



Historic Preservation Alliance

of Wichita and Sedgwick County

230 North Market

Wichita, Kansas 67202

TESTIMONY ON: HB 2118
Proposed Changes to Historic Preservation Act, K.S.A. 75-2724
Historic "Environs" Review Requirements

PRESENTED TO: Senate Committee on Ethics, Elections and Local Government

PRESENTED BY: J. Greg Kite, President

ON BEHALF OF: Historic Preservation Alliance of Wichita and Sedgwick County, Inc.

HEARING: March 12, 2013 at 9:30 a.m. in Room 159-S

Chairperson Pyle and Members of the Senate Committee on Ethics, Elections and Local Government:

Good morning. My name is Greg Kite. I am an attorney and President of the Historic Preservation Alliance of Wichita and Sedgwick County, Inc. Thank you for allowing me the opportunity to appear before you today to express H.P.A.'s opposition to HB 2118.

The Historic Preservation Alliance is a 501(c)(3), not-for-profit corporation, which has as its purpose to identify, preserve and protect historically important and architecturally significant buildings, structures and artifacts. H.P.A. writes grant proposals; prepares historic register nominations; restores historic homes, buildings and other structures according to the Secretary of the Interior's Standards and Guidelines; and maintains an extensive collection of historical and architectural artifacts and memorabilia.

The Kansas Preservation Act was originally enacted in 1977. The initial legislation declared historic preservation the policy of the state and required the activities of governmental entities, which encroached on national or state register properties, to be reviewed by the State Historic Preservation Office (SHPO). In 1981, lawmakers widened the law to require review of all projects involving national and state register properties and their environs, which needed local building permits. An amendment, in 1988, further defined the "environs" of historic properties, requiring that the SHPO receive notice of any proposed project within 500 feet of a listed historic property located within the corporate limits of a city or within 1000 feet of a listed historic property located in the unincorporated portion of a county.

The proposed changes provided for in HB 2118 have been attempted before. Three (3) years ago, on February 12, 2009, these exact same deletions were proffered in HB 2083. It died in the House Local Government Committee and for good reason! The purpose of the Kansas State Historic Preservation Act is to protect the state's historical and architectural treasures. HB 2118, like 2083 before it, which eliminates the historic environs review requirements, would denigrate that purpose.

The purpose, then, of my testimony will be to address the major issues raised by Ed Bideau, State Representative for District 9, and Luke Bell, Vice President of Governmental Affairs for the Kansas Association of Realtors, both of whom support HB 2118.

In the very first paragraph of his testimony, Rep. Bideau states and I quote: "Kansas is the only state in the union to impose these restrictions," i.e. the provisions of K.S.A. 75-2724. However, quite to the contrary, the state of Georgia has a similar act and the state of South Dakota actually passed an act not only similar to but patterned after the Kansas legislation in 1987.

Rep. Bideau goes on to state that "these restrictions would be imposed on the owners within that radius without legal notice to them and without any opportunity to be heard or object." Although there is no special notice for property owners within the environs, notice of pending National Register nominations are published in the Kansas Register. Of course, anyone can speak at Historic Sites Board of Review meetings. While the current statutory requirements for notification in this regard have been met, the better approach to any notice and hearing concerns would be more appropriately addressed through the regulation process, rather than amending the statute.

Likewise, Luke Bell, Vice President of Governmental Affairs for the Kansas Association of Realtors (K.A.R.), supports HB 2118 to eliminate the historic environs review requirements in Kansas. Mr. Bell has done so, he says, to "protect private property rights." H.P.A. believes that is a mischaracterization. H.P.A. believes that the real motivation and actual intent behind the proposed change is as Mr. Bell described it in the January 26, 2009 Capitol Report to "benefit the real estate industry by preventing problems that can lead to failed real estate transactions..." In other words, Mr. Bell is really concerned about realtors' fees! His testimony has simply been couched in terms of protecting private property rights in an attempt to give his assertions credibility.

Mr. Bell also states that "the historic environs review process is time-consuming, burdensome and overly restrictive." Yet, if that is true, why has he cited only one (1) example: Friends of Bethany Place, Inc. vs. City of Topeka, involving Grace Episcopal Church. In 2012 alone, there were 269 projects reviewed for comment. He goes on to state that "the Kansas State Historical Society and the Kansas Preservation Alliance have started to solicit public interest in listing 1950's-era ranch homes in suburban subdivisions on the state historic register. A large amount of housing stock in Kansas was constructed around that time frame and could become eligible for the register over the next few years." Quite frankly, never before have I heard of historic register status being described as something detrimental. Only a person opposed to the identification, preservation and protection of the unique historical and architectural fabric of our communities would describe state and national register status as such. What historic register status does mean for those homeowners is the eligibility for various financial incentives, such as grants and tax credits.

Within the past several years in Wichita, various properties have been successfully rehabilitated. In every instance, the project review was first initiated through the **environs** process. These buildings were subsequently identified as character-defining resources within the **environs** of the respective listed properties by the Wichita Historic Preservation Board. They were thereafter nominated and listed in the National Register of Historic Places and/or the Register of Historic Kansas Places. As a consequence, they received the corresponding tax credits. [See **Attachment**]

It is abundantly clear that the possible benefits of HB 2118 are far outweighed by the detrimental impact on the Historic Preservation Act, particularly, the protections it provides to the state's historical and architectural treasures.

I appreciate this opportunity to present our views on these issues and would be happy to answer any questions the Committee might have and/or submit any additional information or materials that the Committee might wish to review or consider.

State Tax Credits awarded for (larger projects) in Wichita.

These are the projects that utilized both the Federal and State Tax Credits for their rehabilitation projects within the city of Wichita within the past 3 years.

The PIS date means Placed In Service, which is the IRS's way of saying that the project was completed.

Project #	Project Name	Address	Location	Project Total	Credits Issued	PIS Date
25363	J. Arch Butts Packard Building	1525 E Douglas Ave., 67211	Wichita	\$3,325,531.81	\$831,383.00	2011
24026	Alcoba Apartments	718 N Market St., 67214	Wichita	\$873,433.77	\$218,358.00	2011
25871	Jayhawk Apartments	722 N Market St., 67214	Wichita	\$873,926.27	\$218,482.00	2011
24016	Kerbaugh Apartments	730 N Market St., 67214	Wichita	\$762,250.54	\$190,563.00	2011
24018	Fairview Apartments	206 E 18th St., 67214	Wichita	\$3,001,627.19	\$750,407.00	2011
22263	Broadview Hotel	400 W. Douglas, 67202	Wichita	\$17,902,791.61	\$4,475,698.00	2011
24625	Mae Apartments	630 N Topeka, 67214	Wichita	\$85,095.17	\$21,274.00	2010
23309	Wichita High School	324 N. Emporia, 67202	Wichita	\$5,010,543.54	\$1,252,635.86	2009