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To: The Honorable Detroit City Council

From: David Whitaker, Director 
Legislative Policy Division Staff

Date: May 18, 2015

Re: Composition of the Historic District Commission

This memo is submitted to Your Honorable Body per the May 15, 2015 request of the Council President, who asked the Legislative Policy Division to provide information about the statutory requirements regarding the composition of the Historic District Commission and the procedures for filling vacancies on the commission.

Background

The composition of the Historic District Commission is mandated by the Michigan Local Historic Districts Act (PA 169 of 1970), the state enabling legislation that grants municipalities the ability to create historic districts and enforce historic district guidelines. Additional requirements are provided by Chapter 25, Division 4, of the Detroit City Code.

Section 4 of the Michigan Local Historic Districts Act states that a majority of the members of the commission must have "a clearly demonstrated interest in or knowledge of historic preservation." In particular, according to the act, "the appointing authority of a local unit having a population of 25,000 or more individuals shall appoint at least 2 members from a list of citizens submitted by 1 or more duly organized local historic preservation organizations."

Section 25-2-51 of the City Code further requires that at least one member be a registered architect "selected from a list prepared by the local chapter of the American Institute of Architects."

The City Code also specifies that commission members (for initial appointments as well as the filling of vacancies) shall be appointed by the Mayor, subject to confirmation by the City Council, and sets the size of the commission at seven members.

Analysis

The Legislative Policy Division is not aware that the aforementioned requirements of Section 4 of the state act and Section 25-2-51 of the City Code have been properly fulfilled with respect to the body as a whole.

A clear example of a “local historic preservation organization” satisfying the requirement of Section 4 of the state act would be Preservation Detroit (formerly Preservation Wayne), to our knowledge the only organization whose mission is dedicated exclusively to historic preservation issues in the city. However, representatives of Preservation Detroit, along with its statewide counterpart, the Michigan Historic Preservation Network, have indicated in conversations with our staff that they have not, during the tenure of any of the current members of the commission, provided such a list as required by the state act. We are likewise not aware that such a list has been provided by any other historic preservation organization as may exist in the city, or by the Detroit chapter of the American Institute of Architects.

Conclusion

The Legislative Policy Division staff will work with the Mayor’s Office to determine if such lists, as described above, have indeed been solicited. As Your Honorable Body is scheduled to consider the confirmation of a Historic District Commission member during its Formal Session of May 19, 2015, and may, in the near future, confirm an additional Historic District Commission appointment due to the anticipated expiration of a term, the City is thus provided with an opportunity to ensure that the requirements of the Michigan Local Historic Districts Act and the City Code continue to be satisfied.