

Historic District Commission Discussion on Proposed Code Revisions

July 17, 2025

- Reorganizing historic preservation regulations into one division
 - All commissioners agree the reorganization and consolidation is common sense and are supportive of this modification.
- Adding in historic designation criteria to the code
 - All commissioners agree we should codify the nine existing designation criteria and are supportive of this modification.
- Adding in integrity as a requirement for local designation
 - Commission Denbo: What is the definition of integrity? In some ways, this could make it harder for the HDC to do our job/for the city to enforce our rulings.
 - We intend to use the definition of integrity used by the Secretary of the Interior. There are seven characteristics of integrity in that definition, which would provide some flexibility.
 - Commissioner Shenge: Would this be adding in a 10th criterion?
 - There would be the same nine designation criteria, but a property must also display integrity. Integrity alone would not be the case for designation.
- Restrictions on Consecutive Evaluation of Significance Application
 - All commissioners agree that a 5-year review period for evaluations of significance is appropriate and are supportive of this modification.
- Administrative Certificate of Approvals
 - Commissioner Denbo: In theory, supportive of this, but there is a potential slippery slope where more and more is taken out of the purview of the HDC. Concerned with reducing the influence of the HDC in future.
 - Commissioner Neal Powell: How will the HDC know what has been approved?
 - Approval letters will be provided to the HDC so you know what has been given approval to proceed.
- Delisting Procedure
 - Commissioner Goldfinger sought clarification of the HDC's role in the process.
 - Commissioner Neal Powell sought staff's opinion on if Chestnut Lodge would qualify for delisting. Staff wouldn't recommend since that is such a large piece of property with other existing historic structures on site.
- Parties of Interest for Filing Designation Application

- Commissioner Shenge sought clarification that these rules would only apply in Rockville and that other jurisdictions have their own rules here. Staff confirmed.
- Owner Consent for Local Designation
 - Commissioner Denbo: We may not be able to get in touch with a property owner, meaning there are both active and passive nonconsent to designation. Would like to consider the active nonconsent to designation to be what triggers that higher bar.
 - Commissioner Denbo: Are there best practices for how municipalities handle owner consent?
 - Staff provided some examples from past experience in other communities. This varies by community and how critical the resource is, but typically owner has a say in the decision.
 - Commissioner Denbo sought clarification that if this rule was in place for 4 Courthouse Square it may not have been designated. Staff concurred that there was not a unanimous decision by the Mayor and Council.
 - Commissioner Neal Powell: This is always a fuzzy area. We do not want to put a financial burden on the owner, I don't agree with doing that. This will always be an issue with me.
- Demolition by Neglect
 - Commissioner Goldfinger: How do you identify properties who are suffering by demolition by neglect?
 - Code enforcement staff and zoning inspector staff.
 - Commissioner Neal Powell: We are sort of waiting to a point where there is no going back. After a decision is made by this body, if the property continues to disintegrate, right now we can't do anything.
 - Commissioner Goldfinger: If a property owner does not maintain the property in a reasonable manner, can the city do the work and back charge for it?
 - It would follow typical municipal infraction process, which allows for a process of notification, allowing time to remedy and then eventually issuing a fine if the problem is not remedied.
 - Commissioner Fosselman: What happens if the property owner has a legitimate financial issue that prevents them from doing that work?
 - The municipal infraction process includes process for looking into the cause behind these issues. Code allows a municipal infraction to be issued but does not mandate it. Staff would consult with the City Attorney's Office to determine if we proceed with an infraction or not.

- Commissioner Shenge: If the property owner neglects the building, is there a way for the city to arrest the property owner?
 - The City cannot arrest a property owner for a municipal infraction—it is a civil infraction that usually results in a court order and a fine.
- Commissioner Neal Powell: There can be situations where a property cannot be maintained due to financial hardship. Would financial hardship go into this proposed revision?
 - It wouldn't be in the code itself, but it would be a factor when we are enforcing. The definition of Demolition by Neglect uses terms like “intentional” and “willful.” This is meant to describe situations where there is the means to maintain a property but the owner is intentionally choosing not to.
- Triggers for an Evaluation of Significance
 - All commissioners agree with this change and are supportive of this modification.
- Certificate of Approval Extension from 1 to 5 years
 - All commissioners agree with this change and are supportive of this modification.
- Remove Reference to Adopted Architectural Design Guidelines for the Exterior Rehabilitation of Buildings in Rockville's Historic District
 - All commissioners agree with this change and are supportive of this modification.
- HDC Commissioner Qualifications
 - All commissioners agree with this change and are supportive of this modification.