



February 24, 2016

RE: House Bill 223 Sub. 1 – Local Historic District Amendments (Sponsor: Representative Brad Wilson)

Dear Honorable Representative:

On behalf of the Board of Trustees and members of Utah Heritage Foundation, **we express our opposition to House Bill 223 Sub. 1 and strongly encourage you to vote it down on the House floor when it comes to a vote.** Specifically, we have concern with four points of the bill:

1) The effective date of the HB 223 is set as January 1, 2016. We know of two local historic districts that are currently in process and should be allowed to complete their course without being cut off. They have followed all the rules and ordinances in their process that has taken nearly two years to complete. **SOLUTION:** Move the bill's effective date to January 1, 2017 to allow these two local historic districts to complete their local process.

2) This is a bill that originated in Salt Lake City and is about Salt Lake City's process. Over 50 communities in the rest of the state are functioning without issue and will be unduly harmed by HB 223. **SOLUTION:** Limit HB 223 to cities of the first class in counties of the first class.

3) There is a proposed four year waiting period after an unsuccessful attempt to designate a local historic district. We believe this is overly long, to the extent that it could allow a neighborhood to lose its eligibility to be designated due to major changes to buildings within the proposed district. **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. **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.

Proposed amendments that include our solutions would be viewed as friendly amendments and would be welcomed by Utah Heritage Foundation.

Many of the issues you may be hearing about are not historic preservation issues – they are neighborhood design issues. Unfortunately, the only tool currently available to property owners is local historic district designation. House Bill 223 unnecessarily punishes over 50 communities across the state by dragging historic preservation into a conversation that it shouldn't be in. We believe the state and the Legislature could be helpful in assisting to design a new tool for these neighborhood design issues, but that action shouldn't come at the expense of making local historic district designation unattainable.

We believe that local historic districts actually *create and bolster* property rights. Through their designation, local historic districts create the right of the owners in that area to be protected against other owners who would use or alter their properties in ways that would diminish their historic character or erase it altogether. Such abuses reduce the value of neighboring historic properties, and have a correspondingly diminished right to equal community protections that originate from local zoning.

Again, we express our opposition to House Bill 223 Sub. 1 and strongly encourage you to vote it down on the House floor when it comes to a vote.

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,

A handwritten signature in black ink, appearing to read "Kirk Huffaker", written over a faint, light-colored rectangular stamp or watermark.

Kirk Huffaker
Executive Director