

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6030

BILL NUMBER: SB 4

NOTE PREPARED: Apr 30, 2013

BILL AMENDED: Apr 26, 2013

SUBJECT: Historic Preservation.

FIRST AUTHOR: Sen. Arnold

FIRST SPONSOR: Rep. Dermody

BILL STATUS: Enrolled

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: *Removing Designation as Historic District*- The bill provides the exclusive method for removing the designation of a historic district. It provides that a petition requesting the removal of a designation of a historic district may be filed with the legislative body of the unit by the owners of: (1) a building, structure, or site designated as a single-site historic district; or (2) in the case of a historic district with two or more parcels, at least 60% of the owners of the real property of the historic district. The bill requires the legislative body to submit the petition to the historic preservation commission (HPC) of the unit.

HPC Public Hearing/Decision- The bill requires the unit's HPC to conduct a public hearing on the petition not later than 60 days after receiving the petition. It requires the HPC to make findings and a recommendation to grant or deny the petition not later than ten days after the public hearing.

Legislative Body Approval- The bill also requires the legislative body of the unit to grant or deny the petition not later than 45 days after receiving the petition from the unit's HPC. The bill requires the legislative body of the unit, before granting or denying a petition requesting the removal of a historic district designation, to take public comment and receive evidence in support of or in opposition to the petition.

It provides that the legislative body may adopt an ordinance granting a petition by: (1) a majority vote, if the recommendation of the commission is to grant the petition; or (2) by a two-thirds vote, if the recommendation of the commission is to deny the petition.

No Legislative Body Action- The bill also provides that if the legislative body does not act upon the petition within the 45-day period, the petition is considered granted or denied in accordance with the recommendation

of the HPC.

Recording of Ordinance- The bill provides that if a petition is granted, the legislative body must adopt an ordinance to remove the designation of the historic district and record the ordinance with the county recorder. The bill provides that the designation of the historic district is considered removed on the date the ordinance is recorded with the county recorder.

Effective Date: July 1, 2013.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: *HPC Public Hearing/Decision-* HPC's would be required to conduct a public hearing. The local unit where the hearing is conducted would require additional expenditures for an advertisement of the hearing in local newspapers and by certified mail to owners of property abutting the building, structure, or site that is under the petition for removal.

Generally, members of a historic preservation commission serve without compensation except for reasonable expenses incurred while serving.

Legislative Body Approval- Unit legislative body expenditures may increase if additional meeting time is necessary to conduct public hearings on the approval of an ordinance to remove a historical district designation. Additional expenditures could include printing of notices of a hearing and members receiving additional per diem.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Local units' legislative bodies, historic preservation commissions, county recorders.

Information Sources:

Fiscal Analyst: Chris Baker, 317-232-9851.