Violations and Enforcement in Locally Designated Historic Districts

This handout is used as an outline for the local commission training session on violations and enforcement.

Skelly Preservation Services
Community planning with the past, present, and future in mind.

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Violations are –

- Alterations undertaken without a certificate that do *NOT* meet your district guidelines.
- Alterations undertaken without a certificate that *DO* meet your historic district guidelines.
- Alterations undertaken with an approved certificate that do NOT follow the wording/plans/specifications of the certificate.

Types of Violations

- Lack of knowledge about district procedures
- Work not according to approved plans
- Work doesn't need a building permit but needs a certificate
- Work completed by a previous owner
- Emergency situations
- Municipal staff error
- Refusal to follow district procedures
- Building Deterioration/Demolition By Neglect (depending on the ordinance)



The Necessity of Enforcement

Addressing violations is part of your commission's responsibility and is necessary to ensure the continued preservation of the district.

Consistent and fair enforcement promotes equitable treatment, predictability, transparency, and commission credibility.

Violations are apt to increase if they are not addressed promptly.



The Challenges of Enforcement

- Corrective actions may be costly and time-consuming.
- Enforcement may require municipal time, staff capacity and funding.
- Enforcement may be controversial and strain community relations.

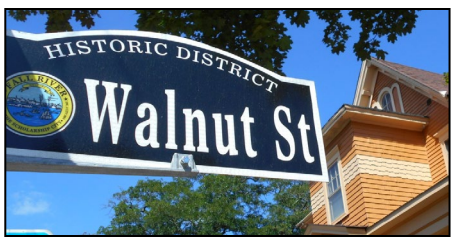




Tips for Avoiding Violations (before they happen)

Community Outreach and Education
Municipal Staff Education
Coordination with the Building Inspector
Developing an Enforcement Plan and Procedures

The best way to manage violations is to avoid having any in the first place!



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Typical Steps to Take for Addressing Violations

These are common steps taken to address violations within local historic districts. Each community's process will be different.

Be sure to maintain written records of all steps.

Consult Baseline Information on Existing Conditions (this is prepared prior to violations)

Conduct a Site Visit
Compare to Baseline Information
Photodocument the Violation

(This might be commission members, commission staff or the building inspector)

Communicate with Owner

Issue Stop Work Order
Write Violation Report

Send Official Letter to Property Owner from the commission

Explains the process, describes the violation noted, requires submittal of an application by a certain date

Application Submitted

Application Not Submitted

Second Official Letter from Commission

Review application submitted by property owner
Place on Next Agenda (or Staff Approval)
Hold Public Hearing
Deliberate Application
Consider whether the project meets your design guidelines

Application Not Approved

Require Remedy of the Violation

Application Approved

Issue Retroactive Certificate

Project work resumes

A Show Cause Hearing may be held prior to the public hearing on the application. This is helpful for when the property owner does not believe a violation exists and is given the opportunity during a hearing to explain the reasons.

If violation is not corrected, pursue additional enforcement actions

Daily Fines until remedied
Rescind Existing Permits
Withholding Certificate of Occupancy
Withhold Issuance of Additional Certificates
Filing Violation Notice at Registry of Deeds
Court Legal Action

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