

HOUSE BILL REPORT

HB 1576

As Reported by House Committee On:
Local Government

Title: An act relating to the designation of historic landmarks by cities.

Brief Description: Concerning the designation of historic landmarks by cities.

Sponsors: Representatives Walen and Barkis.

Brief History:

Committee Activity:

Local Government: 2/5/25, 2/18/25 [DPS].

Brief Summary of Substitute Bill

- Prohibits cities from designating a property as a historic landmark outside of a historic district if the property is less than 40 years old or, if the designation would restrict the use of the property and the property is less than 100 years old, if the property owner has not given written consent to the designation.
- Exempts a city's actions to comply with these restrictions from review under the State Environmental Policy Act.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Duerr, Chair; Parshley, Vice Chair; Hunt and Zahn.

Minority Report: Without recommendation. Signed by 3 members: Representatives Klicker, Ranking Minority Member; Stuebe, Assistant Ranking Minority Member; Griffey.

Staff: Kellen Wright (786-7134).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background:

The Growth Management Act and State Environmental Policy Act.

The Growth Management Act (GMA) requires that certain counties, and the cities within those counties, engage in planning for future population growth. The central part of the planning process is the comprehensive plan. The Legislature has established 14 goals that should act as the basis of all comprehensive plans. One of the goals is to identify and encourage the preservation of historical lands, sites, and structures. The comprehensive plan must address the goals and set out the policies and standards that are meant to guide the city or county's actions and decisions in the future. The comprehensive plan is implemented through the adoption of development regulations.

The State Environmental Policy Act (SEPA) provides procedural requirements that counties and cities must follow in order to ensure that the environmental impacts of government decisions are considered. The SEPA applies to project actions that involve the construction or alteration of buildings or infrastructure, and nonproject actions such as the adoption of development regulations. If a county or city fails to properly follow SEPA requirements, then its actions can be appealed. Certain project and nonproject actions are exempt from SEPA requirements. For example, certain project actions related to housing, and certain nonproject actions involving a county or city's adoption of ordinances related to residential density, are exempt from review under the SEPA.

Historic Preservation.

Cities can regulate the use of property within the city in various ways. Through zoning ordinances, the city can determine what kind of property use will be allowed in each zone throughout the city. Similarly, development regulations implemented by the city can regulate and limit how property can be used or developed, including by limiting or preventing development in order to protect environmentally critical areas.

Cities can also regulate property in order to preserve its historic character. Generally, this means that cities will limit or prevent alterations to a property that has been designated as a historic landmark, or which is located in a historic district. In the City of Seattle, for example, an owner of a building that has been designated as a landmark must receive approval from the Landmarks Preservation Board before making any alterations or significant changes to the specific features or characteristics of the site that were identified when the property was designated a landmark.

Similarly, in the City of Spokane, an owner of a property listed on the Spokane Register of Historic Places must receive a Certificate of Appropriateness from the Historic Preservation Office prior to undertaking any construction work or modifications to the building, in order to ensure that the building's historic character and appearance are not negatively affected by the work.

Different cities have different requirements and processes for a property to be designated as a landmark or historic property. In Spokane, in order to be listed on the Spokane Register of Historic Places, a property must be at least 50 years old, and the property's owner must consent to be included and to abide by certain standards and conditions for the property.

In Seattle, properties must be at least 25 years old, and the consent of the property owner is not required. Instead, the Landmarks Preservation Board reviews nominations for landmark status. Nominations may be submitted by anyone, and properties may also be referred for landmark status by the Seattle Department of Constructions and Inspections. If a nomination is approved, then the Landmarks Preservation Board will undertake negotiations with the owner on controls and incentives for the site. If no agreement is reached, then the Landmarks Preservation Board will put forward recommended controls and incentives and a hearing examiner will issue a recommendation on whether those recommendations should be accepted, rejected, or modified after seeking input from the property owner. Either party may appeal this decision to the Seattle City Council, which would then make the final decision. If a building is designated as a landmark, then the owner must obtain a certificate of approval before making alterations or significant changes to the specific features or characteristics of the site that were identified in the nomination. Whatever protections are put in place, property owners may not be deprived of the reasonable economic use of the site.

Local governments can also designate multiple properties or neighborhoods for historic preservation. These historic districts can be protected in order to ensure that the historical character of the area is not changed by development or redevelopment. For example, the City of Everett has designated three neighborhoods in the city as historic districts subject to regulations meant to preserve the traditional neighborhood character while allowing for increased density. Proposed developments and alterations within these neighborhoods are subject to review by the city's Historical Commission.

State and federal historical designations also exist, though they do not generally provide equivalent protection compared to that provided by a local designation. For example, the Washington Heritage Register is an official listing of historically significant properties in the state. The designation is honorary, however, and does not impose any restrictions when private funds are used to alter a property. Similarly, federal law does not restrict what property owners may do with properties listed on the National Register of Historic Places, unless the property has received federal funding or other assistance.

Summary of Substitute Bill:

By July 26, 2026, cities must adopt regulations that prohibit the designation of a property as a historic landmark outside a designated historic district if the property is less than 40 years old, or, if the designation would restrict the use of the property and the property is less than

100 years old, if the property owner has not given written consent to the designation. Such a designation made after July 26, 2025, without the property owner's consent is void unless and until consent is given. A property that is less than 100 years old and that is outside of a designated historic district may be nominated as a historic landmark without owner consent, as long as such consent is obtained before the nomination is approved and the designation applied.

Nonproject actions taken by a city to comply with these restrictions are not subject to SEPA appeal.

Substitute Bill Compared to Original Bill:

The substitute bill:

- provides that historical landmark designations made by a city before the effective date of the bill are not affected by the prohibitions in the bill;
- allows a property to be designated as a historic landmark without the owner's consent if the property is more than 100 years old; and
- provides that a city or code city is not precluded from allowing a property that is less than 100 years old to be nominated as a historic landmark outside of a designated historic district without the consent of the property owner, as long as such consent is obtained prior to the nomination being approved and the designation applied.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This is an affordable housing bill and deals with housing supply. Currently, there are no statewide standards for historic designations, which this bill would supply. It would require that buildings be at least 40 years old and that the owner must consent to the designation. Currently, anyone could nominate a building for a historic designation and prevent it from being developed into housing. The landmark process can be co-opted to prevent housing supply, and this needs to be fixed. This could be an even bigger problem when middle housing requirements are implemented. In Seattle, there have been multiple instances in which a landmark designation has prevented the construction of new homes, and this is still occurring. This bill would prevent misuse of historic landmarking. Getting buy-in from the property owner is important. Third parties shouldn't be able to designate buildings as landmarks without the consent of owners. Many states have limits on historic building designations, including requirements for owner consent, and the limits in this bill

would help to ensure that a building is really historic. There is concern over preserving Seattle's historic neighborhoods, and this bill shouldn't interfere with their historical designations or protections. This bill is trying to remove barriers to housing, and the historic preservation process should not be such a barrier. This bill provides a practical path for preserving historic structures. The current process is too rigid and unpredictable, resulting in buildings that are frozen in time and accelerating their decline. Preservation standards should be uniform and should provide incentives, with landmark boards acting as resources. Building owners need to be able to consider redevelopment or demolition to allow historic elements to be rebuilt to modern standards.

(Opposed) This bill is solving a nonexistent problem. There's no data to support the fear that single-family homes will be nominated as landmark properties in order to frustrate middle housing requirements. Preservation and housing are not mutually exclusive, and landmark designations can be an anti-displacement tool in a community. Historic properties are not preventing housing, and old buildings often provide more affordable housing than new housing stock. Instead of this bill, look for creative solutions like giving density incentives to preserve historic buildings by allowing more construction around it. There is a need for housing, but the majority of preservation ordinances already require homeowner consent, and it should be the prerogative of communities to make the decision for themselves. In Seattle and Tacoma, the city councils have the final word on the designations, and they can deny the designation if the bill would frustrate housing goals. For more than 50 years, landmark designations in Seattle have helped preserve historical property and provided public benefits. Only half a percent of Seattle's parcels are landmarks, and the floodgates won't open when middle housing requirements are implemented. State legislation shouldn't intrude on local issues. We cannot restore historic buildings once they're gone.

(Other) The requirement that the property owner must consent for a designation to occur is appreciated, but the minimum length of time for a building to be considered historic should be 100 years.

Persons Testifying: (In support) Representative Amy Walen, prime sponsor; Dan Bertolet, Sightline Institute; Matt Roewe; and Bill Clarke, WA Realtors.

(Opposed) Chris Moore, Washington Trust for Historic Preservation; Eugenia Woo, Historic Seattle; and Peter Condyles.

(Other) Bill Stauffacher, Building Industry Association of Washington.

Persons Signed In To Testify But Not Testifying: None.