

SUBJECT: Establishing a statewide process for designating historic landmarks

COMMITTEE: Culture, Recreation and Tourism — committee substitute recommended

VOTE: 9 ayes — Cyrier, Martinez, Bucy, Gervin-Hawkins, Holland, Jarvis
Johnson, Kacal, Morrison, Toth

0 nays

WITNESSES: For — Arif Panju, Institute for Justice; Geoffrey Tahuahua, Real Estate Council of Austin; Linda Cangelosi; Glen Coleman; Joseph Parker; (*Registered, but did not testify*: Phil Thoden, Associated General Contractors Austin Chapter; Dianne Bangle, Real Estate Council of Austin; Chelsy Hutchison, Real Estate Council of San Antonio; Jeremy Fuchs, Texas and Southwestern Cattle Raisers Association; Kyle Jackson, Texas Apartment Association; Ned Munoz, Texas Association of Builders; David Cain, The Real Estate Council Dallas; Peter Cesaro; Pam Madere; Patrick Rose; Emily Schmidt)

Against — Scott Marks, Preservation Austin; David Preziosi, Preservation Dallas; Evan Thompson, Preservation Texas; Norman Alston; Jordan Ghawi; Cynthia Spielman; (*Registered, but did not testify*: Brie Franco, City of Austin; Tammy Embrey, City of Corpus Christi; Clifford Sparks, City of Dallas; Sally Bakko, City of Galveston; Brandi Youngkin, City of Plano; Catherine Sak, Texas Downtown Association; Shanna Igo, Texas Municipal League)

On — (*Registered, but did not testify*: Mark Wolfe, Texas Historical Commission)

DIGEST: CSHB 2496 would prohibit municipalities from establishing a designated place or area of historical, cultural, or architectural importance and significance through the adoption of zoning regulations or boundaries as a historical landmark unless:

- the owner of the property consented to the designation; or

- the designation was approved by a three-fourths vote of the governing body of the municipality and a three-fourths vote of the zoning, planning, or historical commission of the municipality, if any.

The bill would require a municipality to allow an owner to withdraw consent at any time during the designation process.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019, and would apply only to a designation of a property as a historic landmark made on or after the effective date of the bill.

**SUPPORTERS
SAY:**

CSHB 2496 would protect individual property rights and provide uniformity and fairness in the process to designate a property a historic landmark.

The bill would protect property rights by requiring a supermajority vote of a municipality's governing body and certain commissions when designating a historical landmark without an owner's consent and would allow owners to withdraw their consent any time during the designation process. By requiring a supermajority by municipalities, the bill prevents cities from easily infringing a property owner's wishes and rights. Protecting the property rights of owners means not financially burdening them with a historical designation.

CSHB 2496 would promote accountability by establishing a uniform, statewide process for designating places or areas as historical landmarks. The process for designating a historical landmark can be time-consuming and even expensive for the owner of the property, depending on the municipality where the property was located. Expenses such as maintenance costs can result in code violations if left unattended. Although tax breaks are available for certain historic landmarks, some landmarks, such as local historic districts, do not receive tax exemptions from their municipalities to help with the costs associated with the

designation.

**OPPONENTS
SAY:**

CSHB 2496 could weaken the ability of Texans to preserve important historic sites and could prevent municipalities from exercising a historical landmark designation process that fit their community's needs.

Historic designations play an important role in protecting historic resources for current and future generations. By requiring a supermajority to override the objection of the property owner, the bill would make it difficult for preservationists to preserve meaningful properties. Many cities with existing processes for landmark designation protect the property rights of individuals by providing for hearings in which all interested parties can voice concerns or support. The support some local governments provide property owners extends past the designation process. Some municipalities have local financial incentives in place to assist owners of a landmarked property with preservation. Rarely do properties get designated as historic without owner consent, and when they do, it is because an owner wants to demolish an irreplaceable landmark.

CSHB 2496 could infringe on local control with a one-size-fits-all approach to communities across the state. Municipalities have developed their own rules and regulations for designating historical landmarks in accordance with that community's unique needs. Requiring a supermajority from the governing bodies and certain commissions would place an unnecessary burden on municipalities. Requiring this statewide would make it more difficult to protect meaningful historic landmarks.