



Bernard C. “Jack” Young  
Mayor

**COMMISSION FOR  
HISTORICAL & ARCHITECTURAL  
PRESERVATION**

Tom Liebel, Chairman

**STAFF REPORT**



Chris Ryer  
Director

**April 14, 2020**

**REQUEST:** Amend CHAP’s Rules and Regulations to allow for virtual hearings.

**RECOMMENDATION:** Approval

**STAFF:** Stacy Montgomery

**BACKGROUND**

- On March 19<sup>th</sup>, 2020, the Governor of Maryland limited public gatherings to no more than 10 people in response to the COVID-19 pandemic.
- On March 31<sup>st</sup>, 2020, the Governor of Maryland issued a “stay-at-home” order in response to the COVID-19 pandemic. This order stated that *“No Maryland resident should be leaving their home unless it is for an essential job or for an essential reason, such as obtaining food or medicine, seeking urgent medical attention, or for other necessary purposes.”*
- The Baltimore City Historic Preservation Rules and Regulations specifically designate the location of all Commission meetings as the board room of the Planning Department. The rules currently state:

*1.5 MEETINGS*

*2. Regular meetings shall be held on the second Tuesday of each month. Regular meetings shall be held in the Phoebe Stanton Conference Room, Department of Planning, 8th Floor, 417 E. Fayette Street. Regular meetings shall be held at a time chosen in the beginning of each year by the Commissioners. Staff shall give Commissioners ample notice of any changes in the meeting schedules.*

- In consultation with the Baltimore City Law Department, it was determined that the Commission would need to amend its rules in order to allow for virtual hearings.

**PROPOSAL & APPLICATION OF RULES & REGULATIONS**

The proposal is to amend CHAP’s Rules and Regulations to allow for virtual hearings and for hearings at other locations. This will allow CHAP to hold hearings virtually during the Governor’s stay-at-home order and to move the location of hearings under certain emergency

situations. The duration of the stay-at-home order is unknown, but it is important to keep projects moving forward and to continue to hold hearings.

CHAP's Rules and Regulations provide for amendments as follows:

### *1.11 AMENDMENTS*

*2. Amendments to these rules of procedure may be introduced at any meeting of the Commission and voted at any subsequent regular meeting, passage requiring majority vote of the Commissioners.*

Amendments to the rules typically require two hearings for passage, one for introduction of the amendment and one for a vote of the Commission. The rules also allow for variances under "extenuating circumstances." The rules for granting variances state:

### *1.12 VARIANCE*

*Upon agreement of the members present at a regular meeting, these procedures may be modified for extenuating circumstances.*

The following amendment to *Section 1.5 Meetings* of the Historic Preservation Rules & Regulations is proposed (changes are highlighted in yellow):

2. Regular meetings shall be held on the second Tuesday of each month. Regular meetings **will** be held in the Phoebe Stanton Conference Room, Department of Planning, 8th Floor, 417 E. Fayette Street. **Regular meetings shall be held at a time chosen in the beginning of each year by the Commissioners. Under extenuating circumstances as determined by the Executive Director or Chair of the Commission, meetings can be held virtually or in another physical location.** Staff shall give Commissioners ample notice of any changes in the meeting schedules or location of meetings. The Chair may establish a procedure with regard to the timing of submission of documents and/or examination of witnesses in advance of a virtual meeting so as to ensure that all parties may fairly participate.

Further, *Section 1.12 Variance* allows the Commission to modify the procedures at a hearing due to extenuating circumstances. As such, the Commission could waive the portion of *Section 1.11 Amendments* that requires an amendment to be introduced at one hearing and voted on in a subsequent hearing. This would enable the Commission to vote on the change at this April 14, 2020, hearing.

### **RECOMMENDATION:**

Staff recommends that *Section 1.5 Meetings* in the Historic Preservation Rules and Regulations be amended to the following:

2. Regular meetings shall be held on the second Tuesday of each month. Regular meetings will be held in the Phoebe Stanton Conference Room, Department of Planning, 8th Floor, 417 E. Fayette Street. Regular meetings shall be held at a time chosen in the beginning of each year by the Commissioners. Under extenuating circumstances as determined by the Executive Director or Chair of the Commission, meetings can be held virtually or in another physical location. Staff shall give Commissioners ample notice of any changes in the meeting schedules or location of meetings. The Chair may establish a procedure with regard to the timing of submission of documents and/or examination of witnesses in advance of a virtual meeting so as to ensure that all parties may fairly participate.

Staff also recommends that the Commission invoke *Section 1.12 Variance* in order to vote on this item at the same hearing in which the amendment is introduced, thereby waiving the requirement for two hearings in *Section 1.11 Amendments*.

**Eric Holcomb**  
**Director**