



If the Historic Preservation Office (HP) denies a Request for Demolition Approval per §813 of the *Zoning Ordinance of the City of Phoenix*, the applicant may request a public hearing on the demolition proposal based on economic hardship. All applicants submitting written requests for public hearings on demolition proposals must include a completed Request for Certification of Economic Hardship checklist and the required submittal materials.

HP staff will perform an administrative review to determine if the submittal is in compliance with A.R.S. §9-835 (D). Those applications that are not complete will be returned to the applicant with a list of the items that are outstanding.

If the application is complete, staff will schedule a public hearing within 20 days from the date the application was determined to be administratively complete and notify the applicant of the hearing date, time and location. A sign must be posted on the property at least 10 days prior to the hearing. Staff will review the submittal materials and prepare a staff report with a recommendation regarding whether or not the application meets the Economic Hardship Standards of Review.

Required Submittal Materials for Requesting a Demolition Public Hearing:

- **Completed Request for Certification of Economic Hardship checklist with all required submittal materials attached.**
- **Completed Request for Certification of Economic Hardship Application.**

Standards of Review for a Certification of Economic Hardship:

Separate standards for obtaining certification of economic hardship are established for income-producing and non-income-producing properties. Non-income-producing properties shall consist of owner occupied single-family dwellings and non-income-producing institutional properties. The criteria to establish economic hardship according to §814 of the Zoning Ordinance are as follows:

For Income-Producing Property: A reasonable rate of return cannot be obtained from a property that retains its historic features or structures in either its present condition or if its features or structures are rehabilitated.

For Non-Income-Producing Property: The property has no beneficial use as a single-family dwelling or for an institutional use in its present condition or if rehabilitated.

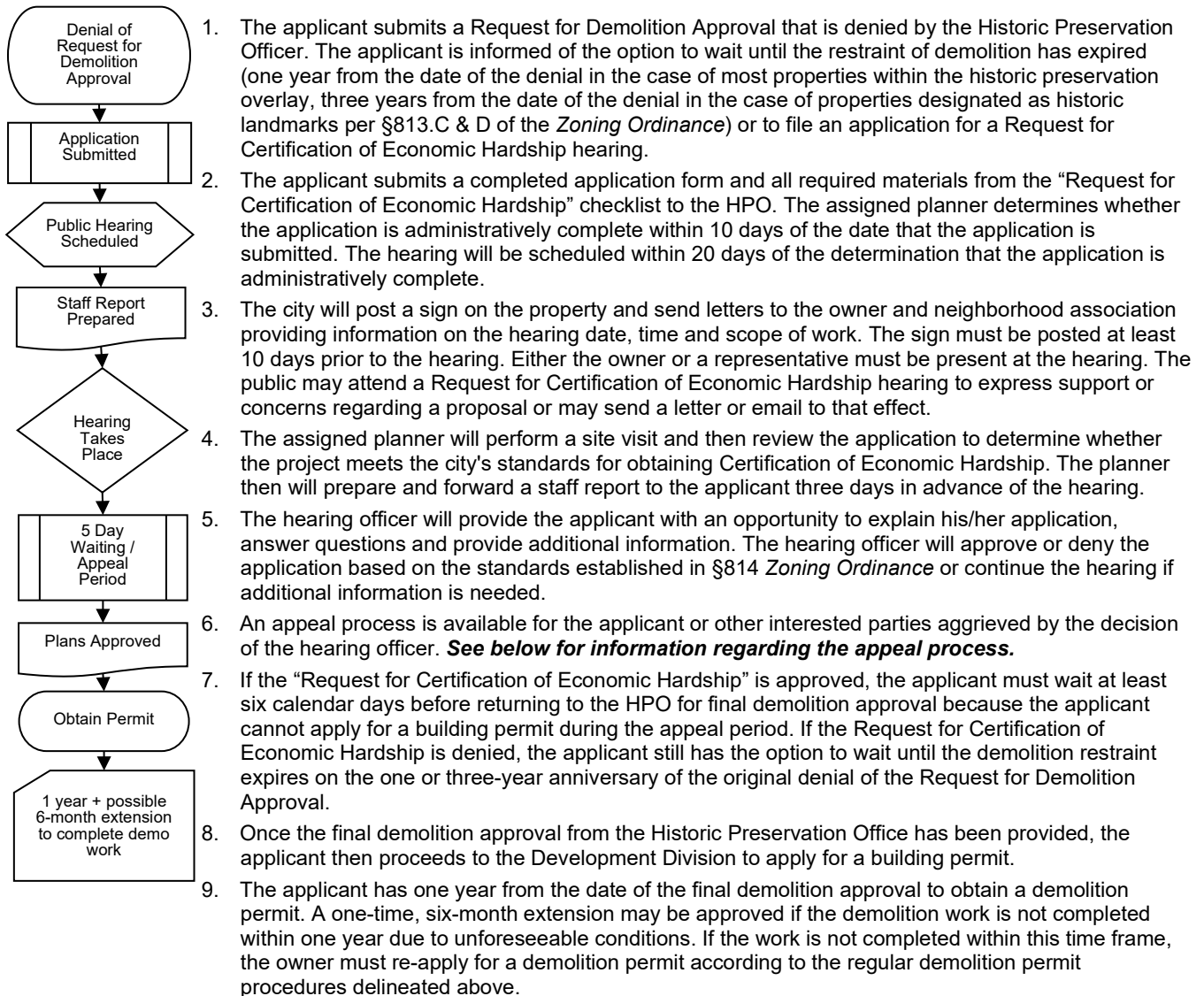
Other factors: Demonstration of an economic hardship shall not be based on or include any of the following five circumstances:

1. Willful or negligent acts by the owner
2. Purchase of the property for substantially more than market value
3. Failure to perform normal maintenance and repairs
4. Failure to diligently solicit and retain tenants
5. Failure to provide normal tenant improvements

SUBMITTING AN APPLICATION

When submitting an application, certain information is essential and must be included with the application form or shown on the plans. HP staff will perform an administrative review to determine if the submittal is in compliance with A.R.S. §9-835 (D). Applications that are not complete will be returned to the applicant with a list of the items that are outstanding.

REQUEST FOR CERTIFICATION OF ECONOMIC HARDSHIP PROCESS



APPEAL PROCESS

Any person aggrieved by the decision of the Historic Preservation Hearing Officer may appeal that decision within five calendar days of the action. The appeal form must be delivered in person to the HPO by the specified date and time. If the fifth day falls on a weekend or holiday, the appeal period will expire at the close of business on the next regular business day. See §812.C.3.a-d of the *Zoning Ordinance of the City of Phoenix*.

All appeals are heard by the city Historic Preservation Commission (HPC) at its next available meeting. Any person aggrieved by the decision of the HPC may appeal that decision to the Phoenix City Council. A written appeal must be filed in person with the HPO within five calendar days of the HPC’s decision. All appeals of HPC decisions are heard by the City Council at its next available meeting

IMPORTANT

The Hearing Officer, Historic Preservation Commission and City Council all act in a quasi-judicial manner for Certificate of Appropriateness hearings. **There is to be no *ex parte* communication with any of these entities to include phone calls, e-mails, text messages or meetings.** Supplemental materials may be submitted through the Historic Preservation Office to be included in the packet provided to the hearing body. Check with staff on any deadlines for submission of supplemental materials. Materials provided at the hearing should include copies for the hearing body, staff, applicant, and appellant.



KIVA # HPDA _____

Permit Name: _____

Property Address: _____

Historic Property/District: _____

CHECKLIST FOR REQUEST FOR CERTIFICATION OF ECONOMIC HARDSHIP APPLICATIONS

Documents submitted for Requests for Certification of Economic Hardship become the property of the city of Phoenix Historic Preservation Office and are subject to public record requests. Please be certain that you have a copy of them prior to submission. *Historic Preservation Office staff basis may require additional information beyond what is listed below on a case-by-case.*

Required for All Properties

Need

1. Completed application form
2. Photos documenting the condition of the building(s) in question, both inside and outside
3. The date purchased and the amount paid for the property when purchased
4. The name of the party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased
5. Information on the property condition when purchased, including any photos from time of purchase
6. The assessed value of the land and improvements thereon according to the two most recent assessments
7. Real estate taxes for the previous two years
8. An itemized statement showing the annual costs of all insurance on the property, and any insurance statements indicating an unwillingness to insure property in part or whole
9. Professional report(s) substantiating the condition, e.g., a sealed assessment by a registered professional engineer or licensed architect
10. A termite inspection/treatment report, if termite damage is being used as part of the justification for the demolition
11. A mold inspection/treatment report, if applicable, if mold is being used as part of the justification for the demolition
12. At least one itemized cost estimate by a licensed contractor detailing the work required and costs for rehabilitating the existing structure(s) to return it to original condition (including any needed termite and mold treatments). Note: this itemized estimate helps to establish what work needs to be completed to restore the property to productive use and what, if any, historic fabric would be lost in the rehabilitation
13. At least one itemized cost estimate by a licensed contractor detailing the work required and costs for replacing it with new construction (where applicable). This should be for a similarly sized building.
14. The extent to which financial incentives have been pursued to rehabilitate the structure(s) such as city rehabilitation grants, state property tax reduction, and other available state and federal grants and tax incentives.

For more information or for a copy of this publication in an alternate format, contact Planning & Development at 602-262-7811 voice or TTY use 7-1-1.

Required for All Properties except Garages and Other Small-scale Accessory Buildings

Need

- 15. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property
- 16. Annual debt service for mortgages and other financing secured by the property, if any, for the previous two years
- 17. Any listing of the property for sale or rent, price asked, and offers received within the last two years
- 18. Any consideration by the owner as to profitable adaptive uses for the property
- 19. An estimate of fair market value of property as is and after rehabilitation based on the last six months sales data for area
- 20. A statement of potential return on investment based on existing or new uses, including costs of rehabilitation and supplementary new construction and using fair market value for the property, a "reasonable" rate of return on investment, and prevailing rehabilitation and rental rates in the area

Additional Information Required for Income-Producing Properties

- 21. Annual gross income (including itemized rental income by unit) and net income (income after expenses) of the property for the previous two years
- 22. Itemized operating (e.g., utility costs), maintenance (e.g., weed and trash removal, painting) and other related property management expenses for the previous two years
- 23. Whether or not the property was occupied when purchased, and any known income from the property at the time it was purchased or immediately prior to purchase
- 24. For vacant, semi-vacant and under-utilized buildings, owner is required to include all of the following
 - A. Any supplementary new construction necessary to accommodate existing and potential new uses allowable under existing zoning, e.g., potential conversion of house to professional office in areas with R-5 HP zoning
 - B. Fair market value for potential reuses of the property based on last six months' sales data for area
- 25. Prevailing rental rates in the area for similar uses
- 26. Anticipated income from the property after demolition of the structure(s) and completion of any new construction
- 27. For vacant, semi-vacant and under-utilized buildings, or buildings in need of rehabilitation, owner is required to submit a statement of potential return on investment based on existing or new uses, including costs of rehabilitation, and supplementary new construction, and using fair market value for the property, a reasonable rate of return on investment, and prevailing rehabilitation and rental rates in the area

Additional Information

- 28. _____
- 29. _____
- 30. _____

Contact staff below for questions regarding the Administrative Log-In Review Screening.

Staff Signature: _____ Print Name: _____

Phone: _____ E-mail: _____ Date: _____