



**Testimony to Senate Committee on Ethics, Elections, and Local Government  
House Bill 2118  
March 12, 2013**

Thank you for the opportunity to appear before you. I am Patrick Zollner, Deputy State Historic Preservation Officer, on the staff of the Kansas Historical Society. It is our responsibility to facilitate the state and federal statutes for historic preservation as they relate to the state of Kansas.

*LOCAL CONTROL*

As the custodian of the state historic preservation program we feel the current law works well because:

- It gives city and county governments control over their own communities, the State Historic Preservation Office (SHPO) only provides comments to the local governing authority.
- It allows any community to take over the review process in their community with an agreement with the SHPO office (10 communities and the University of Kansas currently have agreements with us).
- For communities without an agreement with our office, the law provides for the professional staff trained in the field of historic preservation at the SHPO office to provide comments to the local government. The local government can then decide what is best for their community.
- This review process does not cause undue delay in projects - the law allows for 30 days, but the SHPO average response time is 3 days – and has resulted in the preservation of several properties that are significant in our state’s history.
- Last year, SHPO staff reviewed 269 projects under the state preservation law, of which 140 reviews were for projects within the environs of listed properties.

*ECONOMIC IMPACT*

- The current preservation programs create considerable economic development in the state. Over the past five years, **over \$223 million** was invested in historic properties through rehabilitation tax credit programs, **creating 7,948 jobs**.
- Several of these rehabilitation projects, especially in Wichita, were first identified through the environs review process.
- Developers that are rehabilitating listed historic properties and investing millions of dollars in these projects have mentioned to our staff that the presence of the environs component of the state historic preservation statute provides some reassurance that their investment in historic downtowns and neighborhoods will be considered through this review process.

It is my intent today to provide you with practical data as you discuss House Bill 2118. I am happy to answer any of your questions either today or in the future.

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## How the Current Process Works

If a project requires a building permit for a property listed in the National Register of Historic Places and/or the Register of Historic Kansas Places (the state register) or within the environs of a listed property, either the State Historic Preservation Office (SHPO) or a Certified Local Government (CLG) is notified. Ten of the state's fifteen CLGs conduct their own state law review including Abilene, Garden City, Hutchinson, Lawrence, Leavenworth, Manhattan, Newton/North Newton, Salina, Topeka, and Wichita. In addition, the University of Kansas has an agreement with the SHPO to review projects affecting their listed buildings.

The state statute allows for the SHPO or the CLG to comment on the project. Our staff evaluates each project based on the Secretary of Interior's *Standards for the Treatment of Historic Properties* for listed properties or the *Standards and Guidelines for Evaluating the Effect of Projects on Environs* for projects within the environs of listed properties. The law limits our comments to either:

- No adverse effect, or
- A determination that the project “encroaches upon, damages, or destroys a listed property or its environs.

**The SHPO or the CLG only comments on the project.** We do not have the authority to formally approve or disapprove a project. Approval or disapproval of the project is the authority of the local governing authority (usually city councils or county commissioners).

By law, the local governing authority is to take the SHPO or the CLG comments into consideration when granting permits. However, even if it is determined that a project will encroach upon, damage, or destroy a listed building or its environs, the local governing authority may determine that there is no feasible or prudent alternative to the proposed project and grant the permit. **Therefore, the state preservation statute as it currently stands gives each county and city government local control over their resident's projects.**

In the vast majority of cases, the SHPO and the CLGs return a “no adverse effect” comment when reviewing projects. In general, the SHPO staff issues comments within four days of receiving notification of a project. We are sensitive to the short timetables that face many property owners starting a construction project.

### FY 2012 State Law Reviews – SHPO Office

Total Projects Reviewed for Comment	Projects Involving Listed Properties		Projects Involving Environs Reviews	
	No adverse effect	Encroaches upon, damages, or destroys	No adverse effect	Encroaches upon, damages, or destroys
269	115	14	134	6