OF THIS SUBSECTION; AND**

3. a small commercial project.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2021, and shall be applicable to all taxable years beginning after December 31, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.