



Agenda Item Summary

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Submitted By

Tammie Grossman, Development Customer Services Director

Reviewed By

LKS

Agenda Item Title

A Resolution Approving a 5-year Programmatic Agreement with the Illinois State Historic Preservation Officer for Certain Programs of the U.S. Department of House and Urban Development (HUD) and the Illinois Housing Development Authority (IHDA) Administered by the Village of Oak Park and Authorizing its Execution

Overview

The Programmatic Agreement between the Village of Oak Park and the Illinois State Historic Preservation Officer (SHPO) allows Qualified Personnel at the Village to complete duties (project reviews) under Section 106 of the National Historic Preservation Act for certain HUD programs administered on behalf of the SHPO. This reduces the amount of review time required for federally funded projects administered by the Village.

Recommendation

Approve the Resolution.

Staff Recommendation

Village staff recommends approval of the Resolution authorizing execution of a Programmatic Agreement with the Illinois State Historic Preservation Officer.

Fiscal Impact

N/A.

Background

Any project that uses federal funds requires State Historic Preservation Officer (SHPO) review in accordance with Section 106 of the National Historic Preservation Act of 1966 (as amended) to consider effects on properties that are eligible for or listed on the National Register of Historic Places individually or as part of a district. The Village of Oak Park is a direct recipient of federal money from the U.S. Department of Housing and Urban Development (HUD) including through the Community Development Block Grant (CDBG) and a sub-recipient of HUD funds via the Illinois Housing Development Authority (IHDA) and/or the Illinois Department of Commerce and Economic Opportunity.

The Village of Oak Park has over 3,500 contributing residential and non-residential structures within three (3) National Register Historic Districts and ten individually listed historic resources on the National Register of

Historic Places.

The Village of Oak Park is an established Certified Local Government (CLG). This historic preservation program is jointly administered by the National Park Service and the State Historic Preservation Officer to encourage greater participation at the local level. As such, the State Historic Preservation Officer recognizes that the Village of Oak Park can provide local historic property reviews more effectively and efficiently than the SHPO office.

The Certified Local Government (CLG) Program is a program that recognizes local governments that have established effective historic preservation programs that meet criteria established by the U.S. Secretary of the Interior and the State of Illinois.

In 1980, Congress expanded the National Historic Preservation Act of 1966 so that local governments could participate in national preservation activities through the CLG program. Municipal and county governments benefit from being a CLG by: becoming eligible to receive matching grant funds set aside specifically for preservation-related projects; participating in state and federal historic preservation protection and incentive programs; receiving direct technical assistance from the Illinois State Historic Preservation Office (IL SHPO); joining a national network of communities and experts that provide valuable perspectives on local and statewide plans and programs; and playing an advisory role in the nomination process for the National Register of Historic Places.

To qualify as a Certified Local Government, a local government must: enact a historic preservation ordinance and enforce state and local preservation laws; maintain an adequate and qualified historic preservation review commission; maintain a system for the survey and inventory of historic properties; and provide for public participation in the local historic preservation program.

The chief elected official of the local government can, at any time, request certification from the Illinois State Historic Preservation Officer by submitting: written assurance that the local government intends to fulfill the CLG requirements; a copy of the local historic preservation ordinance to be reviewed and approved by the IL SHPO; a list of locally designated landmarks and historic districts; résumés for all historic preservation commissioners, showing their demonstrated interest, knowledge, or expertise in historic preservation; and a copy of the community's historic preservation plan, if available, or a statement describing the local preservation program, including survey, designation, and protection activities. If the IL SHPO determines that the local government meets these requirements, the IL SHPO prepares an agreement listing the CLG's responsibilities. This agreement, signed by the chief elected official and the IL SHPO, is forwarded to the U.S. Secretary of the Interior. If the Secretary does not take exception within 15 working days of receipt, the local government is certified as a CLG. A CLG must submit an annual report to the IL SHPO detailing its historic preservation activities. The IL SHPO periodically monitors the CLG to ensure that it is fulfilling the responsibilities outlined in the agreement.

Each year the Illinois State Historic Preservation Officer receives an appropriation from the Federal Historic Preservation Fund to assist in administering federal preservation programs. The IL SHPO must pass at least 10% of that funding to CLGs for use in a variety of preservation-related projects, including surveys, National Register nominations, preservation education, and preservation plans. CLG grantees must match 30% of the cost of the grant-funded project with cash or in-kind contributions and are encouraged to discuss their

proposal with the IL SHPO prior to applying. When a property within a CLG is proposed for listing on the National Register, the IL SHPO forwards the nomination to the chief elected official and the preservation commission. The CLG has 60 days to review the nomination, solicit public comment, and provide any comments to the IL SHPO, or it can waive its comment period.

The attached Programmatic Agreement is an agreement between the Village of Oak Park and the State Historic Preservation Officer which allows the Village to conduct Section 106 reviews in place of the SHPO for Village projects funded by federal money. These projects include the implementation of CDBG, HUD, and IHDA programs administered by the Village's Development Customer Services Department. Recently hired historic preservation staff has qualified to perform the necessary programmatic duties.

The proposed 5-year agreement will be the fourth Programmatic Agreement between the Village of Oak Park and the State Historic Preservation Officer. The other three agreements were in effect for five or ten year increments, specifically, 1995-2000, 2002-2012, and 2012-2017. At the end of the 2017 Programmatic Agreement, the State Historic Preservation Officer proposed an updated Programmatic Agreement to incorporate additional or modified language that is consistent with other Programmatic Agreements held between the SHPO and Illinois CLGs. In part, due to both SHPO and Village staff turnover, with the knowledge that revisions were forthcoming, the SHPO agreed to continue to recognize the existing Programmatic Agreement as in effect, until such time the Programmatic Agreement was redrafted, reviewed and approved.

The proposed Programmatic Agreement is substantially the same as the previous agreement. Alterations primarily involve consolidation of sections where appropriate and updating language to be consistent with that of the SHPO and the Advisory Council on Historic Preservation. Additionally, the archaeology review section has been removed from the Programmatic Agreement as the Village does not have a qualified archaeologist on staff or on contract. Ground-disturbing activities are to be sent to the SHPO for review.

The Programmatic Agreement ensures that the Village reviews all federally funded projects that have potential impacts on National Register listed or eligible properties according to the Secretary of the Interior's Standards for Rehabilitation and the Village's Architectural Review Guidelines. It provides procedures to follow when dealing with issues of rehabilitation, demolition, new construction, handicap accessibility, and site and public improvements. The Agreement encourages public participation and provides procedures to resolve disputes through review by the Historic Preservation Commission and the SHPO.

The Agreement also provides procedures for identifying properties that may be eligible for the National Register, maintaining case files and documentation, and submitting annual reports to the SHPO.

On average, the Village performs approximately ten (10) reviews each year - mainly associated with federally funded local housing programs.

Alternatives

The alternative would be to take no action or deny the Programmatic Agreement. The Programmatic Agreement is beneficial for the Village as it reduces the amount of review time required for federally funded projects administered by the Village. Without the Agreement, all HUD projects potentially impacting historic properties would require a 30-day review by the SHPO in Springfield.

Previous Board Action

The Board previously approved similar Programmatic Agreements in 1995, 2002, and 2012.

Citizen Advisory Commission Action

N/A.

Anticipated Future Actions/Commitments

N/A.

Intergovernmental Cooperation Opportunities

Historic Preservation matters are unique to Village government within the corporate limits of Oak Park and therefore, intergovernmental cooperation opportunities do not exist.