



## *Planning and Development Department*

Ed Ball Building  
214 North Hogan Street, Suite 300  
Jacksonville, FL 32202

### **M E M O R A N D U M**

**TO:** Chairperson and Members  
Jacksonville Historic Preservation Commission Task Force

**FROM:** Caleb K. Arsenault, City Planner I  
Community Planning Division, Historic Preservation Section

Brittany M. Figueroa, City Planner II  
Community Planning Division, Historic Preservation Section

**THRU:** Arimus T. Wells, City Planner Supervisor  
Community Planning Division, Historic Preservation Section

**RE:** Recommendations for the JHPC Demolition by Neglect Task Force

**DATE:** January 14, 2025

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At the direction of Task Force Chair Hoff, Staff conducted research on successful case studies of other Florida municipalities. Staff also performed an environmental scan to assess demolition by neglect practices within the state. As such, below are Staff's findings:

### **Municipality Outreach**

#### New Orleans

- Simplified their 8-step process for more efficiency
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  2. Upon failure to commence work, the applicant is notified to appear at an administrative enforcement hearing and the city may cause such property

to be repaired at its expense at such time as funds are appropriated and a lien and privilege are placed against the property.

3. Failure to comply with the provisions of this article or the rules and procedures of the commission shall be punishable by a fine of no more than \$1,000. Further offenses shall be punishable by a fine of no more than \$2,000. Each day is a separate offense.

#### Gainesville

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#### St. Augustine

- Ordinance has a small reference to demolition by neglect. Since there is no language outlining procedure (i.e., how it would be enforced and how the penalty would be implemented), the City uses its Property Maintenance Code, which allows Code Enforcement to work with property owners to secure their buildings that have visible issues.

## **Demolition by Neglect in Other Florida Municipalities**

(Information Provided by the Florida Division of Historical Resources)

### Delray Beach

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### Hillsborough County

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### Homestead

- Three options for legal action if a property owner fails to take corrective action within a thirty-day period after notice:
  1. An injunction ordering the owner to take corrective action
  2. An order authorizing the city to enter the property to make corrective action
  3. Civil penalties

### Miami Beach

- Identified properties may be inspected after a 48-hour notice
- Designated buildings or buildings within historic districts which are proposed to be vacant and closed or are vacant and closed for a period of four weeks or more shall make an application for a COA to secure and seal the building:
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### Ocala

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- Code enforcement reviews the report of the commission and if it is found reasonable, the owner is notified of code enforcement's findings and determination. Repairs must be started within thirty calendar days.

### Oakland Park

- Demolition of a historic [structure, during a proceeding of the unsafe structures board,] shall be ordered only in situations involving immediate public safety risk and shall be required to meet the following conditions:
  1. A structural engineer, with a demonstrated knowledge and expertise in remediation of historic resources, determines that the structure cannot be reasonably repaired; and
  2. The [Historic Preservation Staff] determines that there are no viable alternatives to demolition

### New Smyrna Beach

- The commission, building official, and code enforcement officer are authorized to institute any and all proceedings in law or equity as they deem necessary and appropriate to obtain compliance.
- No building permits shall be issued to a premises upon which a significant building has been voluntarily demolished in violation for 22 months after the completion of the demolition.
- Upon the determination of the commission that a building is a preferably preserved significant building, the owner shall be responsible for properly securing the building, if vacant, to the satisfaction of the building official and/or the code enforcer.
- Anyone who demolishes a designated (could also add potentially qualified structures) structure without first obtaining and fully complying with a demolition permit (could add COAs too), shall be subject to a fine of up to \$5,000.

### **Other Potential Tools to Discourage Demolition by Neglect:**

- Incentive Zoning (Delray Beach, Florida [2012])
- Commercial redevelopment of abandoned, neglected, or empty historic properties.
  - Residential office districts
  - Relaxed parking requirements for commercial use
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- Transfer of Development Rights (St. Petersburg, Florida [2012])
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- Places non-designated properties in danger as they are the first to be demolished
- Financial Incentives
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- Urban Strategy
  - Management and monitoring of neglect
- Utilize the existing mothballing process and REHAB grant

## **Creating a Nonprofit or Land Trust to Avoid Demolition by Neglect**

### Case Study: Eatonville, Florida

- A proposed road expansion project to widen Kennedy Boulevard from two to five lanes in Eatonville, Florida (just outside of Orlando, Florida) brought citizens together in 1987 to form a nonprofit preservation organization known as the Association to Preserve the Eatonville Community. They opposed the road expansion because it would destroy “the historic character and importance of the community, the oldest incorporated African American municipality in America, and hometown of write, folklorist, and anthropologist Zora Neal Hurston (Leggs et al., 2012).” The community held a public awareness campaign by organizing a festival event called the Zora Neale Hurston Festival of the Arts and Humanities (now known as the annual ZORA! Festival). A total of 10,000 community members attended to engage in academic panel discussions on Hurston and the Harlem Renaissance, theatrical and musical performances, vendors, and food (Brotemarkle, 2017). Although a portion of Kennedy Boulevard was widened, the community provided advice to planners and engineers throughout the process. The community’s persistence, including that of the Association to Preserve the Eatonville Community’s founder N.Y. Nathiri, solidified Eatonville’s historical significance to onlookers and visitors and designated the city as a National Historic District on the National Register of Historic Places (Brotemarkle, 2017).

### Nonprofit 501(c)(3)

- The IRS provides additional information on forming a nonprofit and management strategies at <http://www.irs.gov/Charities-&-Non-Profits>
- Steps on forming a nonprofit organization (according to Leggs, Rubman, & Wood):
  1. Identify both immediate and long-term problems
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  4. Recruit effective leaders (skilled and experienced community members)

5. Develop a vision
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  7. Conduct thorough planning
    - attracting partners and keeping funders requires a solid, professionally run organization;
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- For more information on creating a land trust, refer to, “Basic Steps to Creating a Conservation Land Trust in Florida,” by North, Pienaar, and Sullivan: <https://edis.ifas.ufl.edu/publication/UW448>

#### Links/Resources:

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Perkins’ thesis provides background information on The Villagers, Incorporated, which organized to save sites in Miami Dade County from 1966 to present.

#### Examples of Organized Events and Activities (summarized from Perkins, 2013):

- Events
  - Purpose

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**FROM:** Caleb K. Arsenault, City Planner I  
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Brittany M. Figueroa, City Planner II  
Community Planning Division, Historic Preservation Section

**THRU:** Arimus T. Wells, City Planner Supervisor  
Community Planning Division, Historic Preservation Section

**RE:** Recommendations for the JHPC Demolition by Neglect Task Force

**DATE:** January 14, 2025

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At the direction of Task Force Chair Hoff, Staff conducted research on successful case studies of other Florida municipalities. Staff also performed an environmental scan to assess demolition by neglect practices within the state. As such, below are Staff's findings:

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to be repaired at its expense at such time as funds are appropriated and a lien and privilege are placed against the property.

3. Failure to comply with the provisions of this article or the rules and procedures of the commission shall be punishable by a fine of no more than \$1,000. Further offenses shall be punishable by a fine of no more than \$2,000. Each day is a separate offense.

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(Information Provided by the Florida Division of Historical Resources)

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**THRU:** Arimus T. Wells, City Planner Supervisor  
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**DATE:** January 14, 2025

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## *Planning and Development Department*

Ed Ball Building  
214 North Hogan Street, Suite 300  
Jacksonville, FL 32202

### **M E M O R A N D U M**

**TO:** Chairperson and Members  
Jacksonville Historic Preservation Commission Task Force

**FROM:** Caleb K. Arsenault, City Planner I  
Community Planning Division, Historic Preservation Section

Brittany M. Figueroa, City Planner II  
Community Planning Division, Historic Preservation Section

**THRU:** Arimus T. Wells, City Planner Supervisor  
Community Planning Division, Historic Preservation Section

**RE:** Recommendations for the JHPC Demolition by Neglect Task Force

**DATE:** January 14, 2025

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At the direction of Task Force Chair Hoff, Staff conducted research on successful case studies of other Florida municipalities. Staff also performed an environmental scan to assess demolition by neglect practices within the state. As such, below are Staff's findings:

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#### New Orleans

- Simplified their 8-step process for more efficiency
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  2. Upon failure to commence work, the applicant is notified to appear at an administrative enforcement hearing and the city may cause such property

to be repaired at its expense at such time as funds are appropriated and a lien and privilege are placed against the property.

3. Failure to comply with the provisions of this article or the rules and procedures of the commission shall be punishable by a fine of no more than \$1,000. Further offenses shall be punishable by a fine of no more than \$2,000. Each day is a separate offense.

#### Gainesville

- Demolition by neglect is mentioned briefly in their ordinance and they intend to greatly enhance this section in an ordinance rewrite.
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- Demolition of historic structures may take place without historic review if the building official determines that the structure is an immediate danger to the public.

#### St. Augustine

- Ordinance has a small reference to demolition by neglect. Since there is no language outlining procedure (i.e., how it would be enforced and how the penalty would be implemented), the City uses its Property Maintenance Code, which allows Code Enforcement to work with property owners to secure their buildings that have visible issues.

## **Demolition by Neglect in Other Florida Municipalities**

(Information Provided by the Florida Division of Historical Resources)

### Delray Beach

- Following the determination that demolition by neglect is taking place, no permit will be issued for the property for any alteration or new construction for a period of five years, other than permits necessary to correct the violation (Hold waived once evidence of correction is presented).

### Hillsborough County

- Historic Commission may meet with owners of landmarks which are in poor repair to discuss ways to improve the condition of the property and may request that the Building Department take action to require the correction of defects.

### Homestead

- Three options for legal action if a property owner fails to take corrective action within a thirty-day period after notice:
  1. An injunction ordering the owner to take corrective action
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### Miami Beach

- Identified properties may be inspected after a 48-hour notice
- Designated buildings or buildings within historic districts which are proposed to be vacant and closed or are vacant and closed for a period of four weeks or more shall make an application for a COA to secure and seal the building:
  1. This includes a visual inspection which the building official provides a report of and sends a list of remediations to the owner
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- The commission, building official, and code enforcement officer are authorized to institute any and all proceedings in law or equity as they deem necessary and appropriate to obtain compliance.
- No building permits shall be issued to a premises upon which a significant building has been voluntarily demolished in violation for 22 months after the completion of the demolition.
- Upon the determination of the commission that a building is a preferably preserved significant building, the owner shall be responsible for properly securing the building, if vacant, to the satisfaction of the building official and/or the code enforcer.
- Anyone who demolishes a designated (could also add potentially qualified structures) structure without first obtaining and fully complying with a demolition permit (could add COAs too), shall be subject to a fine of up to \$5,000.

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Ed Ball Building  
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**FROM:** Caleb K. Arsenault, City Planner I  
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Community Planning Division, Historic Preservation Section

**THRU:** Arimus T. Wells, City Planner Supervisor  
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**RE:** Recommendations for the JHPC Demolition by Neglect Task Force

**DATE:** January 14, 2025

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3. Failure to comply with the provisions of this article or the rules and procedures of the commission shall be punishable by a fine of no more than \$1,000. Further offenses shall be punishable by a fine of no more than \$2,000. Each day is a separate offense.

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**THRU:** Arimus T. Wells, City Planner Supervisor  
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**DATE:** January 14, 2025

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**FROM:** Caleb K. Arsenault, City Planner I  
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Brittany M. Figueroa, City Planner II  
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**THRU:** Arimus T. Wells, City Planner Supervisor  
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**RE:** Recommendations for the JHPC Demolition by Neglect Task Force

**DATE:** January 14, 2025

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**THRU:** Arimus T. Wells, City Planner Supervisor  
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**DATE:** January 14, 2025

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to be repaired at its expense at such time as funds are appropriated and a lien and privilege are placed against the property.

3. Failure to comply with the provisions of this article or the rules and procedures of the commission shall be punishable by a fine of no more than \$1,000. Further offenses shall be punishable by a fine of no more than \$2,000. Each day is a separate offense.

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- Perkins, K. K. (2013). *Exploring the hallmarks of a successful volunteer preservation organization The Villagers, Incorporated*. University of Florida.





## *Planning and Development Department*

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### **M E M O R A N D U M**

**TO:** Chairperson and Members  
Jacksonville Historic Preservation Commission Task Force

**FROM:** Caleb K. Arsenault, City Planner I  
Community Planning Division, Historic Preservation Section

Brittany M. Figueroa, City Planner II  
Community Planning Division, Historic Preservation Section

**THRU:** Arimus T. Wells, City Planner Supervisor  
Community Planning Division, Historic Preservation Section

**RE:** Recommendations for the JHPC Demolition by Neglect Task Force

**DATE:** January 14, 2025

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At the direction of Task Force Chair Hoff, Staff conducted research on successful case studies of other Florida municipalities. Staff also performed an environmental scan to assess demolition by neglect practices within the state. As such, below are Staff's findings:

### **Municipality Outreach**

#### New Orleans

- Simplified their 8-step process for more efficiency
  1. Commission notifies applicant once they have determined that a structure is being demolished by neglect. The applicant is given 30 days to commence work to rectify the specifics given by the commission.
  2. Upon failure to commence work, the applicant is notified to appear at an administrative enforcement hearing and the city may cause such property

to be repaired at its expense at such time as funds are appropriated and a lien and privilege are placed against the property.

3. Failure to comply with the provisions of this article or the rules and procedures of the commission shall be punishable by a fine of no more than \$1,000. Further offenses shall be punishable by a fine of no more than \$2,000. Each day is a separate offense.

#### Gainesville

- Demolition by neglect is mentioned briefly in their ordinance and they intend to greatly enhance this section in an ordinance rewrite.
- The existing ordinance does not explicitly list the consequences for demolition by neglect.

#### Orlando

- Ordinance provides standards for demolition which are applied to demolition by neglect.
- Holds monthly meetings with permitting, code, and planning where each division may add to the agenda.
- Staff directly sends approved COA and conditions to code enforcers before inspection cases are closed to ensure compliance.
- For non-responsive owners whose liens have accumulated to a certain point, the foreclosure process has been utilized and the properties auctioned. During the auction process, staff ensured that prospective buyers were informed of the costs and process of owning a locally designated building.
- Demolition of historic structures may take place without historic review if the building official determines that the structure is an immediate danger to the public.

#### St. Augustine

- Ordinance has a small reference to demolition by neglect. Since there is no language outlining procedure (i.e., how it would be enforced and how the penalty would be implemented), the City uses its Property Maintenance Code, which allows Code Enforcement to work with property owners to secure their buildings that have visible issues.

## **Demolition by Neglect in Other Florida Municipalities**

(Information Provided by the Florida Division of Historical Resources)

### Delray Beach

- Following the determination that demolition by neglect is taking place, no permit will be issued for the property for any alteration or new construction for a period of five years, other than permits necessary to correct the violation (Hold waived once evidence of correction is presented).

### Hillsborough County

- Historic Commission may meet with owners of landmarks which are in poor repair to discuss ways to improve the condition of the property and may request that the Building Department take action to require the correction of defects.

### Homestead

- Three options for legal action if a property owner fails to take corrective action within a thirty-day period after notice:
  1. An injunction ordering the owner to take corrective action
  2. An order authorizing the city to enter the property to make corrective action
  3. Civil penalties

### Miami Beach

- Identified properties may be inspected after a 48-hour notice
- Designated buildings or buildings within historic districts which are proposed to be vacant and closed or are vacant and closed for a period of four weeks or more shall make an application for a COA to secure and seal the building:
  1. This includes a visual inspection which the building official provides a report of and sends a list of remediations to the owner
  2. Reinspection of properties that fall into disrepair during this time
  3. Corrective action may be required through official action or civil penalties if the owner does not comply with remedial action

### Ocala

- Upon receiving a complaint that is deemed valid, staff reaches out to establish a meeting with the owner. If the owner does not respond, staff or a member of the commission inspects the property and recommends any repairs in a report.
- The full commission discusses the findings at the next meeting and forwards its recommendations, timeframes, and deadline to code enforcement.

- Code enforcement reviews the report of the commission and if it is found reasonable, the owner is notified of code enforcement's findings and determination. Repairs must be started within thirty calendar days.

### Oakland Park

- Demolition of a historic [structure, during a proceeding of the unsafe structures board,] shall be ordered only in situations involving immediate public safety risk and shall be required to meet the following conditions:
  1. A structural engineer, with a demonstrated knowledge and expertise in remediation of historic resources, determines that the structure cannot be reasonably repaired; and
  2. The [Historic Preservation Staff] determines that there are no viable alternatives to demolition

### New Smyrna Beach

- The commission, building official, and code enforcement officer are authorized to institute any and all proceedings in law or equity as they deem necessary and appropriate to obtain compliance.
- No building permits shall be issued to a premises upon which a significant building has been voluntarily demolished in violation for 22 months after the completion of the demolition.
- Upon the determination of the commission that a building is a preferably preserved significant building, the owner shall be responsible for properly securing the building, if vacant, to the satisfaction of the building official and/or the code enforcer.
- Anyone who demolishes a designated (could also add potentially qualified structures) structure without first obtaining and fully complying with a demolition permit (could add COAs too), shall be subject to a fine of up to \$5,000.

### **Other Potential Tools to Discourage Demolition by Neglect:**

- Incentive Zoning (Delray Beach, Florida [2012])
- Commercial redevelopment of abandoned, neglected, or empty historic properties.
  - Residential office districts
  - Relaxed parking requirements for commercial use
  - Regardless of use, the appearance must be residential in style and mirror existing architecture
- Transfer of Development Rights (St. Petersburg, Florida [2012])
  - Places a premium on preserving historic structures in their entirety

- Places non-designated properties in danger as they are the first to be demolished
- Financial Incentives
  - Revolving Loan Funds to subsidize historic preservation
- Urban Strategy
  - Management and monitoring of neglect
- Utilize the existing mothballing process and REHAB grant

## **Creating a Nonprofit or Land Trust to Avoid Demolition by Neglect**

### Case Study: Eatonville, Florida

- A proposed road expansion project to widen Kennedy Boulevard from two to five lanes in Eatonville, Florida (just outside of Orlando, Florida) brought citizens together in 1987 to form a nonprofit preservation organization known as the Association to Preserve the Eatonville Community. They opposed the road expansion because it would destroy “the historic character and importance of the community, the oldest incorporated African American municipality in America, and hometown of write, folklorist, and anthropologist Zora Neal Hurston (Leggs et al., 2012).” The community held a public awareness campaign by organizing a festival event called the Zora Neale Hurston Festival of the Arts and Humanities (now known as the annual ZORA! Festival). A total of 10,000 community members attended to engage in academic panel discussions on Hurston and the Harlem Renaissance, theatrical and musical performances, vendors, and food (Brotemarkle, 2017). Although a portion of Kennedy Boulevard was widened, the community provided advice to planners and engineers throughout the process. The community’s persistence, including that of the Association to Preserve the Eatonville Community’s founder N.Y. Nathiri, solidified Eatonville’s historical significance to onlookers and visitors and designated the city as a National Historic District on the National Register of Historic Places (Brotemarkle, 2017).

### Nonprofit 501(c)(3)

- The IRS provides additional information on forming a nonprofit and management strategies at <http://www.irs.gov/Charities-&-Non-Profits>
- Steps on forming a nonprofit organization (according to Leggs, Rubman, & Wood):
  1. Identify both immediate and long-term problems
  2. Coordinate with other organizations with similar goals
  3. Identify potential grants, plan how to raise private funds, and research tax-exempt status qualification.
  4. Recruit effective leaders (skilled and experienced community members)

5. Develop a vision
  6. Recruit partners and supporters
  7. Conduct thorough planning
    - attracting partners and keeping funders requires a solid, professionally run organization;
    - develop a strategic plan, preservation plan, and business plan
    - utilize preservation tools such as historic resource surveys, historic designations, local preservation ordinances, financial incentives (tax incentives, easements, etc.)
- For more information on creating a land trust, refer to, “Basic Steps to Creating a Conservation Land Trust in Florida,” by North, Pienaar, and Sullivan: <https://edis.ifas.ufl.edu/publication/UW448>

#### Links/Resources:

- Brotemarkle, B. (2017, October 10). Florida frontiers: Saving historic eatonville. Florida Today. <https://www.floridatoday.com/story/news/2017/10/10/florida-frontiers-saving-historic-eatonville/750549001/>
- Internal Revenue Service. (2024, November 21). Charities and nonprofits. <http://www.irs.gov/Charities-&-Non-Profits>
- Leggs, B., Rubman, K., & Wood, B. (2012). Preserving African American Historic Places. District of Columbia; National Trust for Historic Preservation.
- North, B. W., Pienaar, E. F., & Sullivan, J. D. (2024, August). WEC403/UW448: Basic steps to creating a conservation land trust in Florida. Ask IFAS - Powered by EDIS. <https://edis.ifas.ufl.edu/publication/UW448>

### **Community Engagement Activities to Avoid Demolition by Neglect**

#### Case Study: The Villagers, Incorporated in Miami-Dade County

Perkins’ thesis provides background information on The Villagers, Incorporated, which organized to save sites in Miami Dade County from 1966 to present.

#### Examples of Organized Events and Activities (summarized from Perkins, 2013):

- Events
  - Purpose

- Purchase properties for restoration, rehabilitation, relocation, preservation
  - Raise awareness on benefits and necessity of preservation
- How?
  - Social or fundraising events at the historic site or structure
  - Fashion show
  - Tea dance
  - Comedy show
- Activities
  - Members, volunteers, and general public education (at organization's meetings):
    - Trainings (ex: organization members learning to oversee projects)
    - Seminars
    - Workshops (also at fundraising events and educational events)
    - Hosting meetings at sites
    - Attending conferences
    - Educational grants and scholarships
    - Interpretation
  - Members and/or volunteers to document properties, apply for local landmark status, apply for National Register listing
    - Leads to restoration and adaptive reuse
  - Requiring maintenance aspect in all projects such as landscaping, restoring windows, upgrading electrical system, etc.
  - Tour property with a trusted technical expert to verify if restoration was feasible
  - Restoring small items too like doors, uneven flooring, etc., and not just large-scale projects
  - Strip interior of structures before demolition so materials can be utilized for future restoration projects
  - Pressuring the local government for bond funds to purchase properties or for pursuing historic preservation grants
  - Lobby city to purchase dilapidated structure, city buys the structure, city leases it to The Villagers, Incorporated who would sublease the restoration work to a private business
  - The Villagers, Incorporated changed their approach and began to:
    - Solely donate funds
    - Donate funds to other groups to develop partnerships and relationships
    - Match grants
    - Held a comedy play to raise funds
    - Fund education events and opportunities for the public
    - Created a scholarship

#### Activities That Staff Includes

- Invite politicians, experts, and well-known community members to events and activities
- Canvassing activities
- Utilizing social media to get the word out

#### Links/Resources:

- Perkins, K. K. (2013). *Exploring the hallmarks of a successful volunteer preservation organization The Villagers, Incorporated*. University of Florida.