

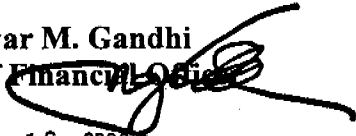
**Government of the District of Columbia
Office of the Chief Financial Officer**



Natwar M. Gandhi
Chief Financial Officer

MEMORANDUM

TO: The Honorable Linda W. Cropp
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi
Chief Financial Officer 

DATE: MAY 16 2006

SUBJECT: Fiscal Impact Statement (Revised): "Historic Preservation
Amendment Act of 2006"

REFERENCE: Draft Legislation – Bill Number Not Available

Conclusion

Funds are sufficient in the FY 2006 and the Mayor's proposed FY 2006 through FY 2009 budget and financial plan to implement the proposed legislation because no additional staff or resources will be required.

Background

The proposed legislation would:

- (1) provide provisions to address the protection of designated archeological sites;
- (2) modify the definition of an "alteration" to include ground disturbance affecting a designated archaeological site and to include painting of unpainted masonry facades on historic landmarks;
- (3) modify the definition of "demolition by neglect" to clarify that the intent is to guard against undue deterioration caused by neglect;
- (4) reduce the size of the Historic Preservation Review Board from 11 to nine members, set a limit of tenure and appointment, and specify rates of compensation;
- (5) define a clearer process for reviewing demolition of potential historic property;

- (6) define and expand upon the Historic Preservation Review Board's process of conceptual review;
- (7) establish an interagency review of D.C. projects by expanding upon the conceptual review process;
- (8) affirmatively state that it is unlawful to violate the provisions of the preservation laws or fail to execute work as a condition to permit approval;
- (9) increase the maximum criminal fine from \$1,000 to allow imposition of the fine for each day a violation occurs, and allow for the imposition of civil penalties;
- (10) expand upon permissible uses of the Revolving Fund;
- (11) address procedures and requirements of anticipatory demolition, including requirements for proper review and notice by the Mayor; and
- (12) make technical amendments to clarify existing laws and move existing provisions to create logical sequence.

Financial Plan Impact

Funds are sufficient in FY 2006 and the Mayor's proposed FY 2006 through FY 2009 budget and financial plan to implement the proposed legislation because no additional staff or resources will be required. The proposed legislation would consolidate new and existing enforcement provisions of the historic preservation law, but would not require any additional staff or resources.

The proposed legislation would increase the maximum criminal fine from \$1,000 to a fine for each day a violation continues. Since the Office of the Attorney General has not criminally prosecuted anyone under the existing legislation, it is difficult to predict the likelihood of securing criminal sanctions under the proposed increased criminal fine. For this reason, any criminal fine revenue that would result from implementation of this part of the legislation cannot be estimated at this time.

The proposed legislation would allow funds from the donation of real property to be included in the Revolving Fund. Given the infrequency of such donations, any additional revenue that would result from implementation of this provision of the legislation cannot be estimated at this time.

The proposed legislation would allow the Historic Preservation Review Board ("Board") to engage in conceptual review of submitted projects. This provision would allow the Board to review projects at an earlier stage in the process, but would not require any additional staff or resources.

The proposed legislation would require public notice and review of all demolition permit applications. This provision would require the Board to identify potentially historic

properties scheduled for demolition, but would not require any additional staff or resources.

The proposed legislation consists of editorial and technical corrections to clarify existing laws.