

Responsible Historic Preservation Position on Transition Process for Existing and Pending Historic Districts

The reconsideration process of historic designation for existing and pending historic districts has not complied with the provisions of the Transition Ordinance approved by City Council on October 13th, 2010. It also does not comply with the laws of the State of Texas regarding the amendment of historic designations. It is therefore incumbent upon the members of Houston's City Council to reject any recommendations by the Planning Director which maintains these designations without evidence of support for the continuation of the historic designations for the petitioning existing and three pending historic districts.

1. The Ballot used in the Reconsideration process, failed to comply with two significant requirements outlined in the Transition Ordinance.
 - a. The Ballot only allowed for an expression of opposition however, the plain language of the Transition Ordinance requires a Ballot, which indicates **whether or not** property owners support the repeal of the designation.
 - b. The Ballot was **virtually identical** to the Reconsideration Petition created by the Planning Department in both form and content, which many property owners had previously signed only two weeks earlier. The affected property owners were told to expect to receive a Ballot card and the term "card" was used to describe the Ballot in the Transition Ordinance. Instead of a Ballot card, the Ballot or "Survey" was a single 8 ½' by 11" piece of paper. The failure to comply with the provisions of the ordinance for the Ballot created an **insurmountable level of confusion** for the property owners, particularly in the short time period two weeks prior to the Christmas holiday. Further, the Ballot was called a "survey" which added further confusion as many **property owners did not realize the importance of something called a survey** and that it was their actual vote. The Planning Department's own slide presentation at the public meetings held at the beginning of the process added confusion because it refers to the "Survey" as a Ballot as well so property owners had little reason to believe the "Survey" was their vote. The Ballot also placed an **undue burden** on the property owner requiring information not readily known, such as HCAD account number and legal description.
2. The Transition Ordinance specifically requires property owners **"give evidence of continued support of the designation of existing and pending historic districts..."** To date, there has been **no demonstration or evidence of support** for the designation for any existing or pending district. Previous support was demonstrated by a petition in favor of the previous ordinance, which contained a 90-day waiver ultimately preserving property rights. To eliminate property rights, **a level of support should be measured**. Had the provisions for the Ballot been followed, property owners in existing districts would have been allowed to express their support. **A non-vote or unreturned Ballot does not equate to evidence of continued support, particularly for an issue of property rights.**

A review and comparison of the petitions signed in support of the original designation reveals that approximately one-quarter of those who signed for the original designation have now indicated they no longer support the designation. Additionally, nearly one-third of property owners in the Houston Heights Historic Districts have never indicated any level of support or opposition to the historic designation.
3. The pending historic designations for Woodland Heights and Glenbrook Valley were to be considered under the provisions of the previous ordinance. These provisions include a challenge to the level of support as well as consideration of evidence presented at the public hearings of the HAHC and the Planning Commission. Members of both commissions were prevented from considering evidence of a lack of support (retractions) for the designation when presented with such evidence at the public hearings even though the ordinance specifically states they **"shall"** consider the evidence.

The evidence presented to both the HAHC and the Planning Commission for both pending districts demonstrates that **there is a significant lack of continued support for the designation, as required by the Transition Ordinance.**
4. Texas Property Code 208 appears to have been written specifically for historic designations in the City of Houston. It outlines a specific procedure for amending these designations. The methodology for voting in **support** for amendment is detailed in the Code and allows for three procedures for voting or a combination thereof.

The individual property rights of thousands of homeowners in the historic districts under reconsideration are at stake in the Transition process. **Support for the previous ordinance with no ultimate loss of property rights and a non-vote does not indicate ANY level of support for the new ordinance.** Without a demonstrable and verifiable level of **continued support** required in the Transition Ordinance, City Council should reject any recommendations by the Planning Director in favor of a process by which the level of support in each district can be demonstrated and verified.