

HOUSE BILL No. 5952

April 8, 2008, Introduced by Reps. Bauer, Leland, Vagnozzi, Robert Jones, Tobocman, Bieda, Cushingberry and Sak and referred to the Committee on New Economy and Quality of Life.

A bill to amend 1970 PA 169, entitled
"Local historic districts act,"
by amending section 3 (MCL 399.203), as amended by 2001 PA 67.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) A local unit may, by ordinance, establish 1 or
2 more historic districts. The historic districts shall be
3 administered by a commission established pursuant to section 4.
4 Before establishing a historic district, the legislative body of
5 the local unit shall appoint a historic district study committee.
6 The committee shall contain a majority of persons who have a
7 clearly demonstrated interest in or knowledge of historic
8 preservation, and shall contain representation from 1 or more duly
9 organized local historic preservation organizations. The committee

1 shall do all of the following:

2 (a) Conduct a photographic inventory of resources within each
3 proposed historic district following procedures established or
4 approved by the department.

5 (b) Conduct basic research of each proposed historic district
6 and the historic resources located within that district.

7 (c) Determine the total number of historic and nonhistoric
8 resources within a proposed historic district and the percentage of
9 historic resources of that total. In evaluating the significance of
10 historic resources, the committee shall be guided by the selection
11 criteria for evaluation issued by the United States secretary of
12 the interior for inclusion of resources in the national register of
13 historic places, as set forth in 36 ~~C.F.R.~~ **CFR** part 60, and
14 criteria established or approved by the department, if any.

15 (d) Prepare a preliminary historic district study committee
16 report that addresses at a minimum all of the following:

17 (i) The charge of the committee.

18 (ii) The composition of the committee membership.

19 (iii) The historic district or districts studied.

20 (iv) The boundaries for each proposed historic district in
21 writing and on maps.

22 (v) The history of each proposed historic district.

23 (vi) The significance of each district as a whole, as well as a
24 sufficient number of its individual resources to fully represent
25 the variety of resources found within the district, relative to the
26 evaluation criteria.

27 (e) ~~Transmit~~ **WITHIN 1 YEAR AFTER APPOINTMENT OF THE COMMITTEE**

1 **OR OF REFERRAL OF A PROPOSED HISTORIC DISTRICT TO A STANDING**
2 **COMMITTEE, TRANSMIT** copies of the preliminary report for review and
3 recommendations to the local planning body, to the department, to
4 the Michigan historical commission, and to the state historic
5 preservation review board.

6 (f) Make copies of the preliminary report available to the
7 public pursuant to subsection ~~(4)~~-(6).

8 (2) Not less than 60 calendar days after the transmittal of
9 the preliminary report, the committee shall hold a public hearing
10 in compliance with the open meetings act, 1976 PA 267, MCL 15.261
11 to 15.275. Public notice of the time, date, and place of the
12 hearing shall be given in the manner required by the open meetings
13 act, 1976 PA 267, MCL 15.261 to 15.275. Written notice shall be
14 mailed by first-class mail not less than 14 calendar days before
15 the hearing to the owners of properties within the proposed
16 historic district, as listed on the tax rolls of the local unit.

17 (3) ~~After~~ **WITHIN 90 DAYS AFTER** the date of the public hearing,
18 the committee ~~and the legislative body of the local unit shall have~~
19 ~~not more than 1 year, unless otherwise authorized by the~~
20 ~~legislative body of the local unit, to take the following actions:~~

21 ~~— (a) The committee shall prepare and submit a final report~~
22 **ADDRESSING THE ISSUES IN SUBSECTION (1) (D)** with its recommendations
23 and the recommendations, if any, of the local planning body to the
24 legislative body of the local unit. If the recommendation is to
25 establish a historic district or districts, the final report shall
26 include a draft of a proposed ordinance or ordinances **AND A LIST OF**
27 **THE HISTORIC AND NONHISTORIC RESOURCES IDENTIFIED BY STREET NUMBER**

1 AND ADDRESS.

2 (4) ~~(b)~~ After receiving a final report that recommends the
3 establishment of a historic district or districts, the legislative
4 body of the local unit, at its discretion, may introduce and pass
5 or reject an ordinance or ordinances. **THE LOCAL UNIT OF GOVERNMENT**
6 **SHALL NOT ADOPT AN ORDINANCE ESTABLISHING 1 OR MORE HISTORIC**
7 **DISTRICTS LATER THAN 1 YEAR AFTER RECEIPT OF THE FINAL REPORT**
8 **FOLLOWING THE PUBLIC HEARING ON THE PROPOSED DISTRICT OR DISTRICTS.**
9 **BEFORE THE EXPIRATION OF THE PERIOD FOR CONSIDERING THE ORDINANCE,**
10 **THE LOCAL UNIT OF GOVERNMENT MAY ADOPT A RESOLUTION EXTENDING THE**
11 **TIME LIMIT FOR CONSIDERING THE ADOPTION OF THE ORDINANCE FOR NOT**
12 **MORE THAN 1 YEAR. THE LOCAL UNIT SHALL NOT ADOPT MORE THAN 1**
13 **RESOLUTION EXTENDING THE TIME FOR CONSIDERATION OF ANY PROPOSED**
14 **HISTORIC DISTRICT OR DISTRICTS.**

15 (5) If the local unit passes an ordinance or ordinances
16 establishing 1 or more historic districts, the local unit shall
17 ~~file~~ **DO BOTH OF THE FOLLOWING:**

18 (A) **FILE** a copy of that ordinance or those ordinances,
19 including a legal description of the property or properties located
20 within the historic district or districts, with the register of
21 deeds. ~~A local unit shall not pass an ordinance establishing a~~
22 ~~contiguous historic district less than 60 days after a majority of~~
23 ~~the property owners within the proposed historic district, as~~
24 ~~listed on the tax rolls of the local unit, have approved the~~
25 ~~establishment of the historic district pursuant to a written~~
26 ~~petition.~~

27 (B) **WITHIN 10 DAYS AFTER ADOPTING THE ORDINANCE, PROVIDE THE**

1 STATE HISTORIC PRESERVATION OFFICE OF THE MICHIGAN HISTORICAL
2 CENTER OF THE DEPARTMENT OR ITS SUCCESSOR AGENCY WITH A COPY OF THE
3 FINAL REPORT OF THE HISTORIC DISTRICT STUDY COMMITTEE AND THE
4 ORDINANCE ESTABLISHING THE HISTORIC DISTRICT.

5 (6) ~~(4)~~—A writing prepared, owned, used, in the possession of,
6 or retained by a committee in the performance of an official
7 function shall be made available to the public in compliance with
8 the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.