

BILL NO. 35-0202

Thirty-Fifth Legislature of the Virgin Islands

December 11, 2023

An Act amending title 29, chapter 3 of the Virgin Islands Code to authorize the Historic Preservation Commission to relax certain restrictions as it relates to conservation and preservation of historic and cultural assets in the historic downtown districts of Christiansted, Frederiksted, Charlotte Amalie and Cruz Bay

PROPOSED BY: Senator Kenneth L. Gittens
Co-Sponsor: Novelle E. Francis, Jr.

1 **WHEREAS**, Virgin Islands Historic and Architectural Control Districts are designated
2 areas which include one or more public or private lot or property, or parts thereof, within which,
3 after consultation with specialists and experts, the buildings, structures, appurtenances, and
4 places are determined of basic and vital importance for the development of culture and tourism
5 because of their unique Danish, or other colonial style, including color preparation, form, and
6 architectural details, because of their being a part of, or related to, a park, square, or area, the
7 design or general arrangement of which should be preserved and/or developed according to a
8 fixed plan based on cultural, historical, or architectural motives or purposes in general;

9 **WHEREAS**, The Virgin Islands Historic Preservation Commission is authorized to
10 prepare maps (and amendments, revisions, modifications, or additions thereto) of areas within

1 the Virgin Islands to be known as “Historic and Architectural Control Districts, after due notice
2 and public hearings, for submission to the Legislature and the Governor for approval;

3 **WHEREAS**, the conservation and preservation of historic and cultural assets enhances
4 the prestige and attractiveness of the Virgin Islands;

5 **WHEREAS**, the historic heritage in ancient landmarks, and the fine architecture of
6 several centuries reflect the skills, crafts, and culture of the Virgin Islands life, as well as the
7 taste and judgment of the settlers of these islands and the ancestors of today's citizens, and are
8 invaluable assets and the property of the people of the Virgin Islands;

9 **WHEREAS**, significant portions of our historic downtown districts are rapidly
10 deteriorating creating unsightly and dangerous conditions in the abandoned buildings and
11 crumbling structures by attracting trash, rodents, and criminal activity;

12 **WHEREAS**, the restoration of such historic and cultural assets and the surrounding
13 properties and structures will enhance the prestige and attractiveness of the Virgin Islands;

14 **WHEREAS**, identifying and protecting specific structures and properties within the
15 historic districts and relaxing some of the more stringent restrictions on those structures and
16 properties within the district will allow more development within the historical districts; Now,
17 Therefore,

18 ***Be it enacted by the Legislature of the Virgin Islands:***

19 **SECTION 1.** Title 29, chapter 3, subchapter III, section 288 is amended by inserting
20 new language at the end to read:

21 “The Virgin Islands Historic Preservation Commission shall utilize the following criteria
22 for the historic districts of Christiansted, Frederiksted, Charlotte Amalie and Cruz Bay:

1 (a) Identify structures within the downtown historic districts that must be historically
2 preserved due to its cultural or historical significance; and

3 (b) Relax the stringent historic preservation restrictions, including building permits
4 pursuant to section 285 of this chapter on those properties and structures that are in the
5 downtown historic districts, but not identified in subsection (a) of this section, to be preserved
6 to allow the interior of the properties and structures to be built, rebuilt or otherwise become a
7 more modern-day structure while also maintaining the same historic exterior façade. Each
8 structure or property shall be considered on a case-by-case basis. The structure may be built,
9 rebuilt or otherwise constructed:

10 (i) using present day construction materials and standards with similar street
11 facing architectural designs of the existing property if pictures are available from the
12 Historic Preservation Commission or designs and colors that are similar to other buildings
13 in the respective town; or

14 (ii) using present day materials and standards and only the street facing portion
15 of the building must look similar to what was there before.

16 It is the responsibility of the Historic Preservation Commission to provide photographs,
17 not the owner of the property. If no photographs are provided by the Historic Preservation
18 Commission, the building should resemble other buildings in the respective town”.”

19 **BILL SUMMARY**

20 This bill amends title 29, chapter 3, subchapter III, section 288 to allow the easing of the
21 stringent historic preservation restrictions on structures and properties in the historic downtown
22 districts of Christiansted, Frederiksted, Charlotte Amalie and Cruz Bay that are not identified

- 1 as historic preservation sites in need of preserving the interiors as an effort to reduce the blight
- 2 and crime in these historic areas.

3 **BR23-0347/August 16, 2023/Revised October 17, 2023/Revised December 4, 2023/PFA**