

## Raphael L. Podolsky

104 Beacon St.  
Hartford, CT 06105  
860-836-6355

### **S.B. 960 – Historic preservation commissions**

I submit this testimony as an individual in support of S.B. 960. I am one of the founding members of the Hartford Preservation Alliance, and I was a participant and ordinance-drafter on the City of Hartford task force that wrote its innovative historic preservation ordinance, which has been in effect since 2006. Hartford has both a Historic District Commission, which operates under Chapter 97a of the General Statutes, and a Historic Preservation Commission, which operates under the town's authority under C.G.S. 7-148 and the Hartford municipal charter. Chapter 97a controls the manner in which towns can create local historic districts, but the Connecticut courts have long held that Chapter 97a is not the only way in which municipalities can protect the historic character of their towns. See, for example, Smith v. Zoning Board of Appeals, 227 Conn. 71 (1993), in which the Supreme Court upheld municipal regulation of historic properties under the Greenwich charter, ruling also that historic preservation is an aspect of protection of the environment and of promoting the general welfare.

S.B. 960, like the Hartford ordinance, recognizes this distinction between the creation of historic districts and the protection of areas that have been designated as historic through some independent process. As worded, it limits commissions authorized under this act to act on applications regarding properties that are on the National Register of Historic Places or the State Register of Historic Places. This authority is critically important to allow a town to preserve the historic character of its neighborhoods. It is important not only in outlying towns but also in cities like Hartford, which is rich with urban neighborhoods still intact from the 1890s and early 1900s. Indeed, the rehabilitation and reuse of buildings from this period has often been a key to the revitalization of neighborhoods within the city.

S.B. 960 does not create a new power in towns. That power already exists under the Municipal Powers Act (C.G.S. 7-148) and municipal charters. The bill merely confirms and clarifies the authority of a municipal governing body to create such a local commission.

Note: Two clarifying changes should be made in lines 34-37 and lines 44-47 of the bill. First, the language should be clear that the bill refers not only to individual buildings but also to historic districts. After the word "property" in l. 34 and l. 44, the Committee should insert the phrase "or within any historic district." Second, the language should be clear that the bill applies to properties that are in the formal process of being reviewed by the federal or state reviewing authority for listing on the National or State Register. After the word "listed" in l. 35 and l. 44, the Committee should insert the phrase "or under consideration for listing on."