

# Memorandum



CITY OF DALLAS

DATE February 2, 2024

TO Honorable Mayor and Members of the City Council

SUBJECT **Code Amendment to Subsection (i) Chapter 51A-4.501**

## Summary

On **February 28, 2024**, City Council will consider the following agenda item: **DCA 189-001**: Consideration of amending Chapter 51A of the Dallas Development Code, Subsection (i), “Certificates for demolition for a residential structure with no more than 3,000 square feet of floor area pursuant to a court order,” within Section 51A-4.501, “Historic Overlay District,” and related sections with consideration to be given to remove this Subsection and other appropriate standards.

The proposed code amendment is to remove subsection (i) from Section 51A-4.501 of the Development Code. This subsection allows for the demolition of residential structures of 3,000 square feet or less in Historic Districts that have been declared substandard urban nuisances through property owner or building inspections initiated processes and ordered demolished, pursuant to a court order, to bypass Landmark Commission. Although this subsection of the ordinance is applicable to all historic districts, it disproportionately impacts our predominantly black and brown and lower-income historic districts because those districts include many of the “declared substandard” houses.

The ordinance was originally adopted in 2010 to address substandard structures that were considered urban nuisances and to prevent blight and safeguard the public health, safety, and welfare. However, from 2010 to 2023, according to information from the Historic Preservation office, this ordinance has disproportionately impacted historic districts with predominantly African American populations. Specifically, 35 historic homes have been demolished in the Tenth Street Historic District and 6 homes have been demolished in Wheatley Place. The default for these homes became demolition, rather than consideration for rehabilitation.

The Historic District Overlay ordinance currently has three other subsections for demolition of substandard or hazardous structures: the fire marshal may immediately abate hazardous structures; a property owner can seek demolition of a building if it “poses an imminent threat to public health or safety” (subsection h (A)(iii)), and the building official can allow a property owner to act if it is an emergency situation, such as significant damage to a building. These options would remain in place and provide sufficient recourse to address hazardous or potentially hazardous structures.

## **Background**

- On June 23, 2010, City Council adopted Ordinance No. 27922 to create Subsection (i) within Section 51A-4.501, “Historic Overlay District”.
- On September 7, 2011, Preservation Dallas presented a white paper on abandoned properties and the ensuing demolitions due to the court ordered demolition section of the ordinance.
- In February 2018, the City historic preservation staff held a community meeting with the Tenth Street neighborhood to discuss issues, including the impact of the court ordered demolitions on the historic character and building stock in the historic district.
- In August 2018, Landmark Commission appointed a task force to discuss and recommend solutions to the demolitions in Tenth Street and Wheatley Place.
- In 2018 and 2019, The Landmark Commission denied requests for court ordered demolitions, which were then appealed to the City Plan Commission (CPC).
- On October 4, 2018, CPC initiated an amendment to this Subsection.
- On July 8, 2019, the Landmark Commission requested action by the CPC to rescind or remove subsection (i).
- On August 14, 2019, City Council unanimously passed a resolution instructing the City Manager to not spend any City funds or resources demolishing structures within the Tenth Street Historic District unless the Dallas Fire Marshall finds that the structure is hazardous to life or property and presents a clear and present danger in accordance with the Dallas Fire Code and Dallas Development Code.
- In November 2021, Landmark Commission voted to support a staff position paper outlining strategies to lessen demolitions in historic districts, including rescinding subsection (i) of Chapter 51A-4.501.
- On September 5, 2023, the Landmark Commission requested that CPC rescind Subsection (i) of Chapter 51A-4.501.
- On January 18, 2024, CPC voted unanimously to remove subsection (i) from Section 51A-4.501 of the Dallas Development Code.

## **Proposed Amendment Highlights**

It is proposed that subsection (i) of Chapter 51A-4.501 be removed from the ordinance. The Historic Preservation Historic District Overlay Ordinance (51A-4.501) has well defined procedures for demolition of historic properties including hazardous structures. These are clear and logical as to under what conditions a demolition can occur with well-defined processes. As outlined previously, demolitions would still be allowed under the remaining defined processes in the Historic Overlay District ordinance, Chapter 51A-

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4.501, therefore subsection (i) is unnecessary and has in effect, resulted in unintended consequences and disproportionate impact on communities of color.

Please contact Andrea Gilles, Director of the Department of Planning and Urban Design at (469) 918-4026 or [Andrea.Gilles@dallas.gov](mailto:Andrea.Gilles@dallas.gov) if you have any questions or concerns.



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