

From: Rep. Kurt Heise [<mailto:Dist020@house.mi.gov>]
Sent: Tuesday, March 08, 2016 4:25 PM
To: Bowden (King), Anissa
Subject: RE: Resolution Opposing SB720 and HB5232

Thank you for contacting me regarding House Bill 5232, which would amend existing State Law regarding Historic District governance and administration. The bill is sponsored by State Rep. Chris Afendoulis (R-East Grand Rapids).

As a member of the House Local Government Committee, I had the opportunity to hear testimony and ask questions on the bill on January 27 in Lansing. I have also had extensive discussions with Rep. Afendoulis on his intent behind the bill. Based on that feedback, on February 24, he introduced a substitute bill which is less restrictive and controversial; however, based on the substantial feedback I have received from elected officials, historians, and constituents like you, I cannot support the bill in its current form and have indicated a 'No' vote as of now in committee.

The Local Government Committee was scheduled to meet last week but the meeting was cancelled. The committee is not scheduled to meet again this week, either.

I have also attached below for your review a letter that Rep. Afendoulis provided to the Grand Rapids City Council in response to his new substitute bill for your information. His contact information can be found on the letter if you'd like to respond.

Again, thank you for your interest on this important quality of life issue for all of us in Plymouth, Northville, and Canton. It's an honor to serve you in Lansing.

Sincerely,

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March 3, 2016

The Honorable Rosalynn Bliss, Mayor
The Honorable David
Allen, Commissioner The
Honorable Joseph Jones,
Commissioner The
Honorable Ruth E. Kelly,
Commissioner The
Honorable Senita Ienear,
Commissioner The
Honorable Jon O'Conner,
Commissioner The
Honorable Dave Shaffer,
Commissioner

Dear Mayor Bliss and Members of the City Commission:

I am in receipt of your correspondence of February 23, 2016. I want to thank you for the tenor of your letter and the professionalism and mutual respect it communicated. To me, it is an example of the comity and spirit of cooperation that is so sorely lacking in our public debate today.

I wanted to give you an update on HB 5232. As I mentioned in my testimony to the House local Government committee on February 24¹ 2016, my intention was to continue to work to incorporate the suggestions of the City and the Michigan Municipal league, among others. Many of these initial changes are now being drafted by the legislative Services Bureau.

I want to reinforce that my goal in introducing this legislation was to enhance local control and create a greater voice for property owners as it relates to historic districts. Key components are:

- To give property owners more input in the creation of an historic district. This can be accomplished through more notification or consent by property owners to proceed in the historic district creation. This input and notification would also apply in the elimination of a district or changing the boundaries of historic districts.

We are working on language similar to that used in the Zoning Enabling law to give this added input for property owners.

- To allow for a local appeal of the decisions of the Historic Commission. The current language mandates the local governing body hear the appeal. However we are working on

an option that gives the local municipality the opportunity to set the appeal as best fits their community, as long as the appeal is at the local level. This was a suggestion by the city.

- Allow more latitude in the application of the Secretary of Interior's guidelines for rehabilitation. We are reviewing some options on this including direct references to the standards regarding alternate materials.

I did also want to impart some of the things we have learned in our research of other state's historic district laws. Many of these states are as old as our Union, with significant historic inventory. In as much as some from the proposals from the bill have been characterized by some as radical or out of the main stream, I thought it would be helpful for you to create for you a frame of reference with respect to other states.

- On the creation of historic districts we found the following:
 - o In Massachusetts, a 2/3 majority vote of the city or town council is required to create a district.
 - o In Connecticut, after the city council determines that there is merit to creating a district, the property owners must vote, by mail, by a 2/3 majority to consent to the creation of the district. It must then be voted on by city commission.
 - o In Maryland, state law requires the municipality to use their zoning procedures to enact or modify historic districts and gives local government great latitude. For example in Baltimore County, proponents of a district prepare a petition signed by the owners of at least 75 percent of the owners of property (in land area) included in the proposed district to move forward.
- On the local appeal, Michigan is in the minority in prohibiting a local appeal.
 - o The state of Georgia allows for an appeal to the local elected body, as the current bill proposes.
 - o In Maryland, Pennsylvania, and Maine appeals are made to the Zoning board or the board of the local governing body.
 - o In Massachusetts, appeals go to planning bodies.
- With respect to the Secretary of Interior's guidelines as they relate to federal tax credits, it should be noted that these tax credits are awarded based on adherence to federal standards and that these credits are available to buildings that may not be in an historic district. Some have asserted that any change to the reference of the Secretary's standards in the law would jeopardize federal tax credits. We have found no indication that this is the case. Here is a sampling of other state statutes as they relate to the Secretary's Standards.
 - o In Massachusetts, the standards are not referred to in state law. In fact, the state gives great latitude to

local historic district commissions to establish local standards. In Boston, some districts even have guidelines by street.

- o In the states of Indiana and Pennsylvania, no specific reference is made to the Secretary's standard in law. However, the law does give guidance on appropriate standards.
- o In Maryland, local jurisdictions adopt guidelines consistent with those generally recognized by the Maryland Historical Trust.

These are just some examples of what we have discovered and I hope they are helpful to you.

I look forward to continuing to work with all stakeholders to bring forward thoughtful legislation which will support the continued use of historic districts as a tool for good, while giving property owners some additional say over their property and enhancing local control.

Chris Afendoulis



State Representative
73rd District

cc. Governor Rick Snyder
House Speaker Leader Kevin Cotter
House Minority Leader Tim Greimel
Senate Majority Leader Arlan
Meekhof Senate Minority Leader Jim
Ananich Senator Peter MacGregor