



February 22, 2016

Dear Legislator,

Please find the attached resolutions passed by communities across Michigan indicating their opposition and concern for HB 5232 and SB 720 which amends PA 169 of 1970.

Resolutions were passed by the following communities and organizations:

City of Ann Arbor
City of Clarkston
Clarkston Historical Society
Clarkston Historic District
City of Jackson City Council
Oakland County Board of Commissioners
City of Detroit City Council
Detroit Historic District Commission
City of Mt. Pleasant
Charter Township of Northville
Washtenaw County Board of Commissioners
City of Ypsilanti

Sincerely,

A handwritten signature in cursive script that reads "Nancy M. Finegood".

Nancy M. Finegood
Executive Director

Michigan Historic Preservation Network
313 East Grand River, Lansing, MI 48906
www.mhpn.org



City of Ann Arbor

301 E. Huron St.
Ann Arbor, MI 48104
<http://a2gov.legistar.com/Calendar.aspx>

Text File

File Number: 16-0211

Agenda # DC-2

Introduced: 2/16/2016

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Resolution Opposing SB720 and HB5232

Background

HB5232 was introduced on January 26, 2016 by Rep Chris Afendoulis (R-Grand Rapids Township) and was referred to the House Committee on Local Government. It was deliberated in Committee the next day and currently remains in committee.

SB720 is an identical bill that was introduced by Sen Peter MacGregor (R-Rockford) on January 26, 2016. It was referred to the Senate Committee on Local Government and has not yet been deliberated by the committee.

Historic Districts in Ann Arbor

The City of Ann Arbor has supported the establishment and enforcement of historic districts and historic district designation for over 50 years. The first historic district in Ann Arbor was established in 1973 and the City now has 14 different historic districts. One of these, the Main Street Historic District, has been cited as one of America's best main streets - in part because the historic district designation has encouraged reinvestment in historic properties. Reinvestment in historic buildings has enhanced the quality of life in Ann Arbor for many, and helps to ensure our city will remain attractive and vital.

Benefits of Historic Preservation

Historic preservation has significant and positive effects on our community; owner consent provisions are short-sighted. Establishing and maintaining historic places in Michigan communities - including Ann Arbor - is a long-term effort. Historic places, especially buildings, are dependent on their historic character to tell their stories - to be places people that want to visit, and places where people want to live. As our City embraces the technology of the 21st Century, it also respects its 19th and 20th Century roots. History and historic buildings and spaces are a vital part of our collective placemaking efforts.

Historic properties also need to be economically viable. They may need to be adapted to modern uses and newer technology - but they need to retain their historic character. This is precisely the balance that our historic district ordinances seek to achieve.

Property owners come and go. In some areas, properties change hands regularly. National statistics indicate that real estate changes hands every seven years (on average). As historic properties change hands and change uses, design standards are in place to help those new owners maintain the historic character of the building over time. In Ann Arbor, that means that buildings such as the one-time furniture factory on William and Second can become Liberty Lofts.

Many studies about the economic impact of historic district designation on property values have concluded that local regulation of historic districts - both commercial and residential - tends to stabilize and even increase property values in those districts. Property owners have a shared interest in the appearance and quality of their historic district neighborhood. All owners share the reward that comes with a well-regulated neighborhood, and all owners share the risk of allowing the deterioration of the character of their districts. Owners who have no interest in maintaining the character of their property bring a risk - not only to their own property values - but to the stability and value of their neighbors' properties.

Summary of Proposed Legislation

Missing from the discussion about HB 5232 and SB 720, which address changes in legislation governing the establishment and enforcement of historic districts, is the economic and cultural cost such legislative changes would have. Specifically, passage of this legislation means: .

- If this legislation were approved, local government could eliminate historic districts without guidelines, justification, or community input.
- If this legislation were approved, the City would be required to hold city-wide elections to ratify existing historic districts every decade. Potentially, these city-wide elections could be 'special' elections that would cost significant amounts for the City to hold. In addition, the community - through its governmental or non-governmental organizations - would need to routinely expend significant amounts of revenue and labor in order to educate the public about historic districts.
- If this legislation were approved, it would have an immediate and significantly chilling effect on property values, new investment and redevelopment in historic districts. Property owners would lose confidence in the regulatory climate and the protections afforded by an historic district designation.
- If this legislation were approved, it would politicize the process for appealing decisions of the Historic District Commission, as the elected representatives - inevitably responsive

to pressures from development interests as well as the public - would become the appeals board for any decision. Currently, such appeals are sent to a neutral board of the State of Michigan, which has appellate jurisdiction because of its expertise.

Resolution Opposing SB720 and HB5232

Whereas, The city of Ann Arbor has established 14 historic districts in the 45 years since Public Act 169 was passed in 1970;

Whereas, These districts, once approved, have stabilized neighborhoods and increased reinvestment in historic buildings and the neighborhoods;

Whereas, This reinvestment has significantly benefited the City of Ann Arbor, increasing both property values and placemaking; and

Whereas, SB 720 and HB 5232 put these benefits at risk by increasing the insecurity of property owners about the long-term continued value and economic stability of their property;

RESOLVED, That the City of Ann Arbor opposes both SB 720 and HB 5232;

RESOLVED, That a copy of this resolution be forwarded to State Senator Rebekah Warren, State Representatives Jeff Irwin and Adam Zemke, the House Committee on Local Government, the Senate Committee on Local Government, and the Governor of the State of Michigan; and

RESOLVED, That the City Council directs the City Administrator to cooperate with other municipalities, organizations, and the City's lobbyist in opposing these bills.

Sponsored by: Councilmembers Briere, Smith, Krapohl, Warpehoski, Westphal, Lumm, and Mayor Taylor



**CITY OF THE VILLAGE OF CLARKSTON CITY COUNCIL
RESOLUTION IN OPPOSITION TO HOUSE BILL 5232 AND SENATE BILL 720,
LEGISLATION TO AMEND THE MICHIGAN LOCAL HISTORIC DISTRICTS ACT**

Clarkston City Council:

WHEREAS, historic preservation is declared to be a public purpose under Section 2.01 of Clarkston ordinance 118, to safeguard the heritage of Clarkston's historic district in order to reflect elements of the City of the Village of Clarkston's history, architecture, archaeology, engineering or culture; stabilize and improve property values in each district and the surrounding areas; foster civic beauty; strengthen the local economy; and promote the use of historic districts for the education, pleasure, and welfare of the citizens of the City of the Village of Clarkston and of the State of Michigan; and

WHEREAS, 1970 Public Act 169, the Michigan Local Historic Districts Act enables local units of government to establish historic districts; and

WHEREAS, the positive benefits of historic districts on the economic development, quality of life and general welfare of the people of the City of the Village of Clarkston are well established; and

WHEREAS, Clarkston, whether as a village or as a city, has designated and administered its historic district successfully and proudly for several decades, beginning in 1980; and

WHEREAS, Clarkston actively maintains and supports its historic district; and

WHEREAS, such amendments pose an immediate threat to the continued preservation of Clarkston's historic resources, currently protected by PA 169; and

WHEREAS, a report from the House Fiscal Agency suggests that the legislation as written would "increase the costs of local units of government attempting to set up new or modify existing historic districts" as well as the renewal process stated above; NOW THEREFORE BE IT

RESOLVED, that the Clarkston City Council hereby urges the House Committee on Local Government, the Senate Committee on Local Government, and the entire state legislature to reject House Bill 5232 of 2016, and Senate Bill 720 of 2016, as written, AND BE IT FINALLY

RESOLVED, that a copy of this resolution shall be transmitted to the House Committee on Local Government, the Senate Committee on Local Government, the state representative and state senator who represent Clarkston, and to the Governor of the State of Michigan.

I, Sandy Miller, City Clerk in and for the City of the Village of Clarkston, Oakland County and State of Michigan, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council on the 16th day of February, 2016.



**RESOLUTION IN OPPOSITION TO HOUSE BILL 5232 AND SENATE BILL 720,
LEGISLATION TO AMEND THE MICHIGAN LOCAL HISTORIC DISTRICTS ACT**

By Clarkston Community Historical Society

WHEREAS, historic preservation is declared to be a public purpose under Section 2.01 of the City of the Village of Clarkston ordinance 118, to safeguard the heritage of Clarkston's historic district in order to reflect elements of the City of the Village of Clarkston's history, architecture, archaeology, engineering or culture; stabilize and improve property values in each district and the surrounding areas; foster civic beauty; strengthen the local economy; and promote the use of historic districts for the education, pleasure, and welfare of the citizens of the City of the Village of Clarkston and of the State of Michigan; and

WHEREAS, 1970 Public Act 169, the Michigan Local Historic Districts Act enables local units of government to establish historic districts that help to preserve the heritage of our community; and

WHEREAS, the positive benefits of historic districts on the economic development, quality of life and general welfare of the people of the City of the Village of Clarkston as well as the greater surrounding community are well established; and

WHEREAS, Clarkston, whether as a village or as a city, has designated and administered its historic district successfully and proudly for several decades, beginning in 1980; and

WHEREAS, Clarkston actively maintains and supports its historic district; and

WHEREAS, such amendments pose an immediate threat to the continued preservation of Clarkston's historic resources, currently protected by PA 169; and

WHEREAS, a report from the House Fiscal Agency suggests that the legislation as written would "increase the costs of local units of government attempting to set up new or modify existing historic districts"; NOW THEREFORE BE IT

RESOLVED, that the Clarkston Community Historical Society hereby urges the House Committee on Local Government, the Senate Committee on Local Government, and the entire state legislature to reject House Bill 5232 of 2016, and Senate Bill 720 of 2016, as written, AND BE IT FINALLY

RESOLVED, that a copy of this resolution shall be transmitted to the House Committee on Local Government, the Senate Committee on Local Government, the state representative and state senator who represent Clarkston, and to the Governor of the State of Michigan.

Clarkston Community Historical Society Board of Directors, February 12, 2016

*Bart Clark, President Debbie DeVault, Vice-President Kelly Kolhagen Angela Freeman
Melissa Luginski Jonathan Smith James Schultz Sue McGraw Lorrie Ellis
Toni Smith, Director, Clarkston Heritage Museum*



**CLARKSTON HISTORIC DISTRICT COMMISSION
RESOLUTION IN OPPOSITION TO HOUSE BILL 5232 AND SENATE BILL 720,
LEGISLATION TO AMEND THE MICHIGAN LOCAL HISTORIC DISTRICTS ACT**

By Clarkston Historic District Commission:

WHEREAS, historic preservation is declared to be a public purpose under Section 2.01 of Clarkston ordinance 118, to safeguard the heritage of Clarkston's historic district in order to reflect elements of the City of the Village of Clarkston's history, architecture, archaeology, engineering or culture; stabilize and improve property values in each district and the surrounding areas; foster civic beauty; strengthen the local economy; and promote the use of historic districts for the education, pleasure, and welfare of the citizens of the City of the Village of Clarkston and of the State of Michigan; and

WHEREAS, 1970 Public Act 169, the Michigan Local Historic Districts Act enables local units of government to establish historic districts; and

WHEREAS, the positive benefits of historic districts on the economic development, quality of life and general welfare of the people of the City of the Village of Clarkston are well established; and

WHEREAS, Clarkston, whether as a village or as a city, has designated and administered its historic district successfully and proudly for several decades, beginning in 1980; and

WHEREAS, Clarkston actively maintains and supports its historic district; and

WHEREAS, such amendments pose an immediate threat to the continued preservation of Clarkston's historic resources, currently protected by PA 169; and

WHEREAS, a report from the House Fiscal Agency suggests that the legislation as written would "increase the costs of local units of government attempting to set up new or modify existing historic districts" as well as the renewal process stated above; NOW THEREFORE BE IT

RESOLVED, that the Clarkston Historic District Commission of the City of the Village of Clarkston hereby urges the House Committee on Local Government, the Senate Committee on Local Government, and the entire state legislature to reject House Bill 5232 of 2016, and Senate Bill 720 of 2016, as written, AND BE IT FINALLY

RESOLVED, that a copy of this resolution shall be transmitted to the House Committee on Local Government, the Senate Committee on Local Government, the state representative and state senator who represent Clarkston, and to the Governor of the State of Michigan.

Motioned by Clarkston Historic District Commission Member Cara Catallo. Seconded by Commission Member David Bihl. All commissioners present voted in favor February 9, 2016.

**A RESOLUTION OF THE CITY OF JACKSON CITY COUNCIL
OPPOSING SENATE BILL 720 AND HOUSE BILL 5232**

BY THE CITY COUNCIL:

WHEREAS, Senate Bill 720 and House Bill 5232 as introduced within the State of Michigan Legislature seek to amend the Local Historic Districts Act, 1970 PA 169, by modifying procedures for establishing or eliminating an historic district, making changes to the process by which exterior improvements are made to historic structures and creating a process for dissolving or renewing an historic district;

WHEREAS, Senate Bill 720 and House Bill 5232 require changes that will make it more difficult for the City of Jackson to protect areas of historic significance; and

WHEREAS, Senate Bill 720 and HB 5232 would require the local historic district to dissolve in 10 years unless a majority vote of the City electors approved a renewal. Every ten years after that, the question of renewal would need to be resubmitted to the voters. This adds not only uncertainty to the historic preservation efforts of the City, but also added expense to conduct the elections; and

WHEREAS, Senate Bill 720 and HB 5232 would permit the City Council to eliminate a historic district by passage of an ordinance without the approval of the voters at an election. Currently, the City Council must appoint an historic district study committee that must issue a report, hold a hearing, and issue a final report to show why elimination is needed. These requirements would be eliminated by Senate Bill 720 and House Bill 5232; and

WHEREAS, Senate Bill 720 and House Bill 5232 also shift the responsibility of appeals for work permit grievances from the state historic preservation review board to the City Council. This would increase costs to the City to review and hear these appeals. In addition, the expertise of the state historic preservation review board makes it a superior choice for appeals.

NOW, THEREFORE, BE IT RESOLVED, that the City of Jackson City Council opposes Senate Bill 720 and House Bill 5232 and respectfully requests that all State legislators oppose this legislation.

* * * * *

State of Michigan)
County of Jackson) ss
City of Jackson)

I, Andrew J. Wrozek, Jr., City Clerk in and for the City of Jackson, County and State of Michigan, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the Jackson City Council on the ____ day of _____, 2016.

IN WITNESS WHEREOF, I have hereto affixed
my signature and the seal of the City of Jackson,
Michigan, on this ___ day of _____, 2016.

Andrew J. Wrozek, Jr., City Clerk

**A RESOLUTION IN OPPOSITION TO
HB 5232 AND SB 720**

BY THE HISTORIC DISTRICT COMMISSION:

Whereas, Historic Preservation is the foundation of many community's economic revitalization efforts, and is one of the most important tools to protect our history and culture, create a sense of place, and is relevant to community development efforts for both small towns and big cities;

WHEREAS, the City of Jackson created its Historic District Commission to:

- Safeguard the heritage of the City of Jackson by preserving a historic district, including areas, sites, landmarks, buildings, structures, works of art, objects and resources which reflect elements of Jackson's cultural, social, economic, political and/or architectural history;
- Stabilize and improve property values in the historic district;
- Foster civic beauty;
- Strengthen the local economy; and
- Promote the use of the historic district, including areas, sites, landmarks, buildings, structures, works of art, objects and resources, for the education, pleasure and welfare of the citizens of the City of Jackson and the State of Michigan; and

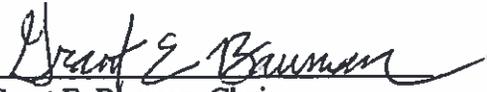
WHEREAS, House Bill 5232 and Senate Bill 720 have been introduced to the Michigan House of Representatives and Michigan Senate, respectively, which would amend PA 169 of 1970, the Local Historic Districts Act; and

WHEREAS, those bills would effectively eliminate local historic districts in the State of Michigan:

- Local Historic Districts are the **ONLY** way for a community to protect areas of historic significance from insensitive development, inappropriate alterations, and demolition;
- Community landmarks would be made vulnerable when a sudden development or demolition threat appears as the bills would require majority property owner consent before the resource could even be placed under study;
- Requiring a 2/3 majority support petition of property owners before a study committee could be appointed places undue burden on communities seeking to establish a local historic district and would eliminate grant funds available for preservation projects;
- Dismissal of approved Standards and Guidelines, used nationwide, that historic district commissioners base their reviews upon would leave the current processes open to interpretation;
- These bills would clearly threaten the viability of local historic districts in Michigan over time by requiring a local legislative body vote to reinstate each district, even those long-standing, every 10 years.; and
- Not only would the bills create a sunset clause on local historic districts, they would dispose of the current process for dissolving historic districts; and

NOW, THEREFORE, BE IT RESOLVED, the Historic District Commission of Jackson, Michigan, recommends disapproval of House Bill 5232 and Senate Bill 720 by the Michigan House of Representatives and Michigan Senate, respectively; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to Jackson's City Council and to the City of Jackson's state representatives in the Michigan House of Representatives and the Michigan Senate.


Grant E. Bauman, Chair
City of Jackson Historic District Commission

Date: February 8, 2016

MISCELLANEOUS RESOLUTION #16

BY: Commissioner Hugh Crawford, District #9; Commissioner Tom Middleton, District #4; Commissioner Wade Fleming, District #16; Commissioner Philip Weipert, District #8; Commissioner Shelley Taub, District #12; Commissioner Michael Spisz, District #3; Commissioner John Scott, District #5; and Commissioner Bob Hoffman, District #2

IN RE: BOARD OF COMMISSIONERS – OPPOSITION TO HOUSE BILL 5232 AND SENATE BILL 720

To the Oakland County Board of Commissioners
Chairperson, Ladies and Gentlemen:

WHEREAS for more than 40 years, PA 169 of 1970, has enabled local governments to choose to safeguard their historic resources with local historic districts across the state for historic preservation; and WHEREAS the Oakland County Historical Commission dedicated to historic preservation supports the current and future designated local historic districts under PA 169 of 1970; and

WHEREAS the County has a long history in supporting the Oakland County Historical Commission and the shared history enabled through PA 169 of 1970, as amended in 1992; and

WHEREAS Oakland County has 14 local units of government with Historic Districts Commissions; and WHEREAS the County actively supports local history, historic neighborhoods and commercial centers; and

WHEREAS legislation was recently introduced in Lansing in the form of House Bill 5232 and Senate Bill 720 that would amend current legislation in regards to local historic districts and will negatively impact historic resources, local historic districts, and local government ordinances, processes and budgets; and

WHEREAS these changes will impede the existence of currently designated local historic districts and will severely curtail local municipalities' ability to designate local historic districts in the future; and

WHEREAS these amendments pose an immediate threat to the continued preservation of Oakland County's many invaluable historic resources.

NOW THEREFORE BE IT RESOLVED the Oakland County Board of Commissioners joining together with the Oakland County Historical Commission, hereby declares their opposition to House Bill 5232 and Senate Bill 720, and offers their support for the currently enacted legislation, PA 169 of 1970.

BE IT FURTHER RESOLVED that the Oakland County Clerk/Register of Deeds is directed to submit a copy of this resolution to the Oakland County Historical Commission, the Board's legislative lobbyists, the Office of the Governor, Senate Majority Leader, Senate Minority Leader, Speaker of the House, House Minority Leader and the Oakland County delegation to the Michigan Legislature.

Chairperson, we move the adoption of the foregoing Resolution.

Commissioner Hugh Crawford
District #9

Commissioner Thomas Middleton
District #4

Commissioner Wade Fleming
District #16

Commissioner Philip Weipert
District #8

Commissioner Shelley Taub
District #12

Commissioner Michael Spisz
District #3

Commissioner John Scott
District #5

Commissioner Bob Hoffman
District #2

Commissioner
District #

David Whitaker, Esq.
Director
Irvin Corley, Jr.
Executive Policy Manager
Marcell R. Todd, Jr.
Senior City Planner

LaKisha Barclift, Esq.
Rory Bolger, PhD, AICP
Timothy Boscarino, AICP
Elizabeth Cabot, Esq.
Janese Chapman

City of Detroit

CITY COUNCIL

LEGISLATIVE POLICY DIVISION
208 Coleman A. Young Municipal Center
Detroit, Michigan 48226

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George Etheridge
Deborah Goldstein
Derrick Headd
Anne Marie Langan
Analine Powers, PhD
Sabrina Shockley
Thomas Stephens, Esq.
David Teeter
Theresa Thomas
Kathryn Lynch Underwood

To: The Honorable City Council

From: David Whitaker, Director
Janese Chapman, Staff
Timothy Boscarino, Staff

Date: February 1, 2016

Re: **HB 5232 and SB 0270: Legislation to Amend the Michigan Local Historic Districts Act**

House Bill 5232 of 2016, and Senate Bill 0270 of 2016, presently before the Michigan legislature, propose to amend the Michigan Local Historic Districts Act (PA 169 of 1970), the state enabling legislation under which a local unit of government may enact and regulate historic districts. The proposed legislation would significantly restrict the ability of Your Honorable Body to designate new historic districts; it would also affect the manner in which historic districts are regulated, placing an administrative responsibility on the City Council. Finally, the proposed legislation would impose a sunset provision on existing districts, causing them to automatically expire unless "renewed" every ten years.

BACKGROUND

HB 5232 was introduced by state Rep. Chris Afendoulis (R-Grand Rapids Township) on January 26, 2016, and referred to the House Committee on Local Government that same day. It was deliberated by the committee, with public comment, on January 27, and presently remains in committee.

SB 0270, an identical Senate bill, was introduced by state Sen. Peter MacGregor (R-Rockford), also on January 26, 2016. Referred to the Senate Committee on Local Government, it has not yet been discussed by that committee.

SUMMARY

Amendments to the Michigan Local Historic Districts Act, as proposed by the aforementioned House and Senate bills, would effect a number of changes upon the procedures by which the City of Detroit designates and regulates historic districts.

Should HB 5232 and SB 0270 become law, the new legislation would:

- Require, in the form of a written petition, approval of two-thirds of property owners within a proposed historic district before the City Council can direct a study committee (i.e., the Historic Designation Advisory Board) to study the proposed district.
- Require that boundaries of a proposed historic district be delineated by the aforementioned petition; they would not be subject to modification during the study process or by the City Council.
- Require that the the study committee (i.e., the Historic Designation Advisory Board) contain at least one “elected member of the legislative body” (i.e. a City Council member) and at least one person “engaged in the business of residential or commercial construction.” The size of the Historic Designation Advisory Board would be set at 4–7 members.
- Stipulate that the designation of a historic district is conditional, subject to approval by voters in a citywide election.
- Grant the City Council appellate authority over Historic District Commission decisions, and mandate that the City Council hear each appeal at “its first regularly scheduled meeting after receiving the appeal.”
- Eliminate the role of the State Historic Preservation Review Board in the appeal process.
- Allow the Historic District Commission to deviate from the Secretary of the Interior’s Standards reviewing proposed work in historic districts.
- Prohibit the City Council from regulating building interiors.
- Require City Council approval before the Historic District Commission may take action in a case of demolition by neglect.
- Allow the City Council to eliminate an existing historic district without undergoing the study and evaluation procedures formerly required by the Act.
- Cause historic districts to dissolve after ten years unless “renewed” by voters in a citywide election.

The bills also propose several non-substantive changes updating or clarifying language in the Act.

ANALYSIS

Preliminary Approval Requirement

The requirement to obtain approval from two-thirds of property owners establishes a significant obstacle to initiating the historic designation process. Approximately 20% of structures in Detroit are unoccupied, and only about 60% are owner occupied; furthermore, over 100,000 vacant

parcels exist throughout the city.¹ Properties that are not owner-occupied may be in foreclosure or owned by banks, or owned by absentee landlords, speculators, or corporate or institutional owners. In prior experience, staff of the Historic Designation Advisory Board and City Planning Commission have found these classes of property owners to be very difficult to contact, and we feel that they would be unlikely to respond to a petition regarding historic designation. This would render the preliminary approval requirement virtually impossible to meet in many instances, preventing the City Council from designating a historic district even in cases of widespread or unanimous community support.

Furthermore, the requirement gives the interests of property owners, who may or may not be Detroit residents, primacy over the interests of residents of proposed historic districts.

By requiring that boundaries be established by petition at the outset of a study, the City Council would lack the ability to modify boundaries in response to public input or other findings made during the study process.

Popular Vote Requirement

The requirement that proposed historic districts be confirmed by a citywide popular vote would introduce a delay of as long as two years into the historic designation process. Furthermore, this would shift responsibility for historic designation from the City Council to the citywide electorate, potentially overshadowing the role of local stakeholders in the process.

Composition of the Historic Designation Advisory Board

Presently, the Historic Designation Advisory Board consists of nine permanent members, plus two community members appointed on an *ad-hoc* basis for each study, for a total of eleven voting members. Under the proposed legislation, the size of the board would be capped at seven members.

The requirement to include a representative of the construction industry, though new, would be largely consistent with the existing practice of Your Honorable Body to appoint members familiar with historic preservation concerns.

The requirement to include a City Council member as a member of the Historic Designation Advisory Board would seem to be "incompatible" according to the Incompatible Public Offices Act (PA 566 of 1978) as it relates to the member serving on both boards.² It is unclear how this conflict would be resolved.

Appellate Authority

Under the present legislation, appeals of Historic District Commission decisions are heard by the Michigan State Historic Preservation Review Board prior to appeal to circuit court. The proposed legislation would replace state appeal with City Council appeal. Due to the large number of cases heard by the Historic District Commission and its staff each month, as well as the technical nature of Historic District Commission decisions, this would impose a significant administrative

1 According to estimates at <http://motorcitymapping.org>.

2 State of Michigan Attorney General Opinion #7105, April 17, 2002.

burden upon Your Honorable Body, likely necessitating the devotion of additional staff resources or additional staff.

The change in the appeal process would effectively place the Historic District Commission in a subservient position to the City Council. Historic review would be shifted from a fundamentally administrative process, to a political one.

Dissolution and “Renewal” of Historic Districts.

The existence of over 130 historic districts in the City of Detroit—designated in virtually all cases with strong community support and after a process soliciting substantial public input—stands as evidence of the broad appeal of historic designation in our communities. The benefits of historic districts as an economic development tool are well established.³ We feel that the attraction of historic district designation results, in large part, from the degree of stability it affords. Amending existing legislation to include a “sunset” clause would add an element of uncertainty to the process that would negate many of its benefits.

In the creation of historic districts, due process is already ensured by existing procedures that require a study period, two public hearings, and a vote from Your Honorable Body prior to the establishment of a historic district. A provision to eliminate a historic district, after a study period, already exists, and present legislation already allows the Historic District Commission to approve alterations or demolitions of historic buildings when warranted due to safety concerns, financial hardship, a major public improvement program, or when retaining a historic structure “is not in the interest of a majority of the community.”

Fiscal Impact

According to a report by the House Fiscal Agency, the bills would “increase the costs of local units of governments attempting to set up new or modify existing historic districts”⁴ due to the aforementioned mandate for City Council appeal as well as the requirement for elections to establish historic districts and “renew” them every ten years.

Certified Local Government Status

As a Certified Local Government (CLG), the City of Detroit is eligible to apply annually for federal Historic Preservation Fund grant funding. 36 CFR 61.6 requires CLGs to maintain “appropriate State or local legislation for the designation and protection of historic properties,” and there is some concern that the proposed legislation may not meet the federal appropriateness standard identified above. We await guidance on this matter from the State Historic Preservation Office of the Michigan State Housing Development Authority.

STATEWIDE RESPONSE

The Michigan Municipal League, on January 27, 2016, testified before the House Committee on Local Government in opposition to HB 5232. The Michigan Association of Planning and the

3 “Economics and Historic Preservation: A Guide and Review of the Literature,” The Brookings Institution Metropolitan Policy Program, 2005.

4 House Fiscal Agency, “Historic District Designation,” January 27, 2016.

<http://www.legislature.mi.gov/documents/2015-2016/billanalysis/House/htm/2015-HLA-5232-FF799FFD.htm>

Michigan Historic Preservation Network have issued statements in opposition to both bills.

CONCLUSION

HB 5232 and SB 0272 would greatly restrict the ability of the City of Detroit to create new historic districts, and increase the resources needed to regulate historic districts. It would only grant two new powers—the authority to review Historic District Commission decisions, and the ability to eliminate historic districts without the present study requirement.

Due the widespread anticipated impact of the proposed legislation on historic preservation policy in the City of Detroit, we recommend that Your Honorable Body adopt a resolution opposing SB 5232 and SB 0272 as written. We have attached a resolution for your consideration.

Attachment:

Resolution

HB 5232 of 2016

**RESOLUTION IN OPPOSITION TO HOUSE BILL 5232 AND SENATE BILL 0720,
LEGISLATION TO AMEND THE MICHIGAN LOCAL HISTORIC DISTRICTS ACT**

By Council Member _____:

- WHEREAS** historic preservation is declared to be a “public purpose” under Chapter 25, Section 25-2-1 of the Detroit City Code, which further seeks to “safeguard the heritage of the city by preserving areas in the city which reflect elements of its cultural, social, spiritual, economic, political, engineering, or architectural history or its archeology”;
- WHEREAS** Public Act 179 of 1970, the Michigan Local Historic Districts Act (hereinafter, “the Act”), enables local units of government to establish historic districts; and
- WHEREAS** the positive benefits of historic districts on the economic development, quality of life, and general welfare of the people of the City of Detroit are well established; and
- WHEREAS** the City of Detroit contains over 130 historic districts established under a democratic process which is initiated by citizen petition, and includes, in accordance with Chapter 25 of the City Code, substantial outreach to members of the affected communities, statutory public hearings, and final consideration and enactment by the City Council; and
- WHEREAS** the City of Detroit has been designating and administering historic districts for several decades, beginning in 1970, and historic districts previously established retain equal, or have attained greater, significance over the intervening years, and
- WHEREAS** House Bill 5232 of 2016, and the identical legislation Senate Bill 0270 of 2016, introduced to the legislature of the State of Michigan on January 26, 2016, propose to amend the Act to place additional and significant restrictions on the ability of a local unit of government to designate and regulate historic districts; and
- WHEREAS** House Bill 5232 of 2016, and the identical legislation Senate Bill 0270 of 2016, would additionally amend the Act such that existing historic districts will expire unless “renewed” every ten years;
- WHEREAS** a report from the House Fiscal Agency suggests that the legislation as written would “increase the costs of local units of government attempting to set up new or modify existing historic districts”; **NOW, THEREFORE BE IT**
- RESOLVED** that the Detroit City Council hereby urges the House Committee on Local Government, the Senate Committee on Local Government, and the entire state legislature to reject House Bill 5232 of 2016, and Senate Bill 0270 of 2016, as written, **AND BE IT FINALLY**

HOUSE BILL No. 5232

January 26, 2016, Introduced by Reps. Afendoulis, Chatfield, Theis, Lucido, Poleski, Lyons, Cox, Sheppard, Hughes, Hooker, Smiley, Price, LaFontaine, Callton, Yonker, Garcia, Victory, Cole, Johnson, Kivela, Jenkins, Bumstead, Kelly and Glenn and referred to the Committee on Local Government.

A bill to amend 1970 PA 169, entitled "Local historic districts act," by amending sections 1a, 3, 5, 9, and 14 (MCL 399.201a, 399.203, 399.205, 399.209, and 399.214), sections 1a and 5 as amended by 2004 PA 67, sections 3 and 9 as amended by 2001 PA 67, and section 14 as added by 1992 PA 96.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1a. As used in this act:

2 (a) "Alteration" means work that changes the detail of a
3 resource but does not change its basic size or shape.

4 (b) "AUTHORITY" MEANS THE MICHIGAN STATE HOUSING DEVELOPMENT
5 AUTHORITY CREATED BY SECTION 21 OF THE STATE HOUSING DEVELOPMENT
6 AUTHORITY ACT OF 1966, 1966 PA 346, MCL 125.1421.

7 (c) ~~(b)~~ "Certificate of appropriateness" means the written

Detroit Historic District Commission

Resolution 16-01

February 10, 2016

**RESOLUTION IN OPPOSITION TO HOUSE BILL 5232 AND SENATE BILL 0720,
LEGISLATION TO AMEND THE MICHIGAN LOCAL HISTORIC DISTRICTS ACT**

By Commissioner Hamilton:

- WHEREAS** historic preservation is declared to be a “public purpose” under Chapter 25, Section 25-2-1 of the Detroit City Code, which further seeks to “safeguard the heritage of the city by preserving areas in the city which reflect elements of its cultural, social, spiritual, economic, political, engineering, or architectural history or its archeology”;
- WHEREAS** Public Act 179 of 1970, the Michigan Local Historic Districts Act (hereinafter, “the Act”), enables local units of government to establish historic districts; and
- WHEREAS** the positive benefits of historic districts on the economic development, quality of life, and general welfare of the people of the City of Detroit are well established; and
- WHEREAS** the City of Detroit contains over 130 historic districts established under a democratic process which is initiated by citizen petition, and includes, in accordance with Chapter 25 of the City Code, substantial outreach to members of the affected communities, statutory public hearings, and final consideration and enactment by the City Council; and
- WHEREAS** the City of Detroit has been designating and administering historic districts for several decades, beginning in 1970, and historic districts previously established retain equal, or have attained greater, significance over the intervening years, and
- WHEREAS** House Bill 5232 of 2016, and the identical legislation Senate Bill 0720 of 2016, introduced to the legislature of the State of Michigan on January 26, 2016, propose to amend the Act to place additional and significant restrictions on the ability of a local unit of government to designate and regulate historic districts; and
- WHEREAS** House Bill 5232 of 2016, and the identical legislation Senate Bill 0720 of 2016, would additionally amend the Act such that existing historic districts will expire unless “renewed” every ten years; and
- WHEREAS** a report from the House Fiscal Agency suggests that the legislation as written would “increase the costs of local units of government attempting to set up new or modify existing historic districts”; **NOW, THEREFORE BE IT**

RESOLVED that the Detroit Historic District Commission hereby urges the House Committee on Local Government, the Senate Committee on Local Government, and the entire state legislature to reject House Bill 5232 of 2016, and Senate Bill 0720 of 2016, as written, **AND BE IT FINALLY**

RESOLVED that a copy of this resolution shall be transmitted to the House Committee on Local Government, the Senate Committee on Local Government, the Detroit delegation of the Michigan legislature, and the Governor of the State of Michigan.

**RESOLUTION IN OPPOSITION TO HOUSE BILL 5232 AND SENATE BILL 0720, LEGISLATION TO
AMEND THE MICHIGAN LOCAL HISTORIC DISTRICTS ACT**

- WHEREAS** historic preservation is declared to be a “public purpose” under 154.086 of the City of Mt. Pleasant City Code, which further seeks to “safeguard the heritage of the city by preserving areas in the city which reflect elements of its cultural, social, spiritual, economic, political, engineering, or architectural history or its archeology”;
- WHEREAS** Public Act 179 of 1970, the Michigan Local Historic Districts Act (hereinafter, “the Act”), enables local units of government to establish historic districts; and
- WHEREAS** the positive benefits of historic districts on the economic development, quality of life, and general welfare of the people of the City of Mt. Pleasant are well established; and
- WHEREAS** the City of Mt. Pleasant contains 2 historic districts, established since 2005 and under a democratic process which is initiated by citizen petition, and includes, in accordance with section 154.086 City of Mt. Pleasant Code, substantial outreach to members of the affected areas, statutory public hearings, and final consideration and enactment by the City Commission; and
- WHEREAS** House Bill 5232 of 2016, and the identical legislation Senate Bill 0720 of 2016, introduced to the legislature of the State of Michigan on January 26, 2016, propose to amend the Act to place additional and significant restrictions on the ability of a local unit of government to designate and regulate historic districts; and
- WHEREAS** House Bill 5232 of 2016, and the identical legislation Senate Bill 0720 of 2016, would additionally amend the Act such that existing historic districts will expire unless “renewed” every ten years; and
- WHEREAS** a report from the House Fiscal Agency suggests that the legislation as written would “increase the costs of local units of government attempting to set up new or modify existing historic districts”; **NOW, THEREFORE BE IT**
- RESOLVED** that the Mt. Pleasant City Commission hereby urges the House Committee on Local Government, the Senate Committee on Local Government, and the entire state legislature to reject House Bill 5232 of 2016, and Senate Bill 0720 of 2016, as written, **AND BE IT FINALLY**
- RESOLVED** that a copy of this resolution shall be transmitted to the House Committee on Local Government, the Senate Committee on Local Government, and the Governor of the State of Michigan.

Historic District Commission
Charter Township of Northville
Resolution 2016-01-1
Opposition to Michigan HB 5232 / SB 720

At a regular meeting of the Historic District Commission of the Charter Township of Northville, on January 28, 2016 at 7:30 p.m. at the Northville Township Hall, the following resolution was offered:

WHEREAS: The Board of Trustees appoints the members of the Historic District Commission, and re-affirmed the Bylaws of the Historic District Commission in October , 2013, and, the Commission members have received formal training in historic district matters,

WHEREAS: the HDC operates under the guidelines of the U. S. Secretary of the Interior, and

WHEREAS: The Bylaws of the Historic District Commission specify (Section 1.2 Responsibilities):

“The responsibilities of the Commission are to review, advise, and recommend to the Township Board

- 1. properties and resources of historical and architectural value and significance, and their relationship to the historical value of the surrounding area.*
- 2. ordinances and regulations needed to protect such properties.*
- 3. policies, plans, goals, oversight, and an annual budget.”*

and

WHEREAS: the Board of Trustees has the authority to accept or reject the HDC’s recommendations, and thus already has the ultimate decision on HDC declarations, and

WHEREAS: the Historic District Commission has widespread support within Northville Township for the actions taken during its tenure, including creation of the historic district at Six Mile and Napier Roads, and

WHEREAS: The members of the HDC have reviewed HB 5232 / SB 720 as introduced to the legislature on January 26, 2016 and discussed it at a formal, open meeting.

NOW, THEREFORE BE IT RESOLVED: That the Historic District Commission of the Charter Township of Northville does declare that the amendments proposed to PA 169 of 1970 by HB 5232 / SB 720 will have serious detrimental impacts to historic resources and local historic districts. The Northville Township Historic District Commission strongly recommends that these bills be rejected.

RESOLUTION DECLARED ADOPTED.

Allen, Banner, Oldenburg, Palmer, Poenisch, Schleh, Shadko, Sivy
Absent: Maitland

I, Joseph Oldenburg, Chair of the Historic District Commission of the Charter Township of Northville, County of Wayne, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the Historic District Commission on January 28, 2016.

Joseph Oldenburg,
Chair, Historic District Commission



COUNTY ADMINISTRATOR
220 NORTH MAIN STREET, P.O. BOX 8645
ANN ARBOR, MICHIGAN 48107-8645
(734) 222-6850
FAX (734) 222-6715

TO: Felicia Brabec, Chair
Washtenaw County Board of Commissioners

THROUGH: Greg Dill
Interim County Administrator

FROM: Brett Lenart, Interim Director
Office of Community and Economic Development

DATE: February 17, 2016

SUBJECT: Resolution Opposing Modifications to the Local Historic Districts Act (PA 169 of 1970)

BOARD ACTION REQUESTED:

It is requested that the Washtenaw County Board of Commissioners express their opposition to House Bill 5232 and Senate Bill 720, and offer support of the currently enacted version of the Local Historic Districts Act, PA 169 of 1970.

BACKGROUND:

Under Ordinance 115, the Washtenaw County Board of Commissioners (BOC) may establish one or more historic districts in cities, villages or townships where there is a contract explicitly addressing the Washtenaw County's jurisdictional authority within that governmental entity.

Since its establishment in 1974 under the Washtenaw County Historic Preservation Ordinance, the mission of the County Historic District Commission has been to protect the buildings, sites, objects, and landscapes of Washtenaw County and to promote a culture of historic preservation. This entity has offered local historic ordinance protection to rural property owners in a manner which allows them to provide for historic resource protection in perpetuity, through a mutually beneficial relationship with the County with the support of their Township.

Accordingly, the BOC has established 13 local historic districts across Washtenaw County:

	Washtenaw Local Historic District	Municipality
2013	Jarvis Salem Stone School	Salem Township
2008	Conant Farm	Salem Township
2007	East Delhi Bridge	Scio Township
2004	William & Jane McCormick Farm	Superior Township
2004	McMahon Springs	Ann Arbor Township
2004	Merriman Farm	Manchester Township

2003 Old Zion Parsonage Freedom Township
2001 Milton & Kittie Geer House Superior Township
2001 Gordon Hall Scio & Webster Townships
2000 Esek Pray House Superior Township
1989 Geer School Superior Township
1981 Popkins School Ann Arbor Township
1978 USS Washtenaw County Artifacts Housed in the Clerk/Treasurer's Building

Before establishment of a new Local Historic District, the Board of Commissioners has each time appointed an historic district study committee, worked in concert with the property owner(s) and local unit(s) of government, and solicited public input through hearings and public meetings. Upon receipt of the Study Committee Reports, the Historic District Commission has made recommendations to the BOC regarding establishment of historic districts. If districts are approved by the BOC, the Historic District Commission has then administered the historic districts (including review and approval of any proposed change to the size or features in the district) in keeping with the Secretary of the Interior's Standards for Rehabilitation (the professional and national standard in historic resource care and maintenance as set forth by the National Park Service). 99% of all work proposed is approved upon first application. There is no fee for designation or review.

Historic resources in Michigan rely on protection from inappropriate alterations, incompatible new construction, and development pressures that often result in demolition. This form of local protection comes in the form of Michigan's current state law, PA 169 of 1970, enabling local governments to choose to safeguard their historic resources within local historic districts across the state. This local legislation declares historic preservation to be a public purpose and as such, it has value to the entire community. It is actively utilized in 78 Michigan communities, with hundreds of citizen-enacted local historic districts, which contribute to Michigan's economic vitality, sense of place, and connection to the past.

Legislation was introduced late last month in the Michigan House and Senate in the form of House Bill 5232 and Senate Bill 720 which would amend the current Local Historic Districts Act (PA 169), and if enacted, will negatively impact historic resources and local historic districts. This legislation will severely curtail local municipalities' ability to designate local historic districts in the future. Furthermore, it will also threaten the existence of currently designated local historic districts, including all 13 of Washtenaw County's local historic districts.

On Tuesday, February 2, 2016, the City of Ypsilanti passed a resolution to affirm the existing PA 169. Many other municipalities across Michigan are also raising an outcry against this legislation.

State Representative Rutledge has also already spoken against this legislation in Committee. State Representative Zemke has expressed his opposition to the proposed legislation as well.

DISCUSSION:

Historic resources in Michigan rely on protection from inappropriate alterations, incompatible new construction, and development pressures that often result in demolition. Such protection comes in the form of Michigan's current state law, PA 169 of 1970, enabling local governments and their citizens to choose to safeguard their historic resources within local historic districts across the state.

This local legislation declares historic preservation to be a public purpose and as such, states that it has value to the entire community, its vitality, and sense of place. Since 1974, Washtenaw County's own Local Historic Districts have played a crucial role in preserving the history of our community as told through its built environment. Since becoming a Certified Local Government (CLG) in 1986, which requires a functional Local Historic District Commission for certification, Washtenaw County has obtained \$137,000+ in grant funding from the CLG grant program. As recently as December 2015, the County has applied for CLG grant funding.

Two potential new local historic districts are presently under evaluation by County staff, at the request of their property owners. With each local historic district establishment, our property owners and Townships have worked with the County in securing historic district designation for each rural district to preserve it for the enjoyment of future generations. They have expressed that the establishment of an historic district would be a benefit for the Township and County. The creation and maintenance of our Local Historic Districts have also fit well with the recommendations from the 2004 Comprehensive Plan for Washtenaw County. The plan showcases maintaining a "unique sense of place," "our rural character and lifestyle," and highlights historic preservation as a public purpose. The goal from the Historic Preservation Element is to protect and preserve the historic resources of Washtenaw County including historic buildings, centennial farms, historic bridges and historic sites.

If approved, HB 5232 and SB 720 would threaten and possibly eliminate all current and future Local Historic Districts in Washtenaw County and across Michigan.

This action was originally introduced on February 3rd, and was postponed to consideration on February 17th to clarify proposed changes to the Act and action by the Historic District Commission. The Historic District Commission has not acted on the resolution, as their meeting schedule has not coincided, but numerous Commissioners have independently expressed their support for the resolution.

IMPACT ON HUMAN RESOURCES:

None.

IMPACT ON BUDGET:

None.

IMPACT ON INDIRECT COSTS:

None.

IMPACT ON OTHER COUNTY DEPARTMENTS OR OUTSIDE AGENCIES:

None.

CONFORMITY TO COUNTY POLICIES:

The requested Board action is in conformity with County policies.

ATTACHMENTS/APPENDICES:

- Resolution
- Proposed Bill
- Local Historic Districts Act
- Advocacy Alert from the Michigan Historic Preservation Network (MHPN)

A RESOLUTION IN OPPOSITION OF MICHIGAN HB 5232 AND SB 720 AS FOR THE PURPOSE OF SUPPORTING CURRENTLY DESIGNATED AND FUTURE DESIGNATED LOCAL HISTORIC DISTRICTS UNDER PA 169 OF 1970

WASHTENAW COUNTY BOARD OF COMMISSIONERS

February 17, 2016

WHEREAS, Washtenaw County has 13 local historic districts located in 9 municipalities across the County; and

WHEREAS, the County has a long history in supporting historic preservation through the designation of the historic districts since 1978 and the passing of the historical preservation ordinance in 1974; and

WHEREAS, under Michigan's Historic Districts Act (P.A. 169 of 1970, as amended in 1992) and Washtenaw County Historic Preservation Ordinance #115, a historic district study committee must be established to evaluate the property and determine if it meets criteria to be included in a historic district, and

WHEREAS, under P.A 169, the County Board of Commissioners has the authority to establish such a historic district committee in partnership with the local unit of government; and

WHEREAS, the County actively maintains a historic district commission and supports its mission to preserve local history, historic districts and features; and

WHEREAS, legislation was recently introduced in Lansing in the form of House Bill 5232 and Senate Bill 720 that would amend current law (PA 169 of 1970) with regard to local historic districts and will negatively impact historic resources, local historic districts, and local government processes and budgets; and

WHEREAS, said proposed legislation would require all existing and future local historic districts protected by ordinance in compliance with PA 169 to go to a municipality-wide vote every 10 years or undergo automatic dissolution, thereby causing unnecessary duplication of local effort and staff support for already designated districts as well as creating needless increased costs for staffing and other activities associated with public elections; and

WHEREAS, said proposed legislation would alter the composition of the Historic District Commission to remove the requirement for applicants to have a demonstrated interest or experience in local history and add a seat for a representative from the construction trades industry without reference to knowledge of historic building rehabilitation as well as a seat for a local elected official regardless of interest or experience; and

WHERAS, said proposed legislation would alter the basis of review for proposed work from nationally-recognized Secretary of the Interior's Standards as used by the National Park Service and many other respected cultural resource stewards to unspecified "other" standards without reference to preservation best practices for the care and treatment of historic resources; and

WHERAS, said proposed legislation would create unnecessarily complicated obstacles to the creation of new local historic districts by placing defined limitations on survey and study areas prior to professional evaluation as well as excessive requirements for property owner petitions prior to survey or study findings are available; and

WHEREAS, 99% or more of proposed work in Washtenaw County local historic districts is reviewed favorably and approved the first time it is proposed and property owners benefit from the expertise and advice of staff and Historic District Commissioners for historic property maintenance and work; and

WHEREAS, the proposed legislation would fundamentally alter the formal appeals process for decisions made by the Local Historic District Commission by changing the secondary review process from hearings at the preservation professionally staffed and discipline-focused State Historic Preservation Review Board to hearings at the local unit of government including municipal staff and elected officials unfamiliar with preservation best practices, thereby reducing the involvement of industry professionals, reducing the quality of work and review for historic resources, and creating a potential or real conflict of interest at the local level by forming opportunities for undue influence by historic district property owners and or others who stand to gain material or real benefit from the review decision; and

WHEREAS, these amendments pose an immediate threat to the continued preservation of Washtenaw County's many invaluable historic resources.

NOW THEREFORE BE IT RESOLVED the Washtenaw County Board of commissioners do not support House Bill 5232 and Senate Bill 720, and instead offer their support for the currently enacted legislation, PA 169 of 1970.



REQUEST FOR LEGISLATION
February 2, 2016

From: Beth Ernat, Community & Economic Development Director
Cynthia Kochanek, Associate Planner
Haley McAlpine, HDC Assistant

Subject: House Bill 5232 and Senate Bill 720

SUMMARY & BACKGROUND:

Historic resources in Michigan rely on protection from inappropriate alterations, incompatible new construction, and development pressures that often result in demolition. Such protection comes in the form of Michigan's current state law, PA 169 of 1970, enabling local governments to choose to safeguard their historic resources within local historic districts across the state. This local legislation declares historic preservation to be a public purpose and as such, it has value to the entire community. Since 1978, Ypsilanti's own Historic District has played a crucial role in preserving the history of Ypsilanti as told through its built environment. Since becoming a Certified Local Government (CLG), Ypsilanti has obtained funding from the CLG grant program. As recently as December 2015, the City has applied for CLG grant funding.

Legislation was recently introduced in the Michigan House and Senate in the form of House Bill 5232 and Senate Bill 720 that would amend the current state legislation in regards to local historic districts and will negatively impact historic resources and local historic districts. Key pieces of this legislation include:

- A two-thirds popular vote to renew our local historic district every 10 years with the cost for these elections falling to the city.
- It would become almost impossible for local legislative bodies to act quickly to head off a sudden threat to a community landmark.
- It allows the dismissal of approved Standards and Guidelines, used nationwide, that historic district commissioners base their reviews upon and would leave the current processes open to interpretation. This reduces predictability in the development process.
- These amendments would possibly jeopardize the CLG Grant funds that the City has taken advantage of in the past.

RECOMMENDED ACTION: Approval

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2016 -
February 2, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The City of Ypsilanti has a proud and successful historic district that has functioned as an invaluable asset to the community through its efforts to safeguard and preserve local historic resources; and

WHEREAS, the City of Ypsilanti has a long history in supporting historic preservation through the designation of the historic district in 1973 and the passing of the historical preservation ordinance in 1978; and

WHEREAS, the City actively maintains a historic district and supports the Ypsilanti Historical Society in order to preserve its local history, historic district and features; and

WHEREAS, legislation was recently introduced in Lansing in the form of House Bill 5232 and Senate Bill 720 that would amend current legislation in regards to local historic districts and will negatively impact historic resources, local historic districts, and local government processes and budgets; and

WHEREAS, these amendments pose an immediate threat to the continued preservation of Ypsilanti's many invaluable historic resources.

NOW THEREFORE BE IT RESOLVED THAT, the city council of Ypsilanti, its Historic District Commission and the Ypsilanti Historical Society do not support House Bill 5232 and Senate Bill 720 and offer its support for the current legislation, PA 169 of 1970.

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:

**RESOLUTION IN OPPOSITION TO HOUSE BILL 5232 AND SENATE BILL 0720,
LEGISLATION TO AMEND THE MICHIGAN LOCAL HISTORIC DISTRICTS ACT**

From the Board of Trustees of the Historical Society of Michigan

- WHEREAS** Historic preservation is a public purpose, and as so, it has value to the entire community, driving economic development, attracting businesses, drawing tourists and new residents, creating a sense of place, and enhancing a community's quality of life;
- WHEREAS** Michigan's historic resources rely on Michigan's current state law, PA 169 of 1970 (hereinafter, "the Act"), which provides critical protection enabling local governments to choose to safeguard their historic resources within local historic districts across the state;
- WHEREAS** the positive benefits of historic districts on the economic development, quality of life, and general welfare of the people of the state of Michigan are well established; and
- WHEREAS** under the current Act, the process of establishing a historic preservation district is in the hands of the local legislative body from start to finish, including appointing the study committee and deciding whether to establish a district or not, setting the final district boundaries in the local ordinance, and performing substantial outreach to members of the affected communities, including statutory public hearings, and final consideration and enactment; and
- WHEREAS** local legislative bodies in Michigan have been designating and administering historic districts for several decades, beginning in 1970, and historic districts previously established retain equal, or have attained greater, significance over the intervening years and preservation of those districts has had a total economic impact of \$3.9 billion and the creation of 44,250 jobs;
- WHEREAS** House Bill 5232 of 2016, and the identical legislation Senate Bill 0720 of 2016, introduced to the legislature of the State of Michigan on January 26, 2016, propose to amend the Act to place additional and significant restrictions on the ability of a local unit of government to designate and regulate historic districts, jeopardizing the efficient and fair process in place; and
- WHEREAS** House Bill 5232 of 2016, and the identical legislation Senate Bill 0720 of 2016, would additionally amend the Act such that existing historic districts will expire unless "renewed" every ten years; and
- WHEREAS** a report from the House Fiscal Agency suggests that the legislation as written would "increase the costs of local units of government attempting to set up new or modify existing historic districts"; **NOW, THEREFORE BE IT**

RESOLVED that the Board of Trustees of the Historical Society of Michigan hereby urges the House Committee on Local Government, the Senate Committee on Local Government, and the entire state legislature to reject House Bill 5232 of 2016, and Senate Bill 0720 of 2016, as written, **AND BE IT FINALLY**

RESOLVED that a copy of this resolution shall be transmitted to the House Committee on Local Government, the Senate Committee on Local Government, all members of the Michigan legislature, and the Governor of the State of Michigan.