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.
 - o 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.