FINAL BILL REPORT
SHB 1576

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Synopsis as Enacted

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

Sponsors: House Committee on Local Government (originally sponsored by Representatives Walen and Barkis).

House Committee on Local Government
Senate Committee on Local Government

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.

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.

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, after seeking input from the property owner, issue a recommendation on whether those recommendations should be accepted, rejected, or modified. Either the Landmark Preservation Board or the landowner 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 ultimately 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 historical 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:

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 125 years old, if the property owner has not given written consent to the designation. A property may be designated as a historic landmark without owner consent if the property is in a historic district established through a local preservation ordinance, or if the nominator of the property provides written documentation that the property is more than 125 years old, and the city determines that the property is more than 125 years old.

After July 26, 2025, any historic designation made through a local preservation ordinance, without the requisite consent of the property owner is void unless and until consent is given. A property that is less than 125 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 appeal under the SEPA.

Votes on Final Passage:

House	95	0	
Senate	47	2	(Senate amended)
House	93	0	(House concurred)

Effective: July 27, 2025