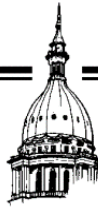




Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bills 21 and 22 (as introduced 1-16-13)
Sponsor: Senator Hoon-Yung Hopgood
Committee: Local Government and Elections

Date Completed: 2-27-13

CONTENT

Senate Bill 21 would amend the downtown development authority Act to revise provisions related to the review of proposed changes to the exterior of a registered historic site.

Senate Bill 22 would amend the State Housing Development Authority Act to establish the State Historic Preservation Office within the Michigan State Housing Development Authority (MSHDA); and require the Office to review proposed exterior changes to a registered historic site that was not situated in a local historic district.

The bills are described in detail below.

Senate Bill 21

Under the downtown development authority (DDA) Act, when changes to the exterior of a site listed on the State Register of Historic Sites and the National Register of Historic Places are proposed, a DDA must refer the proposed changes for review to the applicable historic district commission created under the Local Historic Districts Act or the Department of History, Arts, and Libraries (HAL). The bill would delete this requirement.

(The Department was created by Executive Order (E.O.) 2007-53, effective January 28, 2008. That E.O. also established the State Historic Preservation Office within HAL, and required the Office to advise and assist State departments and agencies and local governments in carrying out their historic preservation responsibilities. Executive Order 2009-36 abolished HAL on October 1, 2009, and transferred the Office and its local historic preservation duties to MSHDA.)

Under the bill, before making or approving a permanent change to the exterior of a site owned by the DDA and listed on the State Register of Historic Sites or the National Register of Historic Places, that was subject to the Local Historic Districts Act, a DDA would have to refer all proposed changes to the local historic district commission in which the site was located.

If the site were not located in a local historic district created under the Local Historic Districts Act, the DDA would have to refer all proposed changes to the State Historic Preservation Office.

Senate Bill 22

The bill would establish within MSHDA the State Historic Preservation Office created in Executive Order 2007-53.

In addition to its other duties, the Office would have to review proposed changes to the exterior of a site listed on the State Register of Historic Sites or the National Register of Historic Places that was not located in a local historic district. The review would have to be conducted as described in 16 USC 470f, and the response would have to be forwarded to MSHDA at least 30 days after the Office received the referral for review.

(Under 16 USC 470f, before the approval of the expenditure of any Federal funds on a proposed Federal or federally assisted undertaking or before the issuance of any required license, Federal officials must take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. Federal officials must give the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking.)

MCL 125.1679 (S.B. 21)
Proposed MCL 125.1459d & 125.1459e (S.B. 22)

BACKGROUND

The Local Historic Districts Act allows a local unit (a county, city, village, or township), by ordinance, to establish one or more historic districts, according to procedures set forth in the Act. A historic district must be administered by a historic district commission created by ordinance. The Act defines "historic district" as an area, or group of areas not necessarily having contiguous boundaries, that contains one resource or a group of resources that are related by history, architecture, archaeology, engineering, or culture. A "resource" is one or more publicly or privately owned historic or nonhistoric buildings, structures, sites, objects, features, or open spaces located within a historic district.

The Act requires a permit to be obtained before any work affecting the exterior appearance of a resource is performed. A permit may not be issued and the work may not proceed unless the commission issues a certificate of appropriateness or a notice to proceed. In reviewing plans, the commission must follow standards and guidelines specified in the Act, and consider specific factors.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bills would have no fiscal impact on the State Historic Preservation Office within the Michigan State Housing Development Authority because reviewing historic site changes is an existing function of the Office.

Fiscal Analyst: Elizabeth Pratt

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.