

Cumberland Blight Action Plan



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Cumberland Blight Action Plan

Land Use and Sustainable Development Law Clinic at West Virginia University
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ABOUT THE LAND USE AND SUSTAINABLE DEVELOPMENT LAW CLINIC

The **Land Use and Sustainable Development Law Clinic** at West Virginia University College of Law provides legal and planning services to conserve land and water, supports local land use planning, and offers educational opportunities for law students and citizens of West Virginia.

ABOUT DOWNSTREAM STRATEGIES

Downstream Strategies is an environmental and economic development consulting firm located in Morgantown, Davis, and Alderson, West Virginia. We are considered the go-to source for objective, data-based analyses, plans, and actions that strengthen economies, sustain healthy environments, and build resilient communities.

EXECUTIVE SUMMARY

Cumberland, Maryland is a historic city engaged in addressing blight within its boundaries. Funded through a Community Development Block Grant and a Maryland Department of Housing and Community Development Technical Assistance Grant, the City of Cumberland contracted the Land Use and Sustainable Development Law Clinic (Law Clinic) at West Virginia University College of Law and Downstream Strategies to:

- assess dilapidated and abandoned buildings within the City of Cumberland, and
- create a Blight Action Plan to provide recommendations on how the City can best address blight and dilapidation within the city limits.

After surveying over 500 blighted properties in the City of Cumberland, facilitating community meetings and stakeholder interviews, and researching City policies, plans, and other strategies, the project team developed two deliverables:

- the Cumberland Blight Action Plan, contained in this report, and
- an inventory of dilapidated and vacant buildings, delivered to the City in the form of an Excel spreadsheet file.

The Blight Action Plan provides the following recommendations for the City of Cumberland:

1. Utilize the building inventory to prioritize enforcement.
2. Consider prioritizing properties with shared walls.
3. Regularly update the inventory of blighted properties.
4. Develop a vacant property registry.
5. Consider adopting an uninhabitable property registry.
6. Share overlay maps with redevelopment partners.
7. Continue incentives for historic preservation.
8. Collaborate with lenders.
9. Include public input during redevelopment discussions.
10. Consider expanding the capacity of the City Code Enforcement Office.
11. Purchase building code development software such as ArcGIS for dilapidated buildings.
12. Replace the Property Maintenance Code and portions of the Housing Code with the International Property Maintenance Code.
13. Amend the nuisance provisions of the City Code of Ordinances to streamline the process.
14. Continue soft approach with landowners.
15. Rework property nuisance hanger as a high weeds and grass hanger.
16. Analyze effectiveness of floating zone.
17. Consider advocating for authority to place a lien for fire insurance proceeds for debris removal after a fire.

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1. BACKGROUND

Known as the “City of Steeples” and the “Queen City,” the City of Cumberland was once the second largest city in Maryland. Cumberland has a rich history and a strong sense of community. Over the last several decades, economic changes and population decline have caused increases in blight. Blight is generally defined to include substandard, abandoned, and neglected buildings, housing, or vacant lots. To address the increase in blight, the State of Maryland awarded the City a Technical Assistance Grant to develop a Blight Action Plan. The City of Cumberland dedicated Community Development Block Grant federal entitlement funds toward the project, as well.

The City of Cumberland Blight Action Committee, an advisory group to City Council, identified several goals that the Blight Action Plan should address. Addressing blight would:

1. Increase safety. Dilapidated buildings with structural or safety issues potentially pose risks to those living or working in or near the structures as well as emergency service personnel who may need to access the structures.
 - Reduce crime. High levels of vacancy are associated with an increased risk of crime, including trespass, substance abuse, vandalism, and violence.
 - Improve the overall appearance of Cumberland.
 - Create a sense of pride. Property upkeep encourages neighbors to do the same.
 - Improve quality of life. Addressing dilapidated structures will improve residents’ sense of well-being and safety.
 - Attract new development. As properties are redeveloped, property tax revenue increases, and the value of neighboring properties often increases as well.
 - Improve “right-sizing.” With a lower total population, alternative uses for properties may be identified, such as expanded side yards, alternative housing models, green space, and additional parking.

The three most important factors for addressing dilapidated properties identified by the Blight Action Committee were:

- Imminent danger present
- Structural integrity in question
- Fire-damaged properties

2. METHODOLOGY

The following steps were used to create this plan.

2.1 Identifying the number and condition of dilapidated and vacant structures in Cumberland

To assess the condition of properties in the City of Cumberland, the project team implemented a comprehensive citywide survey as part of the Blight Action Plan. Survey data was then mapped for analysis and used to create an inventory of dilapidated and abandoned buildings.

2.1.1 Citywide survey

The project team developed a digital survey tool using the “Survey123 for ArcGIS” app for smartphones and employed six surveyors to assess the status of over 11,000 structures in the City of Cumberland. Using the digital survey, surveyors drove every street in the City and completed windshield surveys for every abandoned, dilapidated, and/or vacant structure encountered on their driving routes. The survey app allowed real-time data to be collected by multiple users and formatted for seamless integration with the City’s existing geodatabases.

The project team developed a set of objective questions in coordination with the City’s code enforcement staff covering two primary areas: background information and indicators of dilapidation. Questions were designed to capture objective data points while maintaining consistency with the language of Cumberland ordinances and programs. The questions were then organized in the survey app to guide surveyors step-by-step through each property assessment. (See Appendix B for full list of survey questions.)

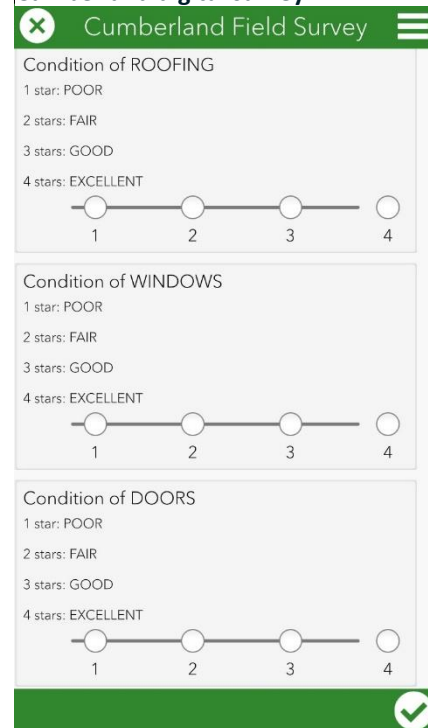
Surveyors were instructed to complete the windshield survey for any structure considered to be dilapidated and/or vacant/abandoned. A structure was considered “vacant/abandoned” if any of the following indicators were observed:

- There is a posted notice on the door or windows of the building.
- The building is boarded up.
- Yard maintenance has been severely neglected.
- Excessive mail is piling up at the doorstep or mailbox.
- There is a “for sale” sign on the premises.
- The building is burned out by fire.
- The building shows significant dilapidation or may be missing key structural components.
- The building has been significantly vandalized.
- Other.

After determining if the building was vacant or abandoned, the surveyors were instructed to assess the condition of the primary structure’s roofing, windows, doors, exterior walls, porch/stairs/deck/ramps, foundation, and storefront/signage using a ranking scheme of “poor,” “fair,” “good,” and “excellent,” as shown in Figure 1. A structure was considered “dilapidated” if any indicator was ranked in “poor” condition using the Community Development Block Grants program guidelines:

Buildings in poor condition appear to have not been maintained for at least 10 years and have components which are beyond the end of their useful life. A determination of poor for a building component means that the extent of defective conditions or deficiencies applies to a least 50% of the component.¹

Figure 1 Screenshot from the Cumberland digital survey



The survey app enabled surveyors to rate the condition of each building’s exterior on a four-tiered scale from poor to excellent. For data collection purposes, the survey app automatically entered the date and time each survey was collected. The app prompted surveyors to locate the approximate GPS coordinates of the structure using a map interface and take a photo of each assessed structure.

To complete the windshield surveys, the WVU Land Use and Sustainable Development Law Clinic hired six surveyors for the project. All surveyors were West Virginia residents with no connection to particular property owners in Cumberland. Prior to sending surveyors into the field, Downstream Strategies performed a training session for the surveyors in Morgantown, West Virginia, on November 28, 2017, where the team tested the survey app in a neighborhood with various types of dilapidated structures.

The project team then worked with the City of Cumberland’s GIS Department to develop road maps and assigned each surveyor a portion of the City to cover. All surveys were conducted between December 2017 and February 2018.

¹ IOWA ECONOMIC DEVELOPMENT AUTHORITY, MEETING THE CDBG SLUM AND BLIGHT NATIONAL OBJECTIVE DOCUMENTATION INSTRUCTIONS (2016), available at <http://www.iowaeconomicdevelopment.com/userdocs/documents/ieda/DTR-SlumBlightSummaryDirections.doc> (on file with author).

2.1.2 *Building inventory and mapping analysis*

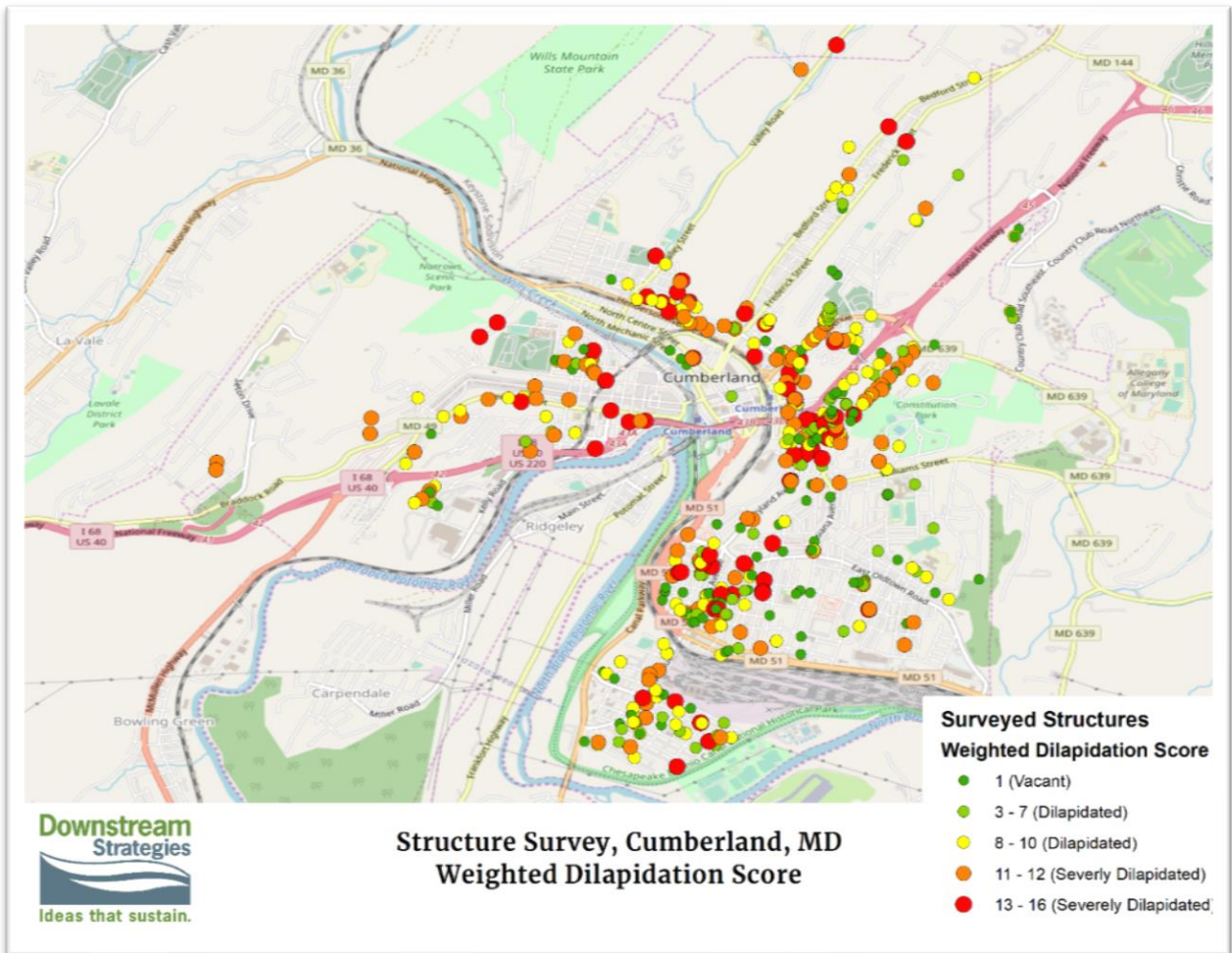
In total, the survey team collected surveys for 512 dilapidated and/or vacant properties in the City of Cumberland. Once the surveys were completed for the entire city, the project team converted the geospatial survey data into an Excel spreadsheet and ArcGIS for further analysis.

Using the raw data, the project team compiled a complete building inventory of vacant and dilapidated structures in an Excel spreadsheet. This inventory can be used by the City of Cumberland as a tool for identifying, prioritizing, and addressing specific structures throughout the City. The inventory spreadsheet includes the complete survey results for each property, including the address, type of structure, vacant and/or dilapidated status for each building, and, in most cases, an exterior photo of the structure.

To further analyze the data, the project team developed a ranking scheme to prioritize the collected survey points based on the severity of dilapidation. The survey app prompted surveyors to rate seven exterior building features (roofing, windows, doors, exterior walls, porches/stairs, foundation, and storefront/signage) on a scale from one (poor) to four (excellent). The project team assigned a weighted score for each property based on each structure's cumulative score as well as its vacant and/or dilapidated status.

The project team was then able to map both the geographic distribution and severity of dilapidation for all structures assessed in the survey, as shown in Figure 2.

Figure 2 Weighted score map



Working with City officials, the team identified additional factors of relevance to include in further geospatial analysis, as shown in Section 3.2.

2.2 Reviewing prior plans relating to blight and redevelopment

The City has undertaken several major community and economic development plans in the last decade, including a Sustainable Communities Designation, a Strategic Economic Development Plan, and an update to the City's Comprehensive Plan. The need to address vacant and dilapidated structures in the City of Cumberland has been voiced throughout these plans and in wider community discussions. The general recommendations from prior plans informed the more specific recommendations in this report.

2.3 Interviewing the city attorney

An interview with City Attorney Michael Scott Cohen was conducted on December 19, 2017. The purpose of the interview was to discuss existing tools, strengths, and areas for improvement to address blight in the City of Cumberland. In addition, possible new tools were discussed, specifically whether the City holds the authority to use the new tools and what challenges the City anticipates in implementing the new tools.

2.4 Interviewing the Code Enforcement Office

Interviews with code enforcement officials, the city manager, police chief, fire chief, fire marshal, and other staff members were conducted on January 3, 2018, and November 6, 2017. The purpose of the interviews was to understand the code enforcement process, implementation of existing codes, potential for new tools, and staffing needed to address abandoned and dilapidated structures.

2.5 Interviewing the Blight Action Committee

The Blight Action Committee is a group of stakeholders comprised of a wide representation of interests, including affordable housing, historic preservation, code enforcement, local government, construction, and banking.

Members of the Cumberland Blight Action Committee include:

- Steven J. Kesner, Public Housing Authority
- Richard J. “Rock” Cioni, City Council, City of Cumberland
- Kathleen Breighner, Friends Aware and Historic Preservation Commission
- Brian Grim, Mayor, City of Cumberland
- Margie Woodring, City Clerk, City of Cumberland
- David Cox, Code Compliance Manager, City of Cumberland
- Kathy McKenney, Community Development Programs Manager, City of Cumberland
- David Mathews, Standard Bank
- Phil Crippen, Crippen Construction

The Blight Action Committee met on January 30, 2017, to identify overarching goals relating to abandoned and dilapidated structures and recommend prioritization strategies.

2.6 Gathering public input at the Blight Action Plan open house

An open house to discuss the Blight Action Plan was held on April 26, 2018, at 6:00 p.m. at the Allegany Museum in Cumberland. The purpose of the Cumberland Blight Action Plan Open House was to update the public on the Blight Action Plan methodology and seek input from the wider Cumberland community to inform the plan. The open house included a presentation, a question and answer session, and the opportunity for the approximately 40 attendees to freely visit five stations, listed below, seeking community input:

1. **Goals.** This station listed the goals developed by the Blight Action Committee (see above). Attendees were encouraged to write in missing goals and indicate goals they thought were most or least important.
2. **Factors.** This station listed the factors developed by the Blight Action Committee to prioritize redevelopment of properties. Attendees were encouraged to write in factors they thought were most or least important.
3. **Tools.** This station explained the existing tools available to the Blight Action Committee to address abandoned and dilapidated structures in Cumberland. Attendees were encouraged to suggest additional tools and indicate tools they thought would be most effective in Cumberland.
4. **Ask the Surveyor.** At this station, a surveyor explained the process by which dilapidated and vacant houses were identified.
5. **The Bubble.** This station provided attendees an opportunity to write down any thoughts or concerns not previously addressed.

2.7 Researching common tools to address blight

In addition to gathering information specific to Cumberland, researchers also reviewed effective tools from other communities. Researchers relied heavily on “From Liability to Viability,” a toolkit designed to assist rural communities with blight.² Researchers also looked to other resources supporting local governments in Maryland, such as the Center for Community Progress. A literature review was conducted to determine available resources.

Disclaimers

In considering recommendations for the City of Cumberland, this report notes that Article XI-E of the Constitution of Maryland grants home rule authority to municipal corporations within the state with some limitations. The purpose of this provision is to transfer many of the legislature’s powers to enact local laws to home rule municipalities.³ Home rule municipalities like the City of Cumberland hold fairly broad authority to pass local ordinances; however, preemption by state law still applies.⁴ The project team worked under the supervision of the city attorney to ensure that the recommendations, unless otherwise noted, are within the City’s authority to enact. However, the City should consult with the city attorney to ensure that authority remains and to discuss limits on this authority along with any other legal barriers.

This report was produced by staff at the Land Use and Sustainable Development Law Clinic at the West Virginia University College of Law and Downstream Strategies, Inc., at the request of the City of Cumberland pursuant to a Community Development Block Grant and Maryland Technical Assistance Grant. None of the researchers are licensed to practice law in the State of Maryland. None of the recommendations in the report constitute legal advice. The information, statements, statistics, and commentary by researchers come from publicly available material and from discussions held with stakeholders.

3. FINDINGS AND RECOMMENDATIONS

3.1 Assessment of dilapidated and vacant properties

The Cumberland blight survey compiled an inventory of 512 dilapidated and vacant buildings. Of these structures:

- 203 were both vacant and dilapidated,
- 195 were dilapidated and occupied, and
- 114 were vacant but not dilapidated.

The map in Figure 3 shows the locations of these structures within Cumberland.

The following table shows the breakdown of the 512 buildings by structure type.

² See LAND USE AND SUSTAINABLE DEV. LAW CLINIC, W. VA. COLL. OF LAW, FROM LIABILITY TO VIABILITY: A LEGAL TOOLKIT TO ADDRESS NEGLECTED PROPERTIES IN WEST VIRGINIA (2015), <https://wvleap.wvu.edu/files/d/cf7aade6-10ca-4df7-b154-6956dbad3b85/from-liability-to-viability.pdf> [hereinafter WV LEAP Toolkit].

³ Piscatelli v. Bd. of Liquor License Com'rs, 837 A.2d 931 (Md. 2003); Inlet Assocs. v. Assateague House Condo. Ass'n, 545 A.2d 1296 (Md. 1988).

⁴ 16 JOHN GEBAUER & AMY GORE, NAT'L LEGAL RESEARCH GRP., MARYLAND LAW ENCYCLOPEDIA § 24 (2018). Note, however, that Dillon's Rule still applies in Maryland. A discussion of the interaction between Maryland's Home Rule provisions and Dillon's Rule is beyond the scope of this report.

Table 1 Dilapidated and vacant buildings by structure type

| Structure type | Number |
|---|--------|
| Single-family homes | 355 |
| Duplex, side-by-side | 79 |
| Commercial buildings | 33 |
| Mixed commercial/residential properties | 17 |
| Multifamily buildings | 16 |
| Duplex, up-and-down | 9 |
| Industrial/manufacturing properties | 3 |

Figure 3 Map of vacant and dilapidated structures

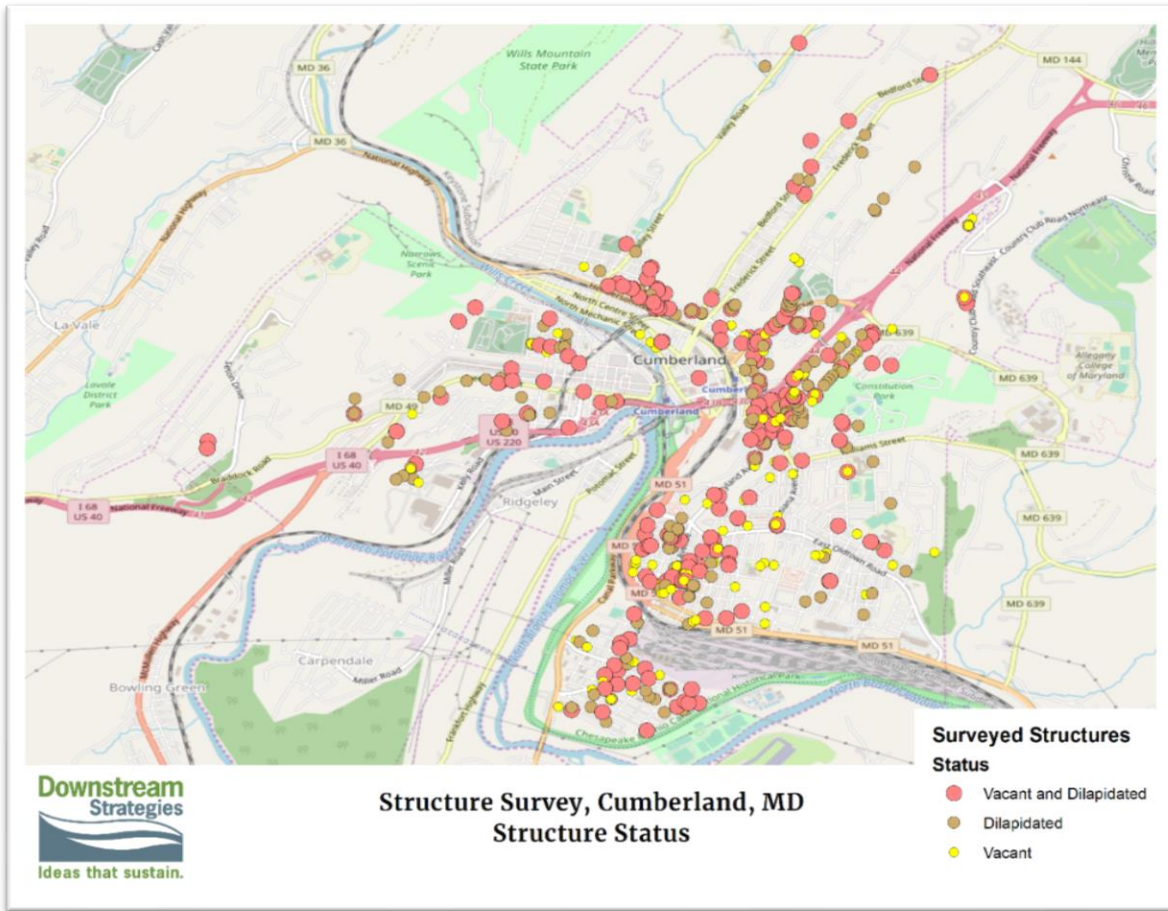
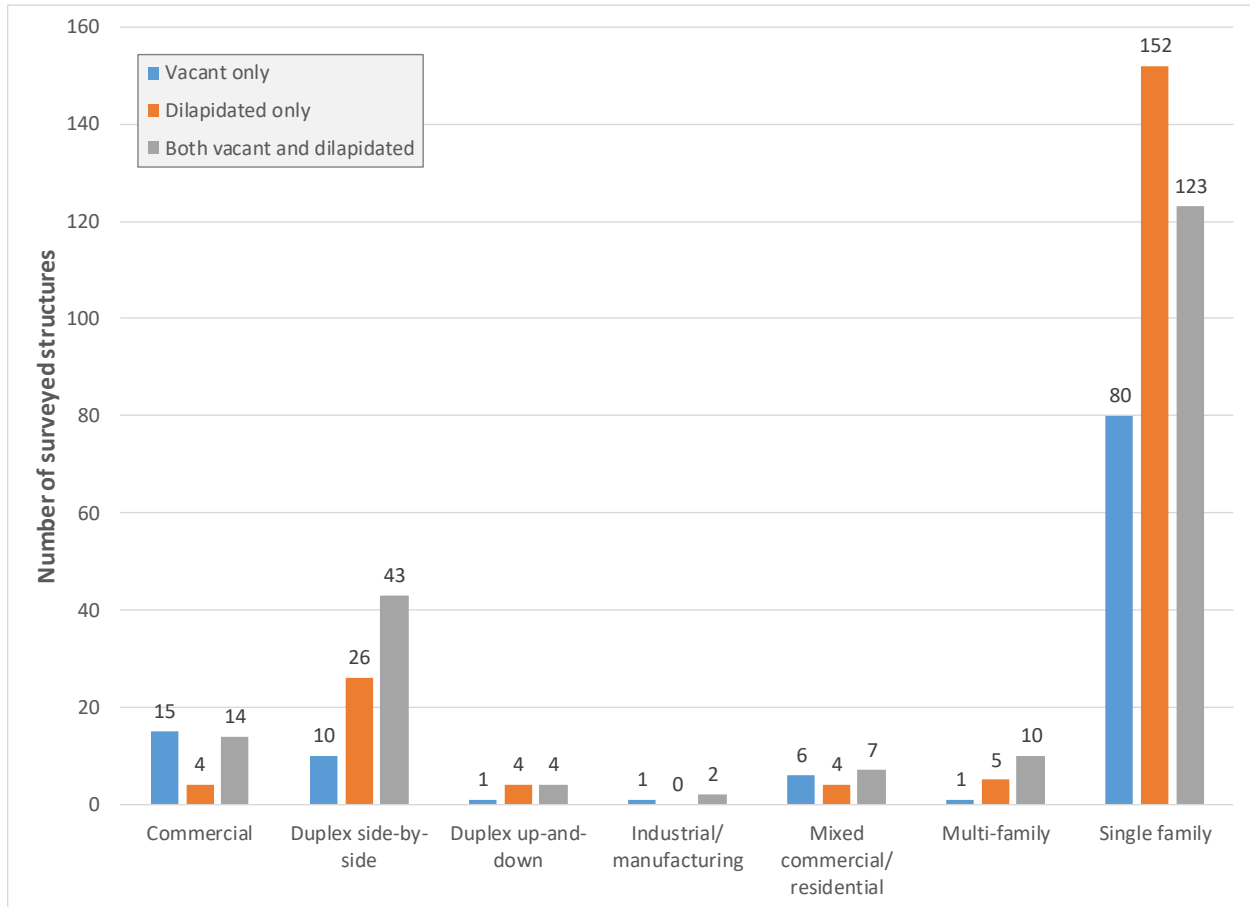


Figure 4 shows the breakdown of surveyed buildings per structure type that were:

- vacant but not dilapidated,
- dilapidated but not vacant, and
- both vacant and dilapidated.

Figure 4 Vacancy and dilapidation per structure type



Recommendation 1: Utilize the building inventory to prioritize enforcement.

Code enforcement should utilize the inventory of blighted properties to prioritize enforcement. While code enforcement officers have the expertise and ultimate discretion to determine whether a property violates the building code, the survey gives code enforcement a head start in identifying properties of concern. Surveyors ranked the properties from most severely dilapidated to least dilapidated based on what the surveyor could see from a public right-of-way.

Data collected during the inventory will be integrated with the City’s existing database of electronic maps and layers. Detailed information collected by surveyors pertaining to specific properties, such as property addresses, will be shared only with the City’s Code Enforcement Office. Integration into the City’s GIS database will enable more accurate and efficient map creation, data manipulation, and information queries regarding abandoned and dilapidated structures.

Recommendation 2: Consider prioritizing properties with shared walls.

Citizen comments revealed a particular concern with townhomes and other properties that share common walls. These properties present special concerns. One property owner's failure to maintain their property has the potential to reduce the value of neighboring properties, thus impacting the entire neighborhood. Yet in shared-wall properties such as duplexes and multi-family buildings, dilapidation in one unit can threaten the structural integrity of the entire building. The City should use the complete breakdown of dilapidated duplexes and multi-family properties found in the building inventory spreadsheet to prioritize enforcement.

Concerned citizens mentioned that properties with shared walls, such as town homes, should be prioritized during a strategic code enforcement process. The lack of enforcement of shared-wall properties has a heightened adverse impact on neighbors who properly maintain their property.

Recommendation 3: Regularly update the inventory of blighted properties.

The project team has compiled the inventory of blighted properties as an Excel spreadsheet. Code enforcement should regularly update the status of properties that have been demolished or rehabilitated in the inventory of blighted properties. Likewise, the code enforcement office should update the inventory when newly blighted properties are identified. Code enforcement can work with other stakeholders to help update the inventory. Some communities rely on volunteers to help update inventories; others have worked with the United States Postal Services to verify changes in the status of properties. The code enforcement office may consider reaching out to the local postal service to explore opportunities to partner in updating the inventory.

In addition to the spreadsheet, the project team compiled applicable GIS data for the City's future use. These GIS data should be updated to correspond with any updates to the blight inventory spreadsheet. The attribute table in ArcMap can be exported as a spreadsheet to make updating the information for each structure easier. Regular updates to maps and structure details ensure the information remains reliable and accurate.

Recommendation 4: Develop a vacant property registry.

Code enforcement should formalize the inventory of vacant properties into a vacant property registry. A vacant property registration program requires all owners of vacant buildings and properties to register their properties and pay an annual registration fee. Code enforcement can use the list of vacant properties derived from this plan to create the registry. Note that vacant property registries generally exclude any property vacant for a reasonable reason, including but not limited to properties where the owner is in a hospital, deployed on military leave, or temporarily staying at a second vacation home, or where the house is actively listed for sale. Also note that this recommendation is consistent with Initiative 25 in the City of Cumberland's 2013 Comprehensive Plan Update.

If vacant property registries are disclosed to the public, the vacant properties listed may become a target to those wishing to take advantage of vacant properties for criminal purposes, resulting in trespass and property damage.

Most vacant property registries include annual fees that escalate the longer the property remains vacant. The fees may be used to cover costs of the vacant properties and to provide incentives to the owners of the vacant properties.⁵

⁵ Tool 1: Vacant Property Registration Ordinances, CTR. FOR CMTY. PROGRESS: VACANT SPACES INTO VIBRANT PLACES, <http://www.communityprogress.net/tool-1-vacant-property-registration-ordinances-pages-257.php> (last visited Jun. 1, 2018).

Maryland cities have the authority, under home rule, to enact such registries, and a number of cities in the state have done so.⁶ For example, the nonprofit Safeguard Properties lists 33 vacant property registries in Maryland.⁷ A cursory review of these ordinances reveals that some apply only to foreclosed properties, whereas others apply to all vacant properties or particularly to vacant rental properties.

The City should consider what information collected for the vacant property registry may be disclosed to the public pursuant to a Public Information Act request. The City should seek an opinion from the city attorney as to whether disclosure is contrary to the public interest and may be exempted from disclosure.

Recommendation 5: Consider adopting an uninhabitable property registry.

Another option is to adopt a blighted or uninhabitable property registry in addition to a vacant property registry or foreclosed property registry. Blighted or uninhabitable property registries seek many of the same goals and provide many of the same benefits as vacant and foreclosed property registries, but include a different class of property. For example, in West Virginia a fee schedule similar to the vacant properties registry typically will apply. Owners of uninhabitable properties may rehabilitate the structures within a reasonable amount of time after receiving notice to avoid being listed on the registry and having to pay the annual fee.

As another example, the Louisiana Housing Preservation Act provides for the establishment of a blighted housing property list.⁸ Local governments adopt an ordinance directing a public office to establish a list of residential housing properties below minimum habitability standards. Owners of property added to the list are given notice and have the opportunity to challenge the listing.

3.2 Redevelopment opportunities

One of the objectives of the Blight Action Plan is to identify areas important for economic development initiatives or other community priorities in Cumberland. In addition to health and safety concerns, the Blight Action Committee also identified several secondary factors that should be considered when prioritizing redevelopment opportunities, including:

- **Clusters of dilapidated and/or vacant properties.** As mentioned in Section 2.1.2, properties were ranked by their level of dilapidation. Given the spatial distribution of these weighted points shown in Figure 2 and Figure 3, the project team identified clusters of dilapidated and vacant properties.
- **Major corridors and gateways.** City officials identified major corridors and high-visibility gateway areas considered important for redevelopment.
- **Economic Development Areas.** The City of Cumberland is designated as an entitlement community under the HUD Community Development Block Grant (CDBG) Program, which offers the City access to CDBG-specific funding. Cumberland’s Strategic Economic Development Plan⁹ outlines the following opportunity zones for potential economic redevelopment:
 - Downtown: Cultural and entertainment center, urban living (includes the Central Business District (CBD))
 - Cumberland Plaza Area: Urban living, cultural and entertainment center
 - Canal Place: Outdoor recreation and leisure
 - Memorial Hospital: Retirement village, medical services
 - Rolling Mill: Mixed-use employment-commercial village

⁶ Vacant Property Registration: Maryland, SAFEGUARD PROPS., http://safeguardproperties.com/Resources/Vacant_Property_Registration/MD.aspx?filter=vpr (last visited Jun. 1, 2018).

⁷ *Id.*

⁸ LA. REV. STAT. ANN. §§ 40:600:32–40:600:44 (2017).

⁹ CUMBERLAND ECON. DEV. CORP., Strategic Plan, Executive Summary, at 1-9, <https://www.choosecumberland.org/economic-development-strategy/> (last visited Jun. 1, 2018).

- South End: Small-user industrial park
- Willowbrook Road: Interstate growth corridor
- **Crime statistics.** Crime statistics are collected by the police department. The police department identified several general areas of concern. The crime statistic maps do not represent the prevalence of any particular crime, nor do they implicate property owners within the delineated areas. The general areas of concern were ranked from highest concern to lowest concern.
- **Historic districts.** Cumberland has several distinct historic districts on the National Register of Historic Places: 1) Chapel Hill/South Cumberland, 2) Decatur Heights, 3) Greene Street, 4) Rolling Mill, 5) Downtown Cumberland, 6) Canal Place, and 7) Washington Street. Preservation of vacant and dilapidated structures found in the historic districts may be more desirable for structures with historic significance.
- **Foreclosures and tax sales.** Although the frequency of foreclosures and tax sales may be a sign of blight, tracking specific foreclosures and tax sales requires a level of detailed work that is outside the scope of this study. Though not a public record, the State of Maryland’s foreclosed property registry¹⁰ is a resource available to the City.¹¹ The City can cross-reference the foreclosure registry with the vacant property registry and use the combined data to better prioritize redevelopment projects. Note that the vacant property registry would be broader than the foreclosed property registry because the vacant property registry would include many properties that have not been foreclosed on. The foreclosure registry provides a point of contact, and banks will generally be responsive—particularly if the bank buys the property at foreclosure.
- **Cost efficiencies including the cost of demolition and renovations.** Although the cost of demolition and renovation would be an excellent way to prioritize properties for redevelopment, the appraisals and cost estimates needed for this level of decision-making are outside the scope of this study. Several variables typically affect the cost of demolition and renovation, such as the topography of the property, asbestos or lead paint removal, and the size of the structure.

Figure 5 presents the density of vacant and dilapidated structures in relation to other key factors identified by the Blight Action Committee.

Recommendation 6: Share overlay maps with redevelopment partners.

Redevelopment partners include members of the Blight Action Committee and partners listed in Appendix A. Overlay maps demonstrate that the City of Cumberland has thoughtfully considered priorities for redevelopment.

Recommendation 7: Continue incentives for historic preservation.

Incentives for historic preservation contribute to the maintenance and preservation of structures and reduce overall dilapidation in a community. See Appendix A for a list of additional incentives for historic structures at the national, state, and local levels.

Recommendation 8: Collaborate with lenders.

Lenders and local governments tend to have common interests: Owners of neglected properties often default on their mortgages, causing lenders to lose interest revenue and local governments to lose tax revenue. Large national banks, regional banks, local community banks, and finance companies that operate nationwide can all be lienholders on neglected properties. Some of these institutions may have programs devoted to

¹⁰ MD. CODE ANN., REAL PROP. § 14-126.1 (West).

¹¹ Id. § 14-126.1(g)(1)–(2).

community revitalization that could form the basis for a partnership with local government or a nonprofit organization to promote adaptive reuse.

In addition to financial institutions, local governments might work with owners of property adjoining neglected properties, redevelopers, and redevelopment agencies. The goals of such cooperative efforts could include:

- Forgivable or low-interest loans to individuals or developers with the capacity to rehabilitate neglected properties.
- Agreements to transfer neglected properties to new owners for free or at a low cost with the requirement that the new owners rehabilitate or redevelop neglected properties.
- Agreements by banks with mortgages on foreclosed properties to maintain or rehabilitate neglected properties.
- Other joint efforts to facilitate funding options, incentivize property owners to make improvements, and return neglected properties to productive use.¹²

With respect to collaborating with lenders, the Maryland Foreclosed Property Registry has provided the City with the identities and contact information for the lenders involved in the foreclosures. The City working with the Blight Action Committee can much more readily contact lenders, as compared to before the existence of the registry. The registry is managed by the Office of the Commissioner of Financial Regulation in the Maryland Department of Labor, Licensing, and Regulation.¹³

Through collaboration, some lenders may agree to transfer properties to the City as part of a community reinvestment obligation. However, these properties are usually “garbage” properties that the bank cannot sell. City officials should exercise caution and consider the potential liability in taking on these properties. The City may request that the lenders provide financial assistance for the demolition of the properties donated. Lenders consider requests on a case-by-case basis.

Recommendation 9: Include public input during redevelopment discussions.

The City should keep the public informed and involved through multiple channels, including updates on the City’s website, City Council meetings, or on the City’s Facebook page; press releases; open houses; and other opportunities where the public has an opportunity to review plans and comment.

3.3 Code enforcement staffing and administration

Several staff at the City of Cumberland assist with addressing dilapidated buildings. The primary code enforcement team includes:

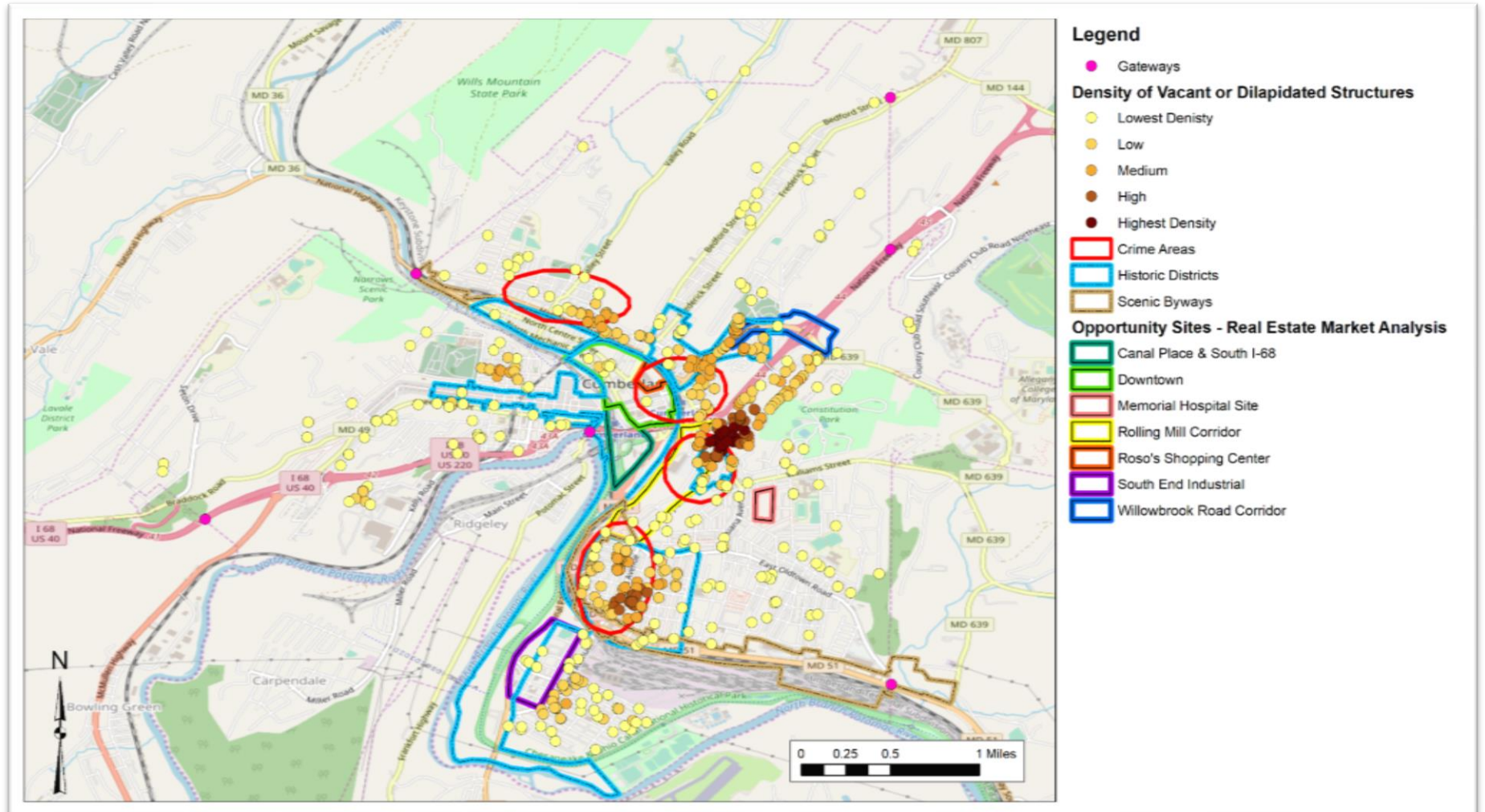
- David Cox, Code Compliance Manager
- Chris Gay, Code Compliance Officer
- Kevin Thacker, Code Compliance Officer

Members of the community expressed concern that redevelopment projects may lead to displacement of homeowners through eminent domain proceedings. They also voiced a strong interest in being included in the redevelopment discussions going forward.

¹² For more information on partnerships with financial institutions, see WV LEAP toolkit, supra note 3.

¹³ MD. CODE ANN., REAL PROP. § 14-126.1 (West).

Figure 5 Overlay map



Additional staff involved in addressing dilapidated buildings includes:

- Lee Borrer, Senior Community Development Specialist
- Michael Cohen, City Attorney
- Judy Giles, Secretarial Assistant
- Terri Hast, Community Services Specialist
- Debbie Helmstetter, Codes Technician
- Kathy McKenney, CD Programs Manager/Historic Plans/Preservation Coordinator
- Jeffrey Rhodes, City Administrator
- Ken Tressler, Comptroller
- Margie Woodring, City Clerk/Assistant City Administrator

Several community members expressed concern that code enforcement was understaffed and overworked. This concern was based on lack of responsiveness to complaints.

Recommendation 10: Consider expanding the capacity of the City Code Enforcement Office.

Conduct research on the average number of code enforcement officers for municipalities of similar size to ensure that Cumberland has at least the average number of code enforcement staff.

Recommendation 11: Purchase building code development software such as ArcGIS for dilapidated buildings.

With multiple inspectors working for the City, the Code Enforcement Office should have a system that inventories and tracks cases. Currently the Code Enforcement Office utilizes a Google Document, where violations are integrated into a central Excel spreadsheet. Staff can update and view the spreadsheet; however, one person in the Code Enforcement Office has been responsible for updating the document on a day-to-day basis with regard to any phone calls or actions taken on a particular property.

Police and other city enforcement personnel can also access the spreadsheet from field laptops and use it to enforce the City's rental-licensing program. Although the spreadsheet has worked fairly well, the user must scroll down from the top of the document to find any particular property, which can be cumbersome.

The Code Enforcement Office should consider purchasing a software program such as ArcGIS to replace the Google Document spreadsheet system. The cost of purchasing the software would be recouped from the increased efficiency of utilizing the software.

3.4 Ordinances to address blight

Building codes are one of the most effective mechanisms for addressing blight. Adopting and enforcing a building code can help prevent properties from becoming dilapidated in the first place and provide a process for repairing and demolishing properties that are not properly maintained. The City of Cumberland has adopted a building code along with other ordinances aimed at addressing blight.

Cumberland's staff enforces Chapter 5 of the City's Code of Ordinances, which includes the Building Code (Article II), the Property Maintenance Code (Article V), the Housing Code (Article VI), and the Nuisance and Abandoned Property Abatement Ordinance (Article VII).¹⁴ The City of Cumberland also has a separate nuisance ordinance in Chapter 14.¹⁵

¹⁴ See CUMBERLAND, MD., CODE OF ORDINANCES § 5; Art. II, V–VII (2017).

¹⁵ Id. § 14.

3.4.1 *Building Code*

As part of the Building Code, the City enforces the International Code Council (ICC) codes, 2015 editions, except for the International Property Maintenance Code (IPMC) and the International Plumbing Code. Cumberland has chosen not to enforce the IPMC, and the International Plumbing Code is not part of the Maryland Building Code pursuant to the Maryland Department of Housing and Community Development regulations.¹⁶ For the electrical code, Cumberland enforces the National Fire Protection Association (NFPA 70 National Electrical Code 2014).

The Building Code has several advantages that counter the effects of blight by improving property values and promoting economic revitalization. These advantages include uniformity and compliance with minimum standards of safe building construction and utilization of proven industry standards, particularly with new technologies and commonly accepted construction practices and materials.¹⁷

3.4.2 *Property Maintenance Code*

The City of Cumberland's Property Maintenance Code establishes minimum standards for the initial and continued occupancy and use of all buildings.¹⁸ One issue identified by code enforcement staff with the City's Property Maintenance Code is a lack of procedural guidance. The Property Maintenance Code does not provide a timeline or the procedures for enforcement. Historically, code enforcement personnel referred to the City's Housing Code for procedural guidance on the Property Maintenance Code.

3.4.3 *Housing Code*

The City also enforces a local Housing Code,¹⁹ which includes the City's rental-licensing program.²⁰ The Code Enforcement Office inspects rental units in between vacancies, but not more than once a year, to ensure units have proper ingress and egress and working smoke detectors; are free of mold; and have adequate handrails and other life safety items. The rental inspections are important to ensure minimum habitation standards for both the interior and exterior of structures.

Recommendation 12: Replace the Property Maintenance Code and portions of the Housing Code with the International Property Maintenance Code.

The Property Maintenance Code and portions of Housing Code are not as clear as the provisions of the International Property Maintenance Code (IPMC). The IPMC has been internationally recognized and tested in communities all over the world. Replacing the Property Maintenance Code and portions of the Housing Code with the IPMC would streamline and clarify the process for property maintenance violations in the city.

The IPMC was developed by the International Code Council, which publishes other codes within the City's Building Code, allowing seamless cross-referencing and no conflicts between the IPMC and the ICC codes already administered by the City. However, the City's Property Maintenance Code, Housing Code, Nuisance and Abandoned Property Abatement Ordinance, and general nuisance ordinance should all be carefully reviewed by the city attorney or other licensed attorney to understand which provisions should be repealed to avoid inconsistency with the ICC suite of codes. All referenced ordinances should also be reviewed to ensure they do not duplicate language in the Building Code or create competing enforcement schemes. The review should identify areas where existing codes provide valuable tools not covered by the ICC codes. For

¹⁶ Id. § 5-26.

¹⁷ See WV LEAP Toolkit, *supra* note 3.

¹⁸ CUMBERLAND, MD., CODE OF ORDINANCES § 5-182.

¹⁹ Id. § 5-198.

²⁰ Id. § 5-237.

example, rental-licensing provisions in the Housing Code would not be covered in the IPMC and should likely remain in effect. This review would also ensure ordinances are cross-referenced appropriately.

3.4.4 *Nuisance and Abandoned Property Ordinance*

The City of Cumberland also has a Nuisance and Abandoned Property Abatement Ordinance.²¹ For certain types of abandoned and dangerous properties, this ordinance allows the City to use a more streamlined process to address the properties. Under this ordinance, abandoned property means “a residential or commercial property that is not occupied by either the property owner or a legal tenant and is not a viable property because it (i) is unsuitable for habitation or reasonable use; (ii) is in a dilapidated, hazardous, unsafe, or dangerous condition; or (iii) is open to entrance or trespass.”²² For these vacant and dangerous properties, the City can enter into agreements, such as demolition agreements, with the landowner to address the properties in an efficient manner.²³ The Nuisance and Abandoned Property Abatement Ordinance allows the City to obtain a court order that allows the property to be repaired or demolished, and place a lien on the property to recover the City’s costs.

3.4.5 *City of Cumberland Nuisance Ordinance*

In addition to the ordinances directly related to buildings, the City of Cumberland also uses a general nuisance ordinance intended to ensure that properties are generally kept free of garbage, rodent infestation, excessive weeds, and junk vehicles. Although similar to provisions in the Building Code, the nuisance ordinance allows a simpler process to address common violations related to exterior sanitary issues. The penalty for a nuisance violation is two hundred dollars (\$200.00) if the violation is a first offense or four hundred dollars (\$400.00) if the violation is a repeat offense.²⁴

Recommendation 13: Amend the nuisance provisions of the City Code of Ordinances to streamline the process.

The nuisance provisions of the City Code of Ordinances presently provide for a hearing with the Code Enforcement Office or Assistant City Administrator if a landowner objects to a nuisance enforcement action. This hearing takes place prior to appeal to the courts. Opportunities may exist to streamline the appeals process without impacting the due process rights of the landowner. The city attorney should review and amend ordinances as necessary to improve consistency with the Building Code appeals process.

3.5 Code enforcement process

The City of Cumberland has a detailed code enforcement process to address abandoned and dilapidated structures. A procedural flow chart that visually presents Cumberland’s code enforcement process is included in Appendix C of this plan.

As noted in Recommendation 1, the inventory of properties can be used to inform more strategic code enforcement processes. Currently most code violations are identified through a complaint-based system. Some violations are identified by a code enforcement officer while traveling to or from an inspection. The Code Enforcement Office has a policy of not driving “with blinders on,” but instead driving through neighborhoods and even alleyways to inspect areas en route to and from an inspection. Complaints to the Code Enforcement Office typically spike at the end of the month through the beginning of the following month.

²¹ Id. § 5-461.

²² Id. § 5-462.

²³ Id. § 5-467.

²⁴ Id. § 14-73.

The fire marshal will typically forward issues to the code enforcement personnel. The fire marshal is primarily concerned with multifamily and commercial structures when enforcing the fire code, not single-family residences. The fire marshal's scope is limited in identifying abandoned and dilapidated structures.

Recommendation 14: Continue soft approach with landowners.

When code enforcement observes a violation and the property owner or tenant is not home, code enforcement places a door hanger on the property with contact information and a description of the violation. Property owners are encouraged to consult with the Code Enforcement Office. The door hanger is intended to serve as a friendly warning and an alternative to a phone call.

The Code Enforcement Office utilizes three different door hangers, depending on the situation:

- **Blank hangers** allow code enforcement personnel to make notes, describe the violation, and provide contact information. More than half of these hangers generate dialogue between the property owner and city personnel. Code enforcement personnel believe that the blank hangers are successful in generating dialogue and would like to continue to utilize these hangers.
- **Bulk pickup hangers** are placed where garbage/bulk items are outside on a property and need to be hauled away or secured. The bulk pickup hanger provides the telephone number for more information on bulk pickup, including the city's bulk pick up schedule. City officials believe the bulk pickup hanger has been effective.
- **Property maintenance and weeds hangers** describe code violations related to tall weeds and grass and common nuisance issues such as junk cars, excessive trash, and unsightly structures. Code enforcement personnel indicated that the language on the property maintenance hanger should be reworded with language that more readily invites dialogue with code enforcement personnel and compliance.

Recommendation 15: Rework property nuisance hanger as a high weeds and grass hanger.

The existing hanger for property maintenance has not been used in several years, in part because the hanger is wordy, complicated, and harsh. The City should consider ceasing the use of the existing property maintenance hanger and instead developing a hanger to warn property owners of the most common property maintenance violation: high grass and weeds. The hanger could cite to Section 14-35: Cutting of weeds including grass, weeds or rank vegetation over 12 inches and vegetation on sidewalks, gutters or curbs abutting property. Otherwise language could mirror that of the other hangers with contact information for the Code Enforcement Office.

If initial contact—either in-person conversations, a phone call, or door hanger—does not work, then the City's code enforcement administrative staff typically sends a letter notifying the property owner of the code violation. The City usually gives property owners at least a week to respond to the letter. Code enforcement personnel put the onus on the property owner to call or meet with city officials. Most violations are resolved during this informal process, before any official notice of violation is sent.

When city code enforcement personnel have noted a violation...

The first step is to make personal contact with the property owner. The initial contact is made through face-to-face interaction, a phone call, or by leaving a door hanger on the property.

Section 14-35: Cutting of weeds

- Grass, weeds, or rank vegetation over 12 inches
- Vegetation on sidewalks, gutters, or curbs abutting property

3.5.1 *Serving the Notice of Violation*

If there is no response from the informal letter, an official Notice of Violation (NOV) is sent to the property owner. Cumberland officials follow Maryland law as to what constitutes “notice.” The City utilizes the “Municipal Infraction and Code Enforcement: Practices and Procedures for Municipalities in the State of Maryland” document created by the Maryland Municipal League as a guide. Code enforcement personnel send the NOV by certified mail and post the NOV on the property. If the certified letter is returned as “undelivered,” the City then sends the NOV through regular mail. If no response is received within a specified time period, City staff begin the process of issuing a citation.

According to the city attorney, a primary issue is whether the landowner has the money to correct the problems. Landowners with financial resources will generally work with the City.

3.5.2 *Issuing a citation*

The Citation process begins with city officials pulling together all relevant documentation for a particular violation. Cumberland officials rely on the Municipal Infraction and Code Enforcement document as a guide to write and issue citations.

Code enforcement officials prefer to serve citations by hand delivery. If code enforcement has any concerns about safety, the police department will accompany them when delivering the citation. If hand delivery of the citation is not successful, the City sends the citation through restricted certified mail. Restricted certified mail means the citation will only be delivered to the addressee—in this case, the property owner. Should hand delivery and restricted certified mail fail, City officials will effect service of process mailing the citation to the property owner by certified mail and by posting it on the property.

Once service of process of the citation has occurred, the property owner has 20 business days to either request a trial or pay a fine. If the property owner does not respond, the citation is filed in District Court along with a request that the Court adjudicate the matter. If the property owner pays the fine, the case may be dismissed without a trial unless there are extenuating circumstances, such as a property owner with a record of compliance. A fine being paid does not necessarily abate the violation. Often these properties are cited again for the same issues.

3.5.3 *Case Disposition and Abatement*

After a case has gone to court with disposition in favor of the City, provided the Court issued an order authorizing the City to abate the condition that led to the issuance of the infraction, the Code Enforcement Office sends an abatement letter to the property owner that specifically states what must be abated. City officials then give the property owner time to abate the violation.

If the property owner fails to abate the violation, the City may abate the infraction itself or hire a third-party contractor to do so. If the project is expected to cost less than \$25,000, the City does not have to advertise for bids. Larger projects go to bid. The City seldom abates infractions other than those for high grass and weeds and accumulation of junk and trash.

The City demolishes properties under two circumstances: first, where the property has been declared unsafe due to structural conditions; and, second, where the City acquires the property for the specific purpose of demolishing it. If debris removal and disposal is required, city officials have also negotiated a good landfill rate per ton by pitching "community partnership" with the landfill operator, Waste Management. The City gets a “labor only quote,” which takes the unknown tonnage factor out of the estimate equation.

After the property is demolished, the City sends a bill to the property owner. If the property owner does not pay the bill, the City can place a lien on the property for the costs of demolition.

3.5.4 *Alternative internal action plan*

In most situations, the City would rather work with landowners than go through the legal process when a violation has been identified. The Code Enforcement Office has developed an internal action plan that serves as an alternative to the traditional legal process issuing a Notice of Violation, a citation, and time in court.

The central idea behind the internal action plan is to work with property owners who may have the desire but not the means to abate the violation, or who could abate the violation but not in the time normally required. Working with a property owner through an internal action plan is done on a case-by-case basis and at the discretion of the code enforcement personnel.

The internal action plan process typically includes:

- An informal meeting with the property owners.
- Developing an action plan with the property owner that has projected completion dates for particular work items is “written, detailed, achievable, and measurable.”
- Communicating with the property owners regularly to ensure that progress is being made to address any violations.

3.5.5 *Implementation of prior plans and existing ordinances*

Over the last decade, several planning initiatives have identified and discussed dilapidated buildings and blight. These plans include the Sustainable Communities Designation, a Strategic Economic Development Plan, and an update to the City’s Comprehensive Plan. This section discusses recommendations from prior plans, whether plans have been implemented, and new recommendations.

Recommendations from the 2013 Comprehensive Plan Update²⁵

Several initiatives from the 2013 Comprehensive Plan Update pointed to the need to address blighted properties in the City of Cumberland:

- **Initiative 5 (High priority) Implement a strategy to promote the renovation of existing housing.** The Community Development Programs Manager has provided training to local realtors concerning available incentive programs to help familiarize realtors with areas that qualify for these incentives. For example, the City developed a Commercial Property Adaptive Reuse Tax Incentive Program. (See Appendix D.) Additionally, the City has obtained limited funding from the State of Maryland for a program called “Neighborhoods Matter,” in which properties within a targeted area that were homeowner occupied but which had been identified as having property maintenance issues were approached to apply for grants to correct those identified deficiencies.²⁶ The initial target area was the Baltimore Avenue and Goethe Street neighborhood. This initiative is consistent with the Blight Action Committee’s goals of sense of pride and improving the overall appearance of the community.
- **Initiative 6 (High priority) Implement a strategy to promote development of new infill housing in established neighborhoods.** The City is currently working with the Cumberland Housing Alliance to target sites and obtain funding assistance to construct infill housing while rehabilitating existing

²⁵ CITY OF CUMBERLAND, MD., 2013 COMPREHENSIVE PLAN 87–88, <https://www.cumberlandmd.gov/275/2013-Comprehensive-Plan> (last visited Jun. 1, 2018).

²⁶ E-mail from Kathy McKenney, Cmty. Dev. Programs Dir., City of Cumberland, Md., to Kat Garvey, Dir., W. Va. Univ. Coll. of Law Land Use and Sustainable Dev. Law Clinic (Jun. 1, 2018) (on file with authors).

housing for homeowner-occupied structures.²⁷ This is consistent with the Blight Action Committee's goal of right-sizing.

- **Initiative 7** (High priority) **Implement a phased neighborhood revitalization/improvement strategy.** To date, this strategy has not been implemented. Prioritization will support decision-making to phase neighborhood revitalization, supporting this initiative.
- **Initiative 21** (High priority) **Develop and implement a strategy to promote new housing construction on vacant (undeveloped) property.** The City of Cumberland has approved a Speculative Housing incentive. (See Appendix E.) The vacant property registry is an additional tool to redevelop properties.
- **Initiative 25** (Medium priority) **Maintain/use an inventory of vacant/underutilized land to promote (re)development.** The Community Development Office created a database available of all City-owned properties, and the Cumberland Economic Development Corporation provides a listing on its website at <https://www.choosecumberland.org/site-selection/>. Note that Recommendation 4, develop a vacant property registry, directly implements this initiative with regard to vacant property.

Recommendations from the Strategic Economic Development Plan²⁸

Goal: To identify a strategic approach to addressing blight and redevelopment. The City of Cumberland is largely developed with a substantial portion of older buildings. While there is value to certain components of that age (i.e. the character of downtown Cumberland), aspects of the City's existing physical inventory are a detriment to business retention and recruitment. To this point, the Steering Committee recognizes that the City needs to create defined strategies within the areas of the City best positioned to accommodate economic development investment.

The plan provides recommendations for the creation of "Opportunity Zones" in which to focus redevelopment efforts:

- Downtown: Cultural and entertainment center, urban living (includes the Central Business District (CBD))
- Cumberland Plaza Area: Urban living, cultural and entertainment center
- Canal Place: Outdoor recreation and leisure
- Memorial Hospital: Retirement village, medical services
- Rolling Mill: Mixed-use employment-commercial village
- South End: Small-user industrial park
- Willowbrook Road: Interstate growth corridor

The Blight Action Plan aims to identify a strategic approach to addressing blight and redevelopment in support of this goal from the Strategic Economic Development Plan.

Recommendations from the Sustainable Communities Designation²⁹

One outcome of Cumberland's Sustainable Community Designation was a plan to support the existing community and reduced environmental impacts of vacant properties by decreasing the amount of vacant and underutilized space within the downtown. This plan recognizes that, "The City of Cumberland continues to struggle with a high vacancy rate due largely to the decline in population versus the amount of housing stock constructed when the population peaked in the 1940s." The City of Cumberland has already made substantial

²⁷ *Id.*

²⁸ CUMBERLAND ECON. DEV. CORP., *supra* note 12, at 1-9.

²⁹ MD. DEPT OF HOUSING AND COMMUNITY DEV., SUSTAINABLE COMMUNITIES PROGRAM: APPLICATION FOR DESIGNATION RENEWAL (2017),

investments to address dilapidated buildings: 163 properties have been addressed since 2012.³⁰ The plan also acknowledges the partnership between the City and the Cumberland Economic Development Corporation “to acquire and demolish a blighted neighborhood for redevelopment and revitalization because the investment cost to acquire so many blighted parcels is too great to justify a profitable return on investment. Redevelopment costs within the city—relative to the cost of suburban greenfield development—provide a significant constraint to new development and adaptive reuse within the city.”³¹ The Blight Action Plan is one tool to identify and address vacant properties, supporting this general recommendation from the Sustainable Community Designation.

The City of Cumberland uses an innovative zoning tool related to addressing blight: “The city created a new Adaptive Reuse Floating Zone in 2011 designed to promote redevelopment of large, abandoned buildings and to encourage adaptive reuse and mixed use redevelopment of those sites. Also, as part of the 2013 Comprehensive Plan and the subsequent 2015 Comprehensive Rezoning, the City created a new Planned Development Floating Zone to extend that flexibility to new residential redevelopment projects.”³²

Recommendation 17: Analyze effectiveness of floating zone.

The Cumberland Community Development Office should reexamine both of the floating zones to determine whether changes should be made or additional zones should be created. The Floating Zones (RR) have not been highly utilized. To date, only six properties have received the RR approval:

- 508 Williams Street
- 400 Park Street
- 434 Williams Street
- 425 Warwick Avenue
- 403-405 Oldtown Road
- 465 Columbia Street

The Community Development Office should consider whether RR approval has been effective at addressing blight or improving economic development, and whether floating zones could be used more often. The Community Development Office could also create case studies of the existing floating zones to see what lessons can be learned.

3.6 Common strategies used to address dilapidated buildings

Common tools not currently being used in Cumberland include: public pressure and a lien for fire insurance proceeds.

Public pressure

Public pressure can be applied to draw attention to a specific neglected property as a way to encourage cleanup of the property. This pressure can be in the form of a sign posted on the property; a posting in a public forum such as on a Facebook page or a bulletin board at city hall; or a newspaper article with pictures of properties and the property addresses.

Some citizens are in favor of “shaming” property owners for failing to maintain their properties. Other citizens are not in favor of a public pressure program.

³⁰ FY12—17 projects, \$110K; FY13—22 projects, \$133K; FY14—36 projects, \$2.5M; FY15—45 projects, \$1.65M; FY16—43 projects, \$586K.

³¹ Id. at 37.

³² Id. at 36.

Lien for fire insurance proceeds

One cause for blight is failure to repair or rebuild properties destroyed by fire. One risk after property fires is that owners will take insurance proceeds and leave town without addressing the property. In some states, local governments can get a lien on a percentage of proceeds in favor of the local governments. For example, in Huntington, West Virginia, 77% of fires occurred in non-owner-occupied buildings, and 30% of those fires resulted in total loss and abandonment. The abandoned and burned-out structures were also likely to be delinquent on property taxes and other fees.³³ Through the West Virginia Home Rule Pilot Program, the City of Huntington was the first community to have the power to place a lien on a property after cleaning up the debris after total loss from a fire.³⁴ The program was so successful that it is now enabled statewide. Most communities take advantage of the ability to place a lien and guard against misuse of insurance proceeds.

Recommendation 18: Consider advocating for authority to place a lien for fire insurance proceeds for debris removal after a fire.

Given the success of liens for fire insurance proceeds in other states, Cumberland should consider advocating that the Maryland legislature grant similar authority to communities in Maryland.

4. CONCLUSION

The goal of this Blight Action Plan to help the City of Cumberland address blight within its borders. To help implement the recommendations in the plan, Appendix A provides resources for implementation. This list should be viewed as a living document and is included to start a conversation between stakeholders interested in addressing blight in the City of Cumberland. Note that the Appendix does not yet include a timeline for implementation. Milestones and timelines should be set by the responsible party to ensure there is capacity to achieve the goals within a realistic timeline. The City should use the Blight Action Plan when preparing budgets and planning for redevelopment projects and should reference the plan in grant applications relating to redevelopment and addressing dilapidation.

³³ CITY OF HUNTINGTON, WEST VIRGINIA MUNICIPAL HOME RULE PILOT PROGRAM APPLICATION 10 (2007), https://revenue.wv.gov/homerule/Documents/Huntington/2007_ORIGINAL_HomeRuleapplicationHUNTINGTON.pdf.

³⁴ W. VA. CODE ANN. § 38-10E-1 (West 2018).

APPENDIX A: RESOURCES FOR ADDRESSING BLIGHT

Federal funding opportunities

U.S. Department of Housing and Urban Development

- **Community Development Block Grants (Non-Entitlement) for States and Small Cities**
 - <https://www.hud.gov/hudprograms/nonentitlement>
 - Eligibility: State-determined eligible units of general local government
 - Funding used to: “Carry out a wide range of community development activities directed toward neighborhood revitalization, economic development, and improved community facilities and services.”
 - Fund description: Federal Funding Grants
- **Community Development Block Grant (Section 107) and Community Development Block Grant Technical Assistance (CDBG TA)**
 - <https://www.hud.gov/hudprograms/section107>
 - Eligibility: “States, units of general local government, Indian tribes, area-wide planning organizations, and other qualified groups designated by or assisting one or more such governmental units.”
 - Funding used for: Community development and related programs
 - Fund description: Federal funding grants/technical assistance awards
 - Contact: Les Hall, Director, Office of Finance Programs, Maryland Department of Commerce, 410-767-6356, 877-821-0099
- **Section 108 Loan Guarantee Program**
 - <https://www.hudexchange.info/programs/section-108/>
 - Eligibility: CDBG entitlement communities
 - Funding used for: “Financing for economic development, housing rehabilitation, public facilities, and other physical development projects, including improvements to increase their resilience against natural disasters”
 - Funding description: Loans
- **Neighborhood Stabilization Program**
 - <https://www.hudexchange.info/programs/nsp/>
 - Eligibility: Unavailable
 - Funding used for: Establish financing mechanisms for purchase and redevelopment of foreclosed homes and residential properties; purchase and rehabilitate homes and residential properties abandoned or foreclosed; establish land banks for foreclosed homes; demolish blighted structures; redevelop demolished or vacant properties
 - Funding description: Federal funding grant

Appalachian Regional Commission

- <https://www.arc.gov/funding/ARCGrantsandContracts.asp>
- Eligibility: Public entities (cities, towns, counties, regions, public service districts) and nonprofit organizations
- Funding used for: Activities that create opportunities for self-sustaining economic development and improved quality of life.
- Fund description: Federal grants
- Deadline: Annual

Federal Historic Preservation Tax Incentives Program

- <http://www.nps.gov/tps/tax-incentives.htm>
- Eligibility: Private investor in the rehabilitation of a historic building; owner-occupied buildings do not qualify.
- Funding used to: Encourage private sector involvement in the rehabilitation and re-use of historic buildings.
- Fund description: 20% Income Tax Credit and a 10% Tax Credit
- Program information: <http://www.nps.gov/tps/tax-incentives/before-you-apply.htm>
- Program guide: <http://www.nps.gov/tps/tax-incentives/taxdocs/about-tax-incentives-2012.pdf>

Historic Preservation Easement

- <http://www.nps.gov/tps/tax-incentives/taxdocs/easements-historic-properties.pdf>
- Eligibility: Property owner
- Funding used for: In a typical preservation easement, a property owner places restrictions on the development of, or changes to, the property and transfers these restrictions to a qualified organization whose mission includes environmental protection, land conservation, open space preservation, or historic preservation.
- Fund description: Federal income tax deduction for the value of the easement, and federal estate taxes may be reduced. Additionally, some state tax codes provide state tax benefits for conservation easement contributions.

American Battlefield Protection Program (ABPP) Grant

- <http://www.nps.gov/abpp/index.htm>
- Eligibility: Nonprofit organizations; academic institutions; and local, regional, state, and tribal governments
- Funding used to: Protect battlefields and sites associated with armed conflicts; assist in planning for the preservation, management, and interpretation of these sites; and raise awareness of the importance of preserving battlefields.
- Fund description: Individual project funding has ranged from \$5,000 to more than \$80,000. The average grant is \$32,000.
- Fund Information: <https://www.nps.gov/abpp/grants/planninggrants.htm>

Preservation Technology and Training (PTT) Grant

- <http://ncptt.nps.gov/grants/>
- Eligibility: Universities, colleges, nonprofit organizations, government agencies
- Funding used for: Innovative research that develops new technologies or adapts existing technologies to preserve cultural resources; not “brick and mortar” projects
- Fund description: Federal funding

National Trust Preservation Funds (NTPF)

- <http://forum.savingplaces.org/build/funding/grant-seekers/preservation-funds>
- Eligibility: Organizational Level Forum members or National Main Street Network members; public agencies; 501(c)(3) and other nonprofit organizations.

- Funding used for: Planning and education projects that stimulate public discussion, enable local groups to gain the technical expertise needed for particular projects, introduce the public to preservation concepts and techniques, and encourage financial participation by the private sector.
- Fund description: Grants generally start at \$2,500 and range up to \$5,000.

Johanna Favrot Fund for Historic Preservation

- <http://forum.savingplaces.org/build/funding/grant-seekers/specialprograms/favrot-fund>
- Eligibility: Organizational Level Forum members or National Main Street Network members; public agencies; 501(c)(3) and other nonprofit organizations. Individuals and for-profit businesses may apply only if the project for which funding is requested involves a National Historic Landmark.
- Funding used for: Preservation projects geared toward saving historic environments in order to foster an appreciation of our nation's diverse cultural heritage and to preserve and revitalize the livability of the nation's communities.
- Fund description: Grants generally range from \$2,500 to \$10,000.

Cynthia Woods Mitchell Fund for Historic Interiors

- <http://forum.savingplaces.org/build/funding/grant-seekers/specialprograms/cynthia-woods-mitchell-fund>
- Eligibility: Organizational Level Forum members or National Main Street Network members; public agencies; and nonprofit organizations. Individuals and for-profit businesses may apply only if the project for which funding is requested involves a National Historic Landmark.
- Funding used for: Preservation, restoration, and interpretation of historic interiors.
- Fund description: Grants range from \$2,500 to \$10,000.

Emergency/Intervention Funding

- Eligibility: Nonprofit organizations and public agencies.
- Funding used for: Emergency situations when immediate and unanticipated work is needed to save a historic structure, such as when a fire or other natural disaster strikes.
- Fund description: Emergency grants typically range from \$1,000 to \$5,000.
- Contact: grants@savingplaces.org

Peter H. Brink Leadership Fund

- Eligibility: Organizational Level Forum members or National Main Street Network members; public agencies; 501(c)(3) and other nonprofit organizations.
- Funding used for: Travel costs and mentor honoraria, to build the capacity of existing preservation organizations and support leadership and effectiveness of staff.
- Fund description: Grant reimbursement maximum of \$2,500
- Deadline: Rolling
- Program guidelines: <http://www.preservationnation.org/resources/find-funding/special-funds/the-peter-h-brink-leadership.html#.VLg3btLF-So>

Historic Surplus Property Program

- <http://www.nps.gov/tps/historic-surplus.htm>
- Eligibility: States, counties, municipalities, and other governmental entities
- Funding used for: Properties may be used for a wide variety of public facilities or revenue-producing activities.

- Fund description: Acquire a surplus property at no cost if the property is listed in, or eligible for listing in, the National Register of Historic Places.
- Additional Information: <http://www.nps.gov/tps/historic-surplus/historic-surplus-property.pdf>

American Planning Association

- https://www.planning.org/search/results/?Keyword=grant&url=%5B%27%27+TO+*%5D

United States Environmental Protection Agency

- <http://www.epa.gov/>
- <http://www.epa.gov/brownfields/>
- <http://www.brownfieldrenewal.com/>

National Geographic Conservation Trust Grant

- <http://www.nationalgeographic.com/explorers/grants-programs/conservation-trust/>

Lawrence Foundation-environmental, human services, disaster relief, and other causes.

- <http://www.thelawrencefoundation.org/grants/guidelines.php>

Surdna Foundation:

- <http://www.surdna.org/what-we-fund/sustainable-environments.html>

Civil War Trust

- <http://www.civilwar.org/>

State funding opportunities

Maryland Department of the Environment

- <http://mde.maryland.gov/Pages/GrantsandFinancialAssistance.aspx>

Brownfields Redevelopment Initiative

- Eligibility: Vacant or underutilized properties, where remediation is feasible and where redevelopment will create jobs and improve the local tax
- Funding used to: Promote economic development, especially in distressed urban areas, by identifying and redeploing underutilized properties.
- Fund Description: Funding for the purpose of completing a Phase I and Phase II investigation
- Additional Information:
- http://mde.maryland.gov/programs/LAND/MarylandBrownfieldVCP/Pages/bf_info.aspx
- *Program ceased in 2008 but expected to be offered in future

Maryland Department of Housing and Community Development

- **Maryland WholeHome Program**
 - Eligibility: Homeowners
 - Funding used for: Upgrade to energy efficient appliances, repair or replace heating and cooling systems, replace insulation, add accessibility features for seniors or those with special needs, remove lead paint, upgrade plumbing, and address structural and maintenance issues.

- Fund description: Loans and grants; maximum interest rate of 4%; no application fee
- Additional Information: <http://dhcd.maryland.gov/Residents/Pages/WholeHome.aspx>
- **Local Government Infrastructure Financing**
 - Eligibility: Maryland counties, municipalities, and/or their agencies
 - Funding used for: finance projects that serve the community at large. These projects can include, but are not limited to, streetscape improvements, transportation enhancements, and water and sewer treatment facilities.
 - Fund description: Tax exempt bonds
 - Additional Information: <http://dhcd.maryland.gov/Communities/Pages/Igif/HowItWorks.aspx>
- **Main Street Maryland Program**
 - Eligibility: Maryland communities with a minimum population of 1,000; commitment to employ a program manager for a minimum of three years; commitment to organize and maintain a volunteer board of directors and committees made up of public and private sector individuals; commitment to provide a program budget for a minimum of three years; must be a Designated Neighborhood approved by the State of Maryland; must have a defined central business district with a significant number of historic commercial buildings.
 - Funding used for: Strengthen the economic potential of Maryland’s traditional main streets and neighborhoods. Using a competitive process, Main Street Maryland selects communities who have made a commitment to succeed and helps them improve the economy, appearance and image of their traditional downtown business districts
 - Fund description: The Main Street Maryland Program offers official Main Street designation, technical assistance, training, and other services to the 23 Main Street communities across the State (including Cumberland, Maryland, designated in 1998).
 - Additional Information: <http://dhcd.maryland.gov/Communities/Pages/programs/MainStreet.aspx>
- **Affordable Multifamily Housing Development**
 - Eligibility: not available
 - Funding used for: Development and preservation of affordable rental housing in priority funding areas
 - Fund description: not available
 - Additional Information: <http://dhcd.maryland.gov/HousingDevelopment/Pages/FinancingPrograms.aspx>
- **EMPOWER Maryland Low Income Energy Efficiency Program**
 - Eligibility: Homeowners
 - Funding used for: Improvements to make your home safer, healthier and more energy efficient: insulation in the attic, floors and walls; hot water system improvements; lighting retrofits; furnace cleaning, tuning and safety repairs; refrigerator retrofit, if applicable; health and safety items.
 - Fund description: Installation of materials and equipment at no charge
 - Additional Information: <http://dhcd.maryland.gov/Residents/Pages/lieep/default.aspx>
- **Enhanced Weatherization Program**
 - Eligibility: Homeowners

- Funding used for: moderate to major repairs and upgrades to energy systems in addition to health and safety improvements such as treatment of mold, structural problems, lead paint, water leaks and damage or asbestos removal.
- Fund description: Grants for repairs and improvements
- Additional Information: <http://dhcd.maryland.gov/Residents/Pages/Enhanced-Weatherization-Program.aspx>
- **Weatherization Assistance Program**
 - Eligibility: Homeowners
 - Funding used for: Installation of energy conservation materials in dwelling units: Blower door air infiltration reduction; insulation in the attic, floors, walls; hot water system improvements; lighting retrofit; furnace clean/tune, safety repairs, burner retrofit or replacement; health and safety items
 - Fund description: Installation of materials
 - Additional Information: <http://dhcd.maryland.gov/Residents/Pages/wap/Default.aspx>

Maryland Historical Trust

- **Maryland Heritage Areas Program Grants**
 - Eligibility: Non-profit organizations and local jurisdictions, as well as state and federal government agencies.
 - Funding used for: Assist and encourage the preservation of historical, archeological, natural, and cultural resources and support economic development through heritage tourism within heritage areas
 - Fund description: Grants for Capital and Non-Capital Projects (Range: \$5,000-\$100,000)
 - Additional Information: http://mht.maryland.gov/documents/PDF/grants/Grants_MHAA_Guidelines.pdf
- **Maryland Historical Trust Capital Grants Program**
 - Eligibility: Nonprofits; local governments; businesses entities; individuals. Eligible properties are limited to those which are listed in or eligible for the Maryland Register.
 - Funding used for: Promote the acquisition, restoration, and rehabilitation of historic properties in Maryland
 - Fund description: Up to \$100,000 per project. All applicants, excluding nonprofits, are required to provide a dollar-for-dollar match.
 - Additional Information: http://mht.maryland.gov/grants_capital.shtml

Preservation Maryland

- **The Heritage Fund**
 - Eligibility: Nonprofits and local jurisdictions
 - Funding used for: Provides direct assistance for the protection of endangered cultural resources and promotes innovative education projects that can inform best practices across the state. Eligible projects fall into three general categories: education and research, planning and feasibility, and repair and rehabilitation.
 - Fund description: Minimum \$1,000, maximum \$10,000
 - Additional Information: <http://www.preservationmaryland.org/programs/heritage-fund-grants/>

Maryland Economic Development Commission

- **Brownfields Tax Incentive**
 - Fund description: Tax Credit

- Additional Information: <http://commerce.maryland.gov/fund/programs-for-businesses/brownsfields-tax-credit>
- **Job Creation Tax Credit**
 - Additional Information: <http://commerce.maryland.gov/fund/programs-for-businesses/job-creation-tax-credit>
- **Maryland Economic Development Assistance Authority Fund (MEDAAF)**
 - Eligibility: Projects must be within Priority Funding Areas and eligible industry sectors
 - Funding used for: Support economic development initiatives: business attraction and retention; infrastructure support; brownfield redevelopment; arts and entertainment districts; daycare; revolving loan funds; local strategic planning.
 - Additional Information: <http://commerce.maryland.gov/fund/programs-for-businesses/medaaf>
- **Base Realignment and Consolidation Revitalization and Incentive Zone (BRAC)**
 - Eligibility: Counties; municipalities; two or more political subdivisions
 - Additional Information: <http://commerce.maryland.gov/fund/programs-for-economic-development-partners/brac>

Local opportunities

Programs Administered by City

- Weatherization
- Home Improvements Grants & Loans
- Unsafe Structures Demolition

Previously Utilized Partners and Programs

Source: 2013 City of Cumberland Comprehensive Plan, City-Wide Element

- Let's Beautify Cumberland
- Neighborhood Advisory Commission
- Rolling Mill Neighborhood Association
- Cumberland Housing Alliance
- Cumberland Neighborhood Housing Services (Non-profit)
- Allegany County Housing Authority
- Community and Housing Development Organization
- Maryland Department of Natural Resources
 - Utilized Rural Legacy Funds
- Maryland Department of Agriculture
 - Maryland Agricultural Land Preservation Program
- National Register of Historic Places
- Program Open Space through Allegany County and Department of Natural Resources
- Atlantic Coastal Bays Trust Fund
- Tax Increment Financing (TIF)
- American Recovery and Reinvestment Act
- State of Maryland Community Legacy Grants
- Federal Highway Administration Transportation Enhancement Grant
- Maryland Department of Transportation
- Interfaith Housing of Western Maryland
- Habitat for Humanity

- Enterprise Zone Tax Credit
- Federal Historically Underutilized Businesses (HUB) Zone Contracting Program
- Job Creation Tax Credit
- One Maryland Tax Credit
- City of Cumberland Historic District Tax Incentive Program
- Allegany County Historic District Tax Incentive Program
- Maryland Sustainable Communities Rehabilitation Tax Credit Program
- Maryland Historical Trust Historic Preservation Loan Program
- Maryland Historical Trust Grant Program
- Federal Tax Incentive Program
- Arts & Entertainment District Rehabilitation Tax Credit Program
- Arts & Entertainment District Admissions & Amusement Tax Exemption Program
- Arts & Entertainment District Income Tax Subtraction Modification Program
- Virginia Avenue Targeted Area Revitalization (VAATR) Tax Incentive
- Virginia Avenue Enterprise Zone for Revitalization Area (VAEZRA) Program
- CDBG Micro Enterprise Grants
- Canal Place Preservation and Development Authority
- Downtown Development Commission (City of Cumberland)
- Maryland Department of Planning
- Cooperative Economic Development Agreements (CEDA)

Source: 2013 City of Cumberland Comprehensive Plan, Neighborhood Element

- Downtown Cumberland Business Association
- Canal Place Preservation and Development Authority
- National Park Service
- Maryland Department of the Environment
- The Faux Group
- Chapel Hill Neighborhood Association
- South Cumberland Business and Civic Association (SCBCA)
- American Recovery and Reinvestment Act
- ARC
- CDBG
- Community Legacy Program—Self Help Project
- Virginia Avenue Redevelopment Project
- North End Neighborhood/Crime Watch
- Planning Coordination Team?
- State Highway Enhancement
- WODA Development Corporation

Other Resources:

- Additional grant links related to preservation:
 - <http://www.preservenet.cornell.edu/links.php#grants>
- Grants.gov
 - <http://www.grants.gov/web/grants/home.html>

- Common Grant Application
 - <http://www.commongrantapplication.com/>

APPENDIX B: SURVEY QUESTIONS

1. Name/initial of surveyor.
2. Date and time [automatically populated when creating a data point]
3. Latitude and longitude [automatically populated by GPS location]
4. Photo: If possible, take and upload a photo of the property under review.
5. Property street address: If the street address of the property is clearly marked, please include it here.
6. Property Use Description: Choose the best description for the property's principal use.
 - a. Single Family
 - b. Duplex side-by-side
 - c. Duplex up and down
 - d. Multi-family unit
 - e. Commercial
 - f. Mixed commercial/residential
 - g. Industrial/manufacturing
7. Does the property appear to be vacant or abandoned? (Yes/No)
8. If the property is vacant/abandoned, select all indicators of vacant/abandoned status.
 - a. There is a posted notice on the door or windows of the building
 - b. The building is boarded up. Note if one or more floors are boarded up, or if it is "open and accessible."
 - c. Yard maintenance has been severely neglected
 - d. Excessive mail is piling up at the doorstep or mailbox
 - e. Is there a "for sale" sign on premises
 - f. The building is burned out by fire
 - g. The building shows significant dilapidation or may be missing key structural components
 - h. The building has been significantly vandalized
 - i. Other/Comment _____
9. Is the property of primary structure dilapidated? (A structure is dilapidated if you answered "yes" to the structure being vacant/abandoned above OR if any of the following are in "poor" condition: roofing, windows, doors, exterior walls, porch/stairs/deck/ramp, foundation, or storefront/signage.)
10. Are any accessory structures dilapidated? (A structure is dilapidated if any of the following are in "poor" condition: roofing, windows, doors, exterior walls, porch/stairs/deck/ramp, foundation, or storefront/signage.)
11. Are any of the following present, visible, or applicable?
 - a. Excessive rubbish
 - b. Excessive vegetation
 - c. Inoperable vehicles
 - d. The lot is vacant/unused
 - e. Other: _____
12. Condition of roofing (Options: Excellent, Good, Fair, or Poor)
13. Condition of windows (Options: Excellent, Good, Fair, or Poor)
14. Condition of doors (Options: Excellent, Good, Fair, or Poor)
15. Condition of exterior walls (Options: Excellent, Good, Fair, or Poor)
16. Condition of porch/stairs/deck/ramp (Options: Excellent, Good, Fair, or Poor)
17. Condition of foundation (Options: Excellent, Good, Fair, or Poor)
18. Condition of storefront & signage (Options: Excellent, Good, Fair, or Poor)
19. Please note any other items in POOR condition. _____
20. Please make any other notes of comments here. _____

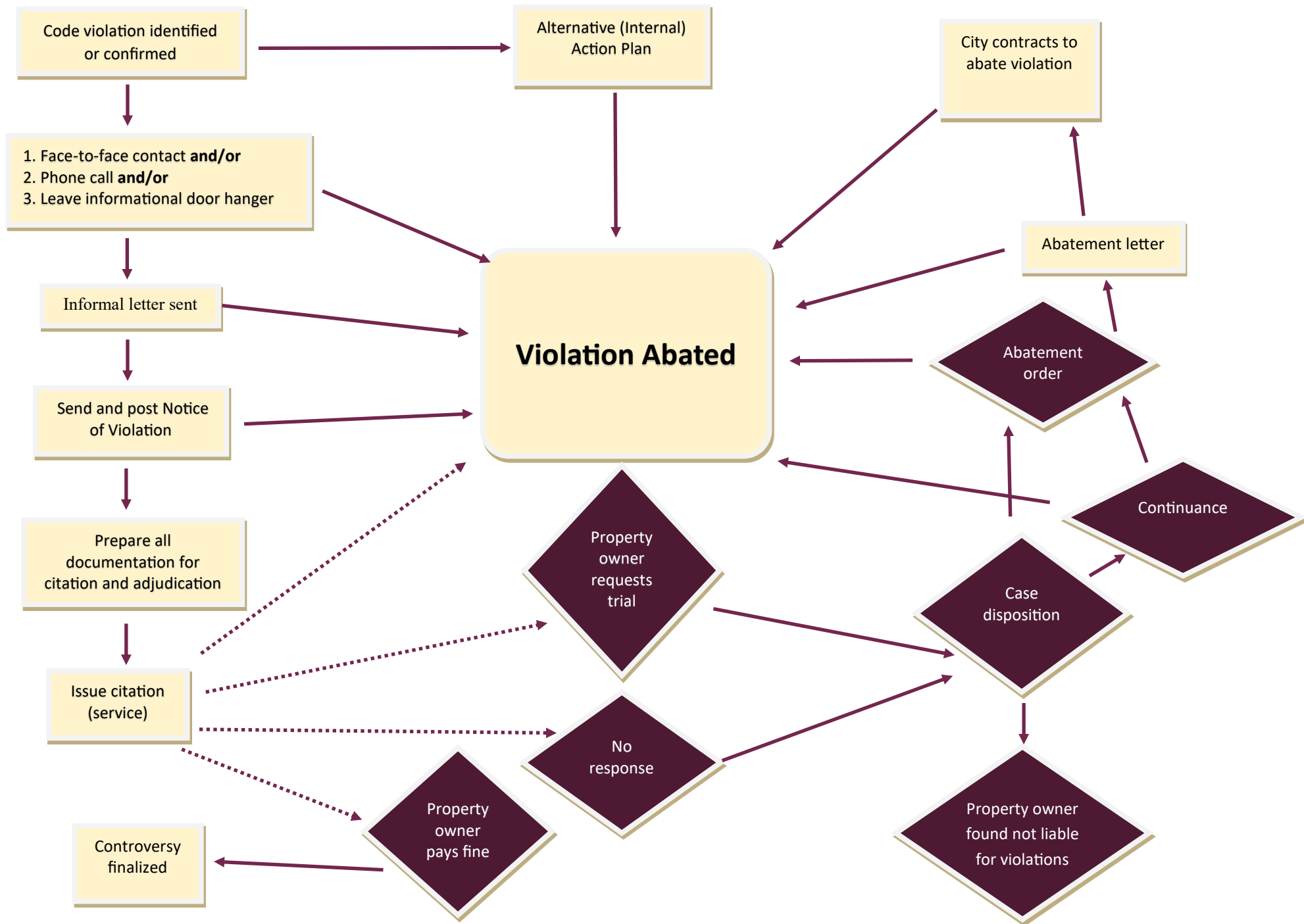
APPENDIX C: CODE ENFORCEMENT PROCEDURAL CHART

**APPENDIX D: CUMBERLAND COMMERCIAL PROPERTY ADAPTIVE
REUSE TAX INCENTIVE PROGRAM**

APPENDIX E: SPECULATIVE HOUSING INCENTIVE

APPENDIX F: HISTORIC DISTRICT HOUSING INCENTIVES

APPENDIX G: IMPLEMENTATION MATRIX





City of Cumberland
COMMERCIAL PROPERTY
ADAPTIVE REUSE TAX
INCENTIVE
PROGRAM APPLICATION

DEPARTMENT OF COMMUNITY DEVELOPMENT
57 NORTH LIBERTY STREET
CUMBERLAND, MD 21502
301-759-6431



City of Cumberland

Commercial Property Adaptive Reuse Tax Incentive Program

Policies and Procedures

- Maryland state law grants the City of Cumberland the authority to provide tax incentives to property owners for qualified rehabilitations for the adaptive reuse of existing commercial properties within the municipal boundaries of Cumberland.
- Section 9-256 of the Maryland Annotated Code Tax Property Article provides that an existing structure that has been brought into compliance with current building codes relating to safety or accessibility may receive a tax credit not to exceed 50% of the amount of qualifying expenditures for a period of 10 years distributed in an equal amount each year.
- Qualifying expenditures include the following:
 - Elevators
 - Fire suppression systems
 - Means of ingress or egress; or
 - Architectural or engineering services related to installation or rehabilitation of these or similar building features.
- Funds that are awarded as part of a City of Cumberland incentive program or other funding program are not eligible for inclusion for tax credits.
- The minimum expenditure for each structure must be \$25,000.
- The property owner must receive all applicable permits prior to the start of any work. These include, but are not limited to, Occupancy Permit, Commercial Alteration Permit, Certificate of Appropriateness, Plumbing and Electrical Permits
- All work must be preapproved. Work that is started before all approvals are in place will be ineligible.
- The tax credit cannot be used for commercial structures that do not comply with current building codes if the structures were constructed or improved when those standards were in place. The incentive will be available to those structures that were built or improved before those standards were in place.
- The approved tax credits will be applied in equal amounts for ten years
- The amount of the tax credit applied will not exceed the annual amount of real estate property taxes owed for that year.
- The credits will be applied to City of Cumberland real estate property taxes.
- Any tax credits remaining after the tenth year will expire.
- Property owners must remain current in payment of all property taxes.
- Complete details of the local program can be found in Section 10-33 of the Code of the City of Cumberland.

Instructions

Part I - Pre-Construction Work Scope Application

- The first step is to obtain all applicable building permits, including occupancy permits. Copies of checklists can be obtained from the Department of Community Development in the lower level of City Hall at 57 North Liberty Street or by visiting the City of Cumberland's website at <http://www.ci.cumberland.md.us/519/Commercial>.
- Complete the attached Pre-Construction Work Scope Application form. Fill in all the blanks. Missing information may result in delays in processing. **This form must be submitted and approved by the Department of Community Development staff prior to the commencement of any construction activities. Failure to receive approval prior to the commencement of construction will be subject to disqualification.**
- Provide representative photographs to visually describe the areas of impact for the project. Include copies of design plans, elevations, materials specifications, and all other relevant information to fully convey the scope of work.
- For new construction projects, applicants should provide design elevations/renderings, as well as photographs of the surrounding neighborhood in which the new building is to be constructed.
- Ensure that all relevant building and code-related permits are obtained from the City of Cumberland's Department of Community Development. Checklists are available upon request to address your specific scope of work.
- For properties located within the Canal Place Preservation District, an application for a Certificate of Appropriateness must be applied for and approved by the Historic Preservation Commission in addition to the approval of the Pre-Construction Work Scope Application Form.

Part II – Completion Certification

- Include relevant before and after photos, documenting the rehabilitation that has taken place.
- Ensure that all applicable permits have been approved.
- Complete the attached transmittal of receipts form. Make sure to sign and date all receipts, invoices, canceled checks, and credit card statements. Account numbers should be obscured or removed. Invoices must be accompanied by proof of payment in order for processing to continue and all documentation must clearly reference the address of where the work has taken place. All receipts should be numbered. ***Please note that all submitted documentation must be kept on file and cannot be returned.***
- Return the completed application to the City of Cumberland Department of Community Development, 57 North Liberty Street, Cumberland, MD 21502
- **The application will be reviewed by City of Cumberland staff upon receipt. When complete, the application will be forwarded to the Cumberland Mayor and City Council for approval.**

If you have any questions about the forms or the process of obtaining tax credits, please contact the City of Cumberland's Community Development Programs Manager, Kathy McKenney, at (301) 759-6431 or kathy.mckenney@cumberlandmd.gov.

PLEASE NOTE THAT THE APPROVAL OF THE APPLICATION FOR TAX CREDITS CONSTITUTES ONLY A LOCAL APPROVAL. YOU WILL NOT AUTOMATICALLY QUALIFY FOR THE TAX CREDIT PROGRAMS THAT THE STATE AND FEDERAL GOVERNMENTS HAVE TO OFFER. YOU MUST SUBMIT TO A SEPARATE PROCESS FOR THESE PROGRAMS. CONTACT THE APPROPRIATE OFFICE TO INQUIRE THE REGULATIONS FOR OBTAINING OTHER TAX CREDITS.

City of Cumberland
Commercial Property Adaptive Reuse Tax Incentive
Program

Part I – Pre-Construction Work Scope Application

TO: City of Cumberland
Department of Community Development
57 North Liberty Street
Cumberland, MD 21502

| FOR OFFICE USE ONLY | |
|----------------------|---------|
| COA | # _____ |
| Tax Account | # _____ |
| Date Part I Approved | _____ |

-type or print in ink-

APPLICANT:

Owner's Name: _____

Address: _____

Phone: _____

PROPERTY: (if different from applicant information)

Name: _____

Address: _____

Please Check the Qualifying Investment for which the Credit is Being Sought:

- Elevator
- Fire Suppression Systems
- Means of Ingress/Egress
- Architectural or Engineering Services Related to Installation or Rehabilitation of the Above or Similar Building Features

**If structure is located in the Canal Place Preservation District, a Certificate of Appropriateness must be approved prior to the commencement of construction. A Certificate of Appropriateness is required for all exterior work in this district even if the tax credit application process is not completed and/or is denied.*

If you are unsure as to which district your project qualifies for this incentive program, please consult the City of Cumberland's Community Development Programs Manager at 301-759-6431.

Scope of Work – Existing Structures (Please attach a copy of all approved building and occupancy permit applications)

| Elevator | Proposed Work/Changes |
|-------------------------|-----------------------|
| | |
| Fire Suppression System | Proposed Work/Changes |
| | |

| Means of Ingress/Egress | Proposed Work/Changes |
|------------------------------------|---|
| | |
| Architectural/Engineering Services | Detail Estimated Cost & Scope of Services |
| | |

Attach additional sheets, if needed.

City of Cumberland
Commercial Property Adaptive Reuse Tax
Incentive Program
Part II – Completion Certification

TO: City of Cumberland
Department of Community Development
57 North Liberty Street
Cumberland, MD 21502

| FOR OFFICE USE ONLY | |
|---|---------|
| OP | # _____ |
| RB | # _____ |
| Tax Account | # _____ |
| Date Part II Certified/Recommended by staff _____ | |
| (See Attached for Recommended Incentives) | |

-type or print in ink-

APPLICANT:
Owner's Name: _____
Address: _____

Phone: _____
Email: _____

PROPERTY ADDRESS:
Address: _____

A. In Accordance with Maryland's Annotated Code Tax Property Article 9-256 and the City of Cumberland's Ordinance 3788, I request a credit on my City Property taxes for attached detailed Commercial Adaptive Reuse Qualifying Investment:

B. Total Cost of the Project: \$ _____
The minimum expenditure must be \$25,000.00

C. **Start Date of Project** _____

D. **Completion Date of Project** _____

E. _____ **Attached Receipts Summary Form is Complete**

_____ **Before and After Photographs are Enclosed**

_____ **All Receipts are Numbered and Dated**

_____ **Copies of Cancelled Checks/Proof of Payment**

I HEREBY DECLARE under penalties of perjury that all information submitted is, to the best of my knowledge, accurate and true.

Owner/Applicant (Print)

Signature

Date

City of Cumberland

- Maryland -

Resolution

No. R2009-07

A RESOLUTION of the Mayor and City Council of Cumberland, Maryland, continuing an initiative to develop a new Speculative Housing Program.

- WHEREAS, the Mayor and City Council of Cumberland seek to continue to support the Greater Cumberland Committee of Western Maryland, the Home Builders Association of Western Maryland, and the Historic Highlands Board of Realtors by supporting an initiative to develop a new Speculative Housing Program in the City; and
- WHEREAS, local business leaders and realtors have identified a lack of available new housing in the county to accommodate the needs of the new and expanding business; and
- WHEREAS, a program has been instituted towards the construction of new speculative housing starts, as defined in this Resolution, in the City of Cumberland and Allegany County; and
- WHEREAS, the Mayor and City Council of Cumberland wish to continue to support this initiative by agreeing to defer building permit and utility tap fees for speculative housing construction until such time as the property is sold or occupied; and
- WHEREAS, speculative housing, which is subject to this initiative, shall be in the \$75,000.00 to ~~\$200,000.00~~ [\$350,000.00] price range; and
- Whereas, new construction must begin within thirty (30) days of permit issuance and must be substantially completed within six (6) months; and

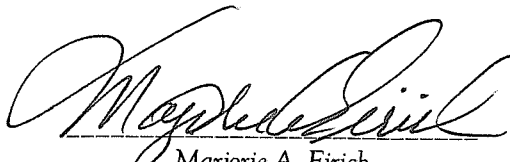
WHEREAS, the time frame for this special initiative shall commence upon the adoption of this Resolution and shall extend through June 30, ~~2009~~ [2012]; and

WHEREAS, a separate agreement between the developer and the City detailing the arrangement described above will be executed for each speculative home that is built as part of the Spec Home Project.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that the Mayor and City Council hereby reaffirm their support of this meaningful housing development initiative by establishing an across-the-board policy for encouraging the development of spec housing in the City of Cumberland.

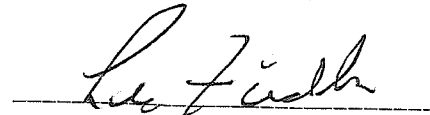
Given under our Hands and Seals this 26 day of May, in the year 2009,
with the Corporate Seal of the City of Cumberland hereto attached,
duly attested by the City Clerk.

Attest:



Marjorie A. Eirich
City Clerk

Mayor and City Council
Of Cumberland



Lee N. Fiedler
Mayor

CUMBERLAND HISTORIC DISTRICT FINANCIAL ASSISTANCE PROGRAMS

A. City of Cumberland Historic District Tax Incentive Program

For qualified renovations that have been approved by the Historic Preservation Commission, a ten-percent credit can be deducted from the property owner's annual city property taxes. A minimum expenditure of \$5,000 is required. This credit can be used for up to five years if the amount of credit is greater than the amount of annual taxes due.

Additionally, a city property tax assessment freeze is available for a period of up to ten years. The length of the freeze depends upon the amount of the expenditure in relation to the pre-improvement market value of the property. In 2006, this program was expanded to include not only the Canal Place Preservation District, but also all National Register of Historic Districts within Cumberland. Maps of these districts and application forms are available by calling 301-759-6431 or visiting the City of Cumberland's website www.ci.cumberland.md.us.

B. Special Taxing District Incentive Program

In 2013, the Mayor and City Council, at the request of the Downtown Development Commission, provided a tax assessment freeze equal to that received by the City of Cumberland's Historic District Tax Incentive Program to be applied to the Special Tax for property owners in the Primary and Secondary Districts of the Downtown Cumberland Special Taxing District. Applicants must have work approved by the Cumberland Historic Preservation Commission in order to be eligible. There is not a separate application required but property owners should indicate on the Historic District application that they are located within an eligible district.

C. Allegany County Historic District Tax Incentive Program

The Allegany County Commissioners have provided a tax assessment freeze equal to that received through the City of Cumberland's program. Applicants must have work approved by the Cumberland Historic Preservation Commission in order to be eligible. Approved City of Cumberland Historic District Tax Incentive Applications will be forwarded to the Allegany County Office of Finance for processing. There is not a separate application required.

D. Maryland Sustainable Communities Rehabilitation Tax Credit Program

The Maryland Sustainable Communities Rehabilitation Tax Credit Program is administered by the Maryland Historical Trust and provides Maryland income tax credits based on a percentage of the qualified capital costs expended in the rehabilitation of eligible structures.

All applications must be approved by the Maryland Historical Trust prior to the commencement of work. More information about this program can be obtained by contacting the Maryland Historical Trust's Office of Preservation Services at 410-697-9558 or 410-697-9560. Forms and instructions may be obtained by visiting the website at <http://mht.maryland.gov/taxCredits.shtml>

Owners of historic commercial properties take note: The Maryland Historical Trust accepts applications for a competitive round each year. Please check the MHT website to determine the next upcoming deadline. Commercial property owners may receive a tax credit of up to 20 percent of eligible expenses to a total of \$3 million for substantial rehabilitation projects.

The commercial program is one of three Sustainable Communities Tax Credits that is currently offered. Residential property owners can apply for credits through the Homeowner Tax Credit Program. For relatively smaller commercial and mixed-use projects, a Small Commercial application is also available.

E. Maryland Historical Trust Historic Preservation Loan Program

The Maryland Historical Trust administers loan programs that assist both bricks and mortar activities such as acquisition and rehabilitation of historic properties and the development of heritage tourism-related businesses. Loans are awarded as a lump sum that must be repaid within an agreed-upon time period. The loan terms are attractive, offering below market rates. More information about this program can be obtained by contacting the Maryland Historical Trust's Office of Preservation Services at 410-697-9559 or 410-697-9535. More information is available on the MHT website by visiting <http://www.mht.maryland.gov/loans.html>.

F. Maryland Historical Trust Grant Programs

The Maryland Historical Trust administers six separate grant programs that assist in a wide variety of historic preservation-related activities, including:

- acquisition and rehabilitation of historic properties;
- acquisition, construction, and capital improvement of buildings, sites, and communities of historical and cultural significance to the African American experience in Maryland;
- Historic Property documentation projects such as National Register of Historic Places nominations; Maryland Inventory of Historic Property forms; and HABS/HAER/HALS documentation;
- archeological investigations;
- documentation of folkways and cultural history through oral histories;
- heritage tourism development, such as brochures, tours and site improvements;
- museum activities, encompassing strategic planning, exhibits, collections management, educational programs and marketing.

Each program has different eligibility standards, operating regulations, applications and deadlines, so please be sure to read each program's guidelines closely to make sure your project is eligible.

MHT encourages applicants to contact the appropriate MHT staff person prior to submitting application. More information about this program can be obtained by contacting MHT's website at <http://www.mht.maryland.gov/grants.html>.

G. Federal Tax Incentive Program

The program enables the owners or long-term leaseholders of income-producing certified historic structures (listed in the National Register of Historic Places, or a contributing element within the boundaries of an historic district), to receive a federal tax credit. The credit amounts to 20% of the cost of a certified rehabilitation. Applications for this program contain three parts and are available through the Maryland Historical Trust. More information about this program can be obtained by contacting the MHT's Office of Preservation Services at 410-697-9558 or 410-697-9560. More information can be found on the National Park Service's Heritage Preservation Services website, located at <http://www.nps.gov/tps/tax-incentives.htm>.

Please contact the phone numbers or websites listed above to ensure that stated program information is still accurate prior to submitting application forms.