The realities of life in a historic district

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Mount Pleasant, 21 years on

In 1987, after much controversy, Mount Pleasant was designated a Historic District (HD). The main idea was to prevent the demolition of old row houses and their replacement by modern structures. Trouble is, HD designation isn't just about *demolition by developers*. It's also about *alterations by homeowners*, and that has turned out to be a nightmarish straightjacket of regulations. HD advocates talk only about demolition, and dismiss alterations as a simple, routine permitting process. Not so! There are hundreds of alterations for every demolition, and many of those homeowner alterations become expensive problems, even for the most well-intentioned of residents.

You cannot use financial hardship as a defense against Historic District demands

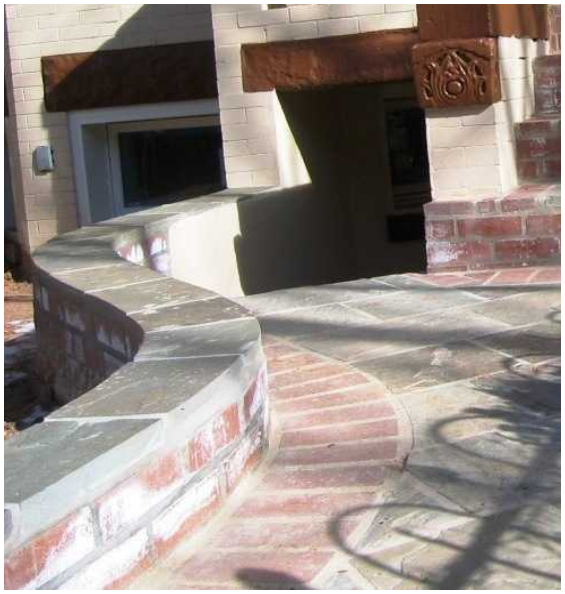
One Mount Pleasant homeowner needed to repair his tile roof, and proposed to rebuild it as close as possible to historic specifications, re-using the old tiles where possible, replacing them with copper cladding where they could not. The Historic Preservation Office (HPO) staff approved this plan, but the Historic Preservation Review Board (HPRB) overruled them, saying no: historic fidelity *required* the purchase of new, identical tiles, *at whatever expense*. The homeowners complained that the cost of roof repair, already a steep $29,000, could rocket to $58,000.

Too bad, said the HPRB. The law *does not allow financial hardship as a defense for any but low-income (<80% of AMI) homeowners*. In cost-benefit analysis, historic preservation counts for everything, dollar costs count for nothing. The additional costs of meeting HD requirements may bankrupt the owner, but that's just too bad for him. Massachusetts HD law permits consideration of financial hardship, but District law does not, not in any useful way. As the Mayor's Agent of the HPO said, coldly, if the tile-roof homeowner didn't like living in the historic district, he was free to sell his house and move.

You may not be allowed to improve the outside of your home

A Mount Pleasant developer, converting a row house into condominiums, decorated the entryway nicely with an elegant brick walkway, featuring a curved wall of brick and cut stonework. It looked fine, but the HPO *forced him to destroy it*. The standard style of Mount Pleasant, established seventy years ago when this was a modest suburb, is for plain, bare-concrete walkways, spartan and utilitarian. The improvements made by the developer were not "compatible" with that homely style of the 1930s, and the developer was forced to remove that fine granite edgework, and to cover over the bricks with bare concrete.

Another homeowner wanted to build a natural-stone staircase up a steep slope, beautifully landscaped to be natural, like a bit of parkland (Rock Creek Park just a block away). Won't allow



I thought this basement entryway was a beautiful piece of work. But the HPO forced the developer to *destroy it*, replacing it with plain, bare concrete, because this fine cut-stone-topped wall was "not compatible" with the historic district. They didn't do things this nicely in 1930, so nobody's allowed to do anything this nicely now.

it, said the HPO. The "historically correct" style for staircases is plain, bare concrete, unadorned, marching straight up the hillside, starkly utilitarian. *Esthetic improvements over existing styles may be forbidden, because "compatibility" requires precisely matching the old styles, however plain and homely.*

You may not be allowed to alter your home for energy efficiency, or for renewable energy

Massachusetts specifically instructs its historic preservation bureaucracy to allow exceptions to promote solar energy systems. But not the District law; if you are thinking of solar panels, for example, they better be perfectly invisible from the street, or they will not be allowed. Your house is supposed to look just as it did in, say, 1930.

As for energy-efficient windows, forget it. One Mount Pleasant couple replaced their leaky old windows with modern thermopane units. The neighbors were pleased, agreeing that they had done well at matching the appearance of the old windows. But the HPO objected: the window frames and crossbars were made of vinyl, not wood. You've got to get up really close to tell that the vinyl pieces aren't real wood, but the HPO knows that they're not wood, and that's that. As for energy efficiency, the HPRB is fond of telling you that re-use of old materials is the best sort of energy conservation. Tell that to your winter heating bills. The residents remain under orders to remove their $5000 worth of new, energy-efficient windows and replace them with "historically correct" wood.

You are at the mercy of your local historic preservation fanatics

A church in Takoma Park replaced all of its windows with Fibrex, imitation-wood-frame windows, *with the permission of the HPO*. But that wasn't good enough for the local preservationists, who took the HPO to court, and won. The HPO was forced to yield to the aggressive preservationists, because of the severity and inflexibility of the District's historic preservation law. Ever since then, the HPO has been intimidated by local historic preservation organizations, unwilling to show mercy or to yield to environmental considerations, fearing more such lawsuits.

In Mount Pleasant, representatives of the local historic preservation organization meet regularly with HPO bureaucrats "to review applications received". *They have made themselves part of the bureaucracy deciding which permits will be approved, and which will not.* Furthermore, they work as neighborhood vigilantes, turning in suspected violations to the HPO, and encouraging other residents to do the same. They work in secrecy, telling no one what decisions they make, nor what violation accusations they turn in. They are answerable to nobody but themselves.

Violations will cost you plenty

Initially the fine for historic preservation violation was a flat $1000 maximum per violation. In 2007 the preservationists succeeded in having the maximum fine increased to *$1000 per day, per violation.* If the costs of meeting historic district regulation don't bankrupt you, the fines will.

Once in place, you cannot escape Historic District designation

I'm convinced that, if a vote were held today, historic district designation in Mount Pleasant would lose. It's an expensive nightmare, not because of restrictions on the demolition of buildings – a rarity – but because of the onerous demands placed on homeowners who just want to maintain or improve their homes. But there's no practical way to go back. There's no "sunset" provision to HD designation, nor do the advocates ever have to come back and confirm that the neighborhood still wants it (if it ever did). The historic preservation fanatics are in control, and that's that.

Now, after 21 years, they argue that longtime residents were here when the decision was made, so they're assumed to be supporters; and any newcomers to the neighborhood are choosing to live in a historic district, so they must be supporters, too. There's never a need to reconsider that HD decision. If you don't like it, they say, you can just move out of the neighborhood.