5-2008

Demolition by Neglect: An Examination of Charleston's Ordinance

Meg Corbett Richardson

Clemson University, megr@clemson.edu

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DEMOLITION BY NEGLECT: AN EXAMINATION OF CHARLESTON’S ORDINANCE

A Thesis
Presented to
the Graduate Schools of
Clemson University and the College of Charleston

In Partial Fulfillment
of the Requirements for the Degree
Master of Science
Historic Preservation

by
Meg Corbett Richardson
May 2008

Accepted by:
Jennifer McStotts
Robert Russell
Jonathan Poston
Ashley Robbins
ABSTRACT

Demolition by neglect is an important issue in the success of a preservation program. The neglect of an historic structure to the point of demolition is a careless and irresponsible occurrence that can be prevented. The tools used to prevent this action can be difficult to enforce, but they also have the potential to be very effective. The demolition by neglect ordinance in Charleston is not effective and is not currently being enforced. This thesis explored the issue of demolition by neglect by examining the public policy issues around it, the methods used to prevent and regulate it, along with a study of two comparable cities – Providence, Rhode Island and Savannah, Georgia – to provide inspiration for the city of Charleston. Three other ordinances were examined as well to provide examples of strong language, tools of enforcement, and other remedies. The effectiveness of Charleston’s ordinance was examined through a history of its ordinance, a study of the language of the law and the methods of enforcement within it, as well as an examination of a selection of demolition by neglect cases in Charleston. The information revealed through this analysis demonstrates the need for a new or substantially amended demolition by neglect ordinance in Charleston and provides ideas and directions for this reform effort.
DEDICATION

This thesis is dedicated to my parents, family, and close friends. I could not do without the love and support of my family and friends which has helped me to come this far in my education. It is dedicated especially to my parents who I look up to in every way and who I strive to make proud with every endeavor.
ACKNOWLEDGEMENTS

I would like to thank several people for their contributions and help in the completion of this thesis. My gratitude is extended to the committee whose suggestions and insights helped and encouraged me along the way. I would like to thank all of those professionals that I interviewed in other cities, especially Karen Jessup, Jason Martin, and Beth Reiter. These three people provided honest and candid answers to my questions which helped to make my conclusions stronger and my thesis better. A special thanks goes to Debra R. Hopkins and Katherine Saunders for their continuous help, guidance, and support. The person to whom I am most indebted to and most thankful for is my advisor, Jennifer McStotts. Without her patience, thoughtfulness, insights, encouragement, and help I certainly would not have been able to complete this work to this degree.
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Demolition by neglect has not always been viewed as a crucial issue in preservation, however, it is serious and a “threat both to historic resources and to the integrity and effectiveness of local preservation efforts”. 1 The ordinances used to prevent it are a vital tool in the preservation field. With the increased awareness of the threat demolition by neglect, preservationists became concerned and amendments to preservations ordinances were made increasingly around the country. It was important to preservationists and other citizens that historic property owners could not “circumvent historic preservation regulations”, 2 thereby undermining other preservation programs. Including provisions for demolition by neglect is important for several reasons the most important of which is the prevention of an unnecessary loss of a building. Preventing demolition by neglect is a strong preservation tool which can benefit and is vital to a community for several different reasons. Besides preserving the historic fabric and integrity of a district, it contributes to neighborhood revitalization, involves economic benefits for the individual and community, can help to maintain diversity in a neighborhood and is a part of sustainable development.

This is also a complicated issue and can be a complex matter to address with legal measures. The definition must be clear so that there is a clear line between deferred maintenance and demolition by neglect and while there are many ways in which to address the issue it is important that none of them violate a property owners constitutional

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rights. The provisions must grant the owner due process and leave a fair and reasonable economic use of their property. The measures used to prevent demolition by neglect must be considered and written carefully otherwise the ordinance will be ineffective.

While Charleston is considered by many to be a leader in preservation, this is one area in which the city is severely lacking. The city of Charleston needs to either amend the current ordinance or write a new one in order to effectively address the problem. The current ordinance may be defended as appropriate for the city, but evidence and public opinion demonstrates that it is not. The city’s lack of concern is further demonstrated by the empty post of Property Standards Administrator, the person designated in the ordinance to enforce the building standards to prevent demolition by neglect. If the preservation of this city is to be effective and taken seriously, demolition by neglect needs to be more closely monitored. There are also certain political realities that exist in the enforcement of the issue. While it is nice to think that politics does not enter the realm of preservation that is unfortunately not the case. City officials need to take this issue more seriously, reevaluate its ordinance, pay more attention to the issue, and be held accountable by the public for their inaction. Not only is the loss of individual buildings at stake, but the aesthetics of the historic districts as well. The various ordinances studied provide new ideas for possible amendments to the ordinance in order for it to be more effective. Before this can happen though, support from city officials and city organizations must be present. There are several ways for Charleston to improve its ordinance and several sources were studied to provide new ideas.

The second chapter examines the issue of demolition by neglect. The different causes of demolition by neglect will be explored as well as the importance of its
preservation. Understanding the importance of the issue and the causes behind it is essential groundwork for the rest of this thesis. The next chapter reviews the legal framework by which the ordinance must be guided. It reviews the legal basis on which local preservation is founded and the following chapter reviews the forms those legal powers take. This fourth chapter reviews the various methods and enforcements used to address demolition by neglect. Once this foundation has been set, Charleston and other various cities will be analyzed. The fifth chapter of the paper explores the components of Charleston’s demolition by neglect ordinance. The chapter will examine several different aspects of Charleston in order to fully understand the preservation mindset and needs of the city in relation to the current demolition by neglect ordinance. A short history of the preservation movement in Charleston, an analysis of the current demolition by neglect ordinance, and a review of a number of previous cases will all be used in the study of Charleston.

Once the analysis for Charleston is complete, the demolition by neglect situation in other cities will be examined. The sixth and seventh chapters will examine two cities and their demolition by neglect ordinances based on their similarities in size and history to Charleston. Savannah, Georgia and Providence, Rhode Island will be examined in a way similar to the previous chapter in order to not only determine their similarities but to draw conclusions from the research. While each city has its own issues and do not have perfect or even necessarily strong ordinances, there are still lessons to be drawn from their experiences. Charleston’s own strengths and weaknesses will also be highlighted in the comparisons and will assist with the conclusions. Due to the inconsistencies and a lack of certain comparisons from these two cities, the eighth chapter will examine certain
demolition by neglect ordinances that contain strong provisions. These cities can be considered leaders in the demolition by neglect movement due to their strength in language, enforcements, and administrative relief. The ordinances in Raleigh, North Carolina, Washington D.C., and Detroit, Michigan will all be studied for their various strengths.
CHAPTER 2
THE CAUSES AND IMPORTANCE OF DEMOLITION BY NEGLECT

Building loss cannot always be prevented. Unstoppable and unpreventable acts of nature, like hurricanes, tornados, earthquakes, and fires can all destroy a building. Loss of a building through neglect, however, is inexcusable and preventable. There are different causes of demolition by neglect and deferred maintenance is the main tool that facilitates the neglect. A historic building is a resource for a historic homeowner as well as the neighborhood in which it is located. A homeowner can apply for various economic benefits for rehabilitation projects and once restored, may set a trend of revitalization and at the very least will help to maintain or strengthen neighborhood morale. In addition, by not demolishing the building, more energy and resources are not expended in the demolition and construction of a new building. It is important for a city to understand the causes of demolition by neglect and the importance of preventing it so an appropriate ordinance can be implemented.

Causes

While acts of nature play a role in demolition, deferred maintenance is the main origin of demolition by neglect, no matter what the cause. Deferred maintenance can occur for several reasons. One is through the intentional neglect caused by a property owner who wants cleared land in order for other development purposes. This is especially a problem when “the underlying land values of historic properties… [outstrip] the value of the building and the land together.”[^3] Property owners more interested in development and profit will often see the land as more valuable without the building and

[^3]: Karen Jessup, Ph. D., Interview. Jessup was formerly Chair of the Board of Advisors for the National Trust for Historic Preservation as well as the chairwoman of the Historic District Commission for Providence and the Providence Preservation Society. She currently serves as a board member of the Providence Preservation Society.
will then do what they feel is necessary to have the building demolished. The owner will not only continuously apply for demolition but in addition will not keep up with the routine maintenance of the building hoping that a state of public hazard is reached and the building is demolished as a result. There are some property owners that cannot afford to do the routine maintenance and the building is neglected unintentionally. For these property owners, demolition by neglect is often a result of circumstances, not a choice. The cause of demolition by neglect cannot be broken down this easily and can be a combination of the two or something different. One of the cases in Charleston involved a man in the Air force who did not live in Charleston and wanted to demolish his building so that he was relieved of the responsibility of its upkeep. Many demolition by neglect cases involve absentee ownership which makes them difficult to prosecute.

There are several reasons for demolition by neglect and not all can be predicted. While it is important to have an effective ordinance that prevents those who are working from intentional reasons, the ordinance should not be so rigid that it prevents a certain degree of flexibility to work with all types of cases. There are tools that can be inserted into an ordinance to give flexibility, but there is only so much that a non-profit organization, the city, or concerned individuals can do to prevent this problem individually. This is why it is important for a city to implement an ordinance that is appropriate and necessary for the needs of the city in order to effectively address demolition by neglect. It takes the cooperation of city departments, preservation organizations, and individuals in order to control it, requiring a good working relationship between the three.
Importance of Preventing Demolition by Neglect

There are several merits to saving a building from demolition. These merits benefit not only the individual, but the community as well. Preserving a building can bring opportunities for economic development, neighborhood revitalization, sustainable development, and the preservation of historic fabric all through the prevention of unnecessary demolition. As a resource to the individual and the community, historic properties should not be neglected to the point of neglect and demolition.

Preservation includes economic benefits for the individual and community and there is more money to be saved and potentially made when a building is recovered from demolition rather than torn down for new construction. This is an essential part of sustainable development as resources are not wasted in either the demolition or in having to construct new buildings. Preservation is a key component of downtown revitalization, increases heritage tourism, provides creative solutions for affordable housing, increases household income, jobs, and demand on other industries as well as potentially increasing property values in an historic district.\(^4\) It is also important that housing is not left to neglect as vacant housing will often reduce surrounding property values and their rehabilitation can help to stabilize the neighborhood. This process can and often does encourage surrounding rehabilitation which can lead to neighborhood revitalization.\(^5\)

Saving an historic structure from demolition is also important because preservation of historic neighborhoods promotes diversity. These neighborhoods are able


\(^5\) Rypkema, 67-68.
to allow for a range of household incomes due to the “variety of size and nature of housing in most historic neighborhoods.”

While preservation includes several economic benefits, there are several other reasons for not letting a building remain in a state of disrepair. Decay from deferred maintenance not only poses problems to the preservation of a building, but also makes it accessible to vagrants who then increase the possibility for accidental fires and illegal activity. These possibilities also result in the endangerment of the neighborhood buildings and residents. The loss of a decaying building to fire threatens the buildings surrounding it and illegal activity can decrease the safety of surrounding residents. An empty and deteriorating building will also “destroy the morale of the residents and the aesthetic character of neighborhoods.” In this sense, and in regards to the far-reaching visual impact of a decaying building, demolition by neglect can be a district-wide issue. It is not just an issue for the individual property owner, but for the community as well.

Preservation of an historic district does not just involve individual buildings, it also includes relationships of the buildings to each other and the surrounding landscape and the aesthetic created from that relationship. The way buildings relate to each other and the landscape through height, massing and scale creates vital characteristics which “[have] an undeniable impact on people.” Residents of neighborhoods and historic districts should not ignore these connections as they play a large part in defining an area aesthetically. In the preservation of an historic district, it is important for the neighborhood to be seen as a “heterogeneous product, the whole of which exceeds the

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6 Rypkema, 63.
8 Peter Wolf, Hot Towns: The Future of the Fastest Growing Communities in America (New Brunswick: Rutgers University Press, 1999), 167.
individual parts”.\(^9\) A building in a state of deterioration can depreciate the historic and architectural characteristics of the surrounding area and a new building could potentially disrupt the relationships of the neighborhood.\(^{10}\) The little buildings play an important role in these relationships as well, because if they disappear, the larger landmarks “survive in a changed environment where they no longer function as the framework which holds the community together visually”.\(^{11}\) Demolition of a building results in a loss of historic integrity for the neighborhood, so it is important to retain as many of the contributing buildings as possible, regardless of their size. This variation in size will also allow for a range of household incomes creating diversity which make neighborhoods viable. Due to the importance of historic integrity in an historic district, demolition should be avoided if at all possible, especially if caused through neglect.

The deterioration or loss of a building through neglect and demolition affects the whole neighborhood and its residents, not just the individual owner. The effects can be evidenced in the loss of economic benefits, the safety and morale of surrounding residents, the historic characteristics of a neighborhood, and opportunities for sustainable development. For all of these reasons and more, preservation of historic structures helps to create vibrant communities and demolition by neglect should not be allowed to diminish the opportunities for preservation.

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\(^{10}\) Murtagh, 110.
\(^{11}\) Ibid.
CHAPTER 3
LEGAL FRAMEWORK OF DEMOLITION BY NEGLECT

Historic preservation is a national, state, and local issue which “demands a multitiered approach.” As a result there is federal, state, and local law which addresses the various problems related to preservation. Demolition by neglect is an important part of preservation legislation and as such must remain within the framework of preservation law. It is important to understand the legal fundamentals so that the demolition by neglect ordinance will contain effective strategies that can be defended effectively. Part of this process is to understand the various levels of protection provided by the different levels of government.

Federal, State, and Local Level Preservation Law

The federal laws are the first level of protection and administer preservation issues through the National Historic Preservation Act, the National Environmental Policy Act of 1969 and Section 4(f) of the Department of Transportation Act. These laws basically protect historic properties from detrimental actions taken by the federal government. Whenever a government action has the potential to affect a historic property, these acts require processes and evaluations to be done to determine the degree of impact. These laws, however, only apply to actions taken by the federal government, not those done by the state or local governments.

One of the main effects of the National Historic Preservation Act was the stipulation for the creation of the second tier of protection, the State Historic Preservation

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14 McLamb, 1-2.
Offices and even though each state has one, these offices “can vary in scale and presence”.\textsuperscript{15} This second level protects historic properties from actions on “two dimensions, government actions affecting historic resources, and private actions affecting historic resources”.\textsuperscript{16} The duties of the State Historic Preservation Office include such responsibilities like conducting surveys, reviewing National Register applications, and certifying and supporting local preservation programs through “technical, educational, financial, and regulatory assistance.”\textsuperscript{17} Since most preservation decisions are local, the most important function of the State Historic Preservation Office is the certification of local government programs through enabling laws.\textsuperscript{18} These enabling laws give local governments the power to protect historic resources on a more restricted level which in turn provides better protection.

Enabling laws give local governments the power to implement preservation ordinances which have the power to deal with private actions.\textsuperscript{19} These ordinances, however, are “guided and limited…by rights guaranteed individuals by the U.S. Constitution or by state constitutions”.\textsuperscript{20} When writing these regulations, especially concerning demolition by neglect, it is important to bear in mind the Fifth Amendment issues of due process and regulatory takings. The ordinance’s goal of historic preservation needs to evident and “must be designed to be reasonable, fair, and of general applicability to the community.”\textsuperscript{21}

\textsuperscript{15} Wolf, 140.
\textsuperscript{16} McLamb, 2.
\textsuperscript{17} Wolf, 140.
\textsuperscript{18} McLamb, 2.
\textsuperscript{19} Ibid.
\textsuperscript{21} Becker, 1.
Historic preservation ordinances are often used as a zoning tool and located within zoning ordinances for a city. Zoning regulations are a valid exercise of police power which involves the “imposition of uncompensated losses upon property owners.” 22 Police power allows the government to regulate based on the principles of health, morals, safety, or general welfare. Historic preservation was deemed a “valid public purpose” in the landmark case, *Penn Central Transportation Co. v. New York City* 438 U.S. 104 1978. In this case the U.S. Supreme Court determined that the preservation of historic resources was a valid governmental goal and that New York City’s historic preservation ordinance was an “‘appropriate means’ to securing that goal.” 23 This case was very important in establishing the validity of historic preservation as a police power and has given preservation significant weight in the court system. Even though a valid public purpose for preservation exists, any action taken by the government against the property must still leave the property owner “with a reasonable economic use of their property” 24 as well as grant due process and equal protection so that it does not violate the Fifth Amendment or the Fourteenth Amendment. 25 With provisions to prevent this in the ordinance, takings claims and other unconstitutional claims will not be validated with zoning regulations.

An effective ordinance will contain several clauses that establish a regulatory board, “standards, petition and action procedures, economic hardship provisions, appeals

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22 Levy, 63.
and enforcement.”  

The regulatory board is most often responsible for overseeing changes to designated landmarks and other buildings in historic districts. \(^2^7\) These changes can include actions such as alterations, demolitions, or new additions. However, if the regulatory board does not have the power to be more than advisory then their effectiveness is easily challenged. \(^2^8\)

There are states that even grant localities powers to prevent demolition by neglect specifically. The enabling laws in North Carolina state “the governing board of any municipality may enact an ordinance to prevent the demolition by neglect of any designated landmark…or in a historic district”. \(^2^9\) Rhode Island and Alabama grant similar enabling powers and Wisconsin specifically states that a locality may use eminent domain for the purposes of preservation. \(^3^0\) With this method, a city could purchase a property that was being neglected to the point of demolition. While this is an expensive and potentially troublesome method, it also has the potential to be very helpful for a city trying to save its historic resources from demolition by neglect.

Tools Used in Preservation

These laws grant localities the powers needed to enact various tools for preservation purposes. Most cities attempt to accomplish their goals of preservation through special types of zoning and preservation ordinances which creates the boards to oversee and implement many of the stipulations created in the ordinances. It is also important that localities do not abuse these powers as well as set up protections against

\(^{2^6}\) Becker, 1.

\(^{2^7}\) Beaumont, 19.

\(^{2^8}\) Wolf, 141.

\(^{2^9}\) “Demolition by Neglect,” 3.

\(^{3^0}\) Ibid.
unwarranted takings claims. Through experiences gained over the years, preservation ordinances in most localities have come to include all of these points.

Zoning Through Historic Districts

Through the history of planning, zoning has come to involve a “variety of use, height, and area restrictions” in various districts throughout a city. Including historic districts in zoning regulations allows for specific protections. Zoning contributes to historic preservation by controlling the aesthetics of a community through design-review requirements. The degree of its efficiency, however, “can vary enormously in level of scrutiny and level of enforcement.” Historic districts are defined by the National Register for Historic Places as being a “geographically definable area…possessing a significant concentration, linkage, or continuity of sites, buildings, structures, and/or objects united by past events or aesthetically by plan or physical development.” In 1931, Charleston was the first city to include historic preservation in the zoning ordinance by creating an historic district along with a board of architectural review to oversee all alterations in the district. Many cities soon followed Charleston’s example by creating their own zoning ordinances with clauses specific to historic preservation. The creation of an historic district “is therefore nothing more or less than the creation of a zoning tool in which the usual restrictiveness of zoning is increased.” When preserving a historic district instead of individual buildings, preserving the plan and aesthetics of an

31 Robert Wright and Susan Wright, Land Use in a Nut Shell (St. Paul: West Publishing Company, 1985), 133-134. This was upheld in the Supreme Court Case of Euclid v. Ambler Realty Co. in 1926.
32 Wolf, 168.
33 Ibid.
34 Murtagh, 103.
area becomes just as important as the architectural or historical merits of a single building.\textsuperscript{36}

Preservation Ordinances

A preservation ordinance is one of the zoning tools created to control the design and aesthetics of historic districts. It is built on several basic elements like a statement of purpose, definitions, the creation and powers of a preservation commission, as well as the duties, procedures, and standards for reviewing historic properties for alterations and demolitions.\textsuperscript{37} With the evolution of preservation ordinances over time, many cities now have fairly strong preservation ordinances which can control anything from the addition of shutters or change of paint color to the demolition of a building. The powers created in a preservation ordinance directly affect the outcome of preservation as a whole in a city.

Preservation ordinances differ in scope and power for several reasons but their goal of protecting historic resources are all the same. In the Georgetown Historic District of Washington D.C. the ordinance requires infill to be of traditional design.\textsuperscript{38} Other cities have more vague ordinances which allow for a broader interpretation.\textsuperscript{39} Savannah encourages contemporary infill which can be successful as long as the buildings are sensitive to the “historical context, scale, and mass of the built environment.”\textsuperscript{40} The more detailed ordinances will usually be more specific in the standards and enforcements allowing little room for discretion.

\textsuperscript{36} Murtagh, 104.
\textsuperscript{38} Murtagh, 106.
\textsuperscript{39} Ibid., p. 107.
\textsuperscript{40} Ibid.
Often the preservation ordinance is where the provision for preventing demolition by neglect is located. In this case the review board created by the preservation ordinance is in charge of enforcing the tools used to control the issue. Depending on the particular methods chosen by the city to control demolition by neglect will determine how it is handled in the preservation ordinance.

Preservation Commissions

Preservation ordinances are like the blanket that covers and protects historic properties in a district. One benefit of these ordinances is the creation of preservation commissions, or review boards, which have jurisdiction over alterations and demolitions in a historic district. The commission created and charged with monitoring and regulating change in a historic district can be really strong, but it can also be relatively weak, depending not only on the powers granted to it, but on the support it garners from the community.

Takings Claims and Economic Hardship

Takings are a complicated issue and are closely related to demolition by neglect cases. Many property owners will claim a demolition by neglect provision has placed an economic burden by not leaving a reasonable use of their property and will then try to claim a takings. It is important for preservation ordinances, especially those that contain demolition by neglect provisions, to contain sections pertaining to this issue. It is also important for the ordinance to address those cases where the law does create an economic hardship to the point that the property owner is not financially able to complete the repairs and maintenance. This section of the ordinance should not be ambiguous so that it is not easy for a historic property owner to circumvent the law by filing a takings

41 Becker, 1.
or claim a hardship that is not legitimate. Detailed financial information is the most important criteria to include for evaluating economic hardship as well economic impact. Not only is it important for the ordinance to contain the criteria, but it “should also provide guidance…to relieve the hardship.”

While not always the case, demolition by neglect is more often “an affirmative strategy” used by a property owner who is more interested in developing the property to its maximum potential for making money than maintaining the historic structure. Whenever this is the motivation, he or she is also likely to claim that the cost of repairs created an unreasonable economic impact. In this manner the property owner is attempting to defer guilt of breaking a demolition by neglect ordinance by claiming a takings.

Once an application for economic hardship has been filed, it is the commission’s job to determine if the hardship has resulted from the economic impact of a preservation law. Evaluating economic impact becomes a crucial factor in the application process and this factor can encompass many different items. Other issues to consider include items like “revenue, vacancy rates, operating expenses, financing, [and] tax incentives.” The National Trust provides a list of factors to consider when evaluating impact. The list includes such issues as the current level of economic return, any listing of the property for sale or rent with the listing price, the feasibility of alternative uses, evidence of self-created hardship, knowledge of landmark designation at time of purchase, and the

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42 Becker, 2.
43 Ibid.
44 “Demolition by Neglect”, 1.
45 Ibid.
46 Ibid.
47 Ibid.
48 While this list may be helpful, it is not legally binding.
economic incentives and funding available to the applicant.”\textsuperscript{49} Reviewing all of these factors helps to give a more complete picture of the applicant’s situation and helps to reveal the “bottom line of the transaction rather than on individual expenditures.”\textsuperscript{50} Other factors important in the assessment include the reasonable and beneficial use of the property, and reasonable investment-backed expectations. If the property owner is left with a practical and beneficial use of the property then there have been no takings and according to most ordinance definitions, this would not constitute an unreasonable economic impact. While it is fair for a property owner to have certain expectations when purchasing property, it is not reasonable for these expectations to be against the law. It is not reasonable for a person to buy a house in an historic district expecting to demolish it when there are provisions against such actions. Occasionally the property owner will confuse “speculative hopes for maximum profits with… [the] legal right to a reasonable economic use of [the] property.”\textsuperscript{51} Maximum profits do not constitute beneficial use and cannot be used as grounds for takings. The courts have generally supported this in several cases “noting that preservation regulations rarely prohibit property owners from making a ‘reasonable economic use’ of their land.”\textsuperscript{52}

When examining the issue, it is important to “understand that economic hardship applies to the property and not the property owner.”\textsuperscript{53} This means that “the particular circumstances of the owner independent of the property in question should be irrelevant to the question of whether the property at issue can realize a reasonable return on

\textsuperscript{49} “Demolition by Neglect,” 4.
\textsuperscript{50} Ibid, p. 1.
\textsuperscript{51} Beaumont, 22.
\textsuperscript{52} Ibid.
\textsuperscript{53} Miller, 1136.
investment, or whether a viable use of the property remains.”\textsuperscript{54} The owners actions or lack or actions is also significant in determining economic impact or hardship. If the value of the property declined and rehabilitation expenses increased due to the neglect and lack of maintenance of the owner then it is clearly a case of intentional and self inflicted hardship and cannot be considered for an economic impact. In addition to all of these guidelines it is important for the commission to remain fair and objective, otherwise all of their decisions will be undermined by their unfair actions and the preservation program in that city will lose its credibility.

The burden of proof for either situation is on the owner, and he or she must use specific evidence to support of their case. At the hearing both the property owner and the opposition should present testimony on such issues as “the structural integrity of the historic building, estimated costs of rehabilitation, and the projected market value of the property after rehabilitation”\textsuperscript{55} from both the property owner as well the opposition. The commission should have expert testimony as well incase one of the defendant’s claims is called into question, like the structural integrity of a building. When weighing the evidence there are five factors relating to the defendant’s case that the court should consider, including; the sufficiency, relevancy, competency, credibility, and consistency of the evidence.\textsuperscript{56} Often the owner will fail to adequately satisfy those five points thereby failing to establish economic hardship.\textsuperscript{57}

Economic hardship can be a pertinent issue, however. The provisions in preservation ordinances should not create a hardship for an owner so that they are not

\textsuperscript{54} Miller, 1136.
\textsuperscript{57} Ibid.
financially able to maintain their property. It is important to have a clear definition of what constitutes economic hardship and have an application process that accurately reflects this definition in the preservation ordinance. The definition of economic hardship must strike a balance between making sure the provision is there for those that need it and that it is not unjustly granted. Economic hardship can be a difficult issue to define and manage, but basically the “owner’s own neglect should not be allowed to create an economic hardship.”

Conclusions on Legal Framework

Over the past several decades, demolition by neglect has become a prominent preservation issue and measures addressing it have been amended into the ordinances of several cities. While the methods for dealing with this specific preservation issue tend to be a little more aggressive, it rests on very clear, established laws and case rulings that permit this approach to preservation. These cities have employed several tools to help control and prevent demolition through neglect some not as severe as others. While the most common measures include the use of maintenance requirements and liens, other cities use more forceful tools like the exercise of eminent domain. Effective ordinances will also include provisions for takings and economic hardship.

58 “Demolition by Neglect”, I.
CHAPTER 4
METHODS AND ENFORCEMENTS USED TO ADDRESS DEMOLITION BY NEGLECT

There are numerous methods and enforcements used to control and address the problem of demolition of neglect. These methods can be preventative which will attempt to check neglect before it becomes too serious or the ordinance will attempt to negate the problem through some type of enforcement. There are also other ways in which to control the problem with more creative types of enforcements, or by offering financial incentives or assistance with which to help prevent neglect due to a lack of finances. More effective ordinances will contain more than one of these techniques, but if it the provisions for demolition by neglect are to by effective on any level then it should have some form of at least one of these techniques.

Affirmative Maintenance

Affirmative maintenance is one of the most important tools for controlling demolition by neglect. Also called minimum maintenance or anti-neglect provisions, affirmative maintenance is the “strongest tool for combating the problem of demolition by neglect [and it] requires maintenance of buildings in a district.”\(^{59}\) These provisions provide a checklist for the buildings maintenance or give an overall condition to which the house must be maintained and can help prevent demolition by neglect by providing a standard to which the structure must be maintained.\(^{60}\) The ordinance has the potential to be more effective if it is more specific. Instead of giving more general requirements, the more detailed ordinances will “specify conditions of deterioration which are prohibited or


\(^{60}\) Pollard, “Demolition by Neglect”, 1.
defects which must be repaired.” One of the dangers of providing such standards is the possibility for the property owner to claim an economic hardship as a result, so more effective ordinances will also contain some provision of discretion for such hardship cases. As long as the provision is “properly worded and adequately enforced,” minimum maintenance provisions can be one of the strongest tools in preventing demolition by neglect.

There are several types of maintenance requirements that are included in affirmative maintenance clauses. The way in which the city views the problem usually relates to the way the city writes the ordinance and handles the problem. Some cities just require buildings to be maintained to satisfy local housing or building codes which is often not as efficient as listing structural members and parts of the building or property that must be maintained in order to be in accordance with the maintenance provision.

Structural items like exterior walls, vertical supports, roofs, chimneys, plaster or mortar, peeling paint, holes, or nonstructural things like fences, sidewalks, or landscaping can be listed the provision. Stronger ordinances will include all of them. The minimum maintenance provision in Charlottesville, Virginia includes all of these including other horizontal members, ineffective waterproofing which includes broken windows or doors, rot, forms of decays, steps, signs, accessory structures, or anything about the structure that creates a “hazardous or unsafe condition.” Charlottesville not only includes a very specific list, but it also approaches deterioration and preservation in a more holistic approach and “forbids deterioration which has a ‘detrimental effect upon the character of

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62 Ibid.
63 Ibid.
the district as a whole or the life and character of the landmark structure or property in question.”  

By including this portion it addresses the problem at an early stage to help prevent serious deterioration from occurring. The ordinance in Charlottesville, Virginia is very strict and as a result has the potential to be very effective. The city obviously views the deterioration of a building as not only detrimental to the structure, but also looks at it as being detrimental to the character of the district and so forbids the deterioration of a structure through specific measures.

While Charlottesville, Virginia has a strong ordinance, not all cities find it necessary to use the exact same requirements; they tend to vary a little in the details. San Francisco, California also has a strict ordinance and is “quite explicit and detailed.” The city also has a list of requirements and states that not only must the exterior be maintained, but the interior must be maintained as well whenever “such maintenance is necessary to prevent deterioration and decay of the exterior.” The maintenance requirements for San Francisco include such items and building materials like an unstable façade, deteriorated foundations, flooring, waterproofing, ceilings, roofs, ineffective weather protection for exterior walls, or any fault that renders the building to be open to the weather or structurally unsafe. Like Charlottesville, San Francisco’s ordinance contains a list that makes the maintenance requirements very clear for historic buildings.

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66 Ibid.
67 “Demolition by Neglect”, 3.
68 Ibid.
69 Ibid.
The town of Culpepper, Virginia also takes a similar approach to Charlottesville and San Francisco. The ordinance for Culpepper is not quite as detailed with itemized maintenance requirements; instead it defines demolition by neglect with two comprehensive consequences that must be prevented through maintenance. Not only must a building be maintained so that it is not in a hazardous state but certain structural members cannot be deteriorated to the “extent that it adversely affects the character of the historic district or could reasonably lead to irreversible damage to the structure.”\(^{70}\) It lists a few structural members to make the requirements clear, but definitely uses a broader approach than the other two cities. This makes it a little more open to interpretation, but still is very effective.

Maintenance requirements have been upheld in several court cases. In *Harris v. Parker* in 1985 the court ordered repairs to be done in accordance with the affirmative maintenance requirements and in *Maher v. City of New Orleans* the court ruled that such a provision was “constitutional as long as it did not have an unduly burdensome effect on the property owner.”\(^{71}\) With affirmative maintenance clauses, it is especially important that good working relationships are maintained with city officials, especially the building code enforcement office. This is vital so that the commission will know when “code citations and enforcement orders are issued” so that the commission can be specific about the types of repairs necessary as well as what assistance and remedies may be available for the owner.\(^{72}\)

\(^{70}\) “Demolition by Neglect,” 4.
\(^{71}\) Ibid, p. 2.
\(^{72}\) “Demolition by Neglect,” 2.
Eminent Domain

One of the more aggressive methods used by some cities is the exercise of eminent domain. Certain states “explicitly permit local governments to use their ‘eminent domain’ authority”\textsuperscript{73} in the enabling act. Eminent domain is the right of the government to appropriate private property for the public good. In these situations, if the city feels that the property has reached an advanced state of deterioration, they can acquire the property for purposes of the city and then execute the repairs themselves. San Antonio, Texas is one of the cities that exercises this right and the city ordinance states the city has the power to “condemn the [historic] property and take it by the power of eminent domain for the rehabilitation or reuse by the city or other disposition with appropriate preservation restrictions in order to promote the historic preservation purposes of [the ordinance] to maintain the structure and protect it from demolition.”\textsuperscript{74} In the interest of historic preservation, San Antonio reserves the right to seize property in order to save it.

Richmond, Virginia is another city that has the power to exercise eminent domain to save historic properties for the “use and pleasure of the people of Virginia.”\textsuperscript{75} In Richmond, the seizure can and is based on a judgment call made by the Director of the Department of Conservation. Along with the city of Richmond, both Baltimore, Maryland and Louisville, Kentucky have used their eminent domain clauses in order to save historic buildings from demolition by neglect. The City of Louisville saved two Victorian buildings slated for demolition in order to build parking lots. The city condemned the houses and resold them to a developer with covenants attached. The

\textsuperscript{73} Beaumont, 36.
\textsuperscript{74} “Demolition by Neglect,” 6.
\textsuperscript{75} “Demolition by Neglect, 6-7.
previous owner, feeling wronged by the action, took the city to court, but the court
“upheld the city’s action.”76 Another property owner in the city of Tacoma sued the city
over their use of eminent domain in the acquisition of his property. In The City of
Tacoma v. Ronald Zimmerman, the appellant claimed that it was more economical to
demolish his property and the city’s use of eminent domain to acquire the building for
public use was not in accordance with the law. The court of appeals ruled in favor of the
city supporting their right to acquire a contributing structure “of sufficient value to be
repairable.”77

Condemning a property using eminent domain is not only an aggressive tool but
also an expensive one as well. Many cities do not have the money or time to have the
extra burden of acquiring unneeded properties. Due to this added expense many cities do
not want to use such extreme measures.78 The use of eminent domain can, however, be
very valuable when a property owner “resists all reasonable entreaties and so neglects a
historic structure.”79

Enforcements

In order for demolition by neglect provisions to be effective there must be terms
for the “enforcement of the mandates they contain.”80 Enforcement is a crucial part of
the provision and relates directly to its effectiveness. In order for the provisions to be
helpful, the penalty needs to be severe enough that the developer cannot easily factor the
fines into other construction costs.81 If the penalty is too severe, however, “a judge may

76 “Demolition by Neglect”, 7.
77 City of Tacoma court case
78 Beaumont, 36.
79 Ibid.
81 Beaumont, 41.
be reluctant to apply it.”82 Tools used for enforcements such as fines, liens, or other types of equitable remedies can and should be used to promote compliance with the maintenance provisions.

Liens

Perhaps the most effective method is also the most popular which is the use of a lien against a property. This is used when the city pays for the necessary repairs after a certain time period has lapsed and in order to recover the cost, the city can either place a lien against the property or recover it in a private action.83 With this enforcement method, the neglect is curtailed whether the property owner is forced into compliance or not, in which case the city completes the work. Montgomery County, Maryland is one of the cities that use this type of enforcement along with strict guidelines. The city will place a lien on the property if it has to contract the work; the lien is run at the highest legal interest rate and if the payments stop, the property is sold.84 The lien system is successful in saving structures from continued neglect; however, without a way to force the return of the money, it can also by a costly method. It is therefore more beneficial and easier for the city if there is a way to force the return of the lien.

Miscellaneous

One of the more interesting and aggressive forms of punishment worth mentioning is used in Portland, Maine. Not only are fines imposed for each day when the required work in not done, Portland applies a policy of “scorched earth”. If the property owner is in violation of the ordinance for any reason “he may not obtain a building permit for any alteration or construction on the historic landmark site for five years… [and] for

82 Beaumont, 41.
84 “Demolition by Neglect,” 5.
25 years, any alteration or construction on the property is subject to special design standards imposed in the ordinance, whether or not the property involved is historic.”\textsuperscript{85} This enforcement method provides Portland with an efficient ordinance by providing a degree of control over the design of the infill of historic districts no matter what the outcome of a demolition by neglect case.

A few states also have permitted their localities the powers to add stronger and more aggressive punishments in their enabling legislation. Texas has recently authorized local governments to “compel property owners who willfully and illegally destroyed historic landmarks to restore them”\textsuperscript{86} or they have to pay for a new structure to be built that resembles the demolished one. Wisconsin has also enacted very stern punishments and have allowed cities to fine owners who intentionally demolished an historic structure without a permit which can equal a sum up “to two times the fair market value of the historic building and the land upon which the building is located immediately prior to demolition and may be imprisoned for not more than nine months.”\textsuperscript{87} One of the great advantages of this fine for preservationists is that it is potentially so great that it could not be reasonably factored into construction costs and as such would be a strong deterrent to developers.

Prevention Through Monetary Assistance

Providing funds or other types of administrative relief for maintenance is an indirect way to help prevent demolition by neglect; there are “several strategies…that provide funds to forestall demolition, ensure proper maintenance, and still allow owners

\textsuperscript{85} “Demolition by Neglect”, 6. 
\textsuperscript{86} Beaumont, 41. 
\textsuperscript{87} Ibid.
to benefit from the market value of their property.\textsuperscript{88} Like the majority of preservation strategies, all of these require money, but are “within the financial capacity of any community seriously interested in preservation.”\textsuperscript{89} These strategies include things like transferable development rights, revolving funds, and tax incentives.

Often preservation organizations will operate revolving funds to rehabilitate dilapidated buildings and can be one of the most effective tools used by these organizations to help guard against neglect and subsequent demolition. Revolving funds are not necessarily tools used by nonprofit organizations, but have also been included in preservation ordinances. The money in a revolving fund is used to buy vacant or deteriorating buildings which are then resold to owners who agree to restore and maintain them.\textsuperscript{90} This method is “particularly effective with inexpensive and neglected buildings that do not have development rights to transfer.”\textsuperscript{91} Several non-profit organizations run revolving funds including the National Trust for Historic Preservation which has one of the “most active revolving funds.”\textsuperscript{92} Other nonprofits in Providence, Savannah, and Charleston along with many other cities have successfully employed revolving funds in the past and continue to use it to this day. While revolving funds are not always used to combat demolition by neglect directly, they are still an effective tool in preventing demolition.

One of the other less aggressive ways in which to control demolition by neglect is to offer incentives for maintaining and rehabilitating a building. These incentives can include features from “tax incentives, low cost loans, and grants” which assist in

\textsuperscript{88} Garvin, 483. 
\textsuperscript{89} Ibid. 
\textsuperscript{90} Ibid, p. 487. 
\textsuperscript{91} Ibid. 
\textsuperscript{92} Ibid, 485.
payments for necessary building maintenance.  While various government agencies have invested a lot of money in slum clearance they have spent “very little in combating building deterioration.” While the government has little control over the amount of expenses involved in the high maintenance and rehabilitation costs in preventing neglect, it does have “complete control over real estate taxes.” This is why it is important to for the local, state, and federal government to offer tax incentives for rehabilitation and saving abandoned buildings. These incentives can provide the help needed for homeowners to prevent their neglect from reaching the demolition stage. Both Louisville and San Antonio offer similar incentives including a “five year moratorium on increased tax assessments resulting from housing rehabilitation” in Louisville and a “ten year freeze on assessed value after rehabilitation” in San Antonio.

Occasionally, a property owner cannot afford to maintain the house to the required standards. Even though the neglect is unintentional, it does not prevent the building from deteriorating to the point of demolition. Buildings in these situations are theoretically the easiest to save from demolition because the preservation commission is not fighting the mindset and determination of a developer, but a lack of monetary resources. For these reasons, financial aid on the administrative level is necessary and “offer[s] communities a second chance to save a building.” Providing for these situations will require the city to set aside an adequate amount of money for a type of revolving fund to address these situations. If the allowance is small, the city will have to be more selective in choosing the cases to which it applies to make the most of the

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93 “Demolition by Neglect”, 2.
94 Garvin, 280.
95 Ibid, p.284
96 Ibid.
97 Miller, 1139.
available funds or be more creative in raising additional funds. Providing these funds allows the city to help prevent the loss of a historic building or integrity of an historic district thereby preserving its historical, cultural, and architectural resources. Not providing for some form and amount of administrative relief is inexcusable and irresponsible on the part of the city.

Conclusion on Methods and Enforcements

Affirmative maintenance provisions are useful in that they are designed to help prevent neglect before it reaches an advanced stage and eminent domain allows the city to take care of the problem with its resources. While they are helpful in inhibiting the negligence of an historic structure, they are useless if the enforcement provisions are not adequate. The penalties need to be adequately strong so that the provision is forbidding enough for property owners to abide instead of devising ways to get around it, or mitigate its impact. Cities have used a combination and varying degree of approaches concerning enforcements and there is no standard for enforcement or method that will work for every city. Each commission will choose a demolition by neglect ordinance that is adequate for the city. However, no matter how sufficient or competent the demolition by neglect provisions are, if they are not supported and enforced by the correct authorities, then the methods are useless.
CHAPTER 5
DEMOLITION BY NEGLECT IN CHARLESTON

Charleston is a city that is very much defined by its history and preservation. Charleston was the first city to include preservation objectives in its zoning ordinance in 1931, and since then, the preservation provisions have evolved with the needs of the city. In 1966 amendments to the zoning ordinance allowed for a section on demolition by neglect and since then the ordinance has evolved to its present state. While Charleston uses many of the same demolition by neglect prevention methods as other cities, its overall approach to the problem is different. Often preservation provisions and their subsequent evolutions reflect the individual needs of the city, but needs change and ordinances can be amended and it is time for Charleston to consider a change.

The current demolition by neglect ordinance in Charleston has the potential to be strong and effective. None of the aspects of the ordinance are fundamentally flawed; it is the lack of manpower, money, and support that weakens the ordinance. These resources should be supplied the city as well the various preservation organizations. All aspects - the location of the ordinance in its legal context, the lack of enforcement, and the financial support available – all need to be reevaluated as they reinforce each other. Once the technical aspects and the support system have been changed, Charleston will have a more effective demolition by neglect ordinance. Not only will the city have the option of exercising stricter controls and enforcement, but will also be able to help a sector of the population make needed repairs before neglect and possible subsequent demolition is a problem. This process is key in helping to preserve much of Charleston’s historical and architectural heritage.
This chapter covers the history of preservation in Charleston in order to provide a context for the workings and importance of a demolition by neglect ordinance. The next section will discuss the development and content of the demolition by neglect ordinance in Charleston which will then be followed by a review of past demolition by neglect cases. The last section of this chapter will analyze the current ordinance.  

**History of Preservation in Charleston**

Preservation in Charleston can be traced back to the antebellum period in Charleston. Robert Rosen describes the city as being a “conservative city that respected its traditions even before the Civil War.” The city of Charleston has always been a city that respected her customs and traditions, which for many Charlestonians is embodied in the buildings and architecture. Robert Stockton traces this “reverence for the city’s historic architecture” to 1835 with parishioners’ dissatisfaction with current buildings when St. Philips was rebuilding. Even those in other cities recognized the preservation mind-set in Charleston. In 1853, Ann Pamela Cunningham appealed to the citizens of Charleston in a letter published in *The Mercury* for help in saving the home of George Washington. As Stockton points out, she “must have realized that she would find a receptive audience in Charleston.” The “strong streak of conservatism” that existed in Charleston during this time manifested itself in large part in the buildings of Charleston and motivated its citizens to invest in the old structures instead of building...

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98 Suggestions for improvements will be located in the conclusion chapter for the thesis.
101 Ibid., 11.
new ones. The best evidence for this is in the “sheer number of historic buildings that have survived.”\textsuperscript{102}

Previous historians have claimed the success of Charleston’s preservation was due to its poverty after the Civil War. Essentially, they believed preservation was little more than the lack of development, which was due to the lack of money for improvements and new buildings. This thought is generally no longer accepted, and historians use several points to refute it. Stockton is a strong dissenter from the “preservation through poverty” theory stated by many historians. He believes that preservation in Charleston occurred due more to a conscious, active effort than to a passive effect of poverty. He points to the “large number of post-Civil War structures and a large number of Victorianized older structures… [And that] Charleston’s post-Civil War economy was anything but stagnant.”\textsuperscript{103} Besides this, numerous Charleston families could “have afforded the best modern architecture of the antebellum period.”\textsuperscript{104} Stockton points to a strong emotional tie that Charlestonians have for their city and he attributes early preservation to “aesthetic and emotional considerations… [and] a strong element of conservatism.”\textsuperscript{105}

In the first half of the twentieth century, these preservation attitudes became institutionalized with the establishment of various preservation organizations. In the early decades of the twentieth century, when faced with threats to the historic buildings and preservation of Charleston, societies were founded which “institutionalized attitudes that were already well developed in Charleston.”\textsuperscript{106} With an influx of Northern visitors

\textsuperscript{102} Stockton, “Charleston’s Preservation Ethic,” 11.
\textsuperscript{104} Stockton, “Charleston: The Preservation of a City,” 16.
\textsuperscript{105} Ibid, 14.
in the early decades of the twentieth century, interiors of historic buildings along with other architectural elements were bought and then sold in the North. This loss of interiors, which eventually accumulated into a serious threat to the historic fabric of the city, prompted the founding of the Charleston Art Commission in 1910 as well as the Society for the Preservation of Old Dwellings in 1920. The Society for the Preservation of Old Dwellings, currently the Preservation Society of Charleston, was the “first city-based historic preservation organization in the South.” The society’s early efforts helped to save the Joseph Manigault House as well as the Heyward Washington House, and to this day, the society is actively involved in the preservation of Charleston.

These societies were not the only first in preservation that started in Charleston. The mayor at the time, Thomas Porcher Stoney, was a “vigororous champion of his city’s heritage” and he was responsible for helping to organize and implement Charleston’s Historic District Zoning Ordinance in 1931. In 1924, South Carolina passed an enabling law that granted municipalities the right to adopt zoning laws. For the next seven years, committees in Charleston began to think “systematically about the causes and consequences of urban change in Charleston” and the ways in which to control it. These committees of civic leaders as well as the Morris Knowles firm of Pennsylvania, put in “much careful consideration” concerning Charleston’s zoning ordinance, and the result included a provision for “safeguards of architectural preservation.”

Recommendations from the Morris Knowles firm suggested a “set of use and height

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108 Ibid.
110 Stockton, “Charleston’s Preservation Ethic,” 12.
districts, as well as a ‘historic district’.”¹¹² The ordinance that was adopted created the Old and Historic Charleston District as well as the Board of Architectural Review, the B.A.R. In this first provision, the BAR was given the power to review and approve alterations to the façade of a building in the district as well as approval for new construction. The first district only covered a small portion of the city and as such left many buildings unprotected. They were not given any power, however, over demolition and “property owners remained free to raze historic buildings anywhere in the city, including those located within the Old and Historic Charleston District.”¹¹³ Despite the now visible deficiencies, the zoning ordinance of 1931 “represented a decisive step in the evolution of the historic preservation movement” and “gave legal weight to the Charleston preservation ethic.”¹¹⁴ This decisive step moved toward the preservation of whole neighborhoods and aesthetic qualities instead of an individual house with historic connections and this “area approach to protection of historic architecture would come to define the modern preservation movement.”¹¹⁵

One of Charleston’s preservation organizations used this approach to help save a neighborhood from demolition by neglect with the use of a revolving fund. Not everyone in the city particularly cared for the zoning ordinance. Many believed it was “inadequate by itself for safeguarding the city’s architectural heritage…[and] the dilemma was an absence of municipal planning to respond to the consequences of haphazard urban growth, evidenced by the poor quality and incompatibility of new construction and the

¹¹² Weyeneth, 14.
¹¹³ Ibid, 18-19.
¹¹⁴ Stockton, “Charleston’s Preservation Ethic,”12.
¹¹⁵ Weyeneth,18.
press of automobile traffic on the narrow streets of the historic city."\textsuperscript{116} In response, Robert Whitelaw, director of the Carolina Art Association, organized a group of “sympathetic and influential” citizens to develop a city play without the involvement of the city officials. This committee hired Fredrick Law Olmsted Jr. to help. Based on his recommendations and the initiative of Robert Whitelaw, the Historic Charleston Foundation was established in 1947 with a “philosophy that might be characterized as practical preservation for a living city.”\textsuperscript{117} The foundation put this philosophy to practice with the Ansonborough Project. The neighborhood revitalization project, in the span of twelve years, saved sixty houses, many of which were threatened with demolition by neglect.\textsuperscript{118} This project was just one effort on the part of a nonprofit organization; the city still lacked significant power in preventing demolitions.

That situation change in 1959 when the BAR gained power over demolition for the first time. An amendment added in this year “provided that any building anywhere in the city constructed before 1860 would be subject to the Board of Architectural Review when demolition or change was proposed” and in addition to this the board reserved the right to stop or suspend the activity.\textsuperscript{119} Not only did this help protect against demolitions, it also provided protection for buildings outside of the Old and Historic District.

With time and practice, however, preservationists soon realized that more protection was necessary, and as such, the ordinance needed to be strengthened. One of Olmsted’s other suggestions was also realized: an architectural survey entitled, \textit{This is Charleston}, which was completed in 1941. After this survey, it became evident that

\textsuperscript{116} Weyeneth, 24.
\textsuperscript{117} Ibid, p. 33.
\textsuperscript{118} The Historic Charleston Foundation, “The Revolving Fund,” <www.historiccharlestonfoundation.org/preservation/how_revolving_fund.html>
much of Charleston’s important historic architecture was located outside of the Old and
Historic District. The need for an enlarged district as well as the need for other changes
led to additional amendments in 1966, the same year that federal regulations were passed.
These changes included almost tripling in size the historic district as well as granting
additional powers for the BAR, including the ability to prohibit demolitions. It also
required that files be open to the public and new guidelines for applications, as well as a
provision dealing with demolition by neglect. This provision, however, was very weak
and did not include maintenance requirements, which McGee recommended in a 1966
article as well as the use of liens in the enforcement of it.120

The Development of the Demolition by Neglect Ordinance

The threat of great loss often inspired various cities to implement preservation
organizations and ordinances. These ever-present threats can also inspire amendments.
In the early nineties Charleston was faced with many devastating situations of demolition
through neglect, of which the house at 62 Montague was just one example. It had long
been eyesore and was the poster child for the need of a stronger demolition by neglect
portion.121 In early July of 1993, the piazzas on 62 Montague collapsed. The structure
was in a decayed state that only worsened with remaining structural and deterioration
issues not addressed after Hurricane Hugo. At the time, the 1966 amendment was still in
place, which only required the building to be in consonance with the public safety and
housing ordinance. Hence, even though city officials were aware of the structural
problem with 62 Montague they “were unable to require its stabilization under existing

120 Joseph McGee is a lawyer with a law firm in Charleston, obviously preservation minded and familiar
with new preservation practices.
121 And it still is
ordinances because it didn’t pose a threat to public safety.”122 The house at 62 Montague was only one of numerous cases that citizens and officials were using to call for a stronger provision regarding demolition by neglect.

In October of 1993, the city passed an amendment to the zoning ordinance, which dealt directly with demolition by neglect and is the basis for the ordinance in effect today. Charleston’s provision for demolition by neglect is located in the public nuisance section of the code of ordinances and has jurisdiction over the peninsula up to Line Street. In this section, any type of neglect, especially that which might be a threat to the public safety, thereby requiring demolition, is considered a public nuisance. As such, it is under the purview of the fire department, not the B.A.R. The city uses a type of affirmative maintenance approach by listing standards of what determines a public nuisance. The city’s definition of public nuisance is very thorough and includes concepts ranging from deteriorated structural elements, flaking paint, fire hazards, an endangerment to the preservation of historic architecture, or that which depreciates the enjoyment of the neighborhood.123 The standards used in this provision to determine the existence of a public nuisance are also very thorough and review parts of the property like structural elements, windows, doors, bulkheads, flashings, gutters, ventilation, stairways, porches, termite and rodent infestation, and maintenance of accessory structures.

The building can be cited as a public nuisance if any of these elements listed above are decaying, unsightly, or in some way fit into the definition of a public nuisance, which in Charleston encompasses demolition by neglect. In the 1993 ordinance, the owner would have been notified to appear before the Code Enforcement Board where an

action would have been determined concerning stabilization and fines and the building inspections office was in charge of enforcing the matter. This part of the process was changed in 2000 with the creation of the Livability Court. The property standards administrator writes a ticket and sends a summons to the owner to appear before the judge in Livability Court. If found guilty and the repairs are not done, the city will contract the work and a lien will be placed on the property.  

Methodology for Study of Case Files

Of the forty-three cases originally studied, twenty-three were selected based on their files for additional study and site visits. These selections were based on the information found in the file. The number of citations, condition of the structure at the time, and the potential for rehabilitation were all used in the selection process. Other information in files, like letters from the property owners, etc, impacted the decision as well. If the number of citations was low or the file indicated that the structure was repaired, then additional investigation was not conducted. The survey of the twenty-three properties was carried out to determine if any work had been done since the citations to help determine if the legislation had any effect and to provide a sample of the state of demolition by neglect in the city at this time. It is also important to keep in mind that these conditions assessments are assumptions based upon pictures, not current structural assessments by an engineer.

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124 In 2003, the Historic Charleston Foundation held a meeting with city officials due to the growing concern of the inadequacy of the demolition by neglect ordinance. A list of endangered properties, and a revolving fund among other ideas were exchanged for strengthening the ordinance.

125 All of the case files examined are detailed and summarized in an appendix.
Case Files

Over forty case files were examined to study the process of demolition by neglect enforcement in Charleston and to help determine the effectiveness of the current legislation. These were the cases from the most recent Property Standards Administrator, Debra R. Hopkins, and from the time in which the ordinance received the most support from the city (1999-2006). While much information has to be inferred from the public files, these cases are examples of the workings of the ordinance and help to demonstrate its strengths and weaknesses, ultimately suggesting new directions for alterations and amendments.

Of this sample, six properties remain in serious condition, meaning the property appears to be in danger of collapsing and the lack of structural integrity is very apparent. It is no longer just a need for a coat of paint; it is a blatant violation of the ordinance. The house at 9 Carondolet (Appendix A, pg 98), a one-story wood frame building, falls into this category. While the case file on this property is small, the owner was summoned twice and the house is in no better condition. The owner was last issued a summons in October of 2003 and it is apparent that little work has been done since then. Some of the siding is missing; the blue tarp used for waterproofing has fallen apart and is in shreds. The metal roofing above it is failing in several places and the façade looks like it might fall on the sidewalk at any moment. It is very obviously buckling and is supported by small piers of concrete masonry units that are leaning toward the sidewalk. In the file for this property is a letter from the Property Standards Administrator, Debra R. Hopkins (then Rhoads). Hopkins states that she is aware that the owner may not financially be able to make the repairs and suggests a program run by AmeriCorps that would come in
and demolish the property at no cost while the owner would retain ownership of the property. The house still stands and the file demonstrates the need for administrative relief.

The file for 99 Moultrie Street (Appendix A, pg 99) is also a comparatively small file. There is a letter in the file from the owner’s lawyer in 2006 stating the owner’s wishes to demolish the house. The house was rated a nine on a stability scale from one to ten, the higher the number the more stable the building. While it does not appear to be in much worse shape it is, however, missing siding in some places, covered in vegetation, and there is a sizeable hole in the foundation wall that might permit the entrance of vagrants. If allowed to continue in this manner, the house will only continue to deteriorate and may eventually be lost.

The building at 262 Ashley Avenue (Appendix A pg. 101) was first cited in 1998 and the file continues until 2004. Although a summons was never issued, three different warning letters were sent. The house is missing siding in several places and the last structural assessment on file, for 2005, stated the building could still be renovated and saved, but that work would have to start soon. It is a large two-story wood frame building and has a lot of potential. There is something beautiful in its simplicity that should not be lost through neglect.

The Anything Marine Building at 487 Meeting Street (Appendix A pg. 103) deserves some attention. It is a corner building in an area where revitalization and growth are steadily moving northward and is only two blocks from the Visitors Center and two different historic house museums. The owner was last summoned in 2006 and the building seems to be in much the same condition. The second story piazza is failing,
there is missing siding, broken windows, and there is vegetation all over the building. There is a "for sale" sign on the building, but if something is not done soon, it might be too late. This building has a lot of potential and should not be lost through a lack of attention from the city or its lapse in ownership.

The house at 61 Nassau Street (Appendix A, pg. 105) appears to be in one of the worst conditions. The file for the property started in 2000, and by 2007, the property was rated a six due to fire damage and other deterioration issues. It does not appear that the structural assessment would have changed much. The owner was summoned in 2003 for the poor condition of the porches as well as deterioration issues in the sills and the rear of the main house. The next month, the owner was found guilty of demolition by neglect and a lien was placed on the property, which was later satisfied in 2007. While the same deterioration issues existed in 2006, along with the lack of weatherproof conditions, the work was completed; however, in 2007, the rating had dropped to a six. There has been no substantial work done on the house, only enough to dismiss the citation, but the same issues still exist.

In Charleston, if demolition by neglect is mentioned, it is inevitable that the properties 193, 195, 197, and 199 Jackson Street (Appendix A pg. 107-117) are mentioned. Since 1998, these properties have kept the attention of preservationists and city officials alike. The properties each contain a freedman’s cottage that is considered historically important to the city. From 2000 to 2006, the owner, the same man for all four properties, was cited five different times, and in 2006, a lien for $34,000 was placed on the property. To this day, there has been no substantial amount of work done; the houses are only maintained to meet standards. The foundations are barely adequate to
hold the building, there is missing siding, a chimney is crumbling, and there is evidence of other various forms of deterioration. The only work carried out is done only occasionally as needed to abate tickets. This case is a classic example of what kind of resources stand to be lost when the enforcement is inadequate. This is a difficult case due to the unwillingness of the owner to make the repairs, but that should not deter officials from looking at creative ways of enforcement or at the very least, keeping pressure on the owner. The latter is very difficult when there is no one in the staff position responsible for monitoring demolition by neglect.

There were several properties examined that need a little attention, but are not in as poor condition as the other properties, and it is difficult to tell from photographs or a sidewalk assessment what true state they may be in currently. The structures at 193 Rutledge Avenue (Appendix A pg 118), 137 Spring Street (Appendix A pg 120), and 492 King Street (Appendix A pg 122) all appear to be lacking of any serious structural defects, however, all three have their windows boarded up and appear to be in need of renovations. The owner for 193 Rutledge was cited three different times and a lien was placed on the property, which was satisfied in 2005 when it was sold. It was previously owned by the same man who owns the Jackson Street properties, a major demolition by neglect case in Charleston. The properties were all cited at least twice and while they appear to be secure, it is a shame nothing can be done as each is in a location where revitalization is currently occurring or at least moving in that direction. The structures at 233 Ashley (Appendix A pg 124) and 303 East Bay Street (Appendix A pg 126) both appear to be in fair condition, although 233 needs exterior paint; 303 is being renovated from the inside out, and so it appears to be in a worse condition that it actually is. While
all of these properties are properly secured, for the time being, they need to be monitored so that their condition does not worsen and the owners should be encouraged to renovate as the deterioration will only occur at a faster rate if the property is not occupied and cared for constantly.

Several cases in the file were demolished. The structures at 68 Cooper, 682 and 973 King, 97 Spring Street\textsuperscript{126} and 2 Ashton Street were all demolished for various reasons, mostly due to deterioration. The owner for 973 King Street was cited seven different times. The property was sold at one point, and the latest owners made no improvements and only filed for demolition. The building was eventually lost to a suspicious fire, the building being inhabited by vagrants at the time. The house at 68 Cooper Street had reached such an advanced state of demolition that it was no longer safe to keep. The structure at 2 Ashton Street, owned by a development group, was cited six different times, and the ticket was dismissed each time. In April of 2005, the building was approved for demolition. The building at 682 King appears to have been demolished to make room for the overpass for the new Cooper River Bridge. While the case files do not give the circumstances behind the neglect and subsequent demolition, at this point, the actual reason seems irrelevant to the fact that the buildings were lost. In order for the ordinance is to be effective and taken seriously both causes should be able to be prevented with the ordinance and enforcements.

There are also several success stories in the sample, buildings that have been renovated since their case file ended. The houses at 17 Hampden Court (Appendix A pg 129), 60 and 78 America Street (Appendix A pg 131-134), 590 and 592 Rutledge

\textsuperscript{126} The house at 97 Spring Street was demolished, but the infill is of good scale and of similar single house design of the surrounding buildings.
Appendix A pg 135-137), 23 Wescott (Appendix A pg. 138), and 25 Warren (Appendix A pg. 141) have all been recently repaired and restored and are all beautiful properties. While some of these restorations have removed a majority of the interior historic fabric, their maintained exteriors helps to add to the continuity of the streetscape and integrity of the district. They are all also located in areas of the city that are not necessarily known for fabulous restorations, so the investment in these areas is encouraging. While a majority of these properties are located in less affluent areas that should not lessen their value to Charleston. Many houses, including many properties that were not examined here, are suffering from want of attention from property owners and city officials alike. While each may not be architecturally or historically significant, their combined presence on the streetscape is important. If these houses were to be rehabilitated, the neighborhood could be revitalized. The first step is preventing these houses from being neglected and potentially demolished.

The cases studied demonstrate the complexity of the issue. Every building cannot be saved, and unfortunately, the law as it stands cannot make a person rehabilitate a house. The most it can do is contribute to the preservation of the buildings by trying to prevent serious neglect and demolition. The case files do demonstrate the level of need for more money and attention from the city as well as other preservation organizations.

Analysis

Charleston’s ordinance presents many advantages and disadvantages in its current state. Affirmative maintenance provisions are one of the strongest tools used to combat demolition by neglect and Charleston’s provisions are very clear and thorough. The subsections list specific structural members and give various detailed conditions of
deterioration to avoid instead of a general statement of the condition of deterioration. It also encompasses more of the structure by not limiting it to what can be seen by the public view. As a public nuisance, the condition does not have to be visible from public view to be cited. The nuisance codes do not have that restriction, “if it is unsafe, you [have] to fix it.”127 Forms of deterioration can be a threat to safety whether they are visible or not, although this is not always pursued very aggressively and only shows up in a few cases. There is also no need to include provisions for economic hardship as public nuisances are within the realm of common law. By doing this, there is no need or requirement for Charleston to include provisions for economic hardship. Public nuisances are within the realm of common law; as such, a person would not be able to successfully claim a takings and therefore, there is no need for Charleston to protect itself from takings cases with economic hardship provisions.

While one of the advantages is not worrying about economic hardship, there is a disadvantage to this in that there is no consideration for the financial aspects of the situation, including the need for financial aid. Some property owners cannot afford to maintain their structures. Not all demolition by neglect cases result from intentional or apathetic causes. Despite the fact that there is no legal requirement to provide economic assistance with maintaining a structure, it does not alter the situation from a property owner’s standpoint, and monetary assistance is still necessary for many property owners.

This lack of administrative relief is one of the main disadvantages of Charleston’s ordinance. This is a detriment for a city that prides itself on its preservation practices. The addresses cited for demolition by neglect from 1999-2006 are mainly located in less affluent areas, and this demonstrates the need for financial aid provisions which could

127 Debra R. Hopkins Interview
truly help prevent unnecessary losses. While not everyone in these neighborhoods need the assistance that should not prevent the city from providing help to those that do need it, whatever they are located in the city. In one instance, the property owner of 233 Ashley Avenue was summoned several times before being taken to court. Instead of causing further damage to the structure, the owner could have applied for a form of economic relief and perhaps further deterioration could have been arrested. Several other properties could have also benefited from economic hardship provisions, including 60 America Street, 9 Cardonolet, and several others, not to mention those not on the list. There should be ways to financially assist historic property owners who need it, and there should be a way to “financially incentivize owners of historic buildings to retain them.” Some cities will offer various tax credits or reductions on a local level to further encourage rehabilitation.

There are other deficiencies with the current system that serve to weaken the process. Liens are potentially a strong penalty but are weak without a way to force the return. According to the former Property Standards Administrator, the lien system “wasn’t as effective if [without] a mechanism to actually force the sale of the property.” As it stands, the city does not see the return of that money unless the property is sold, which in some cases, seems like it may never happen. The process is also “terrifically unwieldy—

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128 This case file for 60 America Street clearly stated the property owners were not able to maintain and repair the property. In this instance, the Historic Preservation Club at the College of Charleston, under Robert Russell, volunteered to do the repairs. This type of assistance, however, is not available for every property. The house at 9 Cardonolet was cited twice. The city was aware of financial difficulties in maintaining the property and suggested applying for assistance from an outside organization. While helpful, it was not a very accessible or immediate form of assistance, and again, this type of assistance was not offered to every property owner who might also be in need.

129 Katherine Saunders, Assistant Director of Preservation, Historic Charleston Foundation “Re: Today,” 10 March 2008, personal e-mail.

130 Debra R. Hopkins Interview, Senior Preservation Planner, former Property Standards Administrator.
too many letters, too many trips to Livability Court, citations, delays, etc.”

This is evidenced in many of the case files. This process in combination with a lack of strong enforcement results in a weak ordinance. The disadvantages also include having an unrelated division to preservation in charge of its enforcement. With no Property Standards Administrator in office, the Livability Court officer is supposed to be monitoring this situation. This officer is not a preservationist and “as far as he’s concerned, [if] the building’s in bad shape, tear it down.”

Preservation is not the main concern of the public nuisance section, public safety is and if not monitored by the right person, these forces can be considered contradictory with public safety winning out every time. At this point, with no Property Standards Administrator, the disadvantages are far outweighing the advantages.

The way in which Charleston treats demolition by neglect as a public nuisance inherently prevents any valid takings claims and does not legally oblige them to provide administrative relief. The absence of economic relief from administrative levels, lack of effective enforcements, as well as a lack of staff time and money greatly reduces the effectiveness of Charleston’s approach to demolition by neglect and the preservation ordinance as a whole. An irresponsible and careless approach to a serious issue can potentially be a devastating problem.

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132 Hopkins Interview
Savannah is a city that is largely characterized by the history and built environment of the city. The plan of Savannah is one of the most prominent and important aspects of the city helping to make Savannah visually and aesthetically appealing for both visitors and locals. The plan of Savannah was created in 1733 by James Oglethorpe. The threatened loss of some of the key elements of its unique plan spurred the preservation movement in Savannah. As with many other cities in America, including Charleston, it took irretrievable loss and the threat of more to move concerned citizens to take action. As early as 1921, efforts were made to save the squares of Savannah, however, it was “hit and miss until the 1950s when the city market was demolished and a parking lot was built on Ellis Square.” With the organization of the Historic Savannah Foundation in 1955, preservation of the city’s unique architecture and character began in earnest and has continued to grow and develop in the decades since.

The city of Savannah is similar to Charleston in several ways; both are Southern port towns with a long history and deep traditions whose preservation is important to the city and its citizens. Despite the similarities in the two cities, they handle and approach the problem of demolition by neglect in different ways. Savannah’s ordinance dealing with demolition by neglect is weak in some areas and certainly not perfect, but there are still lessons to be learned from the language, guidelines, and rules in the ordinance.

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The Development of the Preservation Movement in Savannah

The city of Savannah was founded as an English colony in 1733 along the Savannah River. The early city originated upon a bluff along the riverfront. The plan of Savannah created by James Edward Oglethorpe “at its fulfillment in 1856 featured twenty-four magnificent squares shaded by indigenous trees…and [was] surrounded by substantial eighteenth- and nineteenth-century buildings.” Much like Charleston and Providence, commerce in early Savannah was situated along the waterfront and the city flourished as a port city filling the role of a gateway city. By the end of the 18th century, the major exports were rice, naval stores, and lumber and with the invention of the cotton gin, cotton soon became the major expert. The economy thrived with the growth of the cotton industry and the downtown attained a “sophisticated, formal urban atmosphere with a European flavor.” By the middle of the nineteenth-century, Savannah linked with the inland cities and routes using the railroad system. This was important in the development of cotton as the economic engine which it remained until the 1920s when the boll weevil decimated the industry. Despite the growth energized by the paper industry, the economy for the most part was at a standstill during the first half of the twentieth century. One of the significant results of this was the tendency for new growth to move to the suburbs and for neglect to set into the city. Some

135 Ibid.
137 Adler and Adler, 1.
139 Gratz, 35.
140 Ibid.
buildings were demolished as a result of this, “but most were converted to crowded
tenements or just left empty to decay.” 141

With so much of the historic city of Savannah centered on the squares laid out by
Oglethorpe, it made sense that the early preservation movement focused on saving those
squares. The genius of the city plan was that the squares helped to produce orderly
expansion as the balance between the landscape and buildings require a consistent
scale. 142 A unified scale and orderly expansion are still important elements of
preservation planning today. These squares are ringed by residential and civic buildings
and the houses are intermingled with “churches, schools, shops, stores, government
buildings, businesses, professional offices, and cultural facilities.” 143 Fortunately, the
squares worked relatively well with the advent of the automobile so that despite the lack
of buildings from Oglethorpe’s time; this mid nineteenth century city still conveys the
intent and design of Oglethorpe’s 1733 plan. 144 The consistent scale and pattern are
important because if the pattern is interrupted “the alteration can erode the visual
harmony,” which will alter the historic character of Savannah, potentially in a very
significant way. 145 The squares of this design are the backdrop for much of Savannah’s
architectural and historic fabric; their threatened existence is what started the preservation
movement in Savannah and has since evolved to protect much of the rest of the city.

The city’s early preservation efforts were conducted on a more case by case,
house by house effort. The individual efforts of one woman, Mary Hillyer “managed to
begin the turning of the tide…when she saved the Trustees Garden area to make it a

141 Gratz, 35.
142 Toledano, viii.
143 Adler, 3.
144 Toledano, viii.
145 Adler, 3.
successful real estate investment for the Savannah Gas Company.” This was a truly heroic effort as the company had planned to demolish all of the buildings on the property. Hillyer’s success in saving these buildings helped make preservation a priority by giving preservationists hope and showing people what could be done.

In 1921, one of the first preservation organizations was created in order to “thwart attempts to eliminate certain of the ancient squares” for the betterment of the city.

While useful and victorious in several instances, the Society did fail in their attempt to save the Montgomery Street Squares in 1935. In the same year, another organization was formed in response to the Historic American Building Survey (H.A.B.S.) presence in the city to document some of the buildings. The architects and researchers with HABS came to Savannah in 1934 and in 1935 Mayor Thomas Gamble organized the Savannah Commission of the Preservation of Landmarks.

It was the loss of the city market and Ellis Square for use as a parking lot that “served as the catalyst for the creation of the Historic Savannah Foundation in 1955.” The Foundation was established during a crucial period; by the time of its creation, twenty-three percent of Savannah’s historic landmarks were demolished, all of them were to be recorded by HABS. With the creation of the Historic Savannah Foundation, however, preservation in the city thrived and the foundation was able to preserve much

146 Toledano, 2-3.
147 Ibid., p. 2.
148 One of the squares was restored however, in the 1980s. Adler and Adler, 3.
149 Adler and Adler, 5.
151 Toledano, 2.
152 Ibid, p. 3.
of the city’s architectural heritage by saving numerous important buildings along with its streetscapes.\textsuperscript{153}

Despite the foundations hard work, “urban renewal and its policy for everything new challenged the foundation and their mission.”\textsuperscript{154} As a result, the demolition rate was more than the Historic Savannah Foundation was prepared to handle.\textsuperscript{155} The foundation knew that in order to be successful they would have to double their efforts and involve as many of the citizens as possible as well as city officials. This effort included many projects of the Historic Savannah Foundation. The Historic Savannah Foundation was instrumental in involving the city of Savannah in preservation through their project in the Troup Ward in 1961. The Foundation persuaded the city to utilize Urban Renewal Funds and use them to buy, rehabilitate, and resell thirty-six houses using low-interest rehabilitation loans as an incentive for purchasers.\textsuperscript{156} Savannah was the first city to use those funds for projects other than new construction.\textsuperscript{157} The Historic Savannah Foundation also published an architectural inventory in 1962. This inventory covered the downtown area and was used “to illustrate the vastness of the historic resource [in order to] encourage its preservation.”\textsuperscript{158} Those working at the Historic Savannah Foundation were constantly trying to involve the public by educating and encouraging them about preservation in Savannah through “house tours and block parties and publish[ing] brochures celebrating the heritage of downtown Savannah.”\textsuperscript{159}

\textsuperscript{153} Adler and Adler, 8.
\textsuperscript{154} Gratz, 36.
\textsuperscript{155} This, unfortunately, is still plaguing the city today in its quest to remove urban blight and is a challenge for the Historic Savannah Foundation.
\textsuperscript{156} Gratz, 37-38.
\textsuperscript{157} Ibid, p. 38.
\textsuperscript{158} Ibid, p. 37.
\textsuperscript{159} Ibid.
The Historic Savannah Foundation did not save the city’s architectural heritage alone; the foundation also “coordinated many of the efforts of other individuals and organizations.” One of the other main forces behind the preservation of Savannah was the opening of the Savannah College of Art and Design in 1979. The college rehabilitated numerous abandoned large brick buildings like schools, jails, and other institutional buildings. Not only did the school save many buildings, but its presence in the city resulted in increased vitality and economic benefit.

One of the ways in which the Historic Savannah Foundation worked to save threatened buildings was to try and stop demolition before it happened. In the late 1950s, the Historic Savannah Foundation appealed to the mayor “for notification of impending demolition permits and a waiting period before such permits were granted.” The City of Savannah implemented a seven day stay which allowed the nonprofit organization or others time to find an alternative solution and monetary sources to help save the building. This effort helped to inspire the establishment of the Historic Savannah Foundation’s revolving fund in the early 1960s.

The Historic Savannah Foundations revolving fund is one of its more successful and important programs. With a fund of two hundred thousand dollars, the foundation “went to work just as a century of owner occupancy of vast numbers of Savannah’s building stock” was beginning to change. The revolving fund allows for buildings

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160 Toledano, 3.
161 Ibid.
162 Adler and Adler, 9.
164 Ibid.
166 Ibid.
167 Toledano, 3.
that are in danger of neglect of demolition to be purchased and then resold at or below cost. The building is sold to an owner interested in its renovation and the Foundation attaches protective deed covenants in order to ensure the building’s ultimate preservation. The money from the sale is then returned to the revolving fund so that it may be used several times over to save endangered buildings. The fund may occasionally suffer losses but it is replenished with the transfer of property.\textsuperscript{168} The Foundation used the fund almost immediately and in the first year and a half “it purchased fifty-four structures and sparked one and a half million dollars worth of restoration work.”\textsuperscript{169} Despite the success of this method, the foundation realized that in order for it to continue, they would have to shoulder much of the financial responsibility and demonstrate practical rehabilitation or their goals for preservation would not be reached.\textsuperscript{170} The Historic Savannah Foundation was not only able to save individual buildings with the fund but was able to save a block of commercial Italianate buildings, the Victorian District, and the Beach Institute Area, among many others.\textsuperscript{171}

One of the most successful neighborhood revitalization projects using the Revolving Fund was the Victorian District project. The Pulaski-Square-Jones Street neighborhood revitalization program worked so well in the 1960s that a decade later the Historic Savannah Foundation used the same strategy in the Victorian District.\textsuperscript{172} When the Historic Savannah Foundation ended the project in 1988, “it had rehabilitated twenty-four structures containing fifty-one dwelling units and returned $102,000 to the city of

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\textsuperscript{168} Gratz, 39.
\textsuperscript{169} Ibid, p. 39-40.
\textsuperscript{170} Ibid, 40.
\textsuperscript{171} Toledano, 4.
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Savannah.”\textsuperscript{173} This inspired investment of more than four hundred million dollars in almost 1,100 downtown buildings by the early 1980s.\textsuperscript{174} At the same time, the Savannah Landmark Rehabilitation Project, a non-profit corporation created expressly for the revitalization of the Victorian District rehabilitated over 250 structures, and constructed almost fifty other units.\textsuperscript{175}

Despite all of the tremendous effort over fifteen years, the Victorian District was still a threat to surrounding structures as it was “still riddled with vacant and dilapidated structures that were a major fire hazard.”\textsuperscript{176} This threat was yet another step in the evolution in the city’s realization of the seriousness of neglect, and as a result, it “passed an ordinance empowering the city to demolish any privately owned structure considered to be a public nuisance.”\textsuperscript{177} While this statute for demolition helps to prevent any serious safety hazards, demolition should be avoided if at all possible and never looked to as a quick solution. Unfortunately, despite the large investment of the Historic Savannah Foundation and the Savannah Landmark Rehabilitation Project, neither organization was able to raise enough private funding due to the fact that many of the “existing neighborhood residents were too poor to pay more for their housing and thus to cover either additional maintenance expenditures or the additional debt service on rehabilitation loans.”\textsuperscript{178}

In the 1990s, the Historic Savannah Foundation also invested $170,000 from the revolving fund in the Beach Institute neighborhood to help generate rehabilitation. While

\textsuperscript{173} Garvin, 293.
\textsuperscript{174} Gratz, 40.
\textsuperscript{175} Garvin, 293.
\textsuperscript{176} Ibid.
\textsuperscript{177} Ibid.
\textsuperscript{178} Ibid, p. 293-294
the Historic Savannah Foundation originally invested in eight different structures, today there are over sixty structures that have been rehabilitated. Soon after this project, however, the Historic Savannah Foundation turned their focus to projects beyond the boundaries of the Landmark District. During this time the Historic Savannah Foundation made the decision to turn more from less endangered projects, like houses and districts not in danger of neglect or demolition, and instead began “focusing [their] attention on trying to save as many of the three hundred historic houses in the city’s historic districts that were threatened with demolition.” From 2000 to 2007, the revolving fund invested over two million dollars in purchasing and selling fifty endangered buildings. The revolving fund has come to reflect the Historic Savannah Foundation’s new goal, which is to “create and save valuable historic buildings [and] revitalize neighborhoods, eliminate blight, create housing, improve public safety…foster small and minority business development.” Currently, the city and the Historic Savannah Foundation along with other preservation organizations are working together to improve life in the city by removing blight, with the Historic Savannah Foundation more focused on using the historic resources instead of removing them.

Local Legislation of Preservation in Savannah

While Savannah’s nonprofit sector has focused its preservation efforts on the revolving fund model, the city itself has been pursuing preservation through a conventional combination of an historic district and architectural review board. The district and Historic Review Board were created to “provide for the preservation and

180 Ibid
181 Ibid
182 Ibid, 50.
protection of historic buildings, structures, appurtenances, and places” that are important to tourism, the travel industry, culture, or property values because of their architectural features or relation to a square.”\textsuperscript{183} In Savannah, the historic district is monitored and controlled by the Historic Board of Review, which consists of eleven members appointed by the mayor. The city preservation officer, who is the executive director of the metropolitan planning commission, works closely with the Historic Board of Review and evaluates all applications for certificates of appropriateness and then makes recommendations to the board as for their approval or disapproval.

The ordinance also provides that demolition of structures in the historic district is considered detrimental to the public interest and exceptions will only be made in a few situations, which include threats to public safety or measures necessary to “avoid exceptional practical difficulty or undue hardship.”\textsuperscript{184} It is the responsibility of the property owner to submit clear and convincing evidence that establishes the need for a variance.\textsuperscript{185} The ordinance also includes a list of documents to include in a demolition application to help establish any economic hardship. The list of information includes the condition of the structure as assessed by an engineer, the owner’s knowledge of the historic designation, as well as the economic incentives and funding available to help alleviate financial stress. All of this information helps to add a certain degree of weight to the ordinance by stressing to the property owner the importance of the review process and the seriousness of demolition. This weight helps to deter demolition by neglect. These conditions also help prevent takings claims and make the owner go through every preventative step before being considered for demolition.

\textsuperscript{183} Section 8-3030(a)
\textsuperscript{184} Savannah Zoning Ordinance, Section 8-3030
\textsuperscript{185} Ibid.
The ordinance also includes a section for the preventative maintenance of the structure in order to help prevent demolition by neglect. It states that all buildings which are rated historic (fifty years or older)\textsuperscript{186} “shall be preserved against decay and deterioration in order to maintain property values, prevent hazards to public safety and rid neighborhoods of negative visual appearances and unsafe conditions.”\textsuperscript{187} Parts of the structure, exterior walls, roofs, foundations, doors and windows, are listed and are required to be maintained in a weather tight condition to help prevent decay. If the structure is vacant, it must also be secured up to city code so that it is not accessible to vagrants. The structure must also be painted, any leaking roofs repaired, and exterior wall covering must be protected from weather penetration.\textsuperscript{188}

Demolition by Neglect in Savannah

There are several problems with the demolition by neglect ordinance and the situation in Savannah. The enforcement provisions of the ordinance are somewhat weak in that they only allow for a fine up to one thousand dollars and do not allow for the placement of a lien. The ordinance is also hindered by the process of clearing titles because it “takes a lot of effort.”\textsuperscript{189} This must be done, however, before the properties can be rehabilitated.

There is also no real process for prosecuting an owner that is neglecting a building. While the protective maintenance clause has the potential to be strong, there is no process to hold a property owner accountable for a lack of actions. The ordinance just

\textsuperscript{186} The definition for historic also includes its presence in an architectural survey book, a building related to significant events or a significant person, or if it’s a building of distinctive character of type, period, method of construction, or the work of a master.
\textsuperscript{187} Savannah Zoning Ordinance, Section 8-3030
\textsuperscript{188} Savannah Zoning Ordinance, Section 8-3030
\textsuperscript{189} Beth Reiter, City Preservation Officer for Savannah, “Re: Thesis Interview Questions,” 7 February 2008, personal e-mail.
states that structures should be maintained in order to prevent neglect. There is no allowance for a hearing, an assignment of fines, or a lien system. This weakness allows for easy circumvention of the law, and it also helps to create friction between the factions in the city and preservation organizations that need to be working together through a lack of results. Whenever the fine is not strong enough to prevent demolition by neglect, the preservation organizations get frustrated with the lack of results and may even place blame. It is important that both factions work together to get results. Savannah only has some of the tools to address demolition by neglect and has no way in which to implement them.

The main problem is that the city is concentrated removing blight with a lack of concern for the historic resources of the city. In an interview, Beth Reiter, the City Preservation Officer for Savannah, revealed that not only is demolition by neglect a serious problem in Savannah, but that various factions are having trouble in policing the problem. The preventative maintenance clause, recently inserted in 2005, is not even being utilized. The “city council has made the removal of blight a number one priority,” and as such has identified one hundred properties that they want to remove. Unfortunately, the list does not identify which properties are historic; currently, Reiter is working with the Property Maintenance division to correct this, as well with the Historic Savannah Foundation to “develop plans to preserve those structures that retain structural integrity.” Another approach, currently being used “in the Broughton Street Redevelopment zone[,] uses the Georgia Urban Redevelopment laws that requires there

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191 Ibid.
be no blight in redevelopment areas.” Armed with this provision and accompanied by the city inspectors and a staff person from the Savannah Development and Renewal Authority, Reiter seeks to force those businesses with boarded up windows to repair them or go to court.

Unfortunately, the “relationship between the Council, Property Maintenance, the Board of Review and Historic Savannah Foundation has been somewhat strained” due to the differences in mission. The Council wants to remove blight, and is not concerned with saving historic resources. There need to be some resolutions and cooperation between the factions to save historic resources while cleaning up the city.

One of the programs focusing on the need for reconciliation between the city council and the preservation organizations is called MASHH, the Mayor’s Alliance to Save Historic Houses, initiated by Mayor Otis Johnson. The goals of this group are to remove blight, to increase public safety and economic development, and to better communication between those factions involved. The committee is composed of the City Property Maintenance Division, Historic Savannah Foundation, and Building Together Savannah among other community groups. Their shared mission is to work together and develop a “strategy for rehabilitating each of the historic buildings on the city’s ‘100 worst properties’ list,” which today lists twenty historic buildings. These organizations are to work together to “pursue all practical steps” in order to rehabilitate the properties, even if it involves purchase and stabilization. The mayor wants them to meet on a regular basis in order to share information and review progress.

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193 Ibid.
195 Ibid.
Savannah is currently busy with improving the aesthetic values of their city. Trying to prevent demolition by neglect through preventing urban blight is not necessarily a bad approach but there need to be clearer definitions and cooperation so that demolition by neglect as well as urban blight may be prevented with a minimal loss of buildings and historic fabric. Without a good demolition by neglect ordinance, the task of saving historic resources from destruction is a little more difficult so it becomes more important for the Historic Savannah Foundation and other preservation organizations to step forward and hold the city accountable. Savannah should look at making their demolition by neglect ordinance stronger, by at the very least placing a review process in for determining demolition by neglect. Unfortunately, there is no one solution to the problem; it will take a combination of approaches.¹⁹⁶

CHAPTER 7
DEMOLITION BY NEGLECT IN PROVIDENCE

Providence is a city that uses preservation to better its quality of life. Despite differences in technique and methods, Providence has an active preservation community like Charleston and Savannah. All of these communities face many of the same challenges. With eight different historic districts in Providence, there are challenges in managing many historic resources, but over the years has been perceived by many to have a strong and respected preservation program. Over the years, the built environment of Providence has evolved. However, “development has not resulted in wholesale destruction and replacement, but in complex layering, which reveals the built legacies created by generations of earlier residents.”

Despite some destructive development, the city retains a decent amount of historic fabric. This retention is due in large part to an active revolving fund and strong preservation community, which in turn helps prevent demolition by neglect. Not only does the city of Providence have a strong preservation ordinance, it also has active and well funded nonprofit preservation societies that support and help prevent demolition by neglect and the issues related to it. Providence’s demolition by neglect ordinance is a part of its city’s preservation legislation, not separated into another section of code as is Charleston’s. One of the main advantages of the Providence ordinance is that it allows more flexibility for those who are financially unable to make the repairs on their house. By having a strong ordinance and helping those who are financially unable to preserve their historic structures, Providence succeeded in preserving a great deal of their building stock and should be able to do so for decades to come.

The Development of the Preservation Movement in Providence

Providence was founded in 1636 by Roger Williams as an area for religious dissenters from the Massachusetts Bay Colony. The city is located in a “topographical bowl ringed by hills at the head of Narragansett Bay and at the confluence of the Seekonk, Moshassuck, and Woonasquatucket Rivers.” The city’s geological features played an important role in its development. Its various bodies of water served to shape it into a shipping center and later helped to transform it into an industrial center. Later, the “encircling hills…provided prominent sites for residential and institutional building.” The city was able to build and grow during the eighteenth and nineteenth centuries due mainly to the maritime trade as the profits helped the merchants to build large mansions and prompted residential development.

At the beginning of the nineteenth century, Providence increasingly looked towards land commerce with the growth of textile manufacturing and railroads and eventually Providence no longer relied on access to the ocean for its economy. Along with the advent of textile manufacturing, Providence also turned toward other land based industries, and for 150 years, Providence’s economy was driven by textiles, costume jewelry, and tool making. The spread of mills along the rivers caused the growth of downtown and the surrounding residential as populations grew. Because there was no zoning code in place until 1923, “the original street and land development

199 Jody, Onorato, and Woodward, 29.
200 Ibid.
203 Jody, Onorato, and Woodward, 32.
patterns…guide[d] future growth.”204205 This led to “irregular bands of growth stretching out in a sequence of rings from the early downtown core.”206 By the early decades of the twentieth century, the downtown was layered with buildings of different architectural styles and history with the commercial and residential neighborhoods containing numerous Federal, Greek Revival, Italianate, and Victorian structures.207 For almost 150 years the city continued to expand and develop, and many buildings – “industrial, commercial, ecclesiastical, institutional, and residential” – remain to evidence this growth.”208 Unfortunately, textile manufacturing went into a decline after WWI, a situation that continued to worsen after WWII with the loss of forty-four textile mills in Rhode Island between 1948 and 1958.209 This decline, while bad for numerous economic sectors, provided a stagnation of growth which was beneficial for the historic architecture of the city.210 These buildings were able to escape the destructive effects of development “long enough for the development of a strong movement for preservation by the late 1950s, which reassessed the value of a neglected heritage.”211 This reassessment has continued through the years and has contributed to saving a variety of structures.

The city contains old buildings and neighborhoods which center on a historic downtown core while the neighborhoods surround it in an irregular band of rings with the earlier architecture dating from the late eighteenth century and early nineteenth century

204 Leazes and Motte, 31.
205 Jody, Onorato and Woodward, 32.
206 Leazes and Motte, 35.
207 Ibid, p. 31.
208 Jody, Onorato, and Woodward, 32.
210 Jody, Onorato, and Woodward, 32.
211 Ibid, p. 32-33.
closer to the downtown area.\textsuperscript{212} The downtown area is located just west of the Providence River and is composed of nineteenth- and early twentieth-century commercial buildings with the building increasing in height toward the eastern edge. The industrial buildings are north and west of downtown and the docks are south and along the west side of the Providence Harbor. Once past the commercial and industrial areas, Providence is mainly residential with each “neighborhood…distinct in character yet difficult to delineate.”\textsuperscript{213} Architecture from the late nineteenth century is further from the downtown core tracing the pattern of residential development. Streetcars and later automobiles enabled this far-flung development to occur.\textsuperscript{214}

During the mid to late 20\textsuperscript{th} century, “deterioration of the urban core and surrounding neighborhoods continued virtually unabated as the focus of developers shifted to the suburbs.”\textsuperscript{215} The neighborhoods on the west side were even more the victims of expansion from the effects of highway construction and urban blight.\textsuperscript{216} The construction of Interstates 95 and 195 in the 1960s resulted in the demolition of a large number of houses, businesses, and roads” because it ignored the existing transportation routes and created new ones.\textsuperscript{217} The downturn of the city continued in the following decades so that by the 1980s, Providence was a city with a “legacy of obsolete, deteriorating buildings with no chance for their immediate adaptive reuse and rapidly

\textsuperscript{213} Ibid.
\textsuperscript{214} Leazes and Motte, 35-36.
\textsuperscript{215} Ibid, p. 36.
\textsuperscript{216} Woodward and Sanderson, 3.
\textsuperscript{217} Leazes and Motte, 36.
emptying neighborhoods that had once been filled with the workers of an industrialized city.”

Local Legislation of Preservation

Opportunity for revitalization was real, though, as preservation organizations had been born several years earlier when demolition threatened some of the city’s oldest architecture. The first significant battle was against the large universities in Providence. Beginning in the 1950s, “the three colleges on Providence’s east side, Bryant College, the Rhode Island School of Design (RISD), and Brown University, embarked on a program of expansion that continued unabated through the 1960s.”

In 1951, Brown University started its destructive expansion, and by 1955, it had demolished 62 houses and several “local historic landmarks [such] as the 1868 Thayer Street School, the Greek Revival Shepard Mansion, and the Victorian Powell House” for two dormitory complexes.

When much of the city’s oldest architecture was threatened by similar plans for expansion on College Hill, the Providence Preservation Society was founded in 1957 and helped to promote historic and architectural preservation by getting it onto the policy agenda with the united efforts of the city’s elite. The threat on College Hill also united and “reengaged the old elite in the civic life of the city…[and] captured the attention of such policy entrepreneurs as the architectural historian Antoinette F. Downing and William Warner, a former Providence city planner and urban architect.” In 1956, a wealthy civic leader, John Brown, organized the first meeting of the Providence Preservation Society and pledged to return the neighborhoods to a state of economic

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218 Ibid, p. 36-37.
219 Page and Mason, 167.
220 Ibid.
221 Leazes and Motte, 53.
222 Ibid.
stability. Brown and other preservationists worked to combine “cultural stewardship with economic expansion by redeveloping historic neighborhoods,” which city officials were pleased with, as they were able to increase their tax base. The pro-growth attitude of Brown and his fellow preservationists helped to further their movement in the city and garner support.

With the help of federal grants, and the hard work of several individuals in the Providence Preservation Society and the Providence Redevelopment Agency, a city planning tool was created that used historic preservation as a tool for future planning initiatives” and was a key instrument in the preservation of College Hill. The report, College Hill: A Demonstration Study of Historic Area Renewal, won an award for excellence from the American Institute of Architects in 1960. The plan included not only historic preservation studies but also “a résumé of Providence historic architecture, a comprehensive building survey, an analysis of the social and architectural character of the study area and further recommended a restoration program that respected buildings of all periods as a continuum of history.” Many long-term effects came out of this study, including the “designation of the College Hill Historic District and the creation of the city’s Historic District Commission to regulate changes to buildings within the district.” The Providence Preservation Society helped to implement many of the study-recommended programs and also used publicity and private restoration efforts to

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223 Page and Mason, 167.
224 Ibid, 168.
225 The Providence Redevelopment Agency was created in 1948 and had a huge impact on the urban development of Providence as it cleared deteriorated areas and created new industrial, residential and commercial area.
226 Page and Mason, 168.
227 Woodward and Sanderson, v.
228 Ibid.
229 Ibid.
educate the general public and increase their awareness of preservation.\textsuperscript{230} With increasing federal involvement in 1966 from the National Historic Preservation Act and the subsequent development of the Rhode Island Historical Preservation Commission, more help for and attention to preservation was created.\textsuperscript{231}

Since the 1950s Providence’s preservation community with well-organized preservation advocates has managed to save an “impressive array of residential structures at both ends of the affordability spectrum.”\textsuperscript{232} This lobby has managed to save a range of buildings that include College Hill, the business district, mansions, worker housing, and mills.\textsuperscript{233} Much like the Historic Charleston Foundation’s focus on preservation as necessary for a living city, Providence approaches preservation with much of the same mindset, in that the “streets and neighborhoods are not museum set pieces [and] the variety created by a long history and diverse population” has helped keep Providence as a living city.\textsuperscript{234} Early preservation efforts in Providence began with individuals, who saved important houses, but preservation did not become a significant part of the broader political agenda until the creation of the Providence Preservation Society in 1956. From the beginning, the Providence Preservation Society used a new pro-market preservation approach whose main goal was to “save buildings by raising their market value [instead of] taking them off of the market.”\textsuperscript{235} This was made possible by the evolution of preservation techniques. These advancements granted control over exterior design and other aesthetic issues. This in turn allows for the regulation of a property owner’s actions

\textsuperscript{230} Woodward and Sanderson, v.
\textsuperscript{231} Ibid
\textsuperscript{232} Leazes and Motte, 31.
\textsuperscript{233} Woodward and Sanderson, v.
\textsuperscript{234} Leazes and Motte, 31.
\textsuperscript{235} Max and Page, 164.
and gives preservationists a chance to direct public opinion.\textsuperscript{236} By doing this and using zoning controls for preservation purposes, preservationists were able to convince citizens in Providence of not only the ideological reasons for preservation, but the economic benefits as well. City planning was also crucial to pro-market preservation. In order to facilitate this, architectural surveys were often used to help define community architecture and preservation objectives.\textsuperscript{237} If done with variety as a goal, this planning approach helps to identify different types of resources, which in turn has helped to protect the charm of the city by preserving the physical form of buildings and the architectural variety of neighborhoods as well.\textsuperscript{238}

There were other organizations in addition to the Providence Preservation Society that worked to save abandoned and neglected buildings to protect the historic character of the neighborhoods through pro-market preservation. In response to a community conference, a subgroup of People Acting Through Community Effort (P.A.C.E.), “organized an urban homesteading program to help potential homeowners acquire and renovate abandoned, often burned-out properties throughout the city.”\textsuperscript{239} The group, called Stop Wasting Abandoned Property (S.W.A.P.) rehabilitated five hundred buildings over an eleven year period.\textsuperscript{240} In 1975, another important neighborhood group organized the Elmwood Foundation for Architecture and Historic Preservation, which used preservation to “encourage renovation and the potential of the neighborhood.”\textsuperscript{241} This is

\textsuperscript{236} Max and Page, 164  
\textsuperscript{237} Ibid, 166.  
\textsuperscript{238} Leazes and Motte, 31.  
\textsuperscript{239} Woodward and Sanderson, v.  
\textsuperscript{240} Ibid, p. v-vi.  
\textsuperscript{241} Ibid, p. vi.
the goal for many such organizations to which the Providence Preservation Society has been an inspiration and source of help.\textsuperscript{242}

The Providence Preservation Society itself has implemented several programs to help with preservation and neighborhood revitalization, like City Awareness and New Uses for Old Buildings, as well as their revolving fund, which is one of the main tools used in preservation in Providence.\textsuperscript{243} The many uses of the revolving fund have been so effective that in 1980 the Providence Preservation Society Revolving Fund, Inc. was founded as a 501(c)(3) nonprofit organization totally separated from but affiliated with the Providence Preservation Society.\textsuperscript{244} It is now called the Providence Revolving Fund and is a “sister organization of the Providence Preservation Society, [and] the two are entirely, legally separate.”\textsuperscript{245} It is a “nonprofit developer, lender, rehabilitation counselor and service provider to the…historic resources in Providence.”\textsuperscript{246} The board is small and staffed with highly skilled professionals who are all knowledgeable in preservation or other related fields.\textsuperscript{247} The revolving fund uses rehabilitation loans, ownership, development, and sale of property as vital tools in the revitalization of neighborhoods and commercial areas.\textsuperscript{248}

Today the nonprofit organization directs their funds to two “economically distressed neighborhoods plus portions of downtown Providence through a special fund for downtown.”\textsuperscript{249} It is in control of two capital funds: the Neighborhood Fund with over two million dollars in assets and the Downcity Fund with approximately 7.2 million

\textsuperscript{242} Woodward and Sanderson, vi.
\textsuperscript{243} Ibid.
\textsuperscript{244} “About Us,” Providence Preservation Society Revolving Fund <http://www.ppsrf.org/about.cfm>
\textsuperscript{245} Jessup Interview
\textsuperscript{246} Ibid.
\textsuperscript{247} “About Us,” Providence Preservation Society Revolving Fund <http://www.ppsrf.org/about.cfm>
\textsuperscript{248} Ibid.
\textsuperscript{249} Jessup Interview
dollars. The Neighborhood Fund is especially helpful in preventing demolition due to a lack of financial means. It is particularly targeted and used for revitalization in low- and moderate-income historic neighborhoods. The money is used to either buy endangered properties for resale to responsible owners or to “make low-interest rehabilitation loans to owners who cannot get conventional financing due to the income level of the homeowner and/or the condition of the building and area.”

In the years since its creation in 1982, the Neighborhood Fund has facilitated over three hundred and ninety-three restorations, with forty-six of those being previously abandoned buildings. For these projects, the Neighborhood Fund has invested over five million dollars, with only six defaults totaling only fifty-one thousand dollars – only one percent of the total investment.

In comparison, the Downcity fund mainly provides funding for buildings and facades located in downtown Providence. This revolving fund has been very successful in Providence and has invested over twelve million dollars for development in historic neighborhoods, and a large portion of their projects have centered on low-income housing and other, larger affordable housing projects. The Providence Preservation Society also sponsors a list of endangered properties which is used to “call attention to significant historic and architectural resources throughout the city that are endangered by threats such as deterioration, insufficient funds, insensitive public policy and inappropriate development.”

The list is compiled from nominations from concerned citizens and is a great tool in making the city aware of the architectural and historic resources of the city that are in danger of being lost forever.

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250 “About Us,” Providence Preservation Society Revolving Fund <http://www.ppsrf.org/about.cfm>
251 Ibid.
Demolition by Neglect in Providence

Providence was again struck by the need for a demolition by neglect ordinance when the deficiencies of their architectural inventory and current preservation ordinance were highlighted with another threatened loss of historic fabric. The absence of triple deckers – late nineteenth-, early twentieth-century three story tenements used for immigrants and working class families from the architectural inventory created the conflict. By the 1980s, however, “preservationists started to value triple deckers as both records of working-class life in the past and promoters of social diversity in the present.” Unfortunately, not everyone saw them in this way, including a former president of the Providence Preservation Society, Frank Mauran III.

Mauran, who lives in one of Providence’s prized houses, bought three tenements in the early 1980s across the street from his residence. He first applied to demolish them in 1988. Due to the location of the buildings in a historic district, the Historic District Commission’s approval is required for demolition. For ten years, the Historic District Commission refused permission “based on the argument that the houses represent an important piece of the Benefit Street area’s history.” Verbal battles and arguments continued throughout the years with both sides refusing to budge. The houses were later lost in a fire and subsequent demolition. Mauran’s case was one of the major battles that helped to make demolition by neglect an issue in Providence and helped to renew the fight.

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252 Page and Mason, 178.
253 Ibid.
254 Ibid.
256 Davis, They were at first rented by Jewish and Irish immigrants. Later students moved in The Providence Journal, 5/25, 6/11, and 6/17.
The preservation ordinance in Providence creates historic districts to “safeguard the heritage of the city by preserving designated districts and individual structures of historic or architectural value which reflect elements of the city’s cultural, social, economic, political, and architectural history.” This article also creates the Historic District Commission, which functions like the Board of Architectural Review in Charleston; it has the power to oversee development in the historic districts by authorizing construction, demolition, or change in any exterior structure or appurtenance. One of the commission’s main duties is the issuance of certificates of appropriateness for projects; its many other duties include maintaining and fostering the historic and architectural integrity within the districts, reviewing demolition applications, and regulating demolition by neglect.

Section 501.10 of the ordinance addresses demolition by neglect, which is a joint project between the city council and the HDC. Whenever the HDC determines a structure is in danger, the city council is petitioned and must establish a time period in which the owner must begin the repairs. If when the allotted time has passed and the owner has not commenced repairs, he or she may attend a hearing to explain their actions or lack of actions. If the owner does not appear at this hearing and also does not make the repairs, the city will contract the repairs and place a lien against the property for the cost of the repairs. The city and the HDC have the authority to place a lien on the property for repairs that the city is forced to conduct by the owner’s refusal or inaction. Moreover, if the owner does not show up at a hearing or does not follow the court’s order, he or she can be fined up to five hundred dollars for each offense, and each day of the existence of the offense shall be deemed a separate offense.

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257 Providence Code of Ordinances, Chapter 27, Article 5, Section 501
Providence’s ordinance mainly helps to prevent demolition by neglect through their strict demolition guidelines and flexibility in finding solutions for demolition. Providence’s ordinance is strict enough to discourage those who are intentionally neglecting their buildings while making allowances and working with those that can’t cover the expenses financially. Whenever necessary the “Historic District Commission will endeavor to work out with the owner an economically feasible plan for the preservation of such structure on its present site.”

Even though there are no affirmative maintenance provisions to help stem neglect and prevent demolition, the ordinance does consider demolition to be a serious issue. The Historic District Commission discourages demolitions as an official policy and when reviewing applications takes many things into consideration including the structure’s value to the city and to a particular period. There are only a few reasons the commission would consider allowing demolition. These reasons include hazards to public safety, undue financial hardship, or if the demolition is not in the interest of the majority of the community thereby providing safeguards for public safety in addition to preventing takings claims.

Analysis

While there are many deficiencies in Providence’s ordinance, it would not be a totally ineffective ordinance if given the time and attention. Despite the potential for strengths, the provision is as good as useless as the city does not and has yet to use it. The protection for demolition by neglect only covers the historic districts and the city doesn’t “use it in the historic districts.”

Not having affirmative maintenance clauses

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258 Providence Code of Ordinances, Chapter 27, Article 5, Section 501
259 Jason Martin Interview, Preservation Planner for the City of Providence, Rhode Island
makes it difficult to prevent the problem before it is a serious issue. Including liens as a way to supply the work is helpful, but not as effective unless there is a way to force the return of the money. The demolition by neglect section is different from the rest of the ordinance in that the city council is the ruling body, not the Historic District Commission. So many see it as more of a political process which can weaken it as many will avoid it as a “political quagmire.”\footnote{Martin Interview} The Historic District Commissions provision to assist the owner in finding alternatives to demolition is helpful, but this really only includes selling the property, there is no monetary assistance for the property owner. While the revolving fund is helpful in preventing demolition, it “really has no relationship to the demolition by neglect issue because it does not compete with the private market, by choice, in property redevelopment.”\footnote{Jessup Interview} The Revolving Fund mainly uses their money as properties as the last resort and is not a resource for all to use for maintenance projects.

One of the explanations for this careless approach is the decline in the advocacy of the main preservation organization in the city, the Providence Preservation Society. The Providence Preservation Society has “really slipped in terms of [their] preservation advocacy and [their] public policy and the demolition by neglect and the whole demolition policy in the city are prime examples.”\footnote{Ibid.} This is due to the recent past as the Providence Preservation Society has recently been “through a period of board and staff turbulence.”\footnote{Ibid.} Due to the various financial issues, boards capacity issues, and staff turnover to deal with the Providence Preservation Society became less efficient. The city of Providence has also had other issues to worry about like improving a bad public school
The system, a mayor who went to federal prison, and a downturn in the real estate market. While preservation in Providence is still taken seriously compared to other cities, the Providence Preservation Society has been weak in effectively channel[ing]…it in to effect public policy.”

Currently Providence is experiencing issues with demolition of structures not in the historic districts or protected by preservation law. The mayor has recently organized a commission to study the demolition issues in the city. While many in the city hope for positive results and actions, there are several deficiencies in the system set up by the mayor. He only appointed city employees so that citizen input is only advisory and all of the decisions are made by the city. The mayor also expects a fast turnaround, only allowing two months for the results. Not allowing for citizen input and a reasonable amount of time to produce findings presents a lot of problems, but many are hopeful.

Providence is an historic city that retains many of its historic resources. While Providence has the tools to address many of the issues related to demolition by neglect, the city is not using them. The effort of the mayor to reevaluate the demolition by neglect situation is a good start for the city.

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264 Jessup Interview
Preservation ordinances vary in their coverage, details, and level of enforcement. Besides the parameters granted in the enabling laws, a community’s needs and the support given to preservation help to determine in large part the effectiveness of an ordinance. Provisions that deal with demolition by neglect can be too aggressive, which will intimidate not only city officials but local citizens as well, thereby lessening the support for the ordinance. If the ordinance is not strong enough, however, it will be of little use. It is also important that the language is clear and thorough – that it not allow for any ambiguities – or it will be too difficult to prove that the building is being intentionally neglected or just deferred maintenance. At the same time, if the enforcement isn’t strong enough, there will be little to deter those with other plans for their property. While it is important for these ordinances to be strong, it is also important that the city make allowances for certain exceptions so that the ordinance is not too rigid, which is why provisions for economic hardship and administrative relief is vital. While Providence and Savannah were chosen for study based on their similarities to Charleston, in the course of research, it became apparent that their provisions for demolition by neglect were not strong in all areas. While lessons can still be learned, even if from their mistakes, further research was needed in order to determine what exactly constituted a strong ordinance and there are several cities which contain and use effective demolition by neglect ordinances. Raleigh, North Carolina, Detroit, Michigan, and Washington D.C. all warrant a closer inspection concerning their demolition by neglect ordinances. All of them contain strong provisions and much can be learned from these cities.
Raleigh, North Carolina

In 1989, the state of North Carolina enacted enabling laws that specifically granted cities the right to implement local demolition by neglect ordinances. When Wake County wanted to initiate a county-wide preservation program, the city of Raleigh decided to revise their preservation ordinance to better work and coincide with the county program. During this process, Raleigh decided to include the demolition by neglect powers newly granted by the state a few years earlier. The city of Raleigh amended a vast majority of the ordinance and included demolition by neglect as one of the amendments, rather than making it a single amendment, in order to avoid negative attention.

The article concerning demolition by neglect is contained within the Code of Ordinances for the city under Planning and Development and Building in its own article, Demolition by Neglect of Historic Landmarks and Structures within Historic Overlay Districts. This article contains six different sections including standards, petition and action, methods of service, safeguards from undue economic hardship, appeals, penalties and remedies, and other city powers. The standards section starts out by stating that any exterior features of a building or structure shall be preserved from decay, deterioration, and structural defects. It then lists elements of deterioration which will prompt the city to force repairs on the building. These elements include exterior walls, foundations, floor or floor supports, external chimneys, plasters or mortars, ineffective waterproofing, lack of weather protection due to lack of paint, rotting and holes, stairs,

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266 Becker, 2.
267 Raleigh Code of Ordinances. Part 10, Chapter 6, Article J
268 Raleigh Code of Ordinances. Part 10, Chapter 6, Article J, Section 10-6180
porches, handrails, window and door frames, cornices, entablatures, other exterior architectural details, fences, gates, accessory structures, or any deterioration that causes a detrimental effect on the character of the district or historic landmark. Deterioration covers but is not limited to leaning, sagging, splitting, listing, or buckling.

If the Inspections Director for the city finds that there is a basis for demolition by neglect charges, he or she will issue a summons for no earlier than thirty days. The owner may then state his case and file for economic hardship with the Historic District Commission at the time if necessary. If the director finds cause for demolition by neglect, he will order the repairs and if the owner is filing for economic hardship will stay his decision until the commission has issued its own decision.

The commission will hear the defendant concerning economic hardship within three days, at which hearing the owner is expected to present a list of information which include eleven different areas. The owner must provide details of the nature of ownership, financial resources, cost of repairs, assessed value of the land and improvements, real estate taxes for the previous two years, amount paid for the property as well as how it was acquired including the relationship existing between the parties, operating and maintenance expenses for the previous two years, and annual cash flow for the previous two years. The commission shall issue their finding within sixty days and if they find the claim of economic hardship is not validated, they will notify the director and an order for the repairs shall be made. If the hardship claim is found to be valid, the commission shall come up with a plan to relieve the hardship including property tax relief, loans or grants provided by the city, county, or other various private or nonprofit

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269 Raleigh Code of Ordinances. Part 10, Chapter 6, Article J
270 Ibid.
271 Ibid.
sources, acquisition by purchase or eminent domain, building code modifications, changes in applicable zoning regulations, or relaxation of the provisions of the article sufficient to mitigate the undue economic hardship.\textsuperscript{272}

The city of Raleigh uses several different enforcement methods. One of the more interesting is that “the city may apply for any appropriate equitable remedy to enforce the provisions of this article”.\textsuperscript{273} Equitable remedies allow for a variety of solutions. It can be anything that the court deems appropriate for the situation based on the facts. The city also has the power to place a lien of the property if the city has to contract the work whenever the owner does not complete the work. A civil penalty may also be enforced at the rate of one hundred dollars per day that the violation continues.

Raleigh’s ordinance contains several strengths based on its clear language and careful specifications. The affirmative maintenance terms list numerous structural members and are clear about the definition of deterioration. It is more effective to be clear with the affirmative maintenance clause so that there are no ambiguities that may be challenged in a hearing. The same principle applies to the economic hardship clause, which again is very clear and specific. It also helps to stress the importance of demolition to the property owner and does not allow an easy out for those trying to circumvent the preservation ordinance. The enforcements help with this and the inclusion of the equitable remedy allows for a variety of solutions to address different situations as cases are rarely exactly the same.

It is obvious that Raleigh takes demolition by neglect very seriously. The city also takes a more conservative approach to its enforcement and requests “that

\textsuperscript{272} Raleigh Code of Ordinances. Part 10, Chapter 6, Article J

\textsuperscript{273} Raleigh ordinance. Part 10 Chapter 6 Article J, Section 10-6186(a)
neighborhood groups prioritize properties they wish to have considered under the ordinance’s provisions”. With such strong provisions, Raleigh uses a more cautious approach in order to have control over when they use their ordinance so that “deterioration is substantial enough to warrant the application of such governmental power, but not so severe that the expense of repair exceeds the market value of the property which could lead to a finding of economic hardship”.

Raleigh’s ordinance provides very detailed provisions and very strong enforcements as well as remedies.

Detroit, Michigan

Another city with a strong demolition by neglect ordinance is Detroit, Michigan. The ordinance starts by defining demolition by neglect with very specific criterion. It defines it as “neglect in the maintenance, repair, or security of a resource resulting in deterioration of an exterior feature of the resource, the loss of structural integrity of the resource”. There is then a list of structural members that must be kept free of deterioration such as the exterior walls, roofs, vertical or horizontal members, exterior chimneys, plaster, mortar, or stucco, and includes the ineffective waterproofing of exterior walls, roofs and foundations, including broken windows and doors. The definition also includes the “serious deterioration of any undocumented exterior architectural feature or significant landscape feature which...produces a detrimental effect upon the character of the district.”

It is the job of the Historic District Commission to determine whether a building is being demolished by neglect and to preserve and protect it. The Commission will

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274 Becker, 2.
275 Ibid.
276 Detroit Code of Ordinances. Chapter 25, Article II, Division I. Sec. 25-2-2 (g).
277 Detroit Code of Ordinances. Chapter 25, Article II, Division I. Sec. 25-2-2 (g-6)
notify the owner to make the repairs that are contributing to the neglect of the structure and may also ask for the Buildings and Safety Engineering Department to go in and request repairs as well. When the repairs are not done within a certain amount of time, the commission will file a petition with the Planning and Development Department to acquire an order from the Circuit Court. The Commission will then contract the repairs and “levy…a special assessment against the property” to pay for the repairs.  

This is only a portion of the enforcement provisions for the ordinance.

While Detroit does a thorough job of defining the condition of demolition by neglect, the stronger aspect in the ordinance is that of enforcement and budgeting. While the city is allowed to go in and place a lien on the property, there is one final method. If the owner is somehow able to get away with demolition after accused of demolition of neglect, the owner will be required by the commission to “pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated, or demolished”. While it would be new construction, the character of the neighborhood, district, and streetscape will be maintained.

The ordinance also sets aside a budget for preservation purposes. It states that a sum will set aside in the annual budget for “historical and architectural preservation or in connection with…surveys of resources and historic resources…restoration, rehabilitation, or preservation… [And] the acquisition by purchase or condemnation of resources, historic resources, easements, or other rights or other real or personal property, provided the city council determines that ownership is in the public interest.” Therefore, the fund not only supports various abatements, but could potentially back something like

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278 Detroit Code of Ordinances. Chapter 25, Article II, Division I. Sec. 25-2-10 (a-2)
280 Detroit Code of Ordinances. Chapter 25, Article II, Division I. Sec. 25-2-9 (1-3)
eminent domain as well. The historic commission will be responsible for recommending
buildings for acquisition by the city. The fund shall also be used for staff support,
training, awards and certificates, as well as “special assistance to property owners in
designated and proposed historic districts in restoring, rehabilitating, or conserving
resources and historic resources where property owners lack means to undertake such
work without assistance”.281 The fund covers many of the expenses from demolition by
neglect cases including the financial assistance that many homeowners need in
maintaining their property and preventing neglect.

Washington D.C.

Washington D.C. is another city that takes demolition by neglect very seriously
and has strong terms to help prevent, control, and enforce the various provisions that
address it. The Historic Landmark and Historic District Protection Act of 1978 governs
historic preservation in Washington D.C.282 The ordinance contains several sections
pertaining to demolition by neglect. It first defines demolition by neglect as “neglect in
maintaining, repairing, or securing an historic landmark or a building or structure, and
includes the removal or destruction or any façade of a building or structure”.283 The
Historic Landmark and Historic District Protection Act designates the Historic
Preservation Review Board as the governing board which reports to the mayor who then
signs off and makes the final decision regarding alterations, additions, and demolitions of
historic structures and as such polices demolition by neglect. Section 5 of the ordinance
regulates demolition which includes guidelines for economic hardship. It includes proof
for all owners to provide as well as an additional section for income-producing property.

281 Detroit Code of Ordinances. Chapter 25, Article II, Division I. Sec. 25-2-9 (7)
282 This act covers all districts, including Georgetown, which is also governed by the Old Georgetown Act.
283 Historic Landmark and Historic District Protection Act of 1978, Section 3, 3-A
All property owners have to include the amount paid for the property, when and from whom, the assessed value of the land and the improvements on it, the real estate taxes for the past two years as well as the appraisals, and any listing of the property for sale or rent and the price that was asked. The owner also has to include “any consideration by the owner as to profitable adaptive uses for the property”. For an income producing property the owner also has to include gross income, operating and maintenance expenses, and annual cash flow, all from the past two years. The mayor may also require any additional information he feels is pertinent and will not permit a demolition unless plans for the new construction have been approved and the owner is financially able to complete them.

Section 10-b of the ordinance contains provisions for affirmative maintenance of the property to help prevent demolition by neglect. It covers many of the same structural elements as the two previous ordinances like foundations, roofs, walls, ineffective waterproofing or weather protection and anything that makes the building unsafe. It declares that the structure shall be kept free from decay, deterioration, and from structural defects “through prompt corrections”. Section 10-c of the section deals specifically with demolition by neglect and basically states that if a structure is threatened and the owner does not complete the repairs, the mayor and the city may contract the work and charge the expenses as a lien against the property. Besides the lien there are other penalties that may apply at the discretion of the mayor. The owner might be fined up to $1,000 per day for each day of the violation or even sent to prison for no more than ninety days.

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284 DC ordinance, Section 5, g-vii.
285 DC ordinance Section 10b (a)
Washington D.C. is perhaps strongest in the area of financial aid. The Historic Landmark District Protection Fund was created within the General Fund for the city. The fund was established as a “nonlapsing, revolving fund; the funds of which shall not revert to the General Fund at the end of any fiscal year but shall remain available…for the purpose of paying the costs of repair work necessary to prevent demolition by neglect.” The funds appropriated the money collected from fines under the act, the sale of property donated to the fund or other grants and donations are all deposited into the Protection Fund. This allows for money to be available to address the issue and prevent building loss through neglect.

The Office of Planning for D.C. has a preservation division that assists historic property owners in applying for various certificates from the Historic Preservation Review Board; they also offer financial assistance to those who cannot afford to make the repairs to prevent demolition by neglect. One grant program in particular is available only to certain districts and provides financial assistance for certified rehabilitation work, the Historic Homeowners Grant Program. The application process is two different parts and very detailed. It is only available to low- to moderate-income owners, which affects the amount of assistance received. The project itself must be approved and the money can only be used for certain projects. In this manner, the money truly goes to those that need it for repairs, thereby helping to prevent demolition by neglect. The planning office also helps with the applications for other tax credits and grant programs for nonprofits and grant agencies.

With financial assistance available from two different sources, the city is very able to provide administrative relief. The city also has clear guidelines with which to

286 Historic Landmark and Historic District Protection Act of 1978, Section 11a (a)
address economic hardships thereby preventing takings claims. The affirmative
maintenance provision is also clear, providing a good test for neglected maintenance.
The city of D.C. is well equipped to handle and address demolition by neglect.

All of these cities have their various strong points, but even their weaker points
could not be considered weak. These ordinances contain all of the tools necessary to
prevent and address demolition by neglect, but their actual effectiveness will depend on
the city and its officials. Is the ordinance supported publicly and politically? How often
will the city enforce it? It is taken seriously and do the nonprofit organizations help to
police and support it? These are all vital issues that relate to the effectiveness of a
demolition by neglect ordinance and can be just as important as the actual ordinance.
Demolition by neglect laws require strong provisions, versatile and constant enforcement,
and broad support, otherwise, they will do little to prevent the unnecessary loss of historic
resources.
CHAPTER 9
CONCLUSIONS

Demolition by neglect is a very complex issue with a difficult system of regulation for city officials to enforce. Property ownership, public policy, and economic hardship issues are all interconnected and relate to demolition by neglect in how it is defined and addressed. It can be difficult for a city to handle this complexity due to lack of staff and resources, to political affairs, as well as to the challenge of knowing the correct time to enforce the regulations; “at what point does it cease to be deferred maintenance and become demolition by neglect?”287 These complexities necessitate a strong ordinance in order for the situation to be addressed effectively and efficiently. There are several methods of enforcement that can be used as efficient tools to control demolition by neglect, and each has its own strengths and weaknesses. These methods can be tailored to fit the individual needs of a city so that the forms of these methods vary from city to city. An ideal demolition by neglect ordinance contains several different methods with which to address the issue. However, even if the ordinance is written with the best provisions and effective penalties, it will be ineffective – even worthless – if it is not enforced by the city officials and supported and encouraged by the local nonprofit preservation organizations. Preservation ordinances and demolition by neglect provisions tend to reflect the needs and resources of a city, and it is apparent that Charleston’s ordinance is no longer filling these needs. The city needs to either amend the current ordinance or write a new one, as it is no longer adequate or being utilized. This paper is not to be construed as the final answer for Charleston’s demolition by neglect issues, but as the starting point for reform. It brings to light the deficiencies and weaknesses of the

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ordinance as well as makes suggestions as to which methods Charleston should consider adopting. However, the suggestions for change will be as effective as no change at all if the city does not reevaluate its position on the issue and decide what resources it is genuinely willing to commit. Right now, their position and lack of concern is obvious.

Lessons Learned from Case Study Cities and Exemplary Ordinances

While Providence and Savannah are two cities similar to Charleston in size and history, their demolition by neglect ordinances did not provide the comparison’s needed to inspire helpful suggestions for improving Charleston’s ordinance. The language for the preventative measures and enforcement methods either did not exist or was not exemplary and neither city is utilizing its current ordinance. Both cities are currently experiencing problems related to demolition by neglect demonstrating their need for stronger ordinances and support for the ordinances. The current situation in both cities provides strong evidence for the support needed from numerous factions that is necessary for a demolition by neglect ordinance to be effective.

The cities of Raleigh, Detroit, and Washington D.C. all have various strong points in their ordinances which could be used as a model for other cities. All three cities have clear and specific affirmative maintenance guidelines and both Detroit and Washington D.C. have funds set aside for preservation purposes. Whenever funds are available, neglect can be prevented regardless of the income level of the property owner. A revolving fund is a helpful tool that commits this money to be available without a continued strain on the finances of the city. Raleigh has also taken a more creative approach to their enforcements by allowing for equitable remedies. This provision imparts a degree of flexibility in dealing with the different circumstances of each case.
The stipulations set forth in these laws provide for effective ordinances and as such are worthy of study for their application in Charleston.

Discarding the Nuisance Approach

Serious consideration should be given to moving the demolition by neglect provisions of Charleston’s law to the preservation sections of ordinance, because there are many merits to making this move. One is that demolition by neglect would then be under the jurisdiction of the Board of Architectural Review (B.A.R.). The B.A.R. is a more preservation-oriented board as it works with those issues on a regular basis. It would be better for demolition by neglect to be policed by the Department of Design, Development, and Preservation as “having it under the Fire Department and the Nuisance ordinance is inefficient and runs counter to the preservation intent.”

Moving the provisions also provides the opportunity for other revisions like those providing for financial assistance, stricter enforcement, a way to force the return of liens, and clear economic hardship provisions. This move has the strong potential to give the issue the attention and the tools that it needs to be effectively addressed.

Improving Enforcement

If demolition by neglect is to remain a public nuisance under Charleston law, then the city should first hire a Property Standards Administrator. With no one in this position, the city effectively does not have provisions addressing demolition by neglect. This is the same type of situation that is taking place in Providence right now, where there is an adequate ordinance, but the city has yet to use it in the ten years that it has been in place. Charleston should also work to improve the enforcements provided in this section. Currently, there is a lien system in place. It will be more effective, however, if

the city creates a way in which to enforce the return of the lien earlier in the process. At this time, there is no way for the city to do this, and as a result, it is seeing very little return of the already limited money used to abate nuisances. If there was a way in which to achieve the return the lien in a timely manner, the city would be better equipped to enforce the demolition by neglect provisions.

There are several other enforcement methods that could be used to strengthen Charleston’s ordinance. The addition of a provision for equitable remedies would be an interesting and beneficial addition. Other potentially effective enforcement methods include the use of the scorched earth policy or forcing the owner to reconstruct a building if unlawfully demolished. While these methods would require a good deal of discretion before implementation and may not be suited for Charleston, they would be a very effective addition if found to be necessary.

Adding Relief

The Charleston system should also be amended to include provisions for relieving economic hardship. Little money is allocated for abating public nuisances and whatever amount is set aside is not just for stabilization for demolition by neglect cases. The money designated for nuisances was used not just for “paying for the engineering services, not only for construction work, but also for clean up.” So the money was not only spent on fixing structural issues to help prevent neglect and demolition, but also on comparatively minor issues like cutting the grass. One of the best ways to prevent demolition by neglect is the maintenance of structures, and some property owners require assistance in making the repairs. Placing a lien on the property cannot be the only answer. Even though the repairs are being made, the city is spending money that may not

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be returned for years to come. With other forms of financial assistance, the city may not have to pay the whole cost of the project or at least see the return of the money in the form of a loan. While demolition by neglect has not yet become a widely known problem in Charleston, it will only become more serious and widespread in the absences of enforcement and adequate economic resources.

Building Support

The studies of Providence and Savannah revealed perhaps the most important part of having a demolition by neglect ordinance and that is the support that it takes in order for it to be run effectively. It takes the support and cooperation from not only the city officials or those designated in the ordinance to enforce it, but support from other preservation organizations as well. The ordinance will be more effective if the two factions are able to work together to reach the same goal, preservation of their historic resources through preventing demolition by neglect. Charleston’s ordinance is currently lacking the support needed to be run effectively. Amendments to this ordinance or writing a new one will be ineffective as well if the necessary support is not provided by the city in the form of staff and finances. The public must be involved as well for Charleston’s ordinance to be truly effective. The publics involvement is crucial in monitoring and enforcing the demolition by neglect ordinance by not only holding their neighbors accountable, but holding the city accountable for their actions or lack of actions as well. If the public support is not behind the ordinance, it will be flawed by not having that extra level of supervision.
Further Research

There are several areas pertaining to this thesis on which further research could be conducted in order to provide a more thorough understanding of the demolition by neglect issue and the various components related to it. In order to provide better examples of demolition by neglect ordinances and the way they work, cities should be chosen based more on their ordinances and not so much based on their similarities to Charleston. While Providence and Savannah were both very comparable to Charleston, their ordinances were not the best to look to as examples. A survey could also be conducted of the properties that were previously cited for demolition by neglect to determine if there is a pattern in the location and ownership of the citations. This might provide helpful information if the ordinance is rewritten. Another approach which might be helpful would be examining international ordinances to see if anything can be learned from their approach. These are just a few areas which could be examined to further understand demolition by neglect and help strengthen Charleston’s demolition by neglect ordinance.
APPENDICES
Appendix A

Survey of Demolition by Neglect Case Files
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Seriously Neglected Properties

<table>
<thead>
<tr>
<th>Property</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 Carondolet St.</td>
<td>98</td>
</tr>
<tr>
<td>99 Moultrie St.</td>
<td>99</td>
</tr>
<tr>
<td>262 Ashley Ave.</td>
<td>101</td>
</tr>
<tr>
<td>487 Meeting St.</td>
<td>103</td>
</tr>
<tr>
<td>61 Nassau St.</td>
<td>105</td>
</tr>
<tr>
<td>193 Jackson St.</td>
<td>107</td>
</tr>
<tr>
<td>195 Jackson St.</td>
<td>109</td>
</tr>
<tr>
<td>197 Jackson St.</td>
<td>112</td>
</tr>
<tr>
<td>199 Jackson St.</td>
<td>115</td>
</tr>
</tbody>
</table>

Fair Condition

<table>
<thead>
<tr>
<th>Property</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>193 Rutledge Ave.</td>
<td>118</td>
</tr>
<tr>
<td>137 Spring St.</td>
<td>120</td>
</tr>
<tr>
<td>492 King St.</td>
<td>122</td>
</tr>
<tr>
<td>233 Ashley Ave.</td>
<td>124</td>
</tr>
<tr>
<td>303 East Bay St.</td>
<td>126</td>
</tr>
</tbody>
</table>

Restored

<table>
<thead>
<tr>
<th>Property</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>17 Hampden Ct.</td>
<td>129</td>
</tr>
<tr>
<td>60 America St.</td>
<td>131</td>
</tr>
<tr>
<td>78 America St.</td>
<td>133</td>
</tr>
<tr>
<td>590 and 592 Rutledge Ave.</td>
<td>135</td>
</tr>
<tr>
<td>23 Wescott Ct.</td>
<td>138</td>
</tr>
<tr>
<td>25 Warren St.</td>
<td>141</td>
</tr>
</tbody>
</table>
# Property Timeline

## 9 Carondolet

Number of Citations: 2

<table>
<thead>
<tr>
<th>DATE</th>
<th>NOTE/COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/15/1998</td>
<td>Emergency demolition and stabilization done by the city, paid 12/15?</td>
</tr>
<tr>
<td>7/14/1999</td>
<td>Warning letter</td>
</tr>
<tr>
<td>7/15/2000</td>
<td>D. Rhode sent letter to owner stating that the building may warrant demolition and offered solution, the AmeriCorps National Civilian Community Corps. They would perform the demolition at no cost to the owner and owner would retain title to the property.</td>
</tr>
<tr>
<td>9/4/2003</td>
<td>Uniform Ordinance Summons</td>
</tr>
<tr>
<td>10/1/2003</td>
<td>Uniform Ordinance Summons</td>
</tr>
</tbody>
</table>

## Summary

In December of 1998, emergency stabilization and partial demolition was solicited and paid for by the city. In July of 2005, a letter was sent to the owner, and the Property Standards Administrator, recognizing the financial needs of the owner, recommended an organization that would complete the demolition at no cost. The owner afterwards was issued two citations in September and October of 2003 with no indication of the outcome in the file.
Property Timeline
99 Moultrie

Number of Citations: 2

<table>
<thead>
<tr>
<th>DATE</th>
<th>NOTE/COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>6/6/2003</td>
<td>Warning letter. Vegetation on lot significantly overgrown</td>
</tr>
<tr>
<td>8/20/2003</td>
<td>Uniform Ordinance Summons. Public nuisance. Andre Gathers is the owner</td>
</tr>
<tr>
<td>9/22/2003</td>
<td>Ticket dismissed.</td>
</tr>
<tr>
<td></td>
<td>concerned with the neglect of the house</td>
</tr>
<tr>
<td>6/6/2006</td>
<td>Email from David Popowski, attorney for Gathers. Relates that Gathers is in</td>
</tr>
<tr>
<td></td>
<td>the Air Force and wishes to demolish the property.</td>
</tr>
<tr>
<td>6/8/2006</td>
<td>Structural Assessment (Caskie). Considered somewhat unstable due to the</td>
</tr>
<tr>
<td></td>
<td>condition of the rear addition and the associated roof. Rated a 9.</td>
</tr>
<tr>
<td>6/9/2006</td>
<td>Email from Eddie Bello. Demolition would require the approval of the BAR and</td>
</tr>
<tr>
<td></td>
<td>highly unlikely.</td>
</tr>
<tr>
<td>5/22/2006</td>
<td>Uniform Ordinance Summons.</td>
</tr>
<tr>
<td>6/12/2006</td>
<td>Ticket dismissed. Work completed</td>
</tr>
</tbody>
</table>

Summary

The property is originally cited in 2003 for an overgrown lot and the ticket is dismissed. At the end of that year, however, the neighborhood association writes a letter and are concerned with the ongoing neglect of the house. The owner’s attorney contacts the city and states that the current owner is in the Air Force and wants to demolish the house, which is rated very high, a 9, on the stability scale. As demolition would require the approval of the B.A.R., it is highly unlikely they would permit it, especially with such a high stability rating. In May of 2006 a ticket is issued again, but is dismissed the following month as the work was completed. It appears from the current picture that more work is needed.
## Property Timeline
### 262 Ashley Avenue

Number of Citations: 0

<table>
<thead>
<tr>
<th>DATE</th>
<th>NOTE/COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>4/1/1998</td>
<td>Code Enforcement Inspection Report. Owned by Fortified Land Commission. Two story wood frame building that is secure at grade, but not the upper layers. Rated a 4 on the stability scales. 1st level vacant commercial space, the 2nd level appears to have been used as residential</td>
</tr>
<tr>
<td>4/30/1998</td>
<td>Owner is Brick Layers –Plasterers Benevolent Association of Charleston</td>
</tr>
<tr>
<td>5/7/1998</td>
<td>Warning letter sent</td>
</tr>
<tr>
<td>7/29/2003</td>
<td>More pictures taken-lots of siding missing exposing the framing. Vegetation is overgrown and on the building.</td>
</tr>
<tr>
<td>7/30/2003</td>
<td>Warning letter-seriously deteriorated and water entering freely. Certified letter not delivered, address unknown</td>
</tr>
<tr>
<td>1/21/04</td>
<td>Another letter sent and returned</td>
</tr>
<tr>
<td>4/30/04</td>
<td>Structural Assessment conducted by Caskie (also on 10/28/04, 5/5/05, and 5/27/05) The latest assessment stated the building could still be renovated and saved, but work must start soon otherwise it would be too late</td>
</tr>
</tbody>
</table>

### Summary

Two warning letters were sent which noted the serious level of deterioration and open access to water, one certified letter was returned. Four different structural assessments were conducted, the latest of which stated that the building still had the potential to be renovated and saved, but the work would have to start soon otherwise it would be too late. Not many repairs seem to have been made and the structure is still open to the elements in certain places.
262 Ashley Avenue
Property Timeline
487 Meeting Street

Number of Citations: 2

<table>
<thead>
<tr>
<th>DATE</th>
<th>NOTE/COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/30/2003</td>
<td>Warning letter from D. Rhoads. Structure seriously deteriorated-water</td>
</tr>
<tr>
<td></td>
<td>entering freely through multiple openings.</td>
</tr>
<tr>
<td>1/21/2004</td>
<td>Pictures show wood shingles, some missing, vegetation growth on</td>
</tr>
<tr>
<td></td>
<td>building and missing glass panes.</td>
</tr>
<tr>
<td>2/2/2004</td>
<td>Uniform Ordinance Summons. Defendant failed to appear. Fine of $1,097, will</td>
</tr>
<tr>
<td></td>
<td>suspend $797 of fine if work completed by March 12.</td>
</tr>
<tr>
<td>4/10/2006</td>
<td>Warning letter to David Abdo. Deterioration, multiple broken windows, piazza</td>
</tr>
<tr>
<td></td>
<td>roof is failing, yard is overgrown, and littered with trash and debris</td>
</tr>
</tbody>
</table>

**Summary**

The owner was issued two citations within two years. The structure had broken windows, a failing roof, among other deterioration issues. The last ticket was dismissed when the work was completed. There is still a lot of other work that must be completed.
# Property Timeline
## 61 Nassau Street

Number of Citations: 4

<table>
<thead>
<tr>
<th>DATE</th>
<th>NOTE/COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/22/2000</td>
<td>Uniform Ordinance Summons. Jackson Manigault. Open to weather and public access</td>
</tr>
<tr>
<td>4/13/2000</td>
<td>CEB Summary. Vacant residential structure open to public access. Nuisance abated, ticket dismissed</td>
</tr>
<tr>
<td>1/10/2002</td>
<td>CEB Summary. Vacant, open to public access. Suffered fire damage 1 month ago. Windows and 1 door needs to be secured. No owner or representative present, but work in progress. Rehearing</td>
</tr>
<tr>
<td>1/24/2002</td>
<td>CEB Summary. Nuisance abated, ticket dismissed</td>
</tr>
<tr>
<td>8/3/2003</td>
<td>Structural Assessment (Caskie). Rated a 6 based on the poor condition of the porch and sills as well as the deterioration in the rear of the main structure.</td>
</tr>
<tr>
<td>9/17/2003</td>
<td>Uniform Ordinance Summons. $1097/30 days, suspended. Work to be done by city contractor and costs filed as a lien against the property.</td>
</tr>
<tr>
<td>10/20/2003</td>
<td>Unclaimed certified letter.</td>
</tr>
<tr>
<td>4/26/2006</td>
<td>Warning letter. Seriously deteriorated, water entering freely through several openings, lot is littered and there is evidence of vagrants using the lot</td>
</tr>
<tr>
<td>5/16/2006</td>
<td>Uniform Ordinance Summons.</td>
</tr>
<tr>
<td>7/10/2006</td>
<td>Ticket dismissed, work completed.</td>
</tr>
<tr>
<td>2/6/2007</td>
<td>Satisfaction of Lien. $6,144.00</td>
</tr>
<tr>
<td>10/16/2007</td>
<td>Structural Assessment (Caskie): Unstable, rated a 5 due to fire damage and deterioration issues.</td>
</tr>
</tbody>
</table>

**Notes:**
- Picture of today/what happened? Include Pictures in file?

**Summary**
The owner was issued four different tickets (one missing from the file) from 2000 to 2006. While enough work was completed on the property each time to get the ticket dismissed, in 2003 the city had to contract the work, but even then it was not enough to combat time and the existing issues. In October of 2007 another structural assessment
was completed and received the worst rating to date of a 5 due to previous fire damage and deterioration issues. This assessment was the last thing on file. The structure still appears to be in a deteriorated condition.
## Property Timeline

193 Jackson Street

Number of Citations: 5

<table>
<thead>
<tr>
<th>DATE</th>
<th>NOTE/COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>10/12/2000</td>
<td>“No Trespass” letter placed on file with the police department</td>
</tr>
<tr>
<td>3/11/2002</td>
<td>Uniform Ordinance Summons. Vacant/open</td>
</tr>
<tr>
<td>3/14/2002</td>
<td>CEB Summary. Owner present and agreed to secure building, but did not. Board decided to prosecute</td>
</tr>
<tr>
<td>4/11/2002</td>
<td>Livability Court. Guilty. Sentence suspended if the owner completes the work in 14 days and applies to the BAR for demolition by the deadline on 4/15</td>
</tr>
<tr>
<td>6/3/2002</td>
<td>Livability Court. Guilty. Sentence suspended on condition the owner secures the property and puts a sturdy fence around the perimeter</td>
</tr>
<tr>
<td>1/11/2005</td>
<td>Uniform Ordinance Summons. Public nuisance charge, demolition by neglect</td>
</tr>
<tr>
<td>1/27/2005</td>
<td>Structural Assessment (Caskie). Building continues to deteriorate at an increased rate.</td>
</tr>
<tr>
<td>2/7/2005</td>
<td>Livability Court. Owner requested continuance to seek legal counsel</td>
</tr>
<tr>
<td>3/21/2005</td>
<td>Livability Court. Owner again requests continuance in order to seek legal counsel.</td>
</tr>
<tr>
<td>4/4/2005</td>
<td>Livability Court. Case continued again. Owner, Gilchrist, and city to exchange property appraisals within 2 weeks and he is to make sure property is secured</td>
</tr>
<tr>
<td>4/18/2005</td>
<td>Livability Court. Gilchrist ordered to have all four properties secured by the end of the week</td>
</tr>
<tr>
<td>11/28/2005</td>
<td>Livability Court. Consent order gives the defendant 14 days to secure financing for repairs and 30 days to do the repairs. If not done, the city will step in and do the work. Owner is also to understand the court outlined just temporary repairs and he must eventually repair the property.</td>
</tr>
<tr>
<td>12/20/2005</td>
<td>e-mail from Susan Herdina to Gilchrist’s lawyer. The 14 days allotted in the consent order are up and had not heard anything from Gilchrist so the city plans on beginning the work</td>
</tr>
<tr>
<td>7/17/2006</td>
<td>Notice of lien. $34,000</td>
</tr>
</tbody>
</table>
Summary

The four buildings at 193, 195, 197, and 1999 are one parcel of land and was purchased by Samuel Gilchrist in 1988. Structural reports indicate the ongoing deterioration of the properties mainly due to neglected maintenance. Building department records indicate no permits have been issued for the properties since 1992. The owner was denied permission to demolish the buildings in 2002 after which he failed to do any repairs. Vagrants actively use the property due to the buildings never being secured properly. By December of 2005, after three solid years of neglect, the owner still had not completed any repairs so the city stepped in and contracted the work. In July of 2006 a lien was placed on the property for $34,000. The properties are still in a state of neglect.
# Property Timeline

## 195 Jackson Street

Number of Citations: 5

<table>
<thead>
<tr>
<th>DATE</th>
<th>NOTE/COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/7/1998</td>
<td>Notice of Violation. Ordered to secure property immediately as a threat to public health and safety.</td>
</tr>
<tr>
<td>11/16/1998</td>
<td>Environmental Court. Guilty. Fined $75</td>
</tr>
<tr>
<td>12/8/1999</td>
<td>Uniform Ordinance Summons. Vacant/open</td>
</tr>
<tr>
<td>12/12/1999</td>
<td>Structural Assessment (Caskie). Rated an 8. Needs repairs but not beyond reasonable stabilization</td>
</tr>
<tr>
<td>12/15/1999</td>
<td>Letter from Caskie detailing events from visit to the properties. Ran into a drug vagrant inside of the structure. Drug paraphernalia present.</td>
</tr>
<tr>
<td>12/17/1999</td>
<td>Letter from Charleston Housing Authority. Want the situation at the properties addressed. Claims they are trash havens and visibly used by drug dealers, addicts, and prostitutes.</td>
</tr>
<tr>
<td>1/10/2000</td>
<td>Livability Court. Case continued for owner to apply for demolition</td>
</tr>
<tr>
<td>1/11/2000</td>
<td>Email from D. Rhoads to P. Pendergrass. Tried to assist Gilchrist with the demolition forms, which he refused and stated he would do them himself. The applications are sloppy and vague</td>
</tr>
<tr>
<td>1/2000</td>
<td>At owner’s request, housing inspector compiled a list of specific issues which needed attention.</td>
</tr>
<tr>
<td>1/24/2000</td>
<td>Fax to Gilchrist Specifications for securing doors and windows</td>
</tr>
<tr>
<td>10/12/2000</td>
<td>“No Trespass” letter filed with the police department</td>
</tr>
<tr>
<td>3/11/2002</td>
<td>Uniform Ordinance Summons. Vacant/open</td>
</tr>
<tr>
<td>3/14/2002</td>
<td>CEB Summary. Owner appeared and agreed to secure property, but failed to do so. Case referred to court.</td>
</tr>
<tr>
<td>4/8/2002</td>
<td>Livability Court. Guilty. Sentence suspended on condition that owner</td>
</tr>
</tbody>
</table>
secure the property within 14 days and applies for demolition by 4/15 deadline

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>4/19/2002</td>
<td>Structural Assessment (Caskie). Building in approximately same condition as 12/1999 inspection</td>
</tr>
<tr>
<td>5/22/2002</td>
<td>Application for demolition denied</td>
</tr>
<tr>
<td>6/3/2002</td>
<td>Livability Court. Guilty. Sentence suspended as long as property secured within 14 days and a sturdy fence is put up around the property.</td>
</tr>
<tr>
<td>1/11/2005</td>
<td>Uniform Ordinance Summons. Public nuisance-demolition by neglect</td>
</tr>
<tr>
<td>1/27/2005</td>
<td>Structural Assessment Update (Caskie). Building continues to deteriorate, but not beyond reasonable repair. Rated a 6 from an 8</td>
</tr>
<tr>
<td>2/7/2005</td>
<td>Livability Court. Owner requested continuance to obtain legal counsel</td>
</tr>
<tr>
<td>4/4/2005</td>
<td>Livability Court. Case continued again. Owner, Gilchrist, and city to exchange property appraisals within 2 weeks and he is to make sure property is secured</td>
</tr>
<tr>
<td>4/18/2005</td>
<td>Livability Court. Gilchrist ordered to have all four properties secured by the end of the week</td>
</tr>
<tr>
<td>11/28/2005</td>
<td>Livability Court. Consent order gives the defendant 14 days to secure financing for repairs and 30 days to do the repairs. If not done, the city will step in and do the work. Owner is also to understand the court outlined just temporary repairs and he must eventually repair the property.</td>
</tr>
<tr>
<td>12/20/2005</td>
<td>e-mail from Susan Herdina to Gilchrist’s lawyer. The 14 days allotted in the consent order are up and had not heard anything from Gilchrist so the city plans on beginning the work</td>
</tr>
<tr>
<td>7/17/2006</td>
<td>Notice of lien. $34,000</td>
</tr>
</tbody>
</table>

**Summary**

The four buildings at 193, 195, 197, and 1999 are one parcel of land and was purchased by Samuel Gilchrist in 1988. Structural reports indicate the ongoing deterioration of the properties mainly due to neglected maintenance. Building department records indicate no permits have been issued for the properties since 1992. The owner was denied permission to demolish the buildings in 2002 after which he failed to do any repairs. Vagrants actively use the property due to the buildings never being secured properly. By December of 2005, after three solid years of neglect, the owner still had not completed any repairs so the city stepped in and contracted the work. In July of 2006 a lien was placed on the property for $34,000. The properties are still in a state of neglect.
195 Jackson Street
## Property Timeline
### 197 Jackson Street

Number of Citations: 5

<table>
<thead>
<tr>
<th>DATE</th>
<th>NOTE/COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/7/1998</td>
<td>Notice of Violation. Ordered to secure property immediately as a threat to public health and safety.</td>
</tr>
<tr>
<td>11/16/1998</td>
<td>Environmental Court. Guilty. Fined $75</td>
</tr>
<tr>
<td>12/12/1999</td>
<td>Structural Assessment (Caskie). Rated a 7. Needs repairs but not beyond reasonable stabilization</td>
</tr>
<tr>
<td>12/15/1999</td>
<td>Letter from Caskie detailing events from visit to the properties. One vagrant was under the structure and was intoxicated. Access to interior obtained through a broken window. Drug paraphernalia present.</td>
</tr>
<tr>
<td>12/17/1999</td>
<td>Letter from Charleston Housing Authority. Want the situation at the properties addressed. Claims they are trash havens and visibly used by drug dealers, addicts, and prostitutes.</td>
</tr>
<tr>
<td>1/10/2000</td>
<td>Livability Court. Case continued for owner to apply for demolition</td>
</tr>
<tr>
<td>1/11/2000</td>
<td>Email from D. Rhoads to P. Pendergrass. Tried to assist Gilchrist with the demolition forms, which he refused and stated he would do them himself. The applications are sloppy and vague</td>
</tr>
<tr>
<td>1/2000</td>
<td>At owner’s request, housing inspector compiled a list of specific issues which needed attention.</td>
</tr>
<tr>
<td>1/24/2000</td>
<td>Fax to Gilchrist Specifications for securing doors and windows</td>
</tr>
<tr>
<td>10/12/2000</td>
<td>“No Trespass” letter filed with the police department</td>
</tr>
<tr>
<td>3/11/2002</td>
<td>Uniform Ordinance Summons. Vacant/open</td>
</tr>
<tr>
<td>3/14/2002</td>
<td>CEB Summary. Vacant/overgrown, trash and debris, doors and windows open to access. Owner appeared and agreed to secure</td>
</tr>
<tr>
<td>Date</td>
<td>Event</td>
</tr>
<tr>
<td>------------</td>
<td>------------------------------------------------------------------------</td>
</tr>
<tr>
<td>4/8/2002</td>
<td>Livability Court. Guilty. Sentence suspended on condition that owner secure the property within 14 days and applies for demolition by 4/15 deadline</td>
</tr>
<tr>
<td>4/19/2002</td>
<td>Structural Assessment (Caskie). Building in significantly worse condition due to the lack of integrity in the roof. Rating went down from a 7 to a 4.</td>
</tr>
<tr>
<td>5/22/2002</td>
<td>Application for demolition denied</td>
</tr>
<tr>
<td>6/3/2002</td>
<td>Livability Court. Guilty. Sentence suspended as long as property secured within 14 days and a sturdy fence is put up around the property.</td>
</tr>
<tr>
<td>1/11/2005</td>
<td>Uniform Ordinance Summons. Public nuisance-demolition by neglect</td>
</tr>
<tr>
<td>1/27/2005</td>
<td>Structural Assessment Update (Caskie). Building significantly degraded. Rated a 1</td>
</tr>
<tr>
<td>2/7/2005</td>
<td>Livability Court. Owner requested continuance to obtain legal counsel</td>
</tr>
<tr>
<td>4/4/2005</td>
<td>Livability Court. Case continued again. Owner, Gilchrist, and city to exchange property appraisals within 2 weeks and he is to make sure property is secured</td>
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<tr>
<td>4/18/2005</td>
<td>Livability Court. Gilchrist ordered to have all four properties secured by the end of the week</td>
</tr>
<tr>
<td>11/28/2005</td>
<td>Livability Court. Consent order gives the defendant 14 days to secure financing for repairs and 30 days to do the repairs. If not done, the city will step in and do the work. Owner is also to understand the court outlined just temporary repairs and he must eventually repair the property.</td>
</tr>
<tr>
<td>12/20/2005</td>
<td>e-mail from Susan Herdina to Gilchrist’s lawyer. The 14 days allotted in the consent order are up and had not heard anything from Gilchrist so the city plans on beginning the work</td>
</tr>
<tr>
<td>2/14/2006</td>
<td>Memo to file. 197 is in the worst condition of the Jackson street properties owned by Gilchrist. Chimney in a deteriorated state and left freestanding after a back addition was removed in order to stabilize the rest of the building. The chimney was taken down and stored under the building.</td>
</tr>
<tr>
<td>7/17/2006</td>
<td>Notice of lien. $34,000</td>
</tr>
</tbody>
</table>

**Summary**

The four buildings at 193, 195, 197, and 1999 are one parcel of land and was purchased by Samuel Gilchrist in 1988. Structural reports indicate the ongoing deterioration of the properties mainly due to neglected maintenance. Building department records indicate no permits have been issued for the properties since 1992. The owner was denied permission to demolish the buildings in 2002 after which he failed to do any repairs. Vagrants actively use the property due to the buildings never being secured properly. By December of 2005, after three solid years of neglect, the owner still...
had not completed any repairs so the city stepped in and contracted the work. In July of 2006 a lien was placed on the property for $34,000. The properties are still in a state of neglect.
## Property Timeline

**199 Jackson Street**

Number of Citations: 5

<table>
<thead>
<tr>
<th>DATE</th>
<th>NOTE/COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/7/1998</td>
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</tr>
<tr>
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<td>Environmental Court. Guilty. Fined $75</td>
</tr>
<tr>
<td>12/8/1999</td>
<td>Uniform Ordinance Summons. Vacant/open</td>
</tr>
<tr>
<td>12/12/1999</td>
<td>Structural Assessment (Caskie). Rated a 8. Needs repairs but not beyond reasonable stabilization</td>
</tr>
<tr>
<td>12/15/1999</td>
<td>Letter from Caskie detailing events from visit to the properties. One vagrant was inside the structure, four were drinking outside of it and proudly claimed they had cleaned up the site. Access to the interior obtained through the floor. Drug paraphernalia present.</td>
</tr>
<tr>
<td>12/17/1999</td>
<td>Letter from Charleston Housing Authority. Want the situation at the properties addressed. Claims they are trash havens and visibly used by drug dealers, addicts, and prostitutes.</td>
</tr>
<tr>
<td>1/10/2000</td>
<td>Livability Court. Case continued for owner to apply for demolition</td>
</tr>
<tr>
<td>1/11/2000</td>
<td>Email from D. Rhoads to P. Pendergrass. Tried to assist Gilchrist with the demolition forms, which he refused and stated he would do them himself. The applications are sloppy and vague</td>
</tr>
<tr>
<td>1/2000</td>
<td>At owner’s request, housing inspector compiled a list of specific issues which needed attention.</td>
</tr>
<tr>
<td>1/24/2000</td>
<td>Fax to Gilchrist Specifications for securing doors and windows</td>
</tr>
<tr>
<td>10/12/2000</td>
<td>“No Trespass” letter filed with the police department</td>
</tr>
<tr>
<td>3/11/2002</td>
<td>Uniform Ordinance Summons. Vacant/open</td>
</tr>
<tr>
<td>Date</td>
<td>Event Description</td>
</tr>
<tr>
<td>------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>3/14/2002</td>
<td>CEB Summary. Vacant/overgrown, trash and debris, doors and windows open to access. Owner appeared and agreed to secure property, but failed to do so. Case referred to court.</td>
</tr>
<tr>
<td>4/8/2002</td>
<td>Livability Court. Guilty. Sentence suspended on condition that owner secure the property within 14 days and applies for demolition by 4/15 deadline</td>
</tr>
<tr>
<td>4/19/2002</td>
<td>Structural Assessment (Caskie). Building in significantly worse condition due to the lack of integrity in the roof. Rating went down from an 8 to a 6.</td>
</tr>
<tr>
<td>5/22/2002</td>
<td>Application for demolition denied</td>
</tr>
<tr>
<td>6/3/2002</td>
<td>Livability Court. Guilty. Sentence suspended as long as property secured within 14 days and a sturdy fence is put up around the property.</td>
</tr>
<tr>
<td>1/11/2005</td>
<td>Uniform Ordinance Summons. Public nuisance-demolition by neglect</td>
</tr>
<tr>
<td>1/27/2005</td>
<td>Structural Assessment Update (Caskie). Building deteriorating at an increasing rate. Rated a 4</td>
</tr>
<tr>
<td>2/7/2005</td>
<td>Livability Court. Owner requested continuance to obtain legal counsel</td>
</tr>
<tr>
<td>4/4/2005</td>
<td>Livability Court. Case continued again. Owner, Gilchrist, and city to exchange property appraisals within 2 weeks and he is to make sure property is secured</td>
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<td>4/18/2005</td>
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<td>11/28/2005</td>
<td>Livability Court. Consent order gives the defendant 14 days to secure financing for repairs and 30 days to do the repairs. If not done, the city will step in and do the work. Owner is also to understand the court outlined just temporary repairs and he must eventually repair the property.</td>
</tr>
<tr>
<td>12/20/2005</td>
<td>e-mail from Susan Herdina to Gilchrist’s lawyer. The 14 days allotted in the consent order are up and had not heard anything from Gilchrist so the city plans on beginning the work</td>
</tr>
<tr>
<td>7/17/2006</td>
<td>Notice of lien. $34,000</td>
</tr>
</tbody>
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**Summary**

The four buildings at 193, 195, 197, and 1999 are one parcel of land and was purchased by Samuel Gilchrist in 1988. Structural reports indicate the ongoing deterioration of the properties mainly due to neglected maintenance. Building department records indicate no permits have been issued for the properties since 1992. The owner was denied permission to demolish the buildings in 2002 after which he failed to do any repairs. Vagrants actively use the property due to the buildings never being secured properly. By December of 2005, after three solid years of neglect, the owner still had not completed any repairs so the city stepped in and contracted the work. In July of
2006 a lien was placed on the property for $34,000. The properties are still in a state of neglect.
### Property Timeline
#### 193 Rutledge

Number of Citations: 2

<table>
<thead>
<tr>
<th>DATE</th>
<th>NOTE/COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>9/16/1996</td>
<td>Code Enforcement Inspection. Vacant, open to access. Needs exterior and interior repairs, painting, etc.</td>
</tr>
<tr>
<td>6/19/1997</td>
<td>Uniform Ordinance Summons. Samuel Gilchrist is the owner. Vacant, open to public access, needs exterior and interior repairs, etc.</td>
</tr>
<tr>
<td>6/24/1997</td>
<td>CEB Summary. Two story vacant wood house with open windows, collapsed rear garage, cars on lot and overgrowth. Property needs to be secured from weather and lot cleaned. Gilchrist will do the work. Asked John Tecklenberg for any economic assistance to help with the rehabilitation, does not want to sell property.</td>
</tr>
<tr>
<td>7/24/1997</td>
<td>CEB Summary. Gilchrist did not show. Attempt was made to clean the property. One window slightly open, building still needs extensive repairs. Board gave additional 30 days to complete work.</td>
</tr>
<tr>
<td>8/28/1997</td>
<td>CEB Summary. Gilchrist did not show. Open windows, collapsed rear garage, car and boat on property, overgrowth. Structure not secured from weather and lot needs cleaning. Rule to prosecute. Court date is 9/8/1997</td>
</tr>
<tr>
<td>3/31/1998</td>
<td>Order from fire official to immediately secure the property</td>
</tr>
<tr>
<td>5/14/1998</td>
<td>Payment Authorization. Tri-1 Services Inc. $596 for securing and boarding.</td>
</tr>
<tr>
<td>9/6/2000</td>
<td>Uniform Ordinance Summons. Trial is 10/23</td>
</tr>
<tr>
<td>9/15/2000</td>
<td>Letter to Gilchrist from D. Rhoads. Outlines work that needs to be done in order to be in compliance with the public nuisance ordinance.</td>
</tr>
<tr>
<td>9/15/2000</td>
<td>CEB Summary. Front building secure, rear one open. Several vehicles on property appear to be abandoned. Lot contains overgrowth and debris. Owner allows Ashley Plumbing to use property for parking in exchange for maintenance. Board allows 30 day extension for work to be done.</td>
</tr>
<tr>
<td>10/12/2000</td>
<td>CEB Summary. Rear building secure and some brush cut back. Collapsed garage and trash remain. Court date moved to 11/13</td>
</tr>
<tr>
<td>10/18/2001</td>
<td>Warning letter</td>
</tr>
<tr>
<td>12/4/2001</td>
<td>Letter to Tri-1 authorizing them to begin applying for permits to do the work for the house</td>
</tr>
<tr>
<td>12/2001</td>
<td>Legal notice placed in the paper, certified mail was returned</td>
</tr>
<tr>
<td>12/14/2001</td>
<td>Bill for Tri-1, $56,000</td>
</tr>
</tbody>
</table>
Summary

The man who owns this property, Samuel Gilchrist, also owns the properties on Jackson Street cited for demolition by neglect. A citation was first issued in 1997 stating that the building was open to public access and needed exterior and interior repairs. At the Code Enforcement Board meeting Gilchrist asked for any economic assistance that might be available to help with the rehabilitation as he did not wish to sell the property. Despite the several continuances to complete the work, it was not done and the city had to contract the repairs. Gilchrist was cited again in 2000 and in 2001 was sent a warning letter. In December of 2001 the city was billed for $56,000 for work done on the property indicating the owner yet again failed to complete the work. The file does indicate that in 2005 the lien against the property was satisfied. The property currently is still in need of some repairs, and could use more attention.
Property Timeline
137 Spring Street

Number of Citations: 3

<table>
<thead>
<tr>
<th>DATE</th>
<th>NOTE/COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>4/2/2001</td>
<td>Stabilization Plan (Caskie). Overall condition is relatively good</td>
</tr>
<tr>
<td>4/28/2003</td>
<td>Warning letter. Seriously deteriorated, poor condition, water entering freely through open windows and doors. Severely overgrown and littered with trash</td>
</tr>
<tr>
<td>1/26/2004</td>
<td>Case continued to 2/23</td>
</tr>
<tr>
<td>5/11/2004</td>
<td>Uniform Ordinance Summons</td>
</tr>
<tr>
<td>6/28/2004</td>
<td>Livability Court Order. Defendant failed to appear. Suspend sentence on condition that city has access to property to board up and repair. City will make repairs and place lien on the property. Bench warrant issued.</td>
</tr>
<tr>
<td>12/29/2004</td>
<td>Lien placed on property for $9,467.00</td>
</tr>
</tbody>
</table>

Summary

In 1996 the property is reported as being vacant and open to the public and a possible fire hazard. Five years later the structural report relates the overall condition of the building as relatively good. Two years later the owner is issued a citation and the property is now seriously deteriorated with water entering freely through windows and doors. Two tickets are issued within six months and in June of 2003 the court orders the city to contract the securing and stabilization and in December of that year a lien is placed on the property for almost $9,467.00. Another ticket is issued in February of 2005, but is later dismissed as the work was completed. The structure is still in need of repairs.
137 Spring
# Property Timeline
## 492 King Street

Number of Citations: 4

<table>
<thead>
<tr>
<th>DATE</th>
<th>NOTE/COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>8/24/1997</td>
<td>Post and Courier newspaper clipping. Vacant building on the corner of King and Mary suffered from a fire. Used to be Leon’s Men’s and Boy’s Wear.</td>
</tr>
<tr>
<td>9/1/1997</td>
<td>Structural Assessment. Done in conjunction with 490 because the two properties are contiguous. Unstable, rated 5. Rear portion requires shoring and bracing or demolition to alleviate potential for collapse. Front portion could be renovated and restored</td>
</tr>
<tr>
<td>10/14/1997</td>
<td>Code Enforcement Board Inspection Report. Shares interior wall with 490 which sustained most of the damage. Open to the public. Roof dormers have missing glass allowing for entrance of rain. Front and North side appear sound</td>
</tr>
<tr>
<td>10/14/1997</td>
<td>Uniform Ordinance Summons. Trial in November of 1997</td>
</tr>
<tr>
<td>4/16/1998</td>
<td>Uniform Ordinance Summons. Roof and Structure open to weather and public access</td>
</tr>
<tr>
<td>5/14/1998</td>
<td>CEB Summary. Building vacant and open. Some securing has taken place, section in rear of building needs to be secured</td>
</tr>
<tr>
<td>6/11/1998</td>
<td>Dismissed, nuisance abated</td>
</tr>
<tr>
<td>11/7/1999</td>
<td>Re-assessment of Structure (Caskie). Structure at 490 is separating from 492. Ledge on the façade of both structures on the King Street West side is separating with flashing and attachments deteriorated.</td>
</tr>
<tr>
<td>11/8/1999</td>
<td>Uniform Ordinance Summons. Open to weather and public access</td>
</tr>
<tr>
<td>3/19/2001</td>
<td>Uniform Ordinance Summons. Open to weather and public access</td>
</tr>
<tr>
<td>3/22/01</td>
<td>CEB Summary. Window previously boarded now open. No owner or representative present. No work done to abate nuisance. Prosecution scheduled for 4/9/2001</td>
</tr>
<tr>
<td>1/13/2002</td>
<td>Structural Assessment Update (Caskie). If structure is to be saved, some work must be accomplished soon</td>
</tr>
<tr>
<td>10/14/2003</td>
<td>Warning letter from D. Rhoads. Received complaints and found building open. Sent another letter on 10/27/2003</td>
</tr>
</tbody>
</table>
Summary

The file for the property starts in August of 1996 with a Code Enforcement Board Inspection which notes that the building is vacant and open to public access, the collapsed roof, and extreme damage. After four various citations, in 1997, 1998, 1999, and 2001, little to no work had been done to halt the deterioration and in 2003 the Property Standards Administrator sent another warning letter concerning complaints about the status of the building. In December of that year a letter was received from the owner stating intents to develop the property and the case was dismissed the following month. File ends.
Property Timeline
233 Ashley Avenue
Number of Citations: 3

<table>
<thead>
<tr>
<th>DATE</th>
<th>NOTE/COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>6/27/1996</td>
<td>Code Enforcement Board Inspection Done. Rental units, one occupied, the other is empty. Needs painting and exterior repairs</td>
</tr>
<tr>
<td>3/12/1999</td>
<td>Property inspected by D. Rhode. 7 windows and 2 doors need to be secured. Someone living on the first floor</td>
</tr>
<tr>
<td>7/29/03</td>
<td>More pictures taken of property. Windows/dormers still open and need repair-vegetation still on building</td>
</tr>
<tr>
<td>7/30/03</td>
<td>Warning letter-must immediately secure and stabilize-will inspect again in one week, if repairs not done, summons will be issued</td>
</tr>
<tr>
<td>9/11/03</td>
<td>Uniform Ordinance Summons. Court date 10/6/03</td>
</tr>
<tr>
<td>12/19/03</td>
<td>Uniform Ordinance Summons. Court date 1/26/04</td>
</tr>
<tr>
<td>1/26/04</td>
<td>Guilty-continued to 2/9 if Samuel Peterson meets with city before 1/30/04 to discuss repairs</td>
</tr>
<tr>
<td>2/9/04</td>
<td>Guilty-$1097 in fines</td>
</tr>
<tr>
<td>3/1/04</td>
<td>Guilty-City shall hire the contractor and place fees as a lien against the property</td>
</tr>
</tbody>
</table>

Summary
After several inspections and two citations issued over the course of eight years with no repairs done by the owner, the city contracted the work and placed a lien against the property.
## Property Timeline
### 303 East Bay Street

Number of Citations: 1

<table>
<thead>
<tr>
<th>DATE</th>
<th>NOTE/COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>9/22/1997</td>
<td>Letter from the Historic Charleston Foundation. Property deserves attention as a demolition by neglect case. Out of town landlords do little to maintain it. Damaged by fire and nothing done to restore it. Received complaints from tenants in the back house concerning violations of building standards and fire codes.</td>
</tr>
<tr>
<td>9/24/1997</td>
<td>Letter from adjoining property owners. Formal request to consider 303 a demolition by neglect case. Its close proximity creates a dangerous situation, also sanitation and pest threats.</td>
</tr>
<tr>
<td>10/6/1997</td>
<td>Structural Assessment (Caskie). Rated a 5, fire damaged rear addition posed and immediate threat and required demolition as soon as possible</td>
</tr>
<tr>
<td>3/18/1998</td>
<td>Letter from Robert Gurley, Assistant Director of the Preservation Society. He received concerns expressed by members about the lack of repairs for the fire damage and the rat and termite infestation.</td>
</tr>
<tr>
<td>4/3/1998</td>
<td>Ordered to immediately secure from public access pursuant to the Standard Fire Prevention Code</td>
</tr>
<tr>
<td>4/6/1998</td>
<td>Letter from the Olhansien’s stating they tried to reach someone concerning the repairs that needed to be done, and could not reach anyone and were awaiting instructions</td>
</tr>
<tr>
<td>4/20/1998</td>
<td>Letter from Barbara Olhansien. Very upset about the actions taken by the city taken to secure the building.</td>
</tr>
<tr>
<td>10/14/1998</td>
<td>Memo from D. Rhoads to Lana Wyndham. Received complaints concerning 303 and wanted to pursue demolition by neglect proceedings</td>
</tr>
<tr>
<td>11/9/1998</td>
<td>Letter from Casey Murphy to Rhoads. Claims 303 is an eyesore and unlivable. His carriage house share as zero lot line with 303 and there is a rat, termite, and bat infestation. He has not seen any improvements since the fire, claims the Ohansien’s are two practicing attorneys who own two other properties downtown</td>
</tr>
<tr>
<td>11/30/1998</td>
<td>Letter from Greg Olhansian to D. Rhoads. Goes into a long explanation of the situation and finances involved. Want to restore the building but basically the city’s fault for not approving plans and removing source of income to pay off mortgage. Claims termites did not originate with him and that there are no termites</td>
</tr>
<tr>
<td>1/27/1999</td>
<td>Letter from D. Rhoads to Olhansiens. Sends the proper construction and various permits and stresses the importance of moving forward</td>
</tr>
</tbody>
</table>
with the repairs, otherwise the city would step in.

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2/2/1999</td>
<td>Structural Assessment (Caskie) rating? Most concern is the masonry wall in the NW corner, visibly leaning to the N with a crack that is of some concern. Exposed to significant water damage, and mortar is in question.</td>
</tr>
<tr>
<td>?</td>
<td>Email from D. Rhoads to Mayor J. Riley. Issued summons in mid October and appeared in court 11/17. Met the owners at the site afterwards to review work done. Closed all openings in the rear addition and were open about future plans, not contracting the work, doing it themselves. Roof in good condition and the house is structurally sound.</td>
</tr>
<tr>
<td>12/15/2003</td>
<td>Case dismissed.</td>
</tr>
</tbody>
</table>

**Summary**

The file on the property begins in 1997 and continues through 2003. There are several letters that go back and forth between the owners, the Olhansiens, and the city with many hard feelings involved. Much of the city, including the Historic Charleston Foundation and the Preservation Society, want to see something done with the property and are frustrated with the absentee landowners. The latest structural assessment, conducted in February of 1999, notes the visible lean, significant water damage, and questionable state of the mortar. While the work on the house was progressing slowly, it was enough to get the case dismissed in December of 2003.
# Property Timeline

## 17 Hampden Court

Number of Citations: 4

<table>
<thead>
<tr>
<th>DATE</th>
<th>NOTE/COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>8/15/1996</td>
<td>Code Enforcement Inspection Report. Vacant, open to access of weather and vagrants, lot overgrown, miscellaneous trash. Two story wood dwelling in fair condition, porch and roof section is heavily damaged and about to collapse.</td>
</tr>
<tr>
<td>1/25/1999</td>
<td>Uniform Ordinance Summons</td>
</tr>
<tr>
<td>1/28/1999</td>
<td>CEB Summary. Vacant and open to public access. Porches unstable, interior contains both trash and debris and shows signs of vagrant activity. Owner agreed to begin work on the property.</td>
</tr>
<tr>
<td>2/25/1999</td>
<td>Nuisance abated, ticket dismissed.</td>
</tr>
<tr>
<td>9/19/2000</td>
<td>Structural Assessment (Caskie). Unstable because of overall poor condition of the porch system and rear addition. Slight visible lean to the East, foundation settling or compression of sills due to rot. Rated 6</td>
</tr>
<tr>
<td>12/4/2000</td>
<td>Structural Assessment (Caskie). Re-inspected due to a fire in the NW corner of the structure. Fire significantly affected the porch and the brick façade.</td>
</tr>
<tr>
<td>12/4/2000</td>
<td>Uniform Ordinance Summons</td>
</tr>
<tr>
<td>6/4/2001</td>
<td>Dismissed in court, property sold</td>
</tr>
<tr>
<td>7/31/2003</td>
<td>Warning letter from D. Rhoads to East Charleston LLC. House in poor condition, seriously deteriorated, water entering freely through several openings and a severely overgrown lot with trash and debris.</td>
</tr>
<tr>
<td>7/21/2004</td>
<td>Uniform Ordinance Summons.</td>
</tr>
<tr>
<td>8/9/2004</td>
<td>Dismissed-work completed</td>
</tr>
<tr>
<td>4/27/2006</td>
<td>Warning letter to Warrick! LLC. Roof if falling in, temporary coverings deteriorated, easily accessible to vagrants and there is evidence they are using the property</td>
</tr>
</tbody>
</table>
Summary

The file on this property dates back to 1996 with serious neglect issues throughout the file, which ends in 2006. It was cited four different times due to unstable porch and rear addition and in 2000 there was a fire in the NW corner of the building, probably due to the significant vagrant activity in the house. In June of 2001, the property was sold and then in July of 2003 a warning letter was sent to the development company who owned the property; the house was seriously deteriorated with water entering freely. The ticket was dismissed in 2004 and in April of 2006 another warning letter was sent which noted the roof was falling in and was easily accessible to vagrants. The structure has currently been renovated.
Property Timeline
60 America Street

Number of Citations: 0

<table>
<thead>
<tr>
<th>DATE</th>
<th>NOTE/COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/18/1999</td>
<td>e-mail between John Deehan, Sandra Foster, and Robert Russell. Decide the Historic Preservation Club will provide labor for the stabilization of the property</td>
</tr>
<tr>
<td>3/26/1999</td>
<td>Warning letter</td>
</tr>
</tbody>
</table>

Notes:
- ESCC runs office from the first floor and rents out the second floor space
- Contact Russell about work done
- Picture of today/what happened

Summary
Due to the unstable condition of the house and the financial need of the property owner, Robert Russell and the Historic Preservation Club volunteer to do the stabilization work for the owner. No ticket on file.
Property Timeline
78 America Street

Number of Citations:  0

<table>
<thead>
<tr>
<th>DATE</th>
<th>NOTE/COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/9/1998</td>
<td>Code Enforcement Board Inspection Done</td>
</tr>
<tr>
<td>5/21/1998</td>
<td>City paid for emergency stabilization/secure and boarding up</td>
</tr>
<tr>
<td>12/30/1998</td>
<td>City filed a lien against the property</td>
</tr>
<tr>
<td>9/29/1999</td>
<td>Stabilization Plan compiled by Caskie</td>
</tr>
<tr>
<td>10/22/1999</td>
<td>Warning Letter sent-in noncompliance with 21-66 of Charleston City Code</td>
</tr>
<tr>
<td>4/12/2000</td>
<td>Same letter from 10/22 sent again</td>
</tr>
<tr>
<td>5/8/2000</td>
<td>Owner files for a 90 day extension. Purchased the property at the end of 1995 to restore for use as a rental property. Could not find a contractor within his price range, and in the process of selling it</td>
</tr>
<tr>
<td>9/12/2000</td>
<td>Lien satisfied</td>
</tr>
</tbody>
</table>

**Summary**

While the file for this property beings in 1998 and continues for two years, there are no citations issued, just warning letters and structural assessments are on file. In 1998, the city contracted the emergency stabilization and filed a lien. In 2000, the owner filed for an extension as he was trying to sell the property due to a lack of funds to hire a contractor. A few months later the lien was satisfied, but unclear who paid. Today the structure appears to have been recently restored.
# Property Timeline

## 590 and 592 Rutledge Avenue

**Number of Citations:** 2

<table>
<thead>
<tr>
<th>DATE</th>
<th>NOTE/COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>7/21/2001</td>
<td>CEB Summary. Three one story wood frame buildings, currently vacant with multiple openings. Lot is in good condition, vagrants observed using the buildings. Owners, Gloria’s Florist Inc., hope to demolish buildings and redevelop property. Agree to secure property. A rehearing was scheduled.</td>
</tr>
<tr>
<td>12/30/2003</td>
<td>Warning letter. Seriously deteriorated, water entering freely through several openings.</td>
</tr>
<tr>
<td>1/6/2004</td>
<td>Letter to Mayor Riley from Herbert Fielding. His daughter owns buildings and wants to create her shop by tearing one of the buildings down and the city won’t let her. Fielding states he believes a takings claim could be filed against the city.</td>
</tr>
<tr>
<td>1/8/2004</td>
<td>Memo to Mayor Riley from Eddie Bello. The property at 590 and 592 contain three freedman’s cottages from the mid to late 1800s. BAR denied application to demolish in 2000 because of historical value and good condition. The structural report supplied by the defendants was faulty and no valid takings claim could be filed. The property owner has not performed visible work or maintenance.</td>
</tr>
<tr>
<td>2/17/2004</td>
<td>Uniform Ordinance Summons</td>
</tr>
<tr>
<td>2/25/2004</td>
<td>Letter from mayor to Fielding. The freedman’s cottages that his daughter owns are important to the city and should not be demolished. The city is willing to help his daughter with a development plan.</td>
</tr>
<tr>
<td>3/11/2004</td>
<td>Letter. Fielding wants to apply for an extension, claim they cannot get a hold of anyone for some assistance and that they do have a basis for a takings claim because they have been not allowed to develop their property. An e-mail from Debbie to the mayor refutes all of their claims</td>
</tr>
<tr>
<td>6/28/2004</td>
<td>Case deferred for 6 months. Defendant shall continue to maintain property.</td>
</tr>
</tbody>
</table>
Summary

590 and 592 are contained in the same file and all the information contained therein relates to both properties. There are actually three houses contained on the two properties and all are freedman’s cottages. The owner wanted to demolish one of them in order to fulfill her plans for a florist shop and was denied a demolition permit. After the denial, no work had been done and the houses were deteriorating rapidly due to lack of maintenance. Several letters went back and forth and the owner and her father claimed they had a basis for a takings claim. In 2004 the family involved the mayor and the case was deferred for six months during which time the defendant was ordered to maintain the property.
<table>
<thead>
<tr>
<th>DATE</th>
<th>NOTE/COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>8/11/1994</td>
<td>Code Enforcement Inspection Report. Building reached practical obsolescence and is extremely deteriorated, has active termites, decay and is in an unsafe condition. Portions may collapse at any time.</td>
</tr>
<tr>
<td>10/22/1998</td>
<td>CEB Summary. Last appeared before board on 9/18, continued to allow owners to apply for demolition permit. Received approval but only for the collapsed piazza and rear addition. Lost additional siding in a storm. Some portions were secured, but some were not. Continued, owners will meet with Caskie.</td>
</tr>
<tr>
<td>11/2/1998</td>
<td>Supplemental Residential Structural Assessment. Unstable, rate a 5. Porch and rear structure should be demolished, but main structure in better condition than both of them</td>
</tr>
<tr>
<td>11/18/1998</td>
<td>CEB Summary. No owner or representative present. Requested continuance due to conflict with changed meeting date.</td>
</tr>
<tr>
<td>12/10/1998</td>
<td>CEB Summary. Building secured, nuisance abated, owner still needs to clean overgrowth from lot.</td>
</tr>
<tr>
<td>4/20/2000</td>
<td>Letter from owners’ lawyer to D. Rhoad. Retained a general contractor and a structural engineer. Plan to shore up the outside and to further stabilize the interior in order to increase interior stabilization efforts.</td>
</tr>
<tr>
<td>4/24/2000</td>
<td>Letter from D. Rhoad to lawyers. Realize they are working on the property but want to reach a resolution</td>
</tr>
<tr>
<td>5/2/2000</td>
<td>Letter from D. Rhoads to lawyers. The lawyers inquired about her office’s position on the demolition of the property. She informed the lawyers that the property owners would have to apply for demolition through the BAR and as an interested party, she would not be able to comment.</td>
</tr>
<tr>
<td>3/4/2001</td>
<td>Structural Stabilization Plan. Previous inspection was 15 months ago and the structural elements that were previously intact are now deteriorated. Overall condition significantly worsened and stabilization</td>
</tr>
</tbody>
</table>
is not considered economically viable or structurally sound, rated a 2

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/5/2001</td>
<td>Uniform Ordinance Summons. 21-52. issued to both owners separately</td>
</tr>
<tr>
<td>11/8/2001</td>
<td>CEB Summary. Owner’s attorney called and requested deferral to next hearing to allow for preparation time</td>
</tr>
<tr>
<td>11/29/2001</td>
<td>CEB Summary. Vacant/open to public access. Structural engineer reports that building is very unstable. Owners fear for contractors safety if they attempt to secure openings</td>
</tr>
<tr>
<td>2/12/2002</td>
<td>Memo of results of Livability Court. Case dismissed.</td>
</tr>
</tbody>
</table>

**Summary**

The file for this property begins in 1994 and continues to worsen through 2002. While it was only cited twice, the Code Enforcement Board met several times concerning the property and the owners. The Property Standards Administrator argues over the issues in the structural report and the safety issues involved, with the property owners basically twisting the words of the engineer and claiming the structure was unfit for rehabilitation. During the continued delays and debates over the years, little to no work was done for the securing and stabilization of the property which just continued to worsen till it was rated a 2 in March of 2001. The last citation was issued in 2001, which after several months, the case was dismissed in February of 2002.
## Property Timeline
### 25 Warren Street

Number of Citations: 2

<table>
<thead>
<tr>
<th>DATE</th>
<th>NOTE/COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/1/1997</td>
<td>Uniform Ordinance Summons. Issued to James Westendorff</td>
</tr>
<tr>
<td>12/18/1997</td>
<td>CEB Summary. Vacant, second level windows open, rear portion open. Roof open, abandoned vehicle. Interior damaged by weather, miscellaneous stuff on property. Owner wants to rehabilitate and is working with Jonathan Poston. Already replaced roof and porch</td>
</tr>
<tr>
<td>1/22/1998</td>
<td>CEB Summary. Cleaned the property and removed the car, some securing done. Roof and some siding needs to be secured.</td>
</tr>
<tr>
<td>2/12/1998</td>
<td>CEB Summary. House in worse shape. Roof still needs to be secured, secure windows and re-board entrance door.</td>
</tr>
<tr>
<td>2/26/1998</td>
<td>CEB Summary. Open/vacant. Tarp on the roof, but the tarp is not doing enough to secure the opening. Window on the second story, east side still open. Roof still needs to be secured and windows boarded.</td>
</tr>
<tr>
<td>3/12/1998</td>
<td>CEB Summary. Same as 2/26. Westendorff not in appearance for either board meeting. Move for prosecution, court date is 3/23</td>
</tr>
<tr>
<td>3/26/1998</td>
<td>CEB Summary. Nuisance abated, ticket dismissed before the court date</td>
</tr>
<tr>
<td>12/14/1998</td>
<td>Letter faxed to D. Rhoad. Letter addressed to the Historic Charleston Foundation from the President of the Radcliffborough Neighborhood Association. The property owner at 25 Warren was granted an easement by the HCF but never lived up to the terms of the easement as any restoration has yet to take place. The writer called it a “flagrant case of demolition by neglect”</td>
</tr>
<tr>
<td>1/19/1999</td>
<td>Structural Assessment (Caskie). Unstable, rated a 2 due to the significant deterioration and rot and/or termite damage on the major structural elements. The rear of the second floor portion has been either demolished or collapsed due to deterioration and roof has been repaired but is still allowing a significant amount of water intrusion.</td>
</tr>
<tr>
<td>2/3/1999</td>
<td>Warning letter</td>
</tr>
</tbody>
</table>
Summary

The property was first cited in December of 1997 and through March of 1998 the Code Enforcement Board tracked the owners progress with repairs till finally the nuisance was completely abated and the ticket dismissed. In December of 1998 a letter was faxed to the Property Standards Administrator from the neighborhood association noting that the owner never lived up to the easement granted by the HCF and accused the owner of demolition by neglect as any major restoration had yet to take place. By the following month a structural assessment was conducted which rated the structure as a 2 with a significant amount of rot and termite damage along with water intrusion. A warning letter was sent in February, and a stabilization plan was created in March of 1999 which noted the severe deterioration, and the file ended. The house currently appears to be a sound structure.
Jason Martin:  It does, but the problem is, where it does, what we’re doing now is looking at citywide demolition by neglect, demolition delay, as opposed to one that’s just in the historic districts.

Meg Richardson:  I see

J.M.:  And even though we’ve got it in the historic districts, we don’t use it in the historic districts.  So, the kind of the idea of this is to try and figure out a way to do it that actually, that works.

M.R.:  Right, that’s tough.  Well, the demolition by neglect was first added, where there other cities or models for ideas?

J.M.:  The original one?

M.R.:  The latest one

J.M.:  Yeah, we’ve been looking at other cities and trying to figure out how other cities do it.

M.R.:  Let’s see.  How much of a problem do you think demolition by neglect is in the city?

J.M.:  I don’t think it’s a humongous problem.  What we’re trying to do is, trying to educate the building officials…as to being a little more cautious with the buildings before they decide that the need to be demolished.  …before they just sigh its death certificate.  …kind of a process in place, a discussion about it at least first.

M.R.:  Is it mainly intentional, like developers, or are there some people that can’t afford it for maybe financial reasons?

J.M.:  I think a lot of it is more for financial reasons.  There’s the occasional, I don’t think it’s really based around developers.  There’s just not that kind of development going on where and they don’t have the time to let their building be neglected, they have to come in and do that.  They’re on a time frame.  Usually, it’s more, though….but I think it’s at a much smaller level.  Previously in the city, when the housing markets were maybe not as good, it probably happened…a lot more, but nowadays they have to…it’s not quite at the level it was a decade ago.

M.R.:  Do you feel that the current demolition by neglect ordinance in the preservation ordinance is strong enough?  What do you think are the various strengths and weaknesses of it?
J.M.: I don’t think it’s strong enough. The way the current ordinance is written, it goes to the city council so immediately it becomes a political process and that’s the reason it’s never been enacted to begin with. So, it’s the language that…it was a good idea to put it into the language and then no one has done anything about it since mostly because when they read it, they go oh my god, this is a political quagmire, we’re not even going near here. So, and in the current process, the city council currently isn’t involved in any type of discussion with the working group that’s working on this in the mayors office so I’m not sure how far we’re going to get with this anyway cause in the end we’re going to go to the council and since they haven’t been involved, they may be upset about it. So it’s one of these things where it’s hard to…you know in our case what happens is…eventually work would be done on the building, someone would be hired by the council or the councils representative to go into the building that was being demolished by neglect and put a lien on the building to get the cost back. So one of the immediate questions that comes up, well who’s going to secure the building to begin with? So that’s one issue. The other issue, idea is just trying to fix a building that is somebody else’s property. …two very kind of obvious problems with the way it’s written.

M.R.: Another thing that’s written into the preservation ordinance is that is says the Historic District Commission will help an owner find alternatives to demolition. Does that happen a lot?

J.M.: Well, see, that’s in a local historic district. In a local district, you can’t tear anything down without getting permission from the Historic District Commission to begin with. People will typically, at least in our residential districts, people don’t come in to ask to demolish contributing structures anyway. If they were to, they wouldn’t get approval for it unless it was some extenuating circumstances that, you know, like if there was a fire or any safety hazard. We don’t have a tear down problem or anything like that where people are trying to tear down houses or anything like that where people are trying to tear down houses to build warehouses or small houses or anything like that. In the industrial and commercial buildings district which is a different kind of district, its like…it’s larger, for the most part, brick buildings that are on big lots…those kinds of things…that isn’t necessarily as full blown as we think of a historic district like the residential districts are. The only thing the board reviews is demolition and these are…and in those cases there’s three guidelines where demolition is approved. So as long as the building isn’t one of the most, you know, if the building is really significant then they’re going to have a problem obviously. If it’s not the most significant building and they can meet one of those criteria then the board is going to approve the demolition. Again, that doesn’t happen a lot, at least in the current climate. Rhode Island’s got a very strong state invest tax credit so usually in those kind of districts people are coming in, it’s a rehabilitation to, rehab to residential use and they’re going for tax credits so, beside the fact that we kind of have the kind of jurisdiction over them, they’re going through SHPO’s offices and getting tax credits and they’re reviewing the whole project so and they’re not going to let them take any significant factor out of the project to begin with.

M.R.: I think, actually, that’s about it unless you have any other thoughts or anything about general…
J.M.: It’s just, you know, it’s just the way we’re looking at it as staff, is that in the end, what’s the point? What are we trying to accomplish with this? If the accomplishment is to protect buildings that are significant and then you know, I tell the powers that be is that, well, what we should do then is we’ve got a number of individually listed National Register buildings in the city that are protected by local jurisdiction those should be landmarked. We’re going to, part of the executive order is that we’re doing a survey to see what buildings in the National Register and the locals are endangered and if, are being demoed by neglect, that kind of thing and try to figure something out about them. Although I’m hesitant to give the building officials a list of buildings that they could quite easily probably condemn. So it becomes that kind of thing where you kind of have to be careful with it. There’s a lot of legal issues involved with it that haven’t really been thought out well by the politicians yet. The Historic District Commission doesn’t have jurisdiction that aren’t in local historic districts. So when they tell, when the executive order says the HDC will oversee any demolition of any building within the National Register district, we don’t have that power and his order doesn’t give us that power. It doesn’t make that legally binding. It has to become an ordinance or it has to be codified into the law and most of our stuff is state law which gives us a lot of power. We’re not going to change the state law any time soon as ever so in the end it might become an ordinance and ordinances are easier than state law, so we’ll see. The good thing is, it starts as conversation. Like most preservation, it’s reactive, not proactive. This is reactive to things that have happened recently, a kind of a way for the mayor to show people that he’s concerned and that he understands and he wants to work on it. That being said, what’s come out of this committee, which only has nineteen days to come up with conclusions and…. There should be a longer framework of discussion that comes out of this and maybe we get something better in the end. So I’m certainly optimistic.

But, it’ll be interesting, we’ll see. I keep telling them if we could just landmark the, there’s about fifty National Register individually listed buildings in the city that aren’t already protected by a local, if we just get those land marked, I think that would be a good result. You know, but, the whole thing with demolition delay, I think we could get a city-wide demolition delay in but the powers that be are very hesitant to say you know well any building in the city even thought to be fifty years or older will be in this demolition delay. They’re not very eager to do that because that’s ninety-five percent of our building stock. So they see that as being a hindrance. I keep telling them, well, you know, it’s hard to kick in the National Register buildings, the SHPO doesn’t usually, although I’ve noticed other cities that’ve done it, they don’t like being singled out saying, you know, when they tell someone we’re going to list your building on the National Register, people kind of freak out at first when they’re told that. Because they think there’s all this jurisdiction on them and they go, now, there’s no jurisdiction, it just makes you eligible for…there’s no stick. Well, they have to say except in Providence…So it becomes a thing of, again, find the resources that you think are significant and protect those locally and that’s the best you can do in the situation we have in this city at least. As much as Providence is known for being a very historic city and being good about preservation, that’s a lot of propaganda too. So the reality of it is that, the city itself, the city doesn’t offer people within local districts, we have no programs to help people in
districts. We’re just a regulatory review body that is a stick. There’s no property tax credits, there’s no revolving funds…for local buildings. None of that, none of those characters exist to entice owners into wanting to do this. They think of it mostly, they don’t, you know, the whole bettering, you know, preserving your past so that the future will know about it argument doesn’t work with these people. They want to know where’s the money. …

When the burden of financing everything is place purely on the owner, they want to go on the path of least resistance or even less. It’s a constant kind of battle with education, trying to tell people that don’t listen to what the sales people are trying to tell you or what the TV shows that are sponsored by the sales people are trying to tell you…It’s a hard sale.
Karen Jessup Interview, February 20, 2008
Karen Jessup, Ph. D., Interview. Jessup was formerly Chair of the Board of Advisors for the National Trust for Historic Preservation as well as the chairwoman of the Historic District Commission for Providence and the Providence Preservation Society. She currently serves as a board member of the Providence Preservation Society.

Karen Jessup: I don’t know whether you are aware, I guess you are, of our mayor’s special study commission looking at demolition issues of all kinds and hoping to include demolition by neglect. Now I should preface that by saying one of the problems of that study commission and these are certainly my personal opinions but you are very welcome to put them in your paper, I don’t have any problem with that at all, is that the entire commission is made up of city employees, except for one person, so obviously citizen input is quote “advisory” where as the decision makers are all city employees which I think is very problematic. For any community from just a general public policy planning theory perspective, but that’s the way the mayor wants it and I think it’s a huge problem. Secondly there’s supposedly on a very fast track for making changes to the city ordinance with respect to any legal adjustments relating to demolition of historic properties. So April sometime is when they are going to report out. Now if you establish a commission to review very complex issues that relate to changes to a local ordinance and potentially state law and you expect to do your work in two months and you expect to get a progressive or reasonable set of recommendations out of this with only city employees with one other person having direct input into the process, I think you’ve got a flawed process, but the preservation commission here is going with that for now. I was at a meeting for the board of the Providence Preservation Society yesterday, we’re going with that now and seeing what comes out of this process. So you’ve got some public policy issues in general and …this is as you probably are very tuned into, an issue of public policy in a community with valuable historic resources recognized around the country whether it’s proper or not to recognize Providence as progressive in its preservation sensitivities, recognized around the country as being a very preservation oriented community. So we’ve really slipped back in Providence. We are no longer, in my opinion, and because I’ve been Chair of the Board of Advisors of the National Trust, I’ve been all over this country and I work in England and Scotland, I know in Providence we have really slipped in terms of our preservation advocacy and our public policy and the demolition by neglect and the whole demolition policy in the city are prime examples of how we slipped. So, in any event…does that make sense as sort of background information to your questions?

M.R.: Why do you think the city has kind of slipped? Do you think they just…they feel like they’ve reached this plateau and they just feel comfortable where they are and so they feel like they are a leader in preservation so they don’t really need…

K.J.: I think that’s part of it. I think the Providence Preservation Society, the 501c3 citywide education and advocacy organization which is 53 years old now has gone through a period of board and staff turbulence and we’ve had for many years of our existence as an organization a very stable staff and a very activist board and that changed about eight to ten years ago. So we took our eye off the ball, but we also had financial
issues to deal with, staff turnover to deal with, board capacity issues. So the primary citywide nonprofit watchdog became less efficient for several reasons. So that was one issue. Another issue is we’ve had so many other problems in Providence with really terrible public schools, with a mayor who went to federal prison for a variety of things, but un, in any event that certainly stopped the momentum. We’ve got a downward spiral in the real estate market after a very aggressive real estate market and we’ve had a statewide not for profit that’s been through a lot of problems but is much more stable now. So I think there have been a variety of forces that have impacted the slide in preservation awareness around Providence and still in comparison to many communities that preservation awareness is pretty high, it just has not been effectively channeled by the Providence Preservation Society. One of the good things that’s happening in Providence is that some very activist neighborhood groups are getting together and stepping up, including a couple that are really effective and very savvy and are staffed and are pushing the demolition issue in general and the demolition by neglect issue in particular. If you haven’t spoken with Kari Lang at the West Broadway Neighborhood Association, I’m going to give you her contact information and you may use my name and schedule a phone appointment with her… Now, Kari’s neighborhood organization is very savvy, very activist and one of several in Providence that is taking head on the issues of public policy and the built world, including preservation and her brief or her organizations brief is far broader but she’s been very worried and the organization has about demolition and demolition by neglect. So I think the positive thing is that these neighborhood organizations are really getting a stronger public voice and more political clout. So that makes me pretty optimistic, but I think to answer your question, that’s why Providence has really slipped in its preservation advocacy, the awareness has been here, the forces to channel it in to effect public policy have been weak, but that may hopefully be changing.

M.R.: Ok, great.

…

K.J.: Now, let me get back to your questions. So do you want to just go through the interview questions or do you want me…what, how is the best way for you to work this?

M.R.: I guess if you just kind of went through and answered them. I don’t necessarily have to call them out for you unless you would like for me to.

K.J.: Ok. Well, I’ve got them up on my screen. We have a demolition by neglect statute in the city of Providence, it’s never been used, and that is a big problem because we have the tools but the planning department hasn’t implemented them. …So that demolition by neglect ordinance arose out of, maybe ten years ago, maybe twelve years ago, the Providence Preservation Society’s deep concern during a previous real estate boom, that the underlying land values of historic properties were outstripping the value of the building and the land together. In other words, the land was more valuable if you didn’t have the building on it.

M.R.: Right
K.J.: Because you could redevelop it, you know, with new construction. And so the Providence Preservation Society, maybe ten to twelve years ago, got really nervous about the possibilities of demolition and the actualities of demolition. So the organization pushed for a demolition policy and as part of that broader demolition policy, it addressed the issue of demolition by neglect.

M.R.: Ok

K.J.: Now the problem with that is, we learned yesterday at our board meeting, is that a) the city has never used that power b) the demolition by neglect ordinance does not deal with any building that is outside of a local historic district.

M.R.: ok

K.J.: So, for example, about half of the buildings, a little more than half, of the National Register listed structures in Providence are subject to the demolition by neglect statute even it were used, which its not. And you probably have already discovered that the whole demolition by neglect issues is tied very closely into two other public policy issues. One is the issue of economic hardship.

M.R.: Right

K.J.: Which we have state law which defines the economic hardship. I used to be the chair of the Providence Historic District Commission a number of years ago and we got state law passes that defined economic hardship. So that’s one of the other public policy issues that effects demolition by neglect and then the other one clearly is just basic building codes.

M.R.: Right

K.J.: If you allow a building, for example, or a site, or a historic property or any property to become a public safety hazard which is what a lot of developers, property owners, and building officials say is the trigger for demolition, well, it’s a public safety hazard; we’ve got to get rid of it. IF you allow a building to deteriorate and you don’t follow basic building code inspections, then there’s something wrong with the way the building code is enforced. Because if you have on the front of your house a step that’s rotted through on your porch that’s going down to the sidewalk, they can cite you for unsafe conditions. If you allow a building to get so deteriorated, where are the building inspectors while the deterioration is going on?

M.R.: Right

K.J.: So there’s these two other issues that very much effect the demolition by neglect, specifically in Providence, but more generally everywhere. So all of these demolition provisions in Providence and city ordinances were put in place, I’m thinking ten to
twelve years ago. I could be totally wrong on the dates, but not that far, after a great amount of study the Providence Preservation Society looking at demolition issues around the country and putting together files of what they found relating to what other cities do, un, to prevent or hopefully address the issues of demolition by neglect. So there was a lot of study that went into it before Providence enacted these ordinances. The problem in Providence has been, they have the ordinance on the books but the city officials haven’t evoked them and the public policy advocacy and the public watchdog process has been weak.

M.R.: Ok

K.J.: So you can have, I guess the bottom line in Providence is, you can have the best, most informed, I’m not saying ours are best, but you can have very good ordinances at the municipal level and at the state level addressing these various issues but if they’re not enforced, which has been the case here in Providence, you’re in deep trouble.

M.R.: Right

K.J.: And we’ve had three very substantial demolitions recently because of demolition orders by a city building official who does not, is not a structural engineer, but has the power to issue these demolition orders of historic buildings. We’ve had three very recent ones. So, the issue of the Grove Street School which is in court and I don’t know whether you’ve heard about the Grove Street School, but Kari Land can tell you more detail about that.

M.R.: Right, I think I saw that online

K.J.: yep and then the Police and Fire Station. Not a fabulous building but an important structure in the streetscape and now we’ve got a vacant lot there which is probably going to sit there for a long time and then the most recent which would be the Providence Fruit and Veg. Warehouse. And that just came down two weeks ago, I think, three weeks ago. And that, it was really demolition by neglect. Now there are two other wrinkles here in Providence. The Police and Fire Stations was owned by a public entity, the city, until they transferred it to a developer. The city let it rot. But it was not structurally unsound because we had an independent, very highly qualified structural engineer look at the building. And then the Providence Fruit and Veg. Warehouse was owned by the state of Rhode Island. They moved in and they let it fall apart, the state did. So we have both the city and the state public authorities that have transferred these properties to developers in really bad shape, although not technically unsound. They became home to vandals.

M.R.: Right, that’s incredibly frustrating

K.J.: Yeah, very frustrating, but you know, cities and states, city and state governments don’t always have to follow local ordinances and that’s another wrinkle that I suppose that you’re going to have to deal with. …structure owned by a public entity, a city, state, county, it doesn’t have to follow the local ordinances. Now if it’s federally owned that’s
entirely different. And you probably know about how federally owned buildings have to be maintained if they’re historic, but that’s an entirely different issue.

M.R.: Yes mam

K.J.: Demolition by neglect is not such as issue for federal buildings because there are affirmative executive orders that regulate that federal property be looked after and not allowed to deteriorate. So at city, state, and country, owners of historic properties that often see themselves as above or outside the law. So that compounds the problem. So the preservation community in Providence was very instrumental in getting these laws on the books but then the preservation community didn’t hold city officials feet to the fire to be sure that they were followed.

K.J.: And what’s the cause of the problem of demolition by neglect? Property owners who know they can get away with letting a property deteriorate and then they know they have a building inspector here in Providence that’s going to say oh, it’s a public safety hazard. And he’s not a structural engineer, he’s not a civil engineer, he’s not an engineer at all. He just feels and he can do this without even going into the building.

K.J.: So who polices the guidelines on a day to day basis? It’s supposed to be our planning department and our building officials, Building Inspections and Standards. And the enforcement process doesn’t work. So you say how does the enforcement process work, it’s not enforced, but we have to take responsibility as citizen advocates for the fact that is doesn’t work because the preservation community hasn’t, until now, until these three big demolitions, each of which involved…we haven’t been advocates for forcing the city to use what’s on the books to prevent these problems.

M.R.: Ok

K.J.: So why does a property owner allow a building to be demolition by neglect? Why does a property owner allow a building to just fall apart so that the city will condemn it? Well, first of all, they know the city of Providence will allow it to happen and doesn’t enforce its ordinance. Secondly, the underlying land values are higher or a developer perceives them to be higher if the land is entirely cleared. But I think that the main cause of demolition by neglect is lack of preservation advocacy.

M.R.: Ok

K.J.: And yeah, it is financial. Does it stem from intentional or financial reasons? Well, on the part of the property owner, it is very much financial because the property owner/developer, when the city transferred these two buildings, says oh great, I can get a cleared site, I’ll be allowed to take down this historic building and build whatever I want cause I know the city will let me cause the city wants immediate tax revenue. Which they could get as easily through a rehabilitated building but the developers don’t want to deal with that.
M.R.: Ok

K.J.: So do I feel our ordinance reflects the various causes and needs of the city? It probably needs to be reviewed but it probably is a very good one still, it’s the enforcement that is lacking.

M.R.: Ok

K.J.: Is there a good working relationship between the Historic District Commission and nonprofit organizations? I would say in general, yes. But we also have something called a Downcity Review Commission, the DRC, which is not technically an historic district commission and that is a mess. The HDC is very good I think, but the DRC that has jurisdiction over a lot of places that the HDC does not have jurisdiction is a mess. And that’s because the mayor appointed a very nice, well meaning chair who doesn’t know anything about running public meetings and he’s been sued and the commission’s been sued because of procedural irregularities. So, the HDC does not have the capacity and the DRC definitely does not have the capacity to help an owner find alternatives to demolition.

So you want to talk about the Revolving Fund?

M.R.: Yes, I am very curious about the revolving fund.

K.J.: Well, since I’m a former chairman of the board of the revolving fund and one of the original incorporators twenty-eight years ago, I know a lot about the revolving fund. It is a sister organization of the Providence Preservation Society, the two are entirely, legally separate. They’re staffed separately, they’re budgeted separate and the Providence Revolving Fund, it is not longer called the Providence Preservation Society Revolving Fund, it is the Providence Revolving Fund which is capitalized at, I think, about eleven million, has been very successful, beyond our wildest imaginations. We are a nonprofit developer, lender, rehabilitation counselor and service provider to the historic resources in Providence. We target to two shall we say economically distressed neighborhoods plus portions of downtown Providence through a special fund for downtown. But the Revolving Fund really has no relationship to the demolition by neglect issue because it does not compete with the private market, by choice, in property redevelopment. It’s the developer of last resort. … And it dose have a lot of financial clout. It has a very effective, stable, technically capable staff. It is not involved in preservation advocacy. It is involved in direct property development issues. And it works in large measure with a pretty low income population.

M.R.: Why was it separated? Did they just feel it would work better as a separate organization?

K.J.: Well, I’ll tell you why it was separated. Because the parent organization or the founding organization, the Providence Preservation Society, was really worried the
Revolving Fund would go belly up right away and with such a high risk organization, by definition, we wanted to be high risk, that we would jeopardize the endowment of the parent organization. So the parent organization didn’t want to betide to the Revolving Fund when it was established because they were worried that the Revolving Fund would make imprudent financial decisions that would jeopardize the endowment of the Providence Preservation Society. But what has happened is that the Revolving Fund has grown from a financial perspective so much faster and better, more effectively than its parent organization so it’s stupid what the Providence Preservation Society did by separating the two and there were long discussions about this. It was really stupid. If the Providence Preservation Society had invested its endowment in the Revolving Fund they would have done far better in realizing their income from their endowment that the way they invested it through private markets. It’s sort of very ironic that the two were separated because the Providence Preservation Society was so worried the Revolving Fund wouldn’t be financially responsible because of the high risk nature of our work.

M.R.: Right

K.J.: That they didn’t wan the Revolving Fund to screw up the endowment of the Providence Preservation Society when in fact over the years, and the Revolving Fund is now I guess, what, twenty-seven years old, has done so much better on a bottom line, even in a high risk real estate environment. It was high risk because it would take property or work with property owners who weren’t bankable.

M.R.: Right. Why do you think it ended up being so incredibly successful, because it obviously is?

K.J.: Yes, because it works in bricks and mortar and it can show immediate progress. In other words, it can drive a donor by a dilapidated building and say we can fix this up. We need your money, we’ll use it. And then it can drive that same donor...by and say, see a year later this is a contributing building earning or contributing to the tax base of Providence. So that’s one thing, it’s highly physically visible. The second reason why it’s been so effective is that it has had very capable, very stable administrations and it’s got a small board of highly qualified technical people that can make instantaneous decisions. Whereas the Providence Preservation Society has a board of some thirty people, which I think is way too big, that’s my personal opinion. The Revolving Fund has a very small board, I think its nine people, we started with seven. And everybody on that board is a highly technical specialist, bank president, architect, preservation advocates, real estate financing wizards, lawyers. So that’s why the Revolving Fund has been really successful and, in many respects, people in the community who don’t know a lot about the two organizations and their history think of the revolving fund as the Providence Preservation Society and isn’t it wonderful, just because the Revolving Fund has been remarkably successful and won all kinds of national honors. And most of the staff people have been there for years and years and years and they haven’t burned themselves out. …So organizational stability and technical expertise on board and staff I think are the real difference between the Providence Preservation Society and the Revolving Fund and that’s my personal opinion and I don’t mind being quoted on that.
M.R.: I’ve been doing a lot of research and I’ve been having a lot of trouble with how the demolition by neglect ordinance itself progressed so when you were hired, what did it look like, the demolition by neglect ordinance? Was it in the public nuisance or somewhere else?

D.H.: Let me think. When I was hired, the, I believe, bear in mind this was almost ten years ago. I believe it was part of the preservation ordinance. and I think it still is. I think it was part of the pres ordinance only. Upon the request of the BAR, the pres officer shall initiate an action. And I think that it still does say that the BAR can request an action be started. The ordinance was changed in about 1999, 20000 maybe. I think it was 1999 cause I was hired in 1998, late 1998. Cause the preservation officer at that time, Charles Chase, I had worked for Charles, so I went and talked to Charlie and said you don’t have time to do this and I do want to do it and it makes sense for me to do it. So we went to the city attorney and said here’s the deal, what do we need to do? She said we need to amend the ordinance so that the PSA is the one to do it, and for whatever reason, I guess because I dealt with the public nuisance ordinance; they put that in there to. What’s really ironic is that now just yesterday I e-mailed one of the deputy attorneys and said now that there is no property standard administrator, nobody can do it cause the ordinance specifically says the property standards administrator has to do this.

M.R.: Do you know why?

D.H.: Cause they just decided not to do it, not to hire.

M.R.: Was it monetary?

D.H.: No, when they created the livability court, I think the idea was that the livability court would take over and kind of…it’s a more immediate…writing someone a summons is a faster and more efficient way of dealing with things and the idea was the livability court officer would kind of take over a lot of things

M.R.: So, Corp Robinson would be in charge?

D.H.: Yeah, it kind of goes with the job. It was Sgt. Riccio. The thing is, as far as he’s concerned, you can just tear them all down. It’s not anything against him, he doesn’t know anything about preservation, and it’s not his job. As far as he’s concerned, the buildings in bad shape, tear it down. That to me is a problem. My guess is we are going to have to amend the ordinance back again and put demolition by neglect enforcement back under the BAR staff. Nobody else’ll do it.
M.R.: Is it, is the city concerned at all about the situation or do they have their mind in other places? Are they aware of the situation?

D.H.: I think it’s more of a matter of not being aware. Cause to, again, the building inspections office, technically, I guess could say “this building is in bad repair, you need to stabilize it” Whatever form stabilization might take, whether it’s boarding up windows… Well, I’ll give you a for instance. On upper Rutledge, Jabbers on Rutledge, at Rutledge and Huger, right across the street, there’s a house, probably, I would guess 1890 to 1910 right around 1900 has double piazzas on the front, nice turned columns and little ginger bread spindly things. The porches are sagging. They’ve been braced for awhile and building inspections just issued an order to the owner, you need to do something with this. They are hanging over the sidewalk and vagrants hang out on the wall in front, not only vagrants, but other people. These porches are going to fall on somebody. Their response it to take them down. What can you do? They’re a hazard they need to come down. Luckily the building inspections office is pretty good about working with us to make sure they don’t just issue an order and the porches get ripped off and thrown away. You know, we kind of have to approve it if it’s done for safety reasons, I went out there and took good pictures so we have documentation and put a condition on there that it’s to be salvaged, whatever material they can. It reused at some point reconstruct the porches, as I said to the owner… “You realize this house is worth more to you with the porches on than without. Cause Jabbers won’t be there forever”.

D.H.: It’s frustrating. There are only some many hours in the day and so much money. And the other thing. We have no money. The BAR staff, we can’t go in and stabilize, all we can do is write a summons. You know, money is with the code enforcement people, the livability court. And again, it’s not much; I don’t know how much it is now.

M.R.: Well, when you were working, was there a good relationship between the livability court and the code enforcement board and the other officers of the city, the building inspectors, that kind of thing?

D.H.: Well, the code enforcement board has not met since livability court was created. It was never taken out of the ordinance, never sort of repealed, but in reality, the livability court kind of just took over. It sort of not quite negated, it made it unnecessary, the whole point of the code enforcement board was to work with people with owners, to get everyone up to the table to talk about how the problem could be fixed. Well, if you’re writing people a summons, then it’s kind of, its kind of ironic, counterproductive. You can’t write a summons with one hand and say how can we fix this with the other. You give them the opportunity to fix it and if they don’t, then write them a summons. When the livability court was created, it kind of made the code enforcement board ineffective, it’s not the write word though. Also, I chaired the code enforcement board, part of my job, and when I started writing the summons, it was like a conflict of interest.

M.R.: When did that start? When it was rewritten or after?

D.H.: I think it was in 2000.
M.R.: So the process just so I’m clear. Anyone could come to you and you would look at it and after it. When looking at the case files, especially with the two different processes, I kind of got confused.

D.H.: The code enforcement board and summons? The process started with a complaint. I could be the complaint. Most of the time it was responding to citizen complaint, the citizen could be anyone or it could have been something I just happened to notice. When the code enforcement board was active, before 2000 if you will, I didn’t actually take the lead on an action. I didn’t write summons, all I could do; I could call the prop owner and kind of negotiate with them. The actual power to enforce it lied with the building inspections office. So what I would usually do, if I happened to take the complaint, I would say “hey, here’s the complaint, here’s the address, if you have a chance to check it out”. So prior to 2000, I was more of an administrative person, more of a managerial type. I handled the budget and kind of directed what was supposed to, what needed to happen. When the livability court was created it was just, actually, created about the same time the ordinance was created. My memory is a little fuzzy on the dates. It was about the same time. I was getting a little frustrated because when you’re trying to get somebody else to do something, after a point it gets to be “get out of the way, let me do it”. I wanted to do it. Cause you can imagine when I’m getting the calls, my name is out there as the person to call with a complaint, but then I couldn’t really do anything about it. But the public doesn’t want to hear that. They call with a complaint and then a week later nothing has been done. They call back and well I told them, that’s all I can do. So, I said, let me do it. So I got the authority to write summons, so I started prosecuting cases in court. That was part of the reason to have the code enforcement board go defunct. I couldn’t prosecute someone in court and sit across a table from someone and say let me help you. So basically, as the process evolved, my role in it, had it been a different person in the position it might have evolved differently, but I really don’t think it would. The idea for the livability court came from outside the city. Judge Maloney heard about similar thing, I think in Durham NC, and he said, hey this is a great idea, lets try this. Basically said to me this is how this is going to be. I was very bitter about it at first. We have this process in place, why are you changing it? Judge Maloney, he was just the right person to do that, to make that happen. I was opposed to it at first, but I saw very quickly this was actually a good thing.

M.R.: What change, were there any changes that you would have made, would like to see, to make it more effective, besides more money, cause that always helps?

D.H.: Definitely, the number one, this relates to code enforcement as a whole. It needs to be centralized. It does not need to be, this aspect is handled out of public service and this aspect of it is handled out of the police department and this aspect of it is handled out of the preservation division and this aspect of it is handled out of the zoning division. It needs to be centralized. Wherever it ends up being, whether is the police department or public service or whether a new department, code enforcement department is created, it need to be all brought together so there’s one central location, all the enforcement all of the money is in one location and there is one uniform process.
M.R.: Your budget, was it mainly used to pay for the structural assessments or, mainly, how was the money used? Mainly for demolition by neglect and it was used for...in the early days it was used less for stabilizations, more for demolitions. Cause more of the focus was, again, this was not specifically demolition by neglect, there was buildings that were ruins, there is no saving them, lets get the worst of the worst dealt with then we’ll try to deal with the ones that can be stabilized. By the time I came along, about three years into it, the worst of them had gone, there were only maybe ten or so that had to be demolished. After that, because of my interest in preservation and my background, I was interested more in stabilization. So, I would say, relatively a small percentage went to structural assessments, maybe 20-30%. If I sat down to do the math I might be off, but that’s my impression. Mainly because our engineer, I don’t know if he cut us a break or not, but he only charged us $300 or $400 dollars per assessment, which is a good price. If we were going to go in and do stabilization and selective demolition and patch walls, put a temporary roof, he would do a plan for us and charge $750 to $1,000, depending on the job. The engineering work did not end up costing us as much as the actual construction work. So the majority of the budget went toward the actual abatement. You have to bear in mind too; the same budget was not only paying for the engineering services, not only for construction work, but also for clean up. Because I also handled cleaning up lots. In the summertime, a higher percentage of the budget went toward cutting grass. I think there was only one year we ran out of money early. I was usually able to make it stretch out, although December would usually be pretty slim pickings. I think one year we ran out in like October.

M.R.: Did a lot of liens get paid off? Was that an effective enforcement system?

D.H.: It wasn’t as effective if we had a mechanism to actually force the sale of the property. Partly politically, but also just legally, we for whatever reason, I don’t exactly understand how has to work, we never did actually pursue recovery. We only got the repaid if the property sold.

M.R.: How could you enforce the sale? Could you use eminent domain or something?

D.H.: No, I think eminent domain the city ends up with the property. We didn’t want all of these properties we didn’t have a use for. Now that said, there were some, probably maybe 20 over the years that we actually did target and ended up acquiring a lot of them for affordable housing. The housing office said they were looking at doing a sweep to acquire some properties and what do you think about these? Get them cleaned up and turn them over. The problem was we acquired a bunch of them and then sat on them for about five years and they just continued to deteriorate. There were several discussions over the years about pursuing recovery because at one point we had about $300,000 in liens. If we could have recovered it, there would be that much more we had to work with. The real estate market did more for code enforcement in the city than we ever could have. The value of properties was so high, even knowing they couldn’t demolish the buildings, they had to fix them up, if you were a contractor and able to do the work yourself, you were going to make a profit than if the building was in bad shape.
M.R.: Any particular cases you remember as being difficult or frustrating?

D.H.: Probably, there were a few people who have or had, some of them are dead now, who have several properties and every single house they own is in terrible condition, holes in the roof and leaning, why do you have these things if you’re not going to do anything with them? I can remember two, ones still alive, ones dead. Some people just know how to work the system. I think that’s the case in any job, there’s going to be that person who’s the thorn in your side and you cringe when you see them. I can think of a couple of them in this job. Actually one of them is a roll over; I had run ins with this person when I was in code enforcement, now a different side of business. He buys dilapidated buildings, he’s a contractor, he does good work, but he was just difficult to work with.

M.R.: Samuel Gilchrist, is planning on using those properties?

D.H.: He’s the one who’s still alive.

M.R.: Was the other one the 62 Montague guy?

D.H.: No, in fact, that’s one of the ones, 62 Montague was one of the ones that prompted the change in the ordinance to allow me to do it, demolition by neglect citations. I sent a notice to the owner, for whatever reason, maybe she challenged it, I don’t remember. The city attorney said you can’t do this, you don’t have the authority. It looked terrible, structurally it’s in pretty good shape, but that was 8 years ago. They were before the BAR two weeks ago for the out house. She’s a little on the odd side.

Mr. Gilchrist is well known, I think probably everyone that works for the city probably knows him. I think he’s probably alienated everybody at some point. He’s scary. He’s a little on the scary side. He doesn’t trust anybody as far as I can tell, and the feeling is mutual. He wants to do something for the property.

M.R.: So he’s just waiting for the houses to fall?

D.H.: Yep. I think we have a 34,000 or 37,000 lien on the house. That was the single biggest project I ever worked on in terms of cost. Chief Rusty called me last week, no, Monday of this week and it was open again, people staying in there.

M.R.: In one of the case files he owned one on Ashley I think


M.R.: And it looks fine,

D.H.: Yeah, he sold it, swore he never would, but he did. We actually did some work on that one. I think that was pre-summons. Sent him the notice, served him properly, either
you do it or we’re going to, he ignored it. We sent the contractor out there, waited the 30 days like we were supposed to. He happened to ride by, contractor called me. Said there was a problem, so instead of us paying the contractor, he picked up and did it. That was a big deal. His lawyer stormed in to the city office and there were meetings. The work got done and that was the main thing. There was a rear addition that was collapsing; I think we had to remove it.

M.R.: The one on 303 East Bay, near Harris Teeter, are they still working on it, cause it looks the same.

D.H.: That’s another I used to get calls about all the time. I think they put up a new fence. That was one of the early summons cases. The people that own it, they live in Bennettsville, SC, the Olhansiens. They own a property on Broad Street too, can’t remember which one. I summoned them and didn’t hear anything, didn’t hear anything, didn’t hear anything. Day for trial comes and they show up in court. So I explained to the judge what was going on. Actually the guy was a lawyer, actually they both are. He told the judge they are working on the house and were willing to take me and show me the house. I met him over there one day, it’s the weirdest thing, it looks like its falling down. They’re working from the inside out. It’s bizarre. You look at the outside and it looks like hell, you go inside and again, this was some years ago, at the time, they had two rooms. Cause they do it themselves. It’s their hobby; it’s what they like to do. They come down on weekends and you know we’re talking like picking out the plaster, scraping the mantel and painting, you know, refinishing the floor and this was probably five or six years ago. They had two rooms which were just gorgeous. They were starting on the third at the time. I went back in front of the judge two weeks later; I said I would like to dismiss the case. I have no idea why they’re doing it this way. Its clearly, it’s not neglected, it just looks bad.

M.R.: Do you know if they plan on removing the piazza on the side?

D.H.: Yeah, it was enclosed at one point and they took off the enclosure. I think they probably do plan to restore it at some point, but just who knows when…

M.R.: 590, 592 Rutledge…they were trying to file a takings claim or something…there was this woman who owned them and wanted to turn them into flower shops…

D.H.: Oh yeah, the Fieldings and they turned out to be real nice people.

M.R.: Well, they look good now.

D.H.: They sold them and because they wanted to demolish them and when I cited them they wanted to tear them down and you can’t tear them down, they’re freedmen’s cottages and that’s kind of a sad case cause when they sold them, the guy who bought them renovated them and there’s really nothing left of the original, I mean, just the shape. It’s like everything in there is brand new. You know, on the other hand, they were in
such bad shape anyway that there really wasn’t much. You know, put it this way, you know I think they’re hardy planks and you know…

M.R.: That was the other question I had. I’m a little confused. The Old and Historic Section says that the BAR only has purview over what’s visible from the public view. Does that apply to the codes, like the public nuisance, demolition by neglect?

D.H.: No, the reason is that… You’re right, BAR has jurisdiction over what’s visible from the public right of way. The nuisance codes don’t have that restriction. It doesn’t matter if it’s visible or not really.

M.R.: So you could go for a kitchen building in the back that you couldn’t really see?

D.H.: Yeah, it’s, there’s a little bit of wiggle room there if you will. If somebody has, for instance, one that I’ve heard many times, if somebody has complained that their neighbor’s yard is unsightly, maybe they have just a lot of stuff in their yard and it’s behind a privacy fence, the nits a little more difficult to say that they have to clean it up. On the other hand, if its trash, you know, garbage, that kind of stuff or even if its not trash, if its perfectly good stuff but its piled up haphazardly, you know, its holding water so mosquitoes can breed, rats are in it, you can still make them clean it up, even if you can’t see it and that’s kind of the real issue, because public nuisances are often involved with health, health and safety. Its life building codes, it doesn’t matter if you can see it or not, if it’s unsafe, you gotta fix it, so…and that’s the reason it’s because of the health and safety issues…

M.R.: Does the new ordinance have anything about the demolition by neglect cause I haven’t looked at it yet?

D.H.: The new preservation plan?

M.R.: Yeah

D.H.: It does and I think there are a couple of thoughts. One is, it’s very subjective, again, because at what point does it cease to be deferred maintenance and become demolition by neglect? How far do you let it go? You know? If it’s got a hole in the roof, it’s pretty obvious, that needs to be fixed. Can you make somebody paint their building if the paints peeling? You know, so, that ones a tough one. Lack of staff time, lack of money, those are all always issues but I really think the harder thing is knowing where do you, when is it time to stop in? Un and to answer your direct question, yes, the plan does address the issue and it says as the 1974 plan said and as the ordinance says, you know, this is a problem and needs to be dealt with effectively and efficiently and I think the question always is , but how? How do you deal with it? It’s never as quite as simple as you think it would be…
DIVISION 3. ABATEMENT; ARCHITECTURALLY OR HISTORICALLY SIGNIFICANT STRUCTURES

Sec. 21-66. Determination of public nuisance; standards; right to hearing; stabilization; collection of costs.

The procedures contained in this section shall apply to historically or architecturally significant structures as defined in section 21-51.

(a) Upon a recommendation by the board of architectural review, the city preservation officer or the chief building official for the City of Charleston, or upon the initiative of the property standards administrator, the city shall apply the following standards to determine if an architecturally or historically significant structure constitutes a public nuisance as herein defined and is in need of stabilization. In making said determination, the property standards administrator shall request and receive a recommendation from the city's chief building official concerning the structural status of any building in question. The following standards shall be applied in making said determination:

1) Structural element: All foundations shall support the structure as originally constructed, and at all points shall be free of holes, wide cracks and buckling. Floors, exterior walls and roofs shall be free of holes, wide cracks, and loose, warped, protruding or rotting boards or any other condition which might admit moisture or other elements. Masonry joints shall be maintained. Exterior surfaces exposed to the weather shall be repaired and painted to protect them from further deterioration.

2) Windows, doors and bulkheads: Windows, exterior doors and wood siding shall be watertight.

3) Flashings, gutters and ventilation: Exterior flashings, including those at chimneys, doors, and windows shall be maintained in good repair. Downspouts and gutters shall be maintained so that rain runoff is directed away from the structure. Foundation and attic vents shall be maintained to ventilate the crawl and attic spaces.

4) Stairways, porches and appurtenances: Inside and outside stairways, porches and appurtenances thereto, shall be maintained in good repair.

5) Rodent and termite infestation: Structures shall be free of termite and rodent infestation to insure the maintenance of the structure.

6) Security and utilities for unoccupied buildings: Buildings which are no longer occupied shall be secured from public access and all utilities shall be properly connected or disconnected.

7) Maintenance and accessory structures: Ancillary structures and accessory buildings shall be maintained in good repair. Tree limbs shall be trimmed away from the building and tree roots shall be cleared away from the foundations to maintain the structure(s).

(b) Upon a determination by the property standards administrator that a structure constitutes a public nuisance which is supported by a recommendation from the chief building official, the property standards administrator shall notify the owner of the property pursuant to the procedures outlined in 21-62(b) and (c) of this article, that the necessary stabilization repairs shall be made within thirty (30) days from the date of the
notice. If an owner objects to the decision of the property standards administrator, he shall have a right to a hearing pursuant to the procedures outlined in section 21-64 (b) of this article. In the event that the owner fails to make the necessary repairs to the property, the city shall order the necessary stabilization repairs to be made to the property, the cost shall become a lien upon the real estate and shall be collectable in the same manner as municipal taxes.
# RECOMMENDATIONS FOR CHARLESTON

1. **Discard the Public Nuisance Approach**

<table>
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| • In the Public Nuisance Section under the Fire Department  
• Policed by officers  
• Prosecuted by Livability Court | • Move to the Preservation Ordinance  
• Regulated by the Department of Design, Development, and Preservation  
• Include amendments for financial aid, strict enforcements, etc. with move to the preservation ordinance |

2. **Improve Enforcements**

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| • Weak fine system, only up to $1,097  
• Lien System with no way to force return | • Increase fines  
• Force the return of the lien  
• Equitable remedies  
• Stricter demolition punishments (scorched earth, reconstruction) |

3. **Add Administrative Relief**

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| • Small fund for the abatement of public nuisances | • Revolving Fund  
• Low interest loans provided by the city |

4. **Build Support**

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<td>• Public is not happy with the current demolition by neglect ordinance, calling for a new one for the new preservation plan</td>
<td>• Rewrite ordinance with the help of the public and nonprofit preservation organizations to build the support necessary to support a demolition by neglect ordinance.</td>
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Sec. 8-3030. Historic district.
(a) **Purpose.** The purpose of the historic district is to promote the educational, cultural, economic and general welfare of the city pursuant to the provisions of the amendment to Ga. Const. art. XI, ratified November 5, 1968 (1968 Ga. Laws, page 1591). These provisions provide for the preservation and protection of historic buildings, structures, appurtenances and places that are of basic and vital importance for the development and maintenance of the community's vacation-travel industry, its tourism, its culture, and for the protection of property values because of their association with history; their unique architectural details; or their being a part of or related to a square, park, or area, the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on economic, cultural, historical or architectural motives or purposes.
(b) **Boundaries.** The boundaries of the historic district shall be the area bounded on the north by the Savannah River; on the east by Randolph Street between the Savannah River and Broughton Street and by East Broad Street between Broughton and Gwinnett Streets; on the south by Gwinnett Street; and on the west by West Boundary Street. The boundaries designated on the zoning map of the City of Savannah as the boundaries of the historic district shall coincide with the boundaries of designated herein.
(c) **Historic board of review.**
(1) **Creation and composition.** There is hereby created an historic board of review (hereinafter referred to as the "board") which shall consist of 11 members appointed by the mayor and aldermen who shall be residents of the City of Savannah interested in the preservation and development of the historic district. Such board shall include one or more representatives from a preservation-related profession such as architect, architectural historian, attorney, or restoration contractor.
(2) **Jurisdiction.** The jurisdiction of the board shall include those elements of development, rehabilitation, preservation or demolition that affect the exterior visual quality of the historic district, specifically including exterior appearance of structures within the historic district. The board shall not consider the interior arrangement of structures.
(3) **Terms of office.** Board members shall serve a term of three years and shall be eligible for reappointment for an additional term of three years. A member who has served for two successive terms of three years each shall not be eligible for reappointment for a period of two years after the termination of his or her second term. The term of a board member may be terminated and a new member appointed in the event the board member fails to attend any three consecutive board meetings or in the event of failure to attend any four meetings in any 12-month period.
(4) **Serve without pay.** Members of the board shall serve without pay.
(5) **Organization.** The board shall elect from its membership a chairman and vice-chairman. The term of office for each such position shall be one year. No member shall serve for more than two successive terms in the same office.
a. **Chairman.** The chairman shall preside over the board and shall sign all certificates of appropriateness approved by the board.
b. **Vice-chairman.** In the absence or disability of the chairman, the vice-chairman shall perform the duties of the chairman and in so serving shall have the same duties and authorities as the chairman.

The preservation officer shall serve as secretary to the board and shall maintain the records and minutes of the board.

(6) **Quorum.** Seven members of the board shall constitute a quorum.

(7) **Rules of procedure.** The board shall adopt rules, not inconsistent with the provisions set forth in this section, for the transaction of its business and consideration of applications. Such rules shall provide for the time and place of regular meetings and for the calling of special meetings. All meetings of the board shall be open to the public; and a public record shall be kept of the board's resolutions, proceedings and actions.

(8) **City preservation officer.** The executive director of the metropolitan planning commission, or his designee, shall be the city preservation officer. The preservation officer shall receive and review all applications for certificates of appropriateness and shall make recommendations for approval or disapproval of the applications to the board.

(9) **Meetings.** The board shall hold regular meetings, but no less than one meeting each month, to review applications for certificates of appropriateness.

(10) **Calendar.** Applications shall be docketed and placed upon the calendar of the board, in numeric order, according to the serial numbers of the applications.

(11) **Appeals.**
a. Decisions of the preservation officer may be appealed to the historic district board of review.
b. Decisions of the board of review may be appealed to the zoning board of appeals as provided in section 8-3165.

d) **Relationship to zoning districts.** The historic district regulations are intended to preserve and protect historic or architecturally worthy buildings, structures, sites, monuments, streetscapes, squares, and neighborhoods of the historic district. In all zoning districts within the boundaries of the historic district, the regulations for both the zoning district and the historic district shall apply. Whenever there is conflict between the regulations of the zoning district and the regulations of the historic district, the regulations of the historic district shall apply.

e) All structures within the historic district shall be classified and designated on the historic building map adopted and approved by the mayor and aldermen and made a part of the zoning map. As used in this subsection, the term "structure" shall include any "building". Such structures shall be divided into two classes:

(1) **Historic.** Structures which possess identified historical or architectural merit of a degree warranting their preservation shall be classified s historic for purposes hereunder. All buildings listed in the architectural survey book "Historic Savannah," second edition, published by Historic Savannah Foundation, 1979, or in the historic building map adopted and approved by the mayor and aldermen shall be considered "rated" and worthy of preservation and shall be classified as "historic" for purposes hereunder. A historic structure is one which meets the following criteria:

i. Is 50 years old or older; and
ii. Is associated with events that have made a significant contribution to the broad patterns of local, state or national history; or

iii. Is associated with lives of persons significant in our past; or

iv. Embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represents a significant or distinguishable entity whose components may lack individual distinction.

(f) Certificate of appropriateness required.

(1) Certificate of appropriateness approved and issued by the board shall be required before a permit is issued for any of the following, except as hereinafter provided:

a. Demolition of an historic structure located in the historic district.

b. Moving a structure into or within the historic district and moving an historic structure out of the historic district.

c. Material change in the exterior appearance of existing structures located in the historic district by additions, reconstruction or major alterations.

d. Any new construction of a building or appurtenance or structure subject to view from a public street or lane.

e. Addition or change of awnings.

f. Material change in existing walls, fences and sidewalks, or construction of new walls, fences and sidewalks subject to view from a public street or lane.

g. Erection or placement of any illuminated sign, or of any other sign(s) exceeding three square feet in size, except as provided for in section 8-3116.

(2) In cases where a building permit is not required, a certificate of appropriateness shall be required before construction can begin.

(3) A certificate of appropriateness approved by the preservation officer, under procedures established in the rules of the board, shall be required before a permit is issued for certain minor repairs. The list of minor repairs shall be set by a majority vote of the entire membership of the board and may be added to or deleted from by a majority vote of the entire membership of the board.

(g) Posting of property. Except for minor repairs as defined in subsection (f)(3), a sign giving at least ten days’ notice of a public hearing on a request for a certificate of appropriateness shall be erected on the premises of the building or structure for which a certificate is being requested. Such sign(s) shall be furnished by the preservation officer; shall be weather-resistant; shall have a minimum size of 22 by 28 inches; shall show the application number; a statement of the proposed action, the scheduled date, time and place of the hearing, and the telephone number to call for further information. Such signs shall be erected within ten feet of any traveled public right-of-way or lane (if the proposed action is visible from such lane) to which the structure abuts and/or faces. The lower edge of the sign shall be of sufficient height to be read from the roadway.

(h) Removal of signs. The applicant shall not remove the sign until a decision on the application has been rendered by the board. If an application for demolition is denied by the board, the applicant shall not remove the sign for the period of time set forth in subsection (k)(2), "Demolition of historic buildings."

(i) Application for certificate of appropriateness. Application for a certificate of appropriateness shall be made to the office of the preservation officer on forms obtainable at said office. Drawings, photographs, plans and specifications shall show the
proposed exterior alterations, additions, changes or new construction in sufficient detail to enable the board to make a decision as to the merits of the proposal. Such application, and supplementary information, must be filed no later than 20 days prior to any meeting of the board at which such application is to be heard.

(j) Action on application for certificate of appropriateness. The preservation officer shall present the application for a certificate of appropriateness, together with a recommendation for approval or disapproval, to the board. The board shall act upon all applications meeting the filing requirements at the next scheduled meeting, or if a quorum is not present, at a special meeting held within 14 calendar days from such scheduled meeting. Nothing herein shall prohibit a continuation of the hearing on an application where the applicant consents. The board may advise the applicant and make recommendations with regard to the appropriateness. If the board approves the application, a certificate of appropriateness shall be issued. A copy of the certificate of appropriateness, together with a copy of the approved plans certified by the preservation officer, shall be forwarded to the zoning administrator prior to the issuance of a building permit or authorization to proceed by the preservation officer. Construction for which a certificate of appropriateness is issued shall begin within 12 months from the date of issuance of the certificate of appropriateness. If the board disapproves the application, a certificate of appropriateness shall not be issued. The board shall state its reasons in writing to the applicant and advise the zoning administrator.

(k) Development standards.

1. Preservation of historic structures within the historic district. An historic structure and any outbuildings, or any appurtenance related thereto visible from a public street or lane, including but not limited to walls, fences, light fixtures, steps, paving, sidewalks, and signs, shall only be moved, reconstructed, altered, or maintained in a manner that will preserve the historical and exterior architectural features of the historic structure or appurtenance thereto. For the purposes of this section, exterior architectural features shall include but not be limited to the architectural style, scale, general design, and general arrangement of the exterior of the structure, including the kind and texture of the building material, the type and style of all roofs, windows, doors and signs. In considering proposals for the exterior alterations of historic structures in the historic district and in applying the development standards, the documented original design of the structure may be considered.

2. Demolition of historic structures. Demolition of historic structures is deemed detrimental to the public interest.
   a. All requests for demolition of any building within the historic district shall come before the board of review.
   b. Buildings less than 50 years old may be considered for listing on the historic building map if they are found to have achieved exceptional importance.
   c. No building rated as historic or appurtenance thereto including walls, fences, porches, and stoops shall be demolished without a certificate of appropriateness from the board of review.
   d. A certificate of appropriateness for demolition of a structure rated as historic shall be issued by the board of review only when one of the following conditions has been established by clear and convincing evidence pursuant to criteria established herein.
      i. The demolition is required to alleviate a threat to public health or public safety; and/or
ii. The demolition is required to avoid exceptional practical difficulty or undue hardship upon any owner of any specific property. The determination of economic hardship shall require the applicant to provide evidence sufficient to demonstrate that the application of the standards and regulations of this section deprive the applicant of reasonable economic use or return on the subject property.

e. In granting a certificate of appropriateness for demolition, the board of review may impose such reasonable and additional stipulations as will best fulfill the purposes of this article.

A certificate of appropriateness for demolition of a structure rated as historic shall not be issued by the board of review until a certificate of appropriateness has been issued approving the replacement structure, except in the case of emergency demolition.

f. Application requirements to demolish a building rated as historic except for buildings and structures or parts of structures determined by the director of inspections to pose an immediate threat to public safety, all demolition applications shall include the following information:

i. Name and address of the owner of the property.

ii. The applicant's written statement regarding his knowledge of the historic designation at the time of acquisition.

iii. A report from a licensed structural engineer in the state with demonstrated experience in renovation, restoration or rehabilitation, as to the structural soundness of the building and its adaptability for continued use, renovation, restoration or rehabilitation. Any dangerous conditions should be identified.

iv. Appraised fair market value of the property from a qualified professional appraiser. The appraisal must include a full market sales report to include comparable sales.

v. Amount paid for the property. Remaining balance on any mortgage or other financing secured by the property and annual debt service for the previous two years.

vi. If the property is income-producing, the annual gross income from the property for the previous two years; the itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cash flow before and after debt service for the previous two years. The board may require details of past rental history.

vii. Price asked and offers received within the previous two years. Most recent assessed values of the property and real estate taxes. Include evidence of listing for sale.

viii. Economic incentives and/or funding available to the applicant through federal, state, city or private programs.

ix. Information documenting the construction date, history and development of the property.

g. Demolition due to imminent threat to public safety. Any order for demolition by the director of inspections in whole or in part, of any historic building or structure in the historic district due to a dangerous, hazardous or unsafe condition shall not be issued until the order has been reviewed and signed by the city manager.

(3) Relocation of historic structures. An historic structure shall not be relocated on another site unless it is shown that the preservation of such a structure, on its existing site, is not consistent with the purposes of such structure on such site.

(4) Protective maintenance of historic structures. Lack of maintenance that leads to demolition by neglect shall be considered a negative visual alteration. All buildings in the historic district rated historic under subsection (e) shall be preserved against decay and
deterioration in order to maintain property values, prevent hazards to public safety, and
rid neighborhoods of negative visual appearances and unsafe conditions. Exterior walls,
roofs, foundations, doors and windows shall be maintained or secured in a weather-tight
condition to prevent structural decay.

i. **Routine maintenance.** Ordinary maintenance or repair of any historic property to
correct deterioration, decay or damage does not require a certificate of appropriateness if
the work does not involve a change in design, material, or exterior appearance.

ii. **Securing vacant property.** All windows and doors, except the front door through
which access to the interior of the dwelling is made, shall be secured, at a minimum, in
accordance with the City Code. At a minimum, a dead-bolt lock or other locking device
shall be installed on the front exterior door above the existing lockset; all exterior
sheathing shall be painted with one coat of primer on exterior surfaces; leaking roofs
shall be repaired so that water cannot enter; exterior wall covering shall be sheathed such
that weather cannot penetrate.
Sec. 501. Purpose--Historic districts.

Historic districts are overlay zoning districts which cover designated districts or individual structures in the city. The purpose of historic districts is to safeguard the heritage of the city by preserving designated districts and individual structures of historic or architectural value which reflect elements of the city's cultural, social, economic, political, and architectural history; to stabilize and improve property values in such districts or designated structures; to maintain and foster civic beauty; to strengthen the economy; and to promote the use of designated districts and structures for the education, pleasure and welfare of the citizens. Historic districts are shown as overlay zones in the city's zoning district maps, and may include properties associated with broad patterns, events, and/or people significant in local, state or national history; which embody the distinctive characteristics of a broad range of building types and architectural styles and which may possess high artistic value and/or represent the work of a master builder, architect, landscape architect or other designer; and which lack individual distinction but which add to the historic district zone's status as a significant and distinguishable socio-cultural entity.

501.1. Historic district commission Membership. The historic district commission, hereinafter known as the HDC, shall be appointed in accordance with Rhode Island General Laws, Chapter 45-24.1-3, as amended.

501.2. Conduct of business. The chair shall preside over all HDC meetings and shall have the right to vote. The vice-chair shall, in the case of absence or disability of the chair, perform the duties of the chair. All meetings of the HDC shall be open to the public and any person, organization or duly authorized representative shall be entitled to appear and be heard on any matter before the HDC reaches its decision.

(A) Record: The HDC shall keep a record of all resolutions, proceedings, findings, decisions and actions and such record shall be open to the public.

(B) Quorum: A quorum shall be necessary for business to be conducted before the HDC. A majority of the duly appointed members shall constitute a quorum.

501.3. Powers and duties of the HDC. The HDC shall have the following powers and duties:

(A) Regulate development in historic districts: The HDC shall be authorized to regulate the construction, demolition, change in any exterior structure and/or appurtenance within any historic district identified on the Providence Overlay Zoning District Maps of the Official Zoning Map adopted in accordance with this ordinance and identified by section 102.

(B) Adoption of rules: The HDC shall adopt and publish all rules and regulations necessary to carry out its functions under the provisions of this chapter.

(C) Adoption of standards and guidelines: The HDC shall adopt and publish standards and guidelines as necessary to inform historic district residents, property owners, and the general public of those criteria by which the HDC shall determine whether to issue a certificate of appropriateness. The standards and guidelines adopted for any district located in a D Zone shall take into account the commercial nature of the area, and the intent established in this ordinance. The HDC may adopt different standards and guidelines for any other district. The standards and guidelines shall insure that consideration is given to: the historic and architectural significance of the district, the structure and its appurtenances; the way in which the structure and its appurtenances
contribute to the historical and architectural significance of the district; and the appropriateness of the general design, arrangement, texture, materials, and siting proposed in the plans for both new and existing structures and appurtenances. The HDC may incorporate by reference in its rules and regulations such other standards as are appropriate, including, but not limited to the Standards and Guidelines for Rehabilitation adopted by the United States Secretary of the Interior. The HDC may from time to time amend its standards as reasonably necessary, and it shall publish all such amendments.

(D) **Issue certificate of appropriateness:** The HDC shall be authorized to issue certificates of appropriateness for projects that conform to the requirements of this ordinance and the standards and guidelines adopted by the HDC. A certificate of appropriateness may be issued by the HDC indicating approval of plans for alteration, construction, repair, removal or demolition of a structure or appurtenances of a structure within an historic district. Appropriate for the purposes of passing upon an application for a certificate of appropriateness means not incongruous with those aspects of the structure, appurtenances, or the district which the HDC has determined to be historically or architecturally significant.

(E) **Provide advice to other agencies:** In order to assist the city on matters of historic preservation, the HDC may provide its expertise and advice to agencies of city government as appropriate.

(F) **Delegation of authority:** The HDC may delegate to the staff authority to issue a certificate of appropriateness in certain circumstances as defined in accordance with the standards and guidelines as adopted or by action of the HDC at a public hearing. The staff may not deny a certificate of appropriateness, but shall refer such action to the HDC for a hearing.

(G) **Inspection of work in progress:** The HDC may inspect work in progress after a certificate of appropriateness has been issued to insure that work is proceeding in accordance with the approval received. If the HDC finds that the work in progress does not conform with the certificate of appropriateness, the HDC shall advise the director, who shall enforce the requirements of the certificate of appropriateness in accordance with Article VIII of this ordinance.

501.4. **Certificate of appropriateness.** Before a property owner commences construction, alteration, repair, removal or demolition of any existing structure or its appurtenances within an historic district overlay zone, the owner must first apply for and receive a certificate of appropriateness from the HDC. A certificate of appropriateness is necessary whether or not state law or municipal ordinance requires that a building permit be obtained from the Department of Inspection and Standards for the work proposed.

(A) **Application for certificate of appropriateness:** The HDC shall require the owner to submit information which is reasonably necessary to evaluate the proposed construction, alteration, repair, removal or demolition including but not limited to plans and site plans, drawings and elevations, photographs, or other information.

(B) **Public meeting:** The HDC shall hold a public meeting on an application for a certificate of appropriateness. Notice of such meeting shall be given to the applicant and to all abutting property owners, at least seven (7) days prior to the public meeting, by regular mail. The applicant shall supply the HDC with a list of names and addresses of all abutting property owners from the most current records of the city tax assessor. An application for demolition within any historic district shall also require notice of a public hearing given at least fourteen (14) calendar days in advance in a newspaper of general circulation in the city. In accordance with RIGL 45-24-66, the cost of such notice (newspaper advertisement and postage fee) shall be borne by the applicant. The applicant will be billed by the department of planning and development for such costs.
(C) **Filing fee:** An application for a certificate of appropriateness shall be accompanied by a filing fee as set by the city council which shall be deposited with the city collector and no part of which shall be returned to the applicant.

501.5. **Standards and guidelines.** The HDC shall evaluate all applications in accordance with the criteria established in the standards and guidelines adopted in accordance with section 501.3 of this ordinance. The HDC shall act only on exterior features of a structure and its appurtenances. In reviewing an application for a certificate of appropriateness, the HDC shall have the power to call in experts to aid in its deliberations, and may incorporate the conclusions of such experts in its decisions.

501.6. **Decisions of the HDC.** All decisions of the HDC regarding the issuance of a certificate of appropriateness shall be in writing. The HDC shall articulate and explain the reasons and basis of each decision on a record. An application for a certificate of appropriateness may be approved, denied, or approved with amendment by the HDC. When denying an application for a certificate of appropriateness, the HDC shall include the basis for its conclusion that the proposed activity would be incongruous with those aspects of the structure, appurtenances, or the district which the HDC has determined to be historically or architecturally significant. The HDC shall send a copy of the decision to the applicant and to the director. The action taken by the HDC shall be binding on the director. No application shall be denied by the HDC without a hearing.

(A) **Reapplication:** An application for the same petition shall not be heard by the HDC for the period of one (1) year from the date the original petition was denied. The HDC shall have the right to waive this requirement for any petition if a majority of the HDC present at a meeting agree.

(B) **Ordinary maintenance:** A certificate of appropriateness may be issued by the HDC without a public hearing for ordinary maintenance or repair of any structure within an historic district provided that such maintenance or repair does not result in any change of design, type of material, or appearance of the structure or its appurtenances. The HDC may delegate to the staff the authority to approve and issue certificates of appropriateness in such circumstances.

501.7. **Failure of the HDC to act.** The failure of the HDC to act within forty-five (45) days from the date of the filing of a completed application shall be deemed to constitute approval unless an extension is agreed upon mutually by the applicant and the HDC. In the event that the HDC shall make a written finding of fact within this forty-five-day period that the circumstances of a particular application requires further time for additional study and information, then the HDC shall have a period of up to ninety (90) days from the date of filing a completed application within which to act upon such application. Nothing in this section shall be construed to prevent the applicant and the HDC from mutually agreeing on an extension beyond this ninety (90) days.

501.8. **Special criteria for demolition.** In order to preserve the historic fabric of the city, demolition of historic properties shall be discouraged. When reviewing an application for a certificate of appropriateness to demolish an historic structure or appurtenance, the HDC shall consider the following criteria, in addition to the provisions of the adopted standards and guidelines:

(A) **Structures valuable to the city:** In the case of an application for demolition of any structure, appurtenances or a portion of a structure which the HDC deems so valuable to the city, the state or the nation, that the loss thereof will be a great loss to the city, the state or the nation, the HDC shall endeavor to work out with the owner an economically feasible plan for the preservation of such structure on its present site. The HDC shall issue a certificate of appropriateness only if the HDC is satisfied that the retention of such structure constitutes a hazard to public safety which hazard cannot be eliminated.
by economic means available to the owner, including sale of the structure to any purchaser willing to preserve such structure.

(B) "Structures valuable for the period:

In the case of an application for demolition of any structure, appurtenances or a portion of a structure deemed to be valuable for the period of architecture which it represents and its importance to the neighborhood within which it exists, the HDC shall issue a certificate of appropriateness only if the HDC finds that at least one (1) of the following exists:

1. Retention of such structure constitutes a hazard to public safety which hazard cannot be eliminated by economic means available to the owner, including sale of the structure on its present site to any purchaser willing to preserve such structure; or
2. Preservation of such structure is a deterrent to a major improvement program which will be of substantial benefit to the community; or
3. Preservation of such structure would cause undue or unreasonable financial hardship to the owner, taking into account the financial resources available to the owner including sale of the structure to any purchaser willing to preserve such structure; or
4. Preservation of such structure would not be in the interest of the majority of the community.

501.9. Alternatives to demolition. The HDC shall assist the owner in identifying and evaluating alternatives to demolition, including sale of the structure on its present site. When considering an application to demolish a structure of historic or architectural value, in addition to any other criteria, the HDC shall consider the following:

(A) Whether there is a reasonable likelihood that some person or group other than the current owner is willing to purchase, move and preserve such structure; and
(B) Whether the owner has made continuing, bona fide and reasonable efforts to sell the structure to any such purchaser willing to move and preserve such structure.

501.10. Avoiding demolition through owner neglect. The city council or its designee, in consultation with the HDC, may identify structures of historical or architectural value whose deteriorated physical condition endangers the preservation of such structure or its appurtenances. The council or its designee shall publish standards for maintenance of properties within historic districts. Upon the petition of the HDC that a historic structure is so deteriorated that its preservation is endangered, the council or its designee may establish a reasonable time not less than thirty (30) days within which the owner must begin repairs. If the owner has not begun repairs within the allowed time, the council or its designee shall hold a hearing at which the owner may appear and state his reasons for not commencing repairs. If the owner does not appear at the hearing or does not comply with the council's or its designee's orders, the council or its designee may cause the required repairs to be made at the expense of the city and cause a lien to be placed against the property for repayment. The HDC shall cooperate with and assist the city council or its designee in exercising the provisions of this section.

501.11. Emergency demolition. In cases of fire, natural disaster or other event which causes the Director to order demolition immediately due to an imminent public safety hazard, the HDC may hold a special meeting with forty eight-hours notice, in accordance with the R.I. Open Meeting Law, to review an application for a Certificate of Appropriateness for demolition.

501.12. Appeals. A person or persons jointly or severally aggrieved by a decision of the HDC shall have the right to appeal the decision to the board, and a further right of appeal from the board to the Supreme Court by writ of certiorari. The concurrent vote of four (4) members of the board shall be required for any decision upon said appeal. Said appeal shall be claimed within twenty (20) days following the issuance of a written determination by the HDC on any plan or petition submitted to it or any revisions thereof. When hearing appeals from HDC decisions, the board shall not
substitute its own judgment for that of the HDC, but must consider the issue upon the findings and record of the HDC. The board shall not reverse an HDC decision except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record. The board shall file a written decision explaining the basis of each decision for the record, and the board shall send a copy of the decision to the applicant and to the HDC. The filing fee and the filing procedure for an appeal of the decision of the HDC shall be the same as that for an appeal of the decision of the director.

501.13. Enforcement. This regulation shall be enforced in accordance with Article VIII of this ordinance.

501.14. Industrial and commercial buildings district. The purpose of this section is to create individual overlay districts to allow HDC review over proposals to demolish or otherwise alter the exteriors of specific historically significant buildings in the city.

501.14.1. Criteria: Structures selected for inclusion are deemed to meet one or more of the following: Critical Part of City's Heritage, its value as an example of the architectural, cultural, economic, historic, social, or other aspect of the heritage of the city; Significant historic event, its location as a site of significant historic event that may or may not have taken place within or involved the use of any existing improvements; Significant person, its identification with a person or persons who significantly contributed to the architectural, cultural, economic, historic, social, or other aspect of the development of the city; important architecture, its exemplification of an architectural type or style distinguished by innovation, rarity, uniqueness, or overall quality of design, detail, materials, or craftsmanship; important architect, its identification as the work of an architect, designer, engineer, or builder whose individual work is significant in the history or development of the city, state, or the United States; distinctive theme as a district, its representation of an architectural, cultural, economic, historic, social, or other theme expressed through distinctive areas, districts, places, buildings, structures, works of art, or other objects that may or may not be contiguous; and, unique visual feature, its unique location or distinctive physical appearance or presence representing an established and familiar visual feature of a neighborhood, community, or the city.

501.14.2. Demolition application procedure. The procedure for application for demolition of included structures shall be the same as stated in sections 501.8 through 501.12 of this section.

501.14.3. HDC review: Nothing herein shall require HDC review of any included building that is intended to be rehabilitated, restored, or recycled for any permitted use in accordance with the zoning ordinance. However, the historic district commission is empowered to adopt and/or amend its standards and guidelines for the purposes of Section 501.14 in accordance with section 501.3 of this section.

501.14.4. Application for certificate of appropriateness: The HDC shall require the owner to submit information that is reasonably necessary, including but not limited to plans and site plans, drawings and elevations, photographs, or other information.

(Ord. 1994, ch. 94-24, § 1, 6-27-94; Ord. 1995, ch. 95-8, § 1-10, 5-26-95; Ord. 2002, ch. 02-7, §§ 1–3, 3-12-02)
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