



The 1907 Ashland House before...



and after demolition on Jan. 30, 2006

Six Great Reasons to Sign This Historic District Application Today!

1. The historic character of our neighborhood is being destroyed.

An average of 2.4 homes that are over 50 years old are being demolished or moved each week – 126 historic homes were lost in 2005. It has been shown that Historic Districts stabilize neighborhoods. Attaining a City of Houston Historic District designation for our neighborhood is the best way to maintain the irreplaceable beauty of the Heights.

2. Tax benefits are offered for making improvements in Historic Districts.

You can receive city property tax exemptions for 15 years for making significant and appropriate improvements to historic buildings in a City Historic District. (See City's Code of Ordinances, Sec. 44-5.)

3. Reduced building permit fees for work on historic buildings in Historic Districts.

A 50% reduction in building permit fees for appropriate improvements became effective July 1, 2006.

See Note 2 of the City's 2006 permit fee schedule at

<http://www.publicworks.cityofhouston.gov/planning/enforcement/fees.htm>

4. Free consultation by a Historic Preservation Officer.

When a property owner wants to make a significant alteration to the exterior of his or her property, he or she discusses the changes with the Officer, who will help you through the process free of charge. If the plans are in keeping with the neighborhood's character, a Certificate of Appropriateness (also FREE) will be issued and the project may be permitted as planned. If the plans are not in keeping with the neighborhood character, suggestions for more appropriate alternatives will be offered. Which brings us to the next item:

Houston Heights Historic District West Designation

Property Owner Petition for Historic District Designation

I (we), the undersigned, declare that I (we) am (are) the legal owner(s) or authorized agent of the owner(s) of property located in the proposed Houston Heights Historic District West and support the Application for Designation of my property within said historic district. I (we) have read the City of Houston preservation ordinance or a summary of it and understand how it will affect my (our) Property.

_____ YES, I (we) support designation of the Historic District.

**SIGNATURES
OF OWNER(S):**

(Printed Name)

(Printed Name)

Please print legibly and in black ink your name(s), property, address and legal description of said property in the proposed historical district, mailing address, phone numbers, and sign your name(s) as it (they) appear on your deed. This document may be signed in counterpart by property owners within the proposed historic district.

Property Address: _____ LOT _____ BLOCK _____

Houston Heights

Mailing Address: _____

Phone Numbers: Evening: _____ Day: _____

Instructions:

- This petition must be signed by all listed owners
- The legal description and owner names can be obtained from your deed, insurance statement, tax statement, City Records, or at www.head.org; go to "Record Search" "Real Property Search" "Address" or "Owner Name" or call Sharie Beale: 713-426-3240.

• Please mail your signed petition to: Houston Heights Historic District
P.O. Box 70735
Houston, Texas 77270

Houston Heights Historic District East Designation

Property Owner Petition for Historic District Designation

I (we), the undersigned, declare that I (we) am (are) the legal owner(s) or authorized agent of the owner(s) of property located in the proposed Houston Heights Historic District East and support the Application for Designation of my property within said historic district. I (we) have read the City of Houston preservation ordinance or a summary of it and understand how it will affect my (our) Property.

_____ YES, I (we) support designation of the Historic District.

**SIGNATURES
OF OWNER(S):**

(Printed Name)

(Printed Name)

Please print legibly and in black ink your name(s), property, address and legal description of said property in the proposed historical district, mailing address, phone numbers, and sign your name(s) as it (they) appear on your deed. This document may be signed in counterpart by property owners within the proposed historic district.

Property Address: _____ LOT _____ BLOCK _____

Houston Heights

Mailing Address: _____

Phone Numbers: Evening: _____ Day: _____

Instructions:

- This petition must be signed by all listed owners
- The legal description and owner names can be obtained from your deed, insurance statement, tax statement, City Records, or at www.hcad.org; go to "Record Search" "Real Property Search" "Address" or "Owner Name" or call Sharie Beale: 713-426-3240.

• Please mail your signed petition to:

Houston Heights Historic District
P.O. Box 70735
Houston, Texas 77270

**BENEFITS OF
CITY OF HOUSTON
HISTORIC DISTRICT DESIGNATION**

- **Preserves and Enhances the Special Historical Character of our Neighborhood**
- **Stabilizes our Neighborhood and Protects Property Values**
- **Discourages Demolition of Historic Properties**
- **Attracts Homeowners who Appreciate Historic Properties**
- **Encourages Compatible New Construction**
- **Increases Neighborhood Visibility with City Officials**
- **Can Provide for Property Tax Exemptions**
- **Enhances Sense of Community**
- **Affords Preservation Education**

FREQUENTLY ASKED QUESTIONS REGARDING CITY OF HOUSTON HISTORIC DISTRICTS

1. **How does a neighborhood qualify for historic designation?**

At least 51% of the property in the geographically defined neighborhood must qualify as one of the following

- “Contributing”: home is 50 years old and older and its architecturally integrity is intact.
- “Potentially Contributing”: home is 50 years old or older and its architecture has been somewhat altered.

In addition, at least 67% of the homeowners in the neighborhood must approve of the effort and illustrate their approval by signing a Historic Designation Petition. If this requirement is fulfilled, the neighborhood will be required to adhere to the City of Houston’s Historic Preservation Ordinance when building or renovating their homes.

2. **What is the purpose of the Historic Preservation Ordinance?**

On March 1, 1995, the City of Houston adopted a Historic Preservation Ordinance in order to save our city’s history. Without this historic preservation ordinance, the history of a neighborhood, as identified through its architecture, can be at risk. The Ordinance was created to:

- Recognize historic sites / neighborhoods
- Review alterations to the exterior of historical buildings
- Review any planned new construction to ensure its continuity with the neighborhood
- Review any planned relocation or demolition of historic buildings
- Work in conjunction with deeds restrictions where they exist
- Provide education resources to individual neighborhoods concerning their history

3. **What is the process for receiving approval on new construction or planned renovation?**

There is a Historic Preservation committee, known as the Houston Archeological and Historic Commission (HAHC), within the City of Houston’s Planning Department. Individuals on this committee are appointed by the Mayor to review plans to alter the exterior of an existing building, new construction, relocation or demolition of any historically designated neighborhood

You simply apply for a “Certificate of Appropriateness”, at not cost to you, and the volunteer commission reviews the project. Within 70 days they will either approve your project or make recommendations for alterations to your plans that better align with the neighborhood’s architectural integrity.

If you do not agree with the Historic preservation committee's recommendations, you are required to wait 90 days from the time your application was received by the Committee before you can proceed with your original plans.

4. What has been the homeowners experience in other neighborhoods that have received Historic Designation under the Historic Preservation Ordinance?

Of the applications for "Certificates of Appropriateness" that are received, approximately 10% are approved as they are. Most applications do require a meeting between the property owner and the Historic Preservation Committee in order to discuss the original plan and make recommendations that meet with the standards of appropriateness. In cases where meetings between the property owner and the Historic preservation Committee are required, approximately 75% of the property owners willingly make changes.

In fact, the application process is considered to be an education process for the property owners. In only about 15% of the cases, the applications do not meet the standards and the owners choose to wait until the end of the 90 day waiting period to continue with the original plan, with the 90 day "waiver certificate" rather than a "Certificate of Appropriateness."

5. If property owners can do what they want after a 90-day waiting period, why have Historic Designation?

Historic designation brings a sense of pride to a neighborhood and also helps to educate the home owners about their neighborhood's history. It also sends a message to developers that only certain types of development and renovation will be considered appropriate in the neighborhood.

And, remember ... 85% of the applications end up receiving a "Certificate of Appropriateness." Therefore, most of the structures in the neighborhood will retain their character under the historic designation.

6. What type of things will the Historic Preservation Committee suggest?

Their suggestions will consist of ways to maintain the architectural integrity of the neighborhood. For existing homes, they will make suggestions concerning:

- Any additions to the outside of your home that are visible from the street or sidewalk. Additions should be secondary in appearance so as not to significantly alter the current architectural flavor. In this sense, it is usually recommended that any additions should be done toward the rear of the house so as not to detract from the building's street appearance.
- Using compatible building materials to maintain a consistent feel and that original roof pitches be maintained.
- Adding a garage apartment or building a new garage that fits with the architectural flavor.

They will NOT make suggestions concerning:

- External building color
- Landscaping
- Fences
- Interior alterations

Remember ... the benefit of the Historic Preservation ordinance is to provide education and information to residents about improving their homes, while maintaining the look and feel that initially attracted them to the Heights neighborhoods.

7. What restrictions are placed on new construction in Historic Districts?

New construction must have similar setbacks, exterior features and proportions (height, width, length and roofline) as existing buildings in the block. It does NOT dictate architectural style. A Certificate of Appropriateness is necessary.

8. Can historic buildings in Historic Districts be demolished?

Only after showing an “unreasonable economic hardship” or “unusual and compelling circumstances”, or, after waiting 90 days, with a 90-day “waiver certificate”.

9. What are the potential downsides to Historic Designation?

- Adds another approval process, over and above the deed restrictions (if any) to renovations.

10. Will property taxes automatically increase if our neighborhood receives Historic Designation?

No, property taxes will not automatically increase because they are based on past selling prices of comparable dwellings. In the long run, however, if having a historic designation means that homes in our neighborhood are more desirable, then property values may rise which may result in an increase in property taxes. It is driven by the market.

Myths and Realities about Historic District Designation

Some common "objections" or "questions" you may hear when applying for historic district designation, with suggested responses:

- ***"My property is not historic..."***
If it is at least 50 years old, it may qualify as an historic property due to its style of architecture, its notable residents or through its various historical relationships. As such, it contributes to the proposed historic district, and may even be exceptionally significant in its own right. If it is a newer building, it benefits from the historical surroundings. Since a district includes many properties, all owners, even of "noncontributing" properties, are encouraged to sign the petition.
- ***"It will increase my taxes..."***
No. Historic district designation is not a factor in property appraisals or tax rates.
- ***"They will tell me how I can use my land and my property..."***
No. Historic designation does not restrict land use.
- ***"It will replace or alter my deed restrictions..."***
No. Historic designation does not affect any existing deed restrictions.
- ***"It will adversely affect the value of my property when I decide to sell it..."***
Experience has shown that many buyers are more attracted to properties in recognized historic districts.
- ***"They won't let me repair, change or add on to my house..."***
Only exterior alterations, new construction, relocations and demolitions that require a building permit are required to obtain a "Certificate of Appropriateness" from the Houston Archaeological and Historical Commission. If your plans are not approved by the commission, after 90 days you may proceed anyway. So far, over 80% of previous applicants have voluntarily agreed to more compatible alterations than what were initially considered. The Commission provides expert design assistance and suggestions during the process.
- ***"They will tell me what color to paint my house, or how to remodel my bathroom, kitchen, etc..."***
No. Interior alterations and paint colors are not regulated whatsoever.
- ***"I will have to open my home for tours..."***
No. There are no requirements for home tours or public access to your home or property.
- ***"They will make me put a historical plaque on my porch..."***
No. This is entirely at homeowner option and expense.
- ***"It will violate my personal property rights..."***
This is not a case of the government telling you what to do with your property, but a way for a neighborhood to acknowledge, maintain and enhance its unique character. Historic district designation actually helps preserve and maintain your property rights by preserving the neighborhood around your property.

**Reply to
HOUSTON PROPERTY RIGHTS ASSOCIATION
Regarding
CITY OF HOUSTON HISTORIC DISTRICTS**

(We believe that a Historic District for our neighborhood will protect the historic character and stabilize our neighborhood and deter demolition of historical buildings. In 2005 HPRA passed out a flyer critical of historic districts, this is our response)

- 1. HPRA: Homeowners will have to learn to live with a 13 page ordinance any time they repair, alter or expand their home.

Response:

- A. **Contact the City's Historic Preservation Officer, Randy Pace at 713-837-7796, a Houston Heights resident, with questions about the Ordinance or its applications. Sec. 33-238, 239, 240 and 241 describe this process.**
- B. **The Ordinance does not apply to maintenance and repairs.**
- C. **By comparison, the Building Code is hundreds of pages long.**

- 2. HPRA: The ordinance is written broadly. City hall can prohibit any ordinary maintenance and repairs that "change the design, character, texture, or material of any exterior feature.

Response:

- A. **The Ordinance specifically excludes ordinary maintenance and repair from its operation. (Sec. 33-237)**
- B. **The Ordinance "prohibits" nothing; it encourages owners of historic properties to do the historically appropriate alterations, expansions, etc. but after 90 days, the owner can make inappropriate changes.**
- C. **The Ordinance is administered by Randy Pace, the City's Historic Preservation Officer and the Houston Archeological and Historical Commission, not by "City Hall."**

- 3. HPRA: Fines can be as high as \$500 a day per violation. Homeowners in violation can be sued by the city for damages, sued to enjoin construction, and required to reconstruct or restore any altered structure.

Response:

The Ordinance has been in effect for 11 years, covers 3,000 properties, and no fine has ever been levied and no one has been sued by the City over it.

- 4. HPRA: No class of property is "grandfathered" or exempt including churches.

Response:

All property is “grandfathered” in the sense that when a historic district is formed, nothing has to be done to any property in the district. However, all property in the district is subject to the Ordinance.

5. HPRA: District borders can be expanded.

Response:

Borders cannot be “expanded” at will. Adding new territory to an existing district requires new signatures from property owners in the existing district. (Sec. 33-227)

6. HPRA: The ordinance today has a “90 day waiver,” which means that city hall must grant a homeowner’s request for a permit to alter or demolish a structure 90 days after a request is submitted. Unfortunately, preservation activists want to remove the 90-day waiver from the law and make the restrictions permanently binding.

Response:

The ordinance does provide for such a 90-day waiver certificate to be issued by the planning official. Preservationists and most property owners in existing City of Houston Historic Districts have said they would like a stronger ordinance. In the eleven years since the ordinance has existed the ordinance has not been made stricter.

From: 713 864 0888 Page: 11/16 Date: 8/19/2006 4:37:26 PM

SUMMARY OF THE CITY OF HOUSTON HISTORIC PRESERVATION ORDINANCE

To read the actual Historic Preservation Ordinance, go to
www.houstontx.gov/codes/codes33-7and8.prd
If you would like a paper copy of the Ordinance,
call 713-863-0179 and one will be delivered to you.

I. Requirements and Procedure to become a City of Houston Historic District.

A. The neighborhood must have historical significance.

- It must possess a significant concentration of buildings which, together, have a historical, cultural or architectural significance to the City.
(Sec. 33.201)
- 51% of the buildings in the neighborhood must be over 50 years old
(Sec.33.224[b]) and must be “contributing” or “potentially contributing.”

“Contributing building”: a building over 50 years old that reinforces the cultural, architectural or historical significance of the historic district. (Sec. 33-201; Sec. 33-224)

“Potentially contributing building”: a building that would be a contributing building except that there have been incompatible alterations or deteriorations to it which if reversed, would make it a contributing building (Sec. 33-201)

B. An Application must be filed with the City. It must contain:

- Description of Neighborhood and its boundaries (proposed district boundaries)
- A “Statement of Significance” of the historical significance of the neighborhood (Houston Heights)
- “Survey” (inventory) of houses, which includes:
 - Description of Property
 - Address, lot & block, approx. year house built, style
 - Homeowner’s name
 - Designation (Contributing, Potentially Contributing, Non-Contributing)
- A Photo Inventory of all properties in the proposed district.
- Signature pages of owners joining in the Application.

C. The neighborhood must approve the Application.

- 67% of the owners of tracts in the district must sign the Application.
- Those tracts must make up at least 51% of the land area in the district.

D. The Application is submitted to the Historic Preservation Officer of the City of Houston Planning Dept.

- As soon as the application is filed all property in the proposed district is subject to the ordinance unless and until HAHC or Houston City Council rejects the application for the proposed district.
- The HAHC holds a public hearing regarding acceptability of the district.
- HAHC makes a recommendation to City Planning Commission.
- City Planning Commission holds a public hearing, then passes the application to City Council with its recommendation.
- City Council holds a public hearing for acceptance or denial of the proposed district. City Council adopts an ordinance accepting the district.

II. How the Ordinance applies to historic districts.

A. General

1. The ordinance applies to the alteration, restoration, construction, relocation or demolition of any building within a historic district.
2. The ordinance does not apply to or affect:
 - a. Ordinary maintenance and repair of a building (Sec. 33-237)
 - b. Paint colors
 - c. The interior of buildings (Sec. 33-202(c))
 - d. The use to be made of buildings (Sec. 33-202(b))
 - e. Deed restrictions on property in the historic district. (Sec. 33-202(d))
3. A permit called a "Certificate of Appropriateness" is necessary for work which is subject to the ordinance. There is no fee for this certificate. (Sec. 33-236, Sec. 33-238)
4. A certificate of appropriateness is not required for ordinary maintenance and repairs. (Sec. 33-237)
5. The ordinance is administered by the Houston Archeological and Historical Commission ("HAHC"), an appointed 11 member body.

III. How the application for a Certificate of Appropriateness is handled:

A. The application for Certificate of Appropriateness will be filed with the "Planning Official" (historic preservation officer). The application must contain:

1. Information identifying the owner, the property and the action to be taken and

a photograph of the property, and either:

- (a) A rendering of the exterior of the building as it will look after completion of the proposed activity, or
 - (b) A description of the work to be done, materials to be used and changes to be made, and
 - (c) Any plans and specifications that exist if required for a building permit. (Sec. 33-238)
2. HAHC must consider the application for certificate of appropriateness at its next monthly meeting. (Sec. 33.239)
 3. If an application for a certificate of appropriateness is denied, the applicant can still do what he applied to do after a 90 day waiting period (90 days after first applying) – this is called a “waiver certificate”. (Sec. 33-250)
 4. The applicant may also appeal to the Planning Commission if HAHC turns down his application. (Sec. 33-253)

IV. *What the HAHC looks at:*

- A. Existing Buildings: To alter, restore or add onto an existing historical landmark or contributing building in a historic district, HAHC must find that:
 1. The proposed activity retains and preserves the historical character of the property as of the time of its historical significance, but allows for contemporary use. (Sec. 33-241(a)(1), (2), (3))
 2. The proposed activity must comply with applicable deed restrictions. (Sec. 33-241(a)(11))
- B. New Buildings: Proposed new buildings must have similar setbacks, exterior features and proportions (height, width, length and roof line) as existing buildings in the block, but do not have to have any particular architectural style. (Sec. 33-242)
- C. Relocation of historic buildings: Under extreme circumstances, historic buildings may be relocated.
- D. Demolition of historic buildings:
 1. Applicant must establish “unreasonable economic hardship” or “unusual and compelling circumstances.” (Sec. 33-247)
 2. If HAHC does not issue a certificate of appropriateness for demolition, alternatives to demolition will be explored, with historic preservation organizations, civic groups and others. (Sec. 33-247(b))

HAHC, in considering an application for certificate of appropriateness, takes into consideration the needs of the applicant and his financial condition. (Sec. 33-240)

V. "Alterations" and "Maintenance and Repairs"

- A. "Alterations" means essentially any activity for which a building permit is normally required. "Alteration" means any change in the exterior feature of a building (which is any exterior portion of the building visible from the street), including changing roofing or siding materials, or eliminating or adding exterior doors, windows, porches, etc. (Sec. 33-201)

A certificate of appropriateness is required for an alteration.

- B. "Ordinary Maintenance and Repair" means work to correct or prevent deterioration, decay or damage to a building, provided that it does not change the design, character or texture of the part of the building visible from the street. (Sec. 33-201)

A certificate of appropriateness is not required for ordinary repairs and maintenance.

VI. Enforcement:

- A. It is unlawful to alter, demolish or move a building in a historic district or build a building in a historic district without complying with the ordinance (Sec. 33-236(i)).
- B. It is unlawful to do non-permitted work without the 90 day waiting period (90 day "waiver") and a person can be fined \$50-\$500 for each violation. (Sec. 33-203(c))
- C. The City attorney may start a legal action to enforce the ordinance, including an action to recover damages or require restoration of a historic building. (Sec. 33-203(a))

VII. Protected Historic Landmark

A "protected landmark" is a landmark for which the owner has elected to permanently protect the landmark by foregoing the 90 day waiver certificate. Therefore, the owner and his successors cannot alter or demolish the landmark without a certificate of appropriateness. (Sec. 33-201)

Economic Incentives for designation as a City of Houston Landmark/Protected Landmark or Historic Building within a Historic District

- A historic building that has been designated as a City of Houston Landmark or Protected Landmark, or is located within a designated City of Houston Historic District, qualifies for a city property tax exemption for appropriate renovation or restoration work of the exterior that is APPROVED by the Houston Archaeological and Historical Commission (HAHC). See Chapter 33 Code or Ordinances - Historic Preservation Ordinance at: <http://www.houstontx.gov/codes/chapters31to35.html>
- The value of the exemption could be as high as 100% of the City of Houston property taxes for the improvement expense for 15 years.

Example:

An improved tract of land is worth a total of \$300,000, such as:

Improvement: \$100K

Land: \$200K

If the owner/buyer of this historically designated building spends the following amounts on rehab/restoration AND the EXTERIOR work is APPROVED by the HAHC (amount spent may also include expenditures for the interior work as well but interior work is NOT reviewed by the HAHC):

If spend \$50K on improvements, then qualify to apply for a 50% City property tax exemption for fifteen years;

if spend \$75K on improvements, then qualify to apply for a 75% City property tax exemption for fifteen years;

if spend \$100K or more on improvements, then qualify to apply for a 100% City property tax exemption for fifteen years.

- As a designated City of Houston historic building, your property will be exempt from compliance with Energy Code requirements in the Building Code.
- 50% discount on building permit fees if the project work has been approved by the HAHC.
- City of Houston Historic Preservation staff can guide and help you through the application process to accomplish the elected work, while at the same time maintaining the architectural integrity and historical character of your building.

For more information on the City of Houston Property Tax Exemption for Historic Landmarks/Protected Landmarks or historic buildings within designated historic districts or any other questions you might have, please visit:

http://www.houstontx.gov/planning/historic_pres/hist_pres_links.htm or you can contact Randy Pace, Historic Preservation Officer, City of Houston, Planning & Development Department, at (713) 837-7796 or randy.pace@cityofhouston.net. (OVER)

HOUSTON HEIGHTS HISTORIC DISTRICT WEST

WE NEED VOLUNTEERS!!!

Please help – we have several areas for volunteers to work on this effort.

Houston Heights Historic District
P. O. Box 70735
Houston, Texas 77270

(Please Print Clearly)

NAME _____
ADDRESS _____
Tele. Number _____
E-Mail Address _____

Or, e-mail David Beale at BealeAppeal@aol.com or call at 713-426-3240

THANKS FOR CARING ABOUT YOUR COMMUNITY!!