



Information concerning owner consent of landmark designations

In its current form, the Wisconsin Historical Society and State Historic Preservation Office supports AB 771/SB 639. We oppose any amendments that require owner consent for designation.

The proposed language that the unit of government “receives the consent” of a majority of owners is contrary to existing state enabling statutes that allow units of government to “regulate **any** place, structure or object with a special character, historic interest, aesthetic interest or other significant value, for the purpose of preserving the place, structure or object and its significant characteristics.” The presumption of existing statutes is that a unit of government is allowed to regulate regardless of the opinion of a group of owners, in other words may regulate ANY place. Using existing statutes, Wisconsin cities, towns, villages, and counties have taken active steps to preserve the unique historic legacy of their communities through approved ordinances that establish historic preservation commissions and designate and regulate local landmarks and local historic districts.

These communities have found it to be in their collective interest to promote historic preservation and to protect local landmarks and districts for the economic and social betterment of the whole. In addition to safeguarding a shared heritage, their interests include protecting the real estate value of designated neighborhoods and downtowns, promoting downtown revitalization, stabilizing property values, protecting neighbors from “bad actors” whose substandard alterations diminish neighboring values, as well as capitalizing on the economic value of heritage tourism. Studies indicate that properties in landmark historic districts outperform the market with values that are rising, and fare better when the market is in decline. Further, local historic district properties contribute exponentially to the property tax base when compared to comparable new-construction neighborhoods.¹

Local communities and historic preservation commissions from across the state form a significant historic preservation constituency, that opposes state controls on their local ability to designate and protect the landmarks and historic districts that reflect their heritage. In consultation with representatives of those communities, including the Wisconsin Association of Historic Preservation Commissions, which represents the states local preservation commissions, they oppose this language. Because part of the mission and statutory obligations of the Wisconsin Historical Society and State Historic Preservation Office is to preserve properties of enduring value, and because loss of historic properties is

¹ Place Economics, *Designing a 21st-Century City: Historic Preservation and the Raleigh of Tomorrow*, 2014.

irreversible and cannot be undone, we must also oppose the proposed amendment to limit local regulation of historic properties.

In addition, we have the following concerns:

- Requiring each owner to consent or respond (especially within a historic district) deters designation by establishing a bar that is unreasonable to achieve. A property owner who does not submit a vote is counted against the consent, heavily favoring those opposed. Mailings are routinely discarded, ignored, or misdirected.
- A change in the established process and certification guidelines and the revision of local ordinances will have a significant fiscal impact the Society's State Historic Preservation Office (SHPO) and on units of government.
- The criteria for voting disproportionately favors large property owners, potentially outweighing the interest of the majority.
- We have concerns regarding our ability to distribute our CLG funds, which represent a \$100,000 disbursement to communities across the state and a requirement of the SHPO's federal grant.
- The proposed language does not provide an effective date for the new process. The proposed language does not address the impact on or a transitional period for landmark designations that are currently in process with scheduled hearings.
- Controls, oversight and constituent participation in the process already exist. Under current law, designation occurs after a hearing and property owners may appeal decisions they find unreasonable or cost-prohibitive to their town/county board or city council. These elected officials may overturn or modify any commission decision including designation.

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