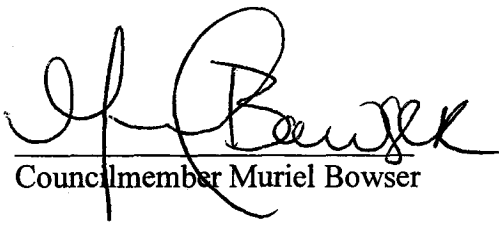
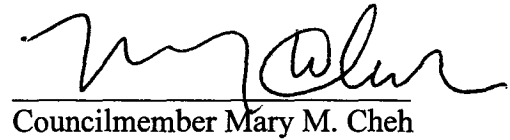


1
2 
3 Councilmember Muriel Bowser


Councilmember Mary M. Cheh

4
5 A BILL
6
7 _____
8
9

10 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
11
12 _____
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15
16 Councilmember Mary M. Cheh and Councilmember Muriel Bowser introduced the
17 following bill, which was referred to the Committee on _____.
18

19 To amend the Historic Landmark and Historic District Protection Act of 1978 to provide
20 increased public participation in the designation of historic districts.
21

22 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

23 That this act may be cited as the "Public Participation in Historic Designation
24 Amendment Act of 2008".

25 Sec. 2. Section 4 of the Historic Landmark and Historic District Protection Act of
26 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Official Code § 6-1103), is
27 amended by adding a new subsection (e) to read as follows:

28 "(e)(1) Before any proposed historic district is designated as a historic district,
29 the owners of the properties within the proposed district shall be given the opportunity
30 (including a reasonable period of time) to concur in, or object to, the nomination of such
31 district for such inclusion or designation. If a majority of the owners of such properties
32 within the district object to such inclusion or designation, such district shall not be so
33 included, and the Review Board shall not consider an application for a substantially
34 similar district for a period of three (3) years thereafter. The regulations under this

1 paragraph shall include provisions to carry out the purposes of this paragraph in the case
2 of multiple ownership of a single property.

3 “(2) Any owner of private property who wishes to object shall submit to the State
4 Historic Preservation Officer a statement certifying that the party is the sole or partial
5 owner of the private property, as appropriate, and objects to the designation of the
6 historic district. The property will not be listed if a majority of the owners in the district
7 object to designation of the historic district. Upon receipt of objections respecting a
8 district, it is the responsibility of the State Historic Preservation Officer to ascertain
9 whether a majority of owners of private property have objected. Each owner of private
10 property in the proposed historic district has one vote regardless of how many properties
11 or what part of one property that party owns and regardless of whether the property
12 contributes to the significance of the district.”.

13 Sec. 3. Rulemaking.

14 (a) The Mayor, pursuant to Title 1 of the District of Columbia Administrative
15 Procedures Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et*
16 *seq.*), shall, within 180 days of the enactment of this act, issue rules to implement the
17 provisions of this act.

18 (b) Proposed rules shall be submitted to the Council for a 45-day period of
19 review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the
20 Council does not approve or disapprove the proposed rules, in whole or in part, by
21 resolution within this 45-day review period, the proposed rules shall be deemed
22 approved.

23 Sec. 4. Fiscal impact statement.

1 The Council adopts the fiscal impact statement in the committee report as the
2 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
3 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
4 206.02(c)(3)).

5 Sec. 5. Effective date.

6 This act shall take effect upon its approval by the Mayor (or in the event of veto
7 by the Mayor, action by the Council to override the veto), and a 30-day period of
8 Congressional review as provided in Section 602(c)(1) of the District of Columbia Home
9 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
10 206.02(c)(1)), and publication in the District of Columbia Register.