

Commerce Committee JOINT FAVORABLE REPORT

Bill No.: HB-6756

Title: AN ACT CONCERNING THE STATE HISTORIC PRESERVATION OFFICER.

Vote Date: 3/14/2023

Vote Action: Joint Favorable

PH Date: 3/2/2023

File No.:

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SPONSORS OF BILL:

Commerce Committee

REASONS FOR BILL:

Due to reports of buildings throughout the state not being renovated and restored because of a determination made by the State Historic Preservation Officer, HB-6756 would permit aggrieved entities to appeal to the Department of Economic and Community Development in hopes of receiving consideration from an appellate hearing officer that would be a more appropriate balance of historic preservation stewardship, economic development and rehabilitation than the consideration given by the State Historic Preservation Officer.

RESPONSE FROM ADMINISTRATION/AGENCY:

Jonathan Kinney, State Historic Preservation Officer & Director of Operations, State Historic Preservation Office- OPPOSES

The agency does not view historic preservation and economic development as two opposite ends of a spectrum. The office has worked to collaboratively protect historic assets and help in revitalization. The State Historic Preservation Office has two federal mandates it must follow. The office is worried the bill could be in conflict of the National Historic Preservation Act and the National Environmental Policy Act. Decisions made by the office are based on national standards and statutes. Neither law has a mechanism that would allow a state level hearing officer to render or overturn decisions. This bill could create a scenario where the new DECD hearing officer is issuing decisions that run contrary to a federal agency's determination.

NATURE AND SOURCES OF SUPPORT:

Randy Collins, Advocacy Manager, Connecticut Conference of Municipalities:

Mr. Collins expressed the need for the appeals process as the only recourse for determinations currently is litigation. He believes there should be a balance between historic preservation and economic development. But disagrees with the current system as the only factor considered is the historic status of the building. In his testimony, he brought up the town of Willimantic and their multi-year battle to demolish the Hooker Hotel and the Hale building because of the status of being historic buildings. Another example brought up was the town of Bridgewater and their 5-year process to demolish a dilapidated wooden Grange. In his spoken testimony, brought up the city of New London and the difficulties with renovating a project on Bank Street. Many of the projects exist on brownfield properties and present a public safety risk. There are cases where the economic benefit outweighed the desire to preserve a blighted and dangerous building determined to be historic.

Betsy Gara, Executive Director, Connecticut Council of Small Towns

The COST believes the addition of an appeal process to the decisions of the state historic preservation office would provide more of a balanced and thoughtful approach to the actions taken on the state's historic properties and buildings.

NATURE AND SOURCES OF OPPOSITION:

Marc L. Banks, Ph.D.

Mr. Banks is a professional archeologist that is on the State Historic Preservation Office's list of qualified consulting archeologists. The State Historic Preservation Office has always shown the highest degree of professionalism and dedication on every project on which Mr. Banks has worked. Creating a layer of oversight by a hearing officer that will determine the final decision on a project will undermine the State Historic Preservation Office in their duties. The bill is unnecessary and will result in the loss of important pieces of Connecticut's Heritage.

Gregory R. Dubell, Project Manager, Public Archeology Laboratory

In Mr. Dubell's submitted testimony, he states the decision-making process by which a building will be considered historic. The decision-making process is grounded in consultation and when disagreements arise among parties, it should not be ruled by an oversight entity. He purposes the state should consider the development of a State level Advisory Council on Historic Preservation that entitles entities to seek an advisory opinion or mediation. A similar council was established in Vermont has achieved its purpose of balancing historic preservation interests and development.

Laurie Heiss, Steering Committee Member, Fairfield County Preservation Network

Ms. Heiss expresses the State Historic Preservation Officer has the knowledge and expertise to handle these issues better than a hearing officer in the DECD. She would like this bill to add funding to the State Historic Preservation Office as it is leanly staffed.

Sarah Addleman, Architectural Historian

Ms. Addleman believes HB-6756 would be detrimental to historic resources and would lead to the destruction of culturally significant historic places throughout the state.

Tara Cubie

Ms. Cubie believes HB-6756 would endanger the mission of the National Historic Preservation Act of 1966.

Several individuals submitted testimony stating HB-6756 would add an unnecessary level of oversight to the work of the state historic preservation officer, which would hinder the way SHPO conducts business. Additionally, the lack of expertise and knowledge an appellate officer would have in relation to the SHPO's extensive and specialized expertise and knowledge would negatively affect historic preservation across the state.

- **Nancy Dickinson**
- **William Farley, Associate Professor, Southern CT State University**
- **Dr. Kenneth Feder**
- **David George, Manager, Heritage Consultants**
- **Leah Glaser, Professor of History, Central CT State University**
- **Ellen Gould, Trustee, Preservation Connecticut**
- **Charlotte Gradie, PhD**
- **David Green, Executive Director, Cultural Alliance**
- **Mary Harper, President, Archaeological and Historical Services Inc.**
- **Michael Jehle, Executive Director, Fairfield Museum**
- **Andy King, Student, Central Ct State University**
- **Lucianne Lavin, Director Emeritus, Inst. for Amer. Indian Studies**
- **Aaron Marcavitch, Executive Director, Connecticut Landmarks**
- **Patrick McMahon, Board President, Connecticut Preservation Action**
- **Regan Miner, Executive Director, Norwich Historical Society**
- **Jane Montanaro, Executive Director, Preservation Connecticut**
- **Laura Natusch, Executive Director, New London Landmarks**
- **Michael S. Raber, Owner, Raber Associates**
- **Charlie Rose, Archaeologist**
- **Saunders Cece, President, Historical Perspectives Inc.**
- **Faline Schneiderman, Archaeologist, Historical Perspectives Inc.**
- **Sarah Tisdale, Director of Historic Preservation, New Haven Preservation Trust**
- **Gregory F. Walwer, Director, Archaeological Consulting Services**
- **Laurie Weinstein, Professor**
- **Christopher Wigren**

Reported by: Colin DeCure

Date: 3/24/2023