



Michigan Historic Preservation Network

Advocacy Alert: Historic Resources in Jeopardy with HB 5232 / SB 720

We need your urgent attention and immediate action. On January 26th, Rep. Chris Afendoulis, R-Grand Rapids, and Sen. Peter MacGregor, R-Rockford, introduced identical legislation into the Local Government Committees of the House and Senate. House Bill 5232 and Senate Bill 720 have serious detrimental impacts to historic resources and local historic districts through proposed amendments to Michigan's Local Historic Districts Act, PA 169 of 1970.

Take Action!

Voice opposition to HB 5232 and SB 720 by contacting your local [representatives](#) and [senators](#) by phone, letter, and e-mail. Full language of the House and Senate Bills, Bill Sponsors, Current Bill Status, and the House and Senate Local Government Committee can be found here:

[House Bill 5232](#)

[House Bill Sponsors & Bill Status](#)

[House Local Government Committee](#)

[Senate Bill 720](#)

[Senate Bill Sponsors & Bill Status](#)

[Senate Local Government Committee](#)

Speak Out!

Tell your legislators why these amendments to PA 169 of 1970 critically jeopardize adequate protection for Michigan's historic resources. The full impact of these bills is far-reaching. Here are a few key ways the proposed bills will negatively impact the existing enabling legislation.

Local Historic Districts are the ONLY way for a community to protect areas of historic significance from insensitive development, inappropriate alterations, and demolition. 78 Michigan communities have chosen to establish protective ordinances since Michigan's enabling legislation was created in 1970. Our current state law effectively protects over 20,000 historic resources within these districts. The proposed bills put these resources, and any designated in the future, at risk by crucially reducing protections and diminishing the authority of local historic district commissions.

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. In the case of a single resource, that would mean the sole property owner would have to be in agreement. Under current state law, the local legislative body can appoint a study committee and then, if the local legislative body chooses, they can resolve to pass a moratorium granting the area under study 6 months of inaction from development, alteration, and demolition. This process allows for consideration of a resource that may not have been previously identified, surveyed, or designated, and can help the community save an important asset. The proposed bills would eliminate this important protective measure.

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. Private property rights are not neglected in the current process for establishing a district—community meetings about the district are part of the process from the beginning of the study period, as are public

hearings where property owners in a proposed district are given ample opportunity to voice their opinions. A local body typically will not vote to approve a local historic district without strong local support. Federal funding for Michigan preservation projects through the Certified Local Government program, one of the VERY few grant programs for historic buildings, would not allow communities opting for majority consent to be eligible for these critical funds.

Dismissal of approved Standards and Guidelines, used nationwide, that historic district commissioners base their reviews upon would leave the current processes open to interpretation. The bills propose the allowance of “other Standards”, unspecified, to be considered when making important decisions about historic resources, introducing uncertainty into the process. We need agreed-upon, best-practice Standards to ensure that defensible decisions are made when communities determine which resources to protect, how they might include appropriate historic landmarks in districts, and in how a historic district commission reviews applications for work that will impact these assets well into the future.

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. This would inflict unnecessary costs on a community in the voting process and in staff dedication to the effort. Moreover, in communities with several historic districts, the ballot process would be confusing and unwieldy for the voters. No other state laws have such a requirement and the enabling legislation for local historic districts should not be made the exception.

Not only would the bills create a sunset clause on local historic districts, they would dispose of the current process for dissolving historic districts. The proposed bill amendments would allow local legislative bodies to eliminate local historic districts simply if they chose to do so—without guidelines or justification, and without community input. And while the bills would require majority support in the form of petitioning property owners in a proposed district, and also requiring the voters in a local unit to vote in support of establishing a district, no such petition or vote would be necessary to dissolve a district. This is contradictory and makes it easy to do away with local historic districts and exceedingly difficult to establish local historic districts.

Appeals would be heard at the local level where political and development pressures could affect the outcome rather than at a neutral, state board of appeals. Appeals from aggrieved property owners are currently heard by the State Historic Preservation Review Board, whose members are appointed by the Governor of Michigan. This board offers impartial review under a body of experts using nationally recognized preservation Standards. Development interests and personal/political stances within a given community are therefore aptly distant from the board of review in their decision-making process. Local review of appeals would not ensure the use of preservation Standards in their review of cases. Furthermore, 90% of work applications that come before a historic district commission are granted approval and the number of appeals filed each year is steadily decreasing—only 1 or 2 appeals have been reviewed by the State Review Board in recent years, proof that the current system meets the needs of local communities.

Michigan Historic Preservation Network’s One-page Rebuttal is available [here](#).

A sample letter to representatives and senators for customization is available [here](#).

Stay apprised of updates on MHPN’s [website](#) and by subscribing to our [e-blasts](#). Be sure to join us for [Advocacy Day](#) in Lansing on March 23rd! Thank you for your support!

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