

Sec. 33-243. Same—Relocation of landmark, protected landmark, or contributing structure.

- (a) The HAHC shall issue a certificate of appropriateness for the relocation of any landmark, protected landmark, or contributing structure upon finding that the application satisfies one or more of the following criteria:
- (1) ~~The landmark, For landmarks and~~ protected ~~landmark, or contributing structure~~landmarks:
 - a. Has architectural or historical value independent of its physical location that will not be diminished with relocation;
 - b. Can be moved without significant damage to its physical integrity;
 - c. Will be relocated to an area that is compatible with the historical and architectural character of the landmark, protected landmark, ~~or contributing structure~~; and
 - d. If located in an historic district, can be relocated without ~~significantly~~ diminishing the integrity of the historic district in which it is located.
 - (2) For contributing structures being relocated within the historic district
 - a. Can be moved without significant damage to its physical integrity; and
 - b. Will be relocated to an area that is compatible with and retains the distinguishing qualities, historical and architectural character, and integrity of the contributing structure and the district.
 - (3) For contributing structures being relocated outside of the historic district
 - (a) The applicant has established an unreasonable economic hardship pursuant to the criteria of section 33-247(c) of this Code; or
 - (b) The applicant has established unusual or compelling circumstances pursuant to section 33-247(d) of this Code.
 - (4) The relocation is necessary to protect the landmark, protected landmark, or contributing structure from demolition resulting from a public improvement project; ~~or natural event.~~
 - ~~(3) The applicant has established an unreasonable economic hardship pursuant to the criteria of section 33-247(c) of this Code; or~~
 - ~~(4) The applicant has established unusual or compelling circumstances pursuant to section 33-247(d) of this Code.~~
- (b) Alternatively, the HAHC shall issue a certificate of appropriateness for relocation if relocation of the landmark, protected landmark, or contributing structure has been identified as an alternative to demolition pursuant to section 33-247(f) of this Code.

Sec. 33-244. Same—Relocation of noncontributing structure.

The HAHC shall issue a certificate of appropriateness for the relocation of a noncontributing structure within or into an historic district upon finding that the application satisfies the criteria in section 33-242 of this Code as if it were new construction.

Sec. 33-245. Same—Relocation of a building, structure or object on archaeological site.

The HAHC shall issue a certificate of appropriateness for the relocation of a building, structure or object within, into or out of an archaeological site upon finding that the application satisfies the following criteria:

- (1) The relocation will not destabilize any archaeological resources within or on the archaeological site; and
- (2) The relocation will comply with the requirements of section 33-246 of this Code.

Sec. 33-246. Same—Excavation.

The HAHC shall issue a certificate of appropriateness for the excavation of an archaeological site upon finding that the application meets the following criteria:

- (1) The excavation must be conducted so as to protect and preserve archaeological resources affected by, or adjacent to, the excavation; and
- (2) The applicant must commit to make reasonable efforts to mitigate and stabilize archaeological resources if they are disturbed.

Sec. 33-247. Same—Demolition of landmark, protected landmark or contributing structure, or within archaeological site.

- ~~(a) The issuance of HAHC shall issue a certificate of appropriateness for the demolition of a landmark, a protected landmark, or a contributing structure, or for demolition of a building, structure or object on or in an archaeological site shall be subject to the establishment by the applicant upon demonstration based on a preponderance of credible evidence of an unreasonable economic hardship or the establishment of an unusual and/or compelling circumstance. exists.~~
- ~~(b) An application for a certificate of appropriateness for demolition shall contain the following information:
 - ~~(1) A certified appraisal of the value of the property conducted by a certified real estate appraiser;~~
 - ~~(2) The assessed value of the land and improvements thereon according to the two most recent assessments unless the property is exempt from local property taxes;~~
 - ~~(3) All appraisals obtained by the owner in connection with the acquisition, purchase, donation, or financing of the property, or during the ownership of the property;~~
 - ~~(4) All listings of the property for sale or rent that are less than a year old at the time of the application;~~
 - ~~(5) Evidence of any consideration by the owner of uses and adaptive reuses of the property;~~
 - ~~(6) Itemized and detailed rehabilitation cost estimates for the identified uses or reuses, including the basis of the cost estimates;~~
 - ~~(8) Complete architectural plans and drawings of the intended future use of the property, including new construction, if applicable;~~
 - ~~(9) Plans to salvage, recycle, or reuse building materials if a certificate of appropriateness is granted;~~
 - ~~(10) An applicant who is a nonprofit organization shall provide the following additional information:
 - ~~a. A comparison of the cost of performance of the mission or function of the nonprofit organization in the existing building and in a new building;~~
 - ~~b. The impact of the reuse of the existing building on the organization's program, function or mission;~~
 - ~~c. The additional cost, if any, attributable to the building of performing the nonprofit organization's function within the context of costs incurred by comparable organizations, particularly in the Houston area;~~
 - ~~d. Grants received, applied for or available to maintain or improve the property; and~~~~~~

~~e.—The nonprofit organization's budget for the current and immediately past fiscal years.~~

~~(a)~~ Determination of an unreasonable economic hardship shall be based upon the following criteria:

- ~~(1) That the~~The property is incapable of earning a reasonable return, without regard to whether the return is the most profitable return,~~including without limitation, whether the costs of maintenance or improvement of the property exceed its fair market value;~~
- ~~(2) That~~The owner has demonstrated that the property cannot be adapted for any other use, whether by the current owner, by a purchaser or by a lessee, that would result in a reasonable return;
- ~~(3) That~~The owner has demonstrated reasonable efforts to find a purchaser or lessee interested in acquiring the property and preserving it, and that those efforts have failed; and
- (4) If the applicant is a nonprofit organization, determination of an unreasonable economic hardship shall instead be based

upon whether the denial of a certificate of appropriateness financially prevents or seriously interferes with carrying out the mission, purpose, or function of the nonprofit corporation.

~~(b)~~ Determination of the existence of an unusual or compelling circumstance shall be based upon the following criteria:

~~1. (1) That current information does not support the~~The owner has established that the structure or property has undergone significant and irreversible changes that have caused it to lose its historic or archaeological, cultural, architectural or archeological significance of the building, structure or object or, and its importance to the integrity of an~~the~~ district.

~~2. Such changes were not caused either directly or indirectly by the owner, and were not due to intentional or negligent destruction or a lack of maintenance rising to the level of a demolition by neglect.~~

~~3. For property located within a~~ historic district, if applicable;

~~(2) Whether there are~~the applicant has identified definite plans for reuse of the property if the proposed demolition or relocation is carried out and ~~what effect~~ such plans ~~have on~~are compatible with the architectural, cultural, historical or archaeological character of the surrounding area; ~~and.~~

~~(3) Whether reasonable measures can be taken to save the building, structure or object from further deterioration, collapse, arson, vandalism or neglect.~~

~~(c) If the HAHC determines by a preponderance of credible evidence that the applicant has demonstrated an unreasonable hardship or that an unusual or compelling circumstance exists, the HAHC shall issue a certificate of appropriateness for demolition.~~

~~(c)~~ If the HAHC does not issue a certificate of appropriateness for demolition pursuant to subsection (a), the director and the applicant shall have 90 days for which to explore alternatives to demolition. The applicant may not pursue a remedy through an appeal of the HAHC decision during this period. It shall be the duty of an applicant for a certificate of appropriateness for demolition to participate in good faith in a diligent effort to identify alternatives to demolition. The HAHC, the director and the applicant may consult with recognized historic preservation organizations and other civic groups, public agencies and interested citizens to determine the feasibility of:

- (1) Public or other acquisition of the property, structure, building or object;
- (2) Relocating one or more of the structures or features of the property if to do so would preserve its historic or architectural value; ~~or~~ upon demonstrating that the property meets the criteria for relocation in 33-243; or
- (3) Any other reasonable means of preserving the property, structure, building or object's historic or architectural value.