

LOCAL HISTORIC DISTRICT PROTOCOLS

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House Bill 5952

Sponsor: Rep. Joan Bauer

Committee: New Economy and Quality of Life

Complete to 4-16-08

A SUMMARY OF HOUSE BILL 5952 AS INTRODUCED 4-8-08

House Bill 5952 would amend the Local Historic Districts Act to modify the protocols local government officials must follow in order to designate an historic district.

Currently under the law, a local unit of government (county, city, village, or township) may, by ordinance, establish one or more historic districts. Before doing so, it must appoint an historic district study committee which conducts a photographic inventory and basic research on the resources within each proposed district; determines the total number of historic and non-historic resources (guided by selection criteria developed by the U.S. Secretary of Interior, and by the Michigan Department of History, Arts, and Libraries); prepares a preliminary historic district study committee report; and transmits that report to the local planning body, the department, the Michigan Historical Commission, and to the State Historic Preservation Review Board. Copies of the preliminary report must also be made available to the public. House Bill 5952 would retain these provisions, but specify that the preliminary report must be transmitted within *one year* after appointment of the committee (or of referral to a standing committee).

The current law also requires that a public hearing (held under the Open Meetings Act), be held within 60 days after the preliminary report is transmitted, and that owners of property within the proposed historic district (as listed on the tax rolls) must be sent notice of that meeting (delivered by first-class mail), no less than 14 days before it occurs. After the public hearing, the committee and the local legislative body have up to one year to submit a final report and recommendation. House Bill 5952 would retain these notice provisions, but would require that within 90 days after the date of the public hearing, the *committee* submit a final report (including any recommendations from the local planning body), to the local legislative unit. If the recommendation is to establish an historic district (or districts), the final report must include a draft of a proposed ordinance, and the bill adds, "a list of the historical and non-historic resources identified by street number and address."

After receiving the final report, the local legislative body can, at its discretion, introduce and pass or reject an ordinance. House Bill 5952 specifies, however, that the local unit of government cannot adopt an ordinance establishing one or more historic districts later than *one year* after receipt of the final report. The bill also allows local government officials to extend that time-limit for not more than one year (by adopting a single resolution).

Currently the law requires that local officials file a copy of any ordinance (including the legal descriptions of the properties located within the historical district) with the register of deeds. And, the law prohibits the local unit from passing an ordinance establishing a contiguous historic district less than 60 days after a majority of the property owners within the proposed historic district have approved the creation of a district, as evident in their written petition. House Bill 5952 would retain the filing requirement, but eliminate the prohibition establishing a contiguous historic district in less than 60 days.

Finally, House Bill 5952 specifies that within 10 days after adopting an ordinance, the local unit must provide the State Historic Preservation Office of the Michigan Historical Center of the Department of History, Arts, and Libraries with a copy of the final report of the historic district study committee, *and* the ordinance establishing the historic district.

MCL 399.203

FISCAL IMPACT:

The bill would have no significant fiscal impact on the Department of History, Arts, and Libraries, or on local governmental units.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.