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A Model for Other Cities: Washington D.C.'s Preservation Enforcement Program

By Catherine V. Buell | From *Forum News* | March 30, 2011 |

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Washington, D.C.'s Historic Preservation Office has an immensely positive story to tell about its efforts to stop the demolition of the city's historically and culturally significant buildings and communities. Through thoughtful investment in its historic preservation enforcement efforts, the City is working hard to have one of the most progressive, well-established, and active enforcement programs in the country. Features of this program have great potential to be put to use in other cities.

Blighted properties present a particularly alarming concern for preservationists. Vacant and deteriorating places generally are visually unappealing, raise safety and sanitation concerns, and bring down surrounding property values. For historic properties the problems are even greater. They include the potential for permanent loss of culturally significant and historically important properties, as well as the deterioration of vital community fabric.

Washington, D.C.'s Historic Preservation Office is working to stem the loss of neglected historic properties in three ways:

Dedicated Staff



D.C.'s Historic Preservation Office works with property owners to help them correct unsafe conditions that can lead to the deterioration of historic properties.

Credit: Catherine V. Buell

Washington, D.C., invested in the enforcement side of its historic preservation program by hiring two dedicated staff members for the Historic Preservation Office who are responsible for inspecting properties on a full-time basis. The Historic Preservation Office spends much of its time actively working with property owners to remediate unsafe and unsanitary conditions that can lead to the deterioration of historic properties. The Office goes to great lengths to approach the inspection cases in an amicable manner, rather than taking an adversarial approach, with the goal of helping property owners correct any unsafe and unsanitary conditions that violate the City's building code.

The staff sees a range of violations, such as un-permitted construction, the use of incompatible replacement windows, and unsafe conditions due to siding that is falling off or roofs that are falling in. Upon providing the property owner with notice of the condition, the Office works with the property owner to explain the problem and to identify remediation measures the property owner can take. The Office also helps property owners establish a reasonable timeframe in which the remediation efforts must be undertaken and advice on how to approach such efforts so as to comply with historic preservation regulations and guidelines. In many cases, the staff is able to waive or reduce any fines—as the goal of the efforts are to preserve the buildings. By and large, the Office's efforts have been greatly effective and productive.

Demolition-by-Neglect Statute

If these efforts fail, the Historic Preservation Office has the option of pursuing a legal remedy specifically created for historic properties. Through the “Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000,” the City government established a clear requirement that any landmarked properties or properties within historic districts meet minimum property maintenance standards. This portion of the law, known as the demolition-by-neglect statute, was enacted in direct response to residents' demands that the City target a portion of its inspection and enforcement efforts on historic properties.

The process to pursue a demolition-by-neglect case is fairly involved. To start, the City must obtain an order from the D.C. Superior Court that requires negligent property owners to repair conditions that contribute to the deterioration of the structure. If the owner fails to make the required repairs, the City may enter the property and make the repairs necessary to prevent further decline. In such cases, the cost of the work is charged to the owner of the building. The law also allows the City to seek criminal penalties which include fines of up to \$1,000 each day a violation continues, imprisonment for up to 90 days, or both.

At the urging of the director of the Historic Preservation Office, Washington, D.C.'s Department of Consumer and Regulatory Affairs (DCRA)—the agency whose attorneys are responsible for pursuing demolition-by-neglect cases—focused on a handful of egregious cases. The first case came to the attention of City officials in 2008 when the Mayor announced the release of the City's Historic Homeowner Grant Program in front of a beautifully restored property. The Mayor commented on the appalling state of the neighboring property, which sat in stark contrast to the newly restored home. The property was a nuisance to the surrounding community and eroding neighboring property values.

Since this initial case, the City has also gone after larger commercial projects. The most notable example is the “Big K” site, which consists of four buildings on a commercial corridor. A family owned the properties for well over 20 years and was rumored to have intentionally allowed the structures to deteriorate because the City’s preservation law prevented them from tearing the buildings down. As a result of the Historic Preservation Office’s efforts, the family sold the properties in 2010 and the new owner is working on plans to restore the buildings and redevelop the site.



Following years of neglect, these four buildings along a commercial corridor (the "Big K" site) have been sold to a new owner, and plans are underway for their redevelopment.

Credit: Catherine Buell

The City’s use of the demolition-by-neglect tool is new and its success is somewhat debated. Since the statute obligates the City to go through a fairly involved legal process, the cases require significantly more investment of City resources than the existing inspection and enforcement tools. In addition, the Historic Preservation Office has found that the non-adversarial approach of working with property owners identified in the inspection process to be more effective in preventing the deterioration of historic properties.

Blighted Property Tax Rate

The Historic Preservation Office can also work with DCRA’s Office of Vacant Properties to hit negligent owners with a significant financial penalty. It regularly coordinates with DCRA to ensure that problem properties are taxed at a “blighted property” tax rate equal to \$10 per \$100 of a property’s tax assessed value, which is exponentially higher than the normal rate.

Anecdotal evidence suggests that the blight tax rules have had a significant impact. DCRA’s Office of Vacant Properties found that in the vast majority of the cases reported to it, the properties have been rehabilitated or repaired once people became aware of the law. The Office of Vacant Properties also found that in cases of bank-owned properties (typically due to foreclosures), banks would rather pay the high property taxes than lose the property in a tax sale for pennies on the dollar.

Seeing Results

After years of investment in Washington, D.C.'s enforcement program, citizens are seeing the positive impact that a strong enforcement program can have on maintaining and revitalizing historic communities. And bloggers and community activists, along with other new and long-time residents, are commending the program.

One final point that should not be overlooked is that enforcement programs also have very real economic benefits. As a result of the poor economy, the city has seen an increase in cases of absentee property owners letting their historic properties fall into a potentially irreversible state of disrepair. Enforcement programs help to counter this problem by ensuring that owners either maintain their properties, pay to have them repaired, or suffer serious financial and/or legal consequences. This creates a framework that helps local governments maintain baseline real estate property values, and therefore a tax base.

As Washington, D.C.'s program continues to make progress, its success in both preserving historic buildings and maintaining a viable tax base throughout the city can offer a model for other similarly situated jurisdictions.

Read about more preservation enforcement solutions and successes in:

Benjamin Baccash, "Enforcement Methods for Local Historic Preservation Ordinances," *Forum Journal*, Winter 2011, Vol. 25, No. 2. Forum Members can read the article in the [Forum Library](#).

Julia Miller, [*Doing Away with Demolition-by-Neglect*](#), Preservation Books, 2011