

**First Regular Session
Seventy-Seventh General Assembly
STATE OF SAN ANDREAS**

INTRODUCED

LLS NO. 26-0738.01 Gabby Pizzola x2917

SENATE BILL 26-002

SENATE SPONSORSHIP

Garcia, Kent

HOUSE SPONSORSHIP

Medrano, Suarez

House Committees

Not assigned

Senate Committees

Not assigned

A BILL FOR AN ACT

**CONCERNING PROTECTIONS FOR PROPERTY OWNERS IN HISTORIC LANDMARK
DESIGNATIONS, AND, IN CONNECTION THEREWITH, PREVENTING
NON-CONSENSUAL DESIGNATIONS AND LIMITING EXCESSIVE REGULATORY
COSTS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <https://saleg.uscgov.com>)

This bill establishes property owner protections related to historic landmark designations. The bill prohibits the designation of privately owned property as a historic landmark without the written consent of the property owner.

**Shading denotes HOUSE amendment. Underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.**

The bill further limits regulatory burdens associated with historic preservation by requiring that any mandated materials, methods, or design standards be cost-reasonable and not exceed a specified percentage above standard market alternatives. The bill creates a waiver process for property owners facing excessive costs and establishes a cause of action for damages where unlawful designations or requirements are imposed.

1 *Be it enacted by the General Assembly of the State of San*
2 *Andreas:*
3 **SECTION 1. SHORT TITLE.** This act shall be known and may
4 be cited as the “Historic Property Owner Protection Act.”
5 **SECTION 2. LEGISLATIVE DECLARATION.** The general
6 assembly hereby finds and declares that: (a) Historic preservation
7 is an important public interest that contributes to cultural heritage
8 and community character; (b) Private property owners often bear
9 substantial financial and regulatory burdens when properties are
10 designated as historic landmarks; (c) In some cases, historic
11 designation may occur without the knowledge or consent of the
12 property owner; (d) Excessive regulatory requirements, including
13 mandated materials and design standards, can significantly
14 increase renovation costs and discourage property restoration; (e)
15 It is the intent of the general assembly to balance historic
16 preservation with property rights by ensuring that participation is
17 voluntary and that regulatory requirements are reasonable and
18 cost-conscious. **SECTION 3. DEFINITIONS.** For the purposes of
19 this act, unless the context otherwise requires: (a) “Historic
20 designation” means any local, regional, or state designation of a
21 property as historically or culturally significant that imposes
22 regulatory restrictions on alterations, demolition, or development.
23 (b) “Property owner” means the legal owner of record of real
24 property. (c) “Cost-reasonable standard” means a requirement that
25 does not exceed one hundred twenty-five percent of the cost of a
26 functionally equivalent, widely available alternative material or

1 method. **SECTION 4. OWNER CONSENT REQUIREMENT.**
2 (a) No privately owned property shall be designated as a historic
3 landmark without the prior written consent of the property owner.
4 (b) Any designation made without such consent is void and
5 unenforceable. (c) A property owner may revoke consent at any
6 time, upon which the designation shall be removed within a
7 reasonable period not to exceed ninety days. **SECTION 5.**
8 **LIMITATIONS ON REGULATORY COSTS.** (a) Any
9 requirement imposed as a condition of historic designation shall
10 comply with cost-reasonable standards. (b) No state or local
11 authority shall require the use of specific materials, construction
12 methods, or design elements where: (I) A functionally equivalent
13 alternative exists; and (II) The required option exceeds the
14 cost-reasonable standard. (c) A property owner may substitute
15 alternative materials or methods that meet safety and structural
16 requirements. **SECTION 6. WAIVER AND APPEALS**
17 **PROCESS.** (a) A property owner may apply for a waiver from
18 any historic preservation requirement that: (I) Imposes an
19 unreasonable financial burden; or (II) Prevents reasonable repair,
20 renovation, or use of the property. (b) Waiver requests shall be
21 approved unless the regulating authority demonstrates, by clear
22 and convincing evidence, that denial is necessary to prevent
23 substantial and irreversible loss of historic value. (c) Any denial
24 of a waiver may be appealed to a court of competent jurisdiction.
25 **SECTION 7. DISCLOSURE REQUIREMENTS.** (a) Sellers of
26 property subject to historic designation shall provide written
27 disclosure to prospective buyers detailing: (I) All applicable
28 restrictions; (II) Estimated compliance costs; and (III) Approval
29 requirements for modifications. (b) Failure to provide such
30 disclosure shall create a private right of action for damages.
31 **SECTION 8. CIVIL REMEDIES.** (a) A property owner
32 aggrieved by a violation of this act may bring a civil action for: (I)
33 Declaratory or injunctive relief; (II) Actual damages; and (III)

1 Reasonable attorney fees and costs. (b) A court may award
2 statutory damages of not less than \$10,000 for willful violations.
3 **SECTION 9. PREEMPTION.** This act supersedes any conflicting
4 current, past, and present local ordinance, regulation, or policy
5 regarding historic designation of privately owned property.
6 **SECTION 10. SEVERABILITY.** If any provision of this act or
7 its application is held invalid, such invalidity does not affect other
8 provisions or applications of the act. **SECTION 11. EFFECTIVE**
9 **DATE.** This act shall take effect at 12:01 a.m. on August 18,
10 2026, assuming the general assembly adjourns sine die on May
11 18, 2026. If the general assembly adjourns sine die on a different
12 date, this act shall take effect at 12:01 a.m. on the ninety-first day
13 after final adjournment.