



March 18, 2016

RE: 3rd Sub. House Bill 223 – Local Historic District Amendments
Bill Sponsor: Representative Brad Wilson; Senate Sponsor: Stuart Adams

Dear Honorable Governor Herbert:

On behalf of the Board of Trustees and members of Utah Heritage Foundation, I express our opposition to House Bill 223. While progress to make the bill more reasonable for all Utah communities were made and more were proposed, we believe more changes are warranted and that this is a proposal that would be difficult for many communities. **Therefore, we strongly encourage you to VETO House Bill 223.**

Besides this bill being initiated by a special interest individual, we have the following concerns with the proposal:

1) This is a bill about reforming the process in Salt Lake City where this initiated. However, as written, this bill affects the entire state and we believe that is inappropriate. There are more than fifty communities in the state that have adopted local historic preservation ordinances and many of them do include citizen initiated designation options but add no additional property restrictions, review processes, code mandates, or required design review. They are for honorary designation only. This bill would affect all those communities.

SOLUTION: Limit HB 223 to cities of the first class in counties of the first class.

2) The effective date of this bill, if passed, is currently proposed to be January 1, 2016. We currently know of two local historic district designations that are in process. We believe that it is unfair and inappropriate to purposely discontinue these processes that have been diligently moving forward for nearly two years.

SOLUTION: Set the effective date at either July 1, 2016 or January 1, 2017 to allow these processes to be completed.

3) Instituting a four year waiting period after an unsuccessful bid to designate presents a real danger to historic neighborhoods. Additionally, we are concerned that within four years, a neighborhood can completely change character and thus become not eligible for designation in that period of time.

SOLUTION: Reduce the waiting period to a more reasonable time frame of two years.

4) The threshold for positive balloting by property owners within the proposed local historic district is 66%. We believe this is set high enough to make any future local historic district designation across the state extremely difficult. In addition, the last amendment made to the bill also included that a community must receive 50% + 1 of the ballots back in order for the balloting to count. Thresholds like this are extremely uncharacteristic for local zoning, or for anything that requires an official polling or voting of the citizens and should be considered an overreach into communities.

SOLUTION: Model the state legislation after the current Salt Lake City process (that is working just fine!) which is set at a very democratic 50% + 1 threshold for positive balloting.

There are quantifiable economic benefits to historic district designation that would be lost when local districts are curbed by House Bill 223. Property values in Utah communities that embrace local designation are shown to outperform the rest of the housing market, in tough times decline less in value, provide more stability when it comes to foreclosure rates, and support affordability in households of a wide range of income brackets.

These are important changes that we believe improve the bill for communities across the state and strongly encourage you to consider offering any or all of these as possible amendments.

We strongly encourage you to VETO 3rd Sub. House Bill 223 when it comes to you for consideration.

Thank you for your consideration of our comments and for your service to the state of Utah. Please let me know if you have any questions. I can be reached at kirk@utahheritagefoundation.org or (801) 533-0858 ext. 105 office / (801) 949-4040 mobile.

Sincerely,



Kirk Huffaker
Executive Director