

From: Thomas Christ
To: [JWMNR Exhibits](#)
Subject: Testimony for Hearing on HB 2007 before Natural Resources Subcommittee of the Joint Ways & Means Committee on June 22
Date: Wednesday, June 21, 2017 7:27:16 AM

Dear Legislators:

I support HB 2007 for all that it does to alleviate the housing crisis in Portland and other Oregon cities, but, in particular, for the provision that would disconnect local land-use laws from the listing of property on the National Register of Historic Places maintained by the National Park Service.

I live in Eastmoreland, a neighborhood in Portland. I know some of you are familiar with the situation there. A group of my neighbors want our “backyard” to be exempt from the in-fill and re-development that needs to occur throughout Portland to accommodate our fast-growing population, and that *should* occur here because, if done wisely, it will make Portland more livable and enjoyable, as well as more affordable. To achieve its goal, the group nominated Eastmoreland for listing on the National Register. As you may know, listing is honorific under federal law; it triggers no land-use restrictions. But, under state law, listing can trigger a variety of restrictions, including restrictions on “demolition,” a term defined so broadly as to include not just the removal of a house but almost any exterior remodeling. The historic district proponents hope that National-Register listing will, in effect, build a moat around Eastmoreland, preventing any change in housing there, including any change in use or density, thus forcing all of the infill and re-development on to other less affluent neighborhoods. And they’re relying on a strange feature of federal law: to get on the national register you don’t need the approval of your local government or even a majority of the affected property owners. In fact, you don’t need the approval of *any* of them. You just need to keep a majority of them from expressing *disapproval* in the form of notarized objections, which, as you might imagine, are difficult to collect on short notice. Even so, almost 1,000 people in Eastmoreland have already filed such objections in just a few months’ time, about half of the number of property owners in the proposed district. Only a third of that amount have filed letters supporting the district.

I understand that part of HB 2007 would try to stop this process of imposing local land-use restrictions through the back door of national-register listing. It would do that by decoupling the National Register and state land-use regulations. Listing would remain honorific, although residents of the district could still use local government procedures to seek district-wide land-use restrictions, including restrictions on demolitions.

I support this part of the bill because I think the current process of tying local land-use restrictions to national-register listing is unfair and undemocratic, given the anti-majoritarian method of getting property listed. I can’t think of any other situation in which a proposed law will take effect without the approval of a majority of the affected people or their elected representatives – where a majority of the people have to vote *against* a law to stop it, not for the law to enact it. Process aside, the end result just isn’t right; wealthy neighborhoods shouldn’t be allowed to force

other neighborhoods to accommodate all of the burdens of infill and re-development, even while they partake of the benefits.

I'm sure you've heard from people in Eastmoreland who oppose HB 2007 for the same reason I support it – because it will stop them from using federal historic designation to trigger laws that could block in-fill and redevelopment. *But those people are in the minority.* We know that because of the numbers, cited above, showing far fewer people filing statements in support of the proposed district than filing statements against it, and because we had an election on the proposed district. Ballots were mailed to all affected property owners, 2,066 in all, and 1,387, or 67 percent of the total – an impressive number for any election – were returned. Nineteen of those took no position for or against district. Of the rest, 702, or 51.31 percent, opposed it, and 666, or 48.68 percent, supported it. Unfortunately, the no-growth group decided to ignore that result and proceed with the nomination anyway.

I imagine you are hearing from groups in Oregon that work to preserve historic structures. They shouldn't be concerned about this bill, which doesn't impede the historic-preservation laws so much as it stops the *abuse* of those laws by, let's face it, nimbies and elitists who want to build a wall around their posh neighborhood at the expense of everyone else. The pro-HD people in Eastmoreland have been forthright about that. They've said publicly that they're not trying to preserve historic houses in Eastmoreland, of which there might be a dozen or so, out of more than twelve hundred homes overall. What they're trying to do, they admit, is circumvent the provisions of Portland's comprehensive plan and zoning code that allow for re-development within the neighborhood, the same as in other neighborhoods. True preservationists shouldn't have a problem with this bill. Indeed, they should be concerned that this use of historic districts as the latest tool in the land-use wars will diminish support for the historic-preservation laws.

One final point, please make sure that the de-coupling of local laws from the national register *goes all the way.* As the National Park Service itself recommends, there should be *no* local consequences of National-Register listing. Groups that want to stop growth, infill, and redevelopment, or to prevent it in their neighborhood only, should be required to seek those benefits in the usual democratic way – petitioning their elected officials in local government. And if they think that some restrictions are well-advised – for example, demolition review – then they should go through the same process and make the restrictions apply to *all* neighborhoods, not just the few that have the resources to self-select themselves through the historic-district process.

Thank you for your attention.

Tom Christ
7106 S.E. 31st Ave.
Portland, OR 97202
(503) 407-7804

DO NOT read, copy or disseminate this communication unless you are the intended addressee. This e-mail communication may contain confidential and/or privileged information intended only for the addressee. If you have received this communication in error, please call us (collect) immediately at (503) 323-9000 and ask to speak to the sender of the communication. Also, please e-mail the sender and notify the sender immediately that you have received the communication in error.

Scanned by Mimecast. Email certified safe by CVK.