

**FIRST AMENDMENT TO THE
PROGRAMMATIC AGREEMENT BETWEEN
THE MICHIGAN STATE HISTORIC PRESERVATION OFFICER AND
THE CITY OF GRAND RAPIDS, MICHIGAN
REGARDING THE ADMINISTRATION OF CERTAIN HOUSING AND COMMUNITY
DEVELOPMENT PROGRAMS FUNDED BY THE U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT**

WHEREAS, on December 21, 2017, the City of Grand Rapids (the “City”) and the Michigan State Historic Preservation Officer (the “SHPOfficer”) entered into a Programmatic Agreement (the “Agreement”) regarding the City’s Section 106 responsibilities for certain housing and community development programs funded by the U.S. Department of Housing and Urban Development;

WHEREAS, the Agreement’s term ends on December 31, 2024 (the “End Date”);

WHEREAS, the City has requested that the End Date be extended until December 31, 2029 (the “Request”); and

WHEREAS, the City and the SHPOfficer desire to amend the Agreement pursuant to Stipulation XIX of the Agreement to incorporate the Request.

NOW, THEREFORE, in accordance with Stipulation XIX of the Agreement, the City and the SHPOfficer agree to amend the Agreement as follows:

1. Stipulation XVIII is hereby deleted in its entirety and replaced with:

XVIII. TERM OF AGREEMENT

This Agreement shall take effect on the date it is signed by all parties and shall continue in full force and effect until December 31, 2029, unless otherwise terminated or extended. At any time in the six-month period prior to this date, the City may request in writing that the SHPO review the City’s Program and consider an extension or modification to this Agreement. All parties to this Agreement must agree in writing to any extension for it to take effect.

2. All other terms of the Agreement remain unchanged.
3. The Agreement, as amended and modified hereby, is ratified and confirmed in all other respects.
4. The First Amendment may be executed in any number of counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument. Copies (photostatic, facsimile or otherwise) of signatures to the First Amendment shall be deemed to be originals and may be relied on to the same extent as the originals.

SIGNATORY:

MICHIGAN STATE HISTORIC PRESERVATION OFFICER

DocuSigned by:

Ryan Schumaker

Date: 12/18/2024

By: Ryan M. Schumaker

Its: State Historic Preservation Officer

REMAINDER OF PAGE BLANK, SIGNATURES CONTINUE ON NEXT PAGE

SIGNATORY:

CITY OF GRAND RAPIDS

DocuSigned by:



Date: 12/19/2024

By: Rosalynn Bliss
Its: Mayor

DocuSigned by:



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ATTEST:

DocuSigned by:



Date: 12/25/2024

By: Joel H. Hondorp
Its: City Clerk

INVITED SIGNATORY:

CITY OF GRAND RAPIDS COMMUNITY DEVELOPMENT DEPARTMENT

DocuSigned by:



Date: 12/18/2024

By: Connie M. Bohatch
Its: Senior Managing Director of Community Services

CONCUR:

GRAND RAPIDS HISTORIC PRESERVATION COMMISSION



Date: 12/4/24

By: Matt Dixon
Its: Chairperson

**PROGRAMMATIC AGREEMENT
BETWEEN
THE MICHIGAN STATE HISTORIC PRESERVATION OFFICER AND
THE CITY OF GRAND RAPIDS, MICHIGAN
REGARDING THE ADMINISTRATION OF CERTAIN
HOUSING AND COMMUNITY DEVELOPMENT PROGRAMS FUNDED BY THE
U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) provides grant funding to the City of Grand Rapids, Michigan (City); and

WHEREAS, in accordance with section 104(g) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(g)), the City accepts and assumes federal agency responsibility to conduct environmental review pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 *et seq*); and

WHEREAS, the City, with funds from HUD, by and through its Community Development Department (CDD), proposes to administer its Community Development Block Grant (CDBG) Program, the HOME Investment Partnerships Program (HOME), the Emergency Solutions Grants Program, the Neighborhood Stabilization Programs, and Special Purpose Grants (collectively, Programs/Program Activity) with funds from HUD; and

WHEREAS, under statutes that authorize HUD to delegate its responsibilities for environmental review, including Section 106 of the National Historic Preservation Act of 1966, as amended, to funding recipients in accordance with HUD's Environmental Review Procedures (24 CFR § 58), the City's Programs encompass activities that include single family and multi-family rehabilitation, new construction, demolition, public improvements, public infrastructure, commercial rehabilitation, handicapped accessibility, and redevelopment projects; and

WHEREAS, the City has determined that the administration of its Programs may have an effect on properties included in or eligible for inclusion in the National Register of Historic Places (National Register); and

WHEREAS, the City, pursuant to the Federal Agency Alternatives (36 CFR § 800.14(b)) implementing Sections 106 and 110 of the National Historic Preservation Act, has consulted with the Michigan State Historic Preservation Officer (SHPO); and

WHEREAS, on March 21, 2012, the Advisory Council on Historic Preservation (ACHP) declined to participate in this Programmatic Agreement (Agreement); and

WHEREAS, the Grand Rapids Historic Preservation Commission (Commission) has participated in consultation and has been invited to concur in this Agreement; and

WHEREAS, the Grand Rapids CDD is an invited signatory to the Agreement; and

WHEREAS, the definitions given in Appendix A are applicable throughout this Agreement;

NOW, THEREFORE, to satisfy the City's Section 106 responsibilities for all individual undertakings of the Programs, the City and the SHPO agree that the Programs shall be administered in accordance with the following stipulations:

STIPULATIONS

The City shall ensure that the following measures are carried out:

I. APPLICABILITY

This Agreement shall be limited to the following programs:

- A. CDBG Program;
- B. HOME Program;
- C. Emergency Solutions Grants Program;
- D. Neighborhood Stabilization Programs;
- E. Special Purpose Grants.

II. QUALIFIED PERSONNEL

- A. The City shall employ a Preservation Specialist(s). The Preservation Specialist(s) shall meet or exceed the professional qualifications in anthropology, archaeology, architectural history, history, historic architecture, historic preservation, planning or related fields, as specified in the Secretary of the Interior's *Historic Preservation Professional Qualification Standards*, (48 FR 44738-39, September 29, 1983 and 36 CFR § 61) attached and incorporated into this agreement as Appendix B. The Preservation Specialist shall be responsible for administering those terms of this Agreement that require their particular expertise and for coordinating with the appropriate City departments, authorities and agencies regarding Program-assisted activities.
 - 1. If there is a change in staffing, the City shall within fifteen (15) calendar days notify and provide the SHPO with documentation of the new staff person's qualifications in anthropology, archaeology, architectural history, history, historic architecture, historic preservation, planning or related fields, as specified in the Secretary of the Interior's *Historic Preservation Professional Qualification Standards*, provided in the attached Appendix B incorporated into this Agreement.
 - 2. In the absence of a City-employed Preservation Specialist, the City may contract with an individual or organization to perform reviews pursuant to the terms of this Agreement. The SHPO shall be afforded the opportunity to approve or deny the individual/organization based on resumes and other pertinent information submitted by the City. Prior to performing reviews, the SHPO may require the person(s) selected to perform reviews to participate in training to ensure understanding of the City's delegate role in the Section 106 Process.

3. If the City determines that it cannot employ qualified staff to administer the terms of this Agreement, it must follow regular Section 106 procedures, which include forwarding documentation to the SHPO for review as outlined in 36 CFR § 800.
- B. The Commission shall assist the City in the identification and evaluation of historic properties covered under the terms of the Agreement. The Commission is determined qualified pursuant to Section 5.394 of Chapter 68 of the Code of the City of Grand Rapids, Historic Preservation Commission.

III. PROGRAM ACTIVITIES NOT REQUIRING REVIEW

The Program activities listed in Appendix C, incorporated into this Agreement, have limited potential to affect historic properties and do not require further review from the SHPO when receiving Program assistance. The City shall retain individual project files for each project reviewed in accordance with this stipulation as verification that the scope of work was limited to these activities. The information retained in the files shall include, at a minimum, the address of the property, the work specifications, and any available photographs.

IV. IDENTIFICATION AND EVALUATION

- A. **Survey.** It is the City's responsibility under Section 106 (36 CFR § 800.4(b)) to identify historic properties within the area of potential effects for projects undertaken under this Agreement. To accomplish this responsibility, the City shall complete the survey activities outlined below:
 1. In consultation with the SHPO, the City shall determine appropriate measures and the proposed schedule for updating the 1981 Grand Rapids Central City Survey of historic districts, sites, buildings, structures and objects that meet the criteria for listing in the National Register of Historic Places (hereinafter "Properties"). The City shall submit a proposal for carrying out the updated survey to the SHPO for review and approval prior to initiating survey activities. Survey activities should identify:
 - a. Areas of the City having lost sufficient integrity that they are no longer eligible for listing in the National Register, nor likely to become eligible for listing. This may include re-surveying areas identified as eligible for listing in the National Register in previous surveys.
 - b. Areas of the City not listed in the National Register that are eligible for listing in the National Register.
 2. Areas requiring survey activities shall be prioritized in consultation with the SHPO.
 3. The City shall submit documented surveys to the SHPO for comment. Documentation shall include, at a minimum:
 - a. Location maps outlining the surveyed area.
 - b. Photographic sampling of representative buildings in the area.

- c. General descriptions of architectural character.
 - d. Comparative information on similar types of neighborhoods/areas in the city.
 - e. A statement of historical/architectural significance.
 - f. A statement of evaluation regarding National Register eligibility.
4. The SHPO shall provide comment on the survey data within thirty (30) calendar days of receipt of the survey documentation.

- B. Eligibility Determinations for Project Reviews.** To determine if a property meets the eligibility criteria for listing in the National Register of Historic Places, properties fifty (50) years of age or older that may be affected by projects covered under this Agreement shall be evaluated by the Preservation Specialist.
- C. The Preservation Specialist may consult the Commission if the Preservation Specialist has questions about the eligibility of a property.
- D. If the Preservation Specialist and the Commission agree that that the property meets the criteria, the City can proceed to implement projects in accordance with this Agreement.
- E. If the Preservation Specialist and the Commission do not reach agreement regarding the eligibility of a property, or if the Preservation Specialist and the Commission would like the SHPO's opinion on the eligibility of a property, the Preservation Specialist shall submit documentation to the SHPO. The SHPO shall provide written comments within thirty (30) calendar days following the receipt of adequate documentation.
1. Documentation submitted to the SHPO for review of properties located within potentially eligible districts shall include:
 - a. The name of the historic district as well as the address of the particular property which is the subject of the review.
 - b. Maps outlining the potential historic district and identifying the location of the property that is the subject of the review.
 - c. Photographs of sample properties in the potential historic district as well as photographs of the property that is the subject of the review.
 - d. A statement of significance.
 - e. A physical description of the district.
 - f. A listing of all the addresses of the properties within the district, and whether or not they are contributing or non-contributing, if such a list exists.
 2. Documentation submitted to the SHPO for review of potential individually-eligible properties shall include:
 - a. The property's address.
 - b. Photographs of the property as well as photographs of any and all buildings within the project's area of potential effects.
 - c. A map indicating the property's exact location.

- d. A brief history that includes when the structure was constructed, the name of the architect or builder, the names of early and subsequent occupants of the structure and any history associated with those occupants.
 - e. A statement of significance.
3. If the City and the SHPO disagree about the National Register eligibility of a property, the City shall request a formal determination of eligibility per 36 CFR § 800.4(c)(2)

V. REVIEW PROCESS

- A. **Documentation for Project Reviews.** The Preservation Specialist shall make determinations of eligibility by using survey information and project information provided by the City Department responsible for administering the HUD funding (i.e., the CDD).
- 1. If the project does not affect historic Properties, the Preservation Specialist shall provide appropriate and timely notification to the City Department requesting the review that review is complete and the project can proceed.
 - 2. If the Property is listed or eligible for listing in the National Register, the information outlined below shall be provided to the Preservation Specialist to perform further review prior to commencing any work on a project covered by this Agreement.
 - a. **Housing and Commercial Rehabilitation Projects in Historic Districts.** Information shall include, at a minimum, the property address, a recent photograph of the property, and the project specifications.
 - b. **Demolition Projects in Historic Districts.** Information shall include, at a minimum, the property address and a recent photograph of the property.
 - c. **Housing and Commercial Rehabilitation of Properties that Have the Potential to be Individually Eligible for the National Register.** Information for rehabilitation of properties having the potential to be individually eligible for listing in the National Register shall include multiple interior and exterior photographs, including those showing all sides of the exterior and photographs showing details of character-defining features. Furthermore, information shall include the address of the property and project plans and specifications, as well as identifying whether or not the architect who prepared the rehabilitation plans meets the professional qualifications for Historic Architecture in the attached Appendix B incorporated into this Agreement.
 - d. **Demolition of Properties that Have the Potential to be Individually Eligible for the National Register.** Information for demolition of properties having the potential to be individually eligible for listing in the National Register shall include the address of the property and multiple interior and exterior photographs, including those showing all sides of the exterior and photographs showing details of any character-defining features.
 - e. **Public Improvement Projects.** Information shall include a description of the work to be done, maps of where the work will occur, as well as recent

photographs of properties that are fifty (50) years of age or older within the project's area of potential effects.

- f. **Infill Construction Projects.** Information shall include photographs of all properties within the area of potential effects. If the project is found to have an effect on any historic properties, the project information shall also include design information for the infill project.
- B. Following the identification of Historic Properties under Stipulation V.A.2., the Preservation Specialist shall ensure that projects found to affect Historic Properties are treated in accordance with Stipulation VI or Stipulation VII.

VI. TREATMENT OF HISTORIC PROPERTIES

The City shall ensure that all Properties listed, eligible, or determined eligible for listing in the National Register of Historic Places are treated in accordance with the following stipulations.

A. Property Acquisitions

1. The City will secure, stabilize and preserve City-owned historic Properties acquired with Program funds, until the disposal of the historic Properties. The methods used to secure and stabilize Properties shall adhere to the Secretary of Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (Secretary's Standards; 36 CFR § 68.3(b)) and *Preservation Brief 31, Mothballing Historic Buildings* (U.S. Department of the Interior, National Park Service, September 1993).
2. The City shall consult with the SHPO to determine the need for an architectural façade easement prior to the transfer or lease of Properties acquired with Program funds.
 - a. An architectural façade easement shall only be considered for Properties individually listed or eligible for listing in the National Register.
 - b. The easement will be held by the City.
 - c. If it is determined that an architectural façade easement is necessary, the City shall submit to the SHPO for review and approval the proposed architectural façade easement in the case of sale of Property or lease agreement, as well as a plan for monitoring the easement.
 - d. If the SHPO does not approve the proposed architectural façade easement, the City shall request the ACHP's comments in accordance with 36 CFR § 800.5.

For Properties that are individually listed or individually eligible for listing in the National Register, and thus subject to architectural façade easements under Stipulation VI.A.2., the City shall also create a local historic district for the Property or Properties.

B. Housing and Commercial Rehabilitation and Public Improvement Projects.

The City shall consult with the SHPO and notify the ACHP prior to taking any action if the Secretary's Standards cannot be met, the proposed treatment of the property is not rehabilitation, or if the contemplated action could otherwise have an adverse effect on such properties. Once SHPO comments are obtained, the City shall request the ACHP's comments in accordance with 36 CFR § 800.6.

"Before" and "after" photographs shall be used as evidence of the City's proper application of the Secretary's Standards. The City shall retain in individual project files work descriptions, "before" and "after" photographs of the Properties proposed for or impacted by rehabilitation or site improvement projects and, when applicable, the comments of the Commission in individual project files. All files shall be retained by the CDD for a minimum three (3) years following project implementation.

1. **Housing and Commercial Rehabilitation Projects.** The City shall ensure that all rehabilitation projects involving historic Properties are carried out in accordance with the Secretary's Standards.
 - a. The Preservation Specialist shall review all plans and specifications or work write-ups prior to the initiation of any work on a Property.
 - b. If the work as submitted does not meet the Secretary's Standards, the Preservation Specialist shall request changes to the work that will enable the project to meet the Secretary's Standards.
 - c. The City shall submit the project to the SHPO for review if the City is unable to modify the work to meet the Secretary's Standards. Project materials submitted to the SHPO for review shall include:
 - i. The address of the Property.
 - ii. Photographs of the Property, including interior and exterior photographs as necessary to convey the condition of the Property and any character-defining features.
 - iii. Work specifications as submitted to the Preservation Specialist for review.
 - iv. The changes recommended by the Preservation Specialist.
 - v. An explanation for why the work could not be altered to meet the Standards. If the Standards could not be met because of lead abatement or other safety considerations, then data to document the hazard must be included as part of the materials submitted to the SHPO.
 - d. The SHPO shall review the project and comment within thirty (30) calendar days.
2. **Public Improvement Projects.** The City shall ensure that public improvement projects impacting historic Properties or historic districts adhere to the Secretary's Standards. Public improvement projects include, but are not limited to, sidewalk improvement projects, re-paving of streets, installation of landscaping, street lighting, street furniture, and other infrastructure improvements. Site improvement projects affecting historic parks shall meet the

standards in *Guidelines for the Treatment of Cultural Landscapes* (Heritage Preservation Services, National Park Service, 1996).

C. Relocation of Historic Properties.

1. If the Property was originally located in a historic district, relocation within that same historic district, if feasible, is preferred.
2. If relocation within the same historic district is not possible, the City shall consult with the SHPO to identify an acceptable alternate site prior to the relocation of Properties listed on or eligible for listing in the National Register. The new site shall be compatible with the historic structure being moved in terms of structures within the area of potential effects and uses of similar historic and architectural character and period of significance.
3. The City and the SHPO shall consult per Stipulation XVII if the SHPO objects to the proposed alternate site.
4. If the SHPO approves the alternate site the City shall ensure that the Property is moved by qualified movers in accordance with recommended approaches found in *Moving Historic Buildings* (John Obed Curtis, National Park Service, 1979).
5. Following Property relocation, the Commission and the SHPO shall consult as to the National Register eligibility of the Property.

D. Accessibility

1. The City shall explore alternative methods for providing accessibility to National Register eligible or listed buildings in accordance with the Americans with Disabilities Act (ADA) and other local and federal requirements for accessibility per 42 U.S.C. § 12182(b)(2)(A)(iv). Access for buildings listed in or eligible for listing in the National Register will be placed on secondary elevations to the extent feasible and will not result in the removal of a historic building's significant architectural features per 28 CFR § 36.405.
2. The design of accessible features shall be consistent with the Secretary's Standards, National Park Service *Preservation Brief No. 32: Making Historic Properties Accessible*, and the Department of Interior report entitled, *Access to Historic Buildings for the Disabled: Suggestions for Planning and Implementation* (Washington DC, Department of the Interior, 1980).
3. The City shall retain documentation regarding alternatives as part of the individual project files.
4. The City shall consult with the SHPO and provide all documentation of alternate methods of creating access when such projects will have an adverse effect on the historic and/or architectural character of a National Register eligible or listed resource.

E. Demolition of Historic Properties

1. **Demolition of Ineligible Buildings.** The City shall proceed with the demolition of properties determined ineligible for listing in the National Register without further review by the SHPO upon completion of the review process outlined in Stipulation V.
2. **Non-Emergency Demolitions.** The City shall forward documentation regarding historic Properties not covered under emergency demolitions in Stipulation VI.E.3. to the SHPO for review and comment.
 - a. Documentation shall include, at a minimum:
 - i. A completed SHPO inventory card.
 - ii. Photographs of all elevations and significant features.
 - iii. Historic photograph(s) of the Property, if available.
 - iv. A brief history of the Property including a statement of the historic and/or architectural significance of the resource meeting the criteria for listing in the National Register.
 - v. A structural report by a qualified structural engineer experienced with historic building structural systems or a qualified architect meeting the Secretary of the Interior's *Historic Preservation Professional Qualification Standards* found in the attached Appendix C incorporated in this Agreement.
 - vi. An explanation of how long the Property has been listed on the City's Blighted Property List and/or Potential Demolition Cases List and why demolition is proposed.
 - vii. A summary of efforts undertaken by the City to rehabilitate and reuse the Property.
 - viii. A summary of alternatives to demolition that were considered and why they were not used.
 - ix. The views of the local community.
 - x. Any proposed mitigation measures which shall be forwarded to the SHPO in a "two-party" Memorandum of Agreement (MOA).
 - b. If the SHPO agrees with the proposed demolition of a historic Property, the SHPO shall sign the "two-party" MOA and return it to the City for signature within thirty (30) calendar days following receipt of adequate documentation.
 - c. If the SHPO objects to the demolition, the City and the SHPO shall consult per Stipulation XVII.
3. **Emergency Demolitions**
 - a. When the City determines that the emergency demolition of historic Properties is required to comply with Chapter 140 Housing Code or Chapter

131 General Building Regulations of the Code of the City of Grand Rapids to avoid an imminent threat to the health and safety of residents, and federal funds are used for the demolition, the City shall forward documentation to the SHPO by express mail with a request for comments within five (5) business days of SHPO's receipt of the project information. Documentation shall include, at a minimum:

- i. A completed SHPO inventory card.
 - ii. Documentation regarding the National Register eligibility of the Property.
 - iii. Recent photographs of the Property.
 - iv. Historic photograph(s) of the Property, if available.
 - v. The nature of the emergency.
 - vi. A signed copy of the local order requiring that emergency demolition commence within thirty (30) calendar days or less.
- b. The SHPO shall notify the City in writing within five (5) business days following receipt of adequate documentation whether it approves the emergency demolition and what, if any, mitigation measures must be implemented prior to demolition (i.e. recordation, architectural salvage, etc.). The City shall ensure that, to the extent feasible, all mitigation measures are implemented and appropriate documentation forwarded to the SHPO within fourteen (14) calendar days following the completion of demolition activities.
- c. If the SHPO objects to the emergency demolition, the City and the SHPO shall consult per Stipulation XVII.

VII. NEW CONSTRUCTION AND ADDITIONS

- A. The City may proceed with new construction and additions if projects are determined to be outside historic districts or not within the area of potential effects of properties listed in or eligible for listing in the National Register. This shall occur without further review by the SHPO upon completion of the review process outlined in Stipulation V.
- B. Proposals for new construction and additions where a historic district or properties listed in or eligible for listing in the National Register are located within the project's area of potential effects will be developed in accordance with Standards 9 and 10 of the Secretary's Standards.
- C. Infill Planning Process.
1. Preliminary plans shall be developed in consultation with the SHPO. The SHPO shall have thirty (30) calendar days from the date of receipt of an adequately documented project to review and comment on the plans and specifications.
 2. Final plans and specifications shall be submitted to the SHPO for review and comment prior to initiation of construction activities.
- D. **Prototype Review Process.** If the SHPO agrees that a prototype(s) design for infill construction within a neighborhood or historic district meets the Secretary's Standards, the City may request review and comment on construction projects using

the prototype design without further review of the design documents.

1. If the prototype(s) either cannot be followed or is otherwise modified, the City shall submit changed designs to the SHPO for review and comment.

VIII. REDEVELOPMENT PROJECTS

- A. The City shall consult with the SHPO during the preparation of redevelopment or urban renewal plans for a neighborhood, historic district, or target area. The City shall afford the SHPO an opportunity to comment during the early stages of the planning process. The SHPO shall evaluate the potential effect that the goals, objectives and implementation strategy of the plan will have on historic properties and respond to the City within thirty (30) calendar days. The SHPO's comments shall be integrated into the plan or referenced in any resulting document before it is submitted for required local administrative reviews.
- B. The City shall consult with the SHPO to determine whether the redevelopment or urban renewal plan should be implemented under the terms of this Agreement or whether a project specific MOA should be developed in accordance with 36 CFR 800.6. The City shall notify the ACHP of the SHPO's determination and, if appropriate, provide the ACHP with background documentation to initiate the consultation process.

IX. ARCHAEOLOGICAL RESOURCES

In the event that ground disturbing activities are planned within one (1) mile of corresponding bank of the Grand River as part of any rehabilitation, new construction, or public improvement project, the City shall consult with the SHPO to determine whether the project will adversely affect archaeological resources.

- A. The City's archaeological survey information and SHPO inventory forms shall be reviewed to determine if any National Register eligible resources are located on the project site. Following receipt of adequate documentation, the SHPO shall notify the City in writing within thirty (30) business days whether further review is required. In cases of emergency, the SHPO shall notify the City within five (5) business days following receipt of adequate documentation whether further review is required.
- B. If the SHPO determines that an archaeological survey is required, the City shall hire qualified archaeologists to assist in the identification, evaluation and treatment of National Register eligible archaeological sites. Archaeologists shall meet the Secretary of Interior's *Historic Preservation Professional Qualification Standards* as described in Appendix B, attached and incorporated into this Agreement.
- C. If archaeological resources meeting the National Register criteria are identified they shall, if feasible, be avoided or preserved in place.

If the City determines that it is infeasible to preserve or avoid archaeological resources, the City shall consult with the SHPO to develop a treatment plan consistent with the ACHP's publication, *Treatment of Archaeological Properties*, available online at <http://www.achp.gov/archguide>, and current as of January 1,

2009. The City shall ensure that the plan is implemented by a qualified archaeologist once it is approved by the SHPO.

X. TRIBAL CONSULTATION

- A. The City shall identify tribes with an interest in projects occurring in the City using HUD's Tribal Directory Assessment Tool.
- B. The City shall consult on projects with all *tribes identified in Stipulation X.A.*

XI. PUBLIC PARTICIPATION

- A. **Public Notice.** Each year the City shall notify the public of the City's current Program Activities and make available documentation about the City's Program for public inspection. Public notice shall include:
 - 1. General information on the type(s) of activities undertaken with Program funds.
 - 2. Information on identified historic properties in communities which might be affected by these activities.
 - 3. The amount of Program funds available in the current program year.
 - 4. How interested persons can advise the City of any comments or concerns they may have about the Program activities.
 - 5. The effects of the City's Program activities on historic properties.
- B. Public notice will be provided to all neighborhood associations, the Grand Rapids Historic Preservation Commission, the Grand Rapids Historical Commission, the Grand Rapids Historical Society, and the SHPO.
- C. **Public Meetings.** Each year the City shall conduct a minimum of one (1) public hearing and comment period on the activities covered under this Agreement. An announcement of the public hearing and public comment period shall be provided via the public notice referenced in Stipulation XI.A. and published in the *Grand Rapids Press*.
 - 1. The public hearing may be incorporated into another meeting held by the City. However, the issues outlined in Stipulation XI.A.2. and Stipulation XI.A.5. must be specifically addressed at such meeting.
 - 2. The public hearing and comment period, shall address planned activities for the coming fiscal year from July 1 – June 30.
 - 3. The public hearing and comment period shall also address the performance of Programs and the Programmatic Agreement. During the comment period, the City's Consolidated Annual Performance and Evaluation Report (CAPER) covering Program Activities, as well as the Programmatic Agreement, shall be available for public inspection. The public shall also be invited to submit comments to the SHPO and the ACHP regarding the effectiveness of the Agreement.
- D. Program activities involving identified historic Properties shall be included on the

agenda and discussed at Historic District Commission meetings which shall be open to the public for comment.

- E. The public shall receive notification through the Historic District Commission meetings of Program activities involving historic properties.
- F. At any time during the implementation of the measures stipulated in this Agreement, should an objection to any such measure or its manner of implementation be raised by a member of the public, the City shall take the objection into account and consult as needed with the objecting party, the SHPO, or the ACHP to resolve the objection.

XII. TECHNICAL ASSISTANCE AND TRAINING

The SHPO staff shall provide technical assistance, consultation, and training as requested by the City in order to assist in carrying out the terms of this Agreement. The City, assisted by SHPO, shall provide guidance documents to City staff and officials to assist in Agreement compliance.

XIII. PROJECT COORDINATION

- A. Within ninety (90) calendar days following execution of this Agreement, the City shall develop internal review procedures to ensure that Program Activities carried out by City departments, authorities, and agencies are implemented in accordance with the terms of this Agreement. Procedures shall outline how historic preservation reviews are to be coordinated and the documentation the departments are to retain in individual project files. A copy of the procedures shall be submitted to SHPO.
- B. The City shall ensure that Program Activities related to historic properties, including the issuance of certificates of appropriateness, notices to proceed, building permits, construction permits, demolition permits, or the expenditure of federal funds are not implemented until the department, authority, or agency has received written clearance from the Preservation Specialist or the SHPO, as appropriate.

XIV. REPORTING REQUIREMENTS

A. Meetings and Reports.

1. A meeting between the City and the SHPO and consulting parties will be initiated by the City and held on an annual basis at least one (1) month prior to the beginning of the City's fiscal year on July 1.

In addition to providing the opportunity for parties to this Agreement to review the specific information described in Stipulation XIV.A.3., the meeting described in this Stipulation will also provide parties an opportunity to assess the overall effectiveness of the Agreement in addressing the preservation of historic properties within the City. Specifically, the meetings will provide the parties an opportunity to discuss the planning, design, review, and implementation of undertakings affecting historic properties within the City and to discuss and evaluate the following issues:

- a. Whether consultations, when required by this PA or carried out pursuant to 36 CFR § 800, have been initiated early enough in the planning process to ensure consideration of potential alternatives that avoid, minimize, or mitigate harm to historic properties.
 - c. Whether undertakings affecting historic properties within the City have adhered to the Secretary's Standards, unless otherwise provided under this Agreement.
 - d. Whether there has been effective coordination between the Preservation Specialist and the appropriate project managers and assigned contract personnel with responsibilities involving work affecting historic properties.
 - e. Whether problems or misunderstandings have arisen in the course of consultations, and if so, how these problems were resolved and could be avoided in the future.
 - f. How to increase the effectiveness of project selection criteria and/or contract performance requirements in contracts that involve work affecting historic properties to ensure appropriate treatment of such properties.
2. Participants from the City shall include staff from the CDD, any other City departments that are administering HUD funds, and the Historic Preservation Specialist.
 3. At least two (2) weeks prior to these meetings, the Preservation Specialist will provide the consulting parties with the following information:
 - a. A summary of actions taken under Stipulations VI, VII, VIII, and IX. The summary shall contain:
 - i. Address and historic categorization. If the project is located in a historic district, the name of the district shall be included.
 - ii. A brief description of the proposed action.
 - iii. Determination of effect.
 - iv. Date of project review.
 - v. A list of properties determined in the reporting period to be individually eligible for listing in the National Register.
 - vi. A summary of any training given pursuant to Stipulation XII.
 - vii. Notification of any Preservation Specialist staff changes.
 - b. A summary of any planning activities in the City subject to consultation with the SHPO per Stipulation XV.
 - c. A brief summary of any and all areas surveyed since the previous meeting.
 - d. A map indicating the area(s) surveyed since the previous meeting.
 - e. A brief description of any and all historic districts determined eligible for listing in the National Register, including boundaries for the district(s).
 - f. A brief description of any and all areas that were determined ineligible for listing on the National Register, including boundaries for those area(s).
 - g. A description and the location of any and all local districts that were

established since the previous report.

4. The parties to this Agreement shall hold a meeting at least six (6) months before the expiration date of this agreement to determine whether this Agreement should be extended beyond December 31, 2024. The City shall notify the public of this meeting and shall invite the public to submit comments to the SHPO and ACHP regarding the effectiveness of the Agreement prior to the scheduled meeting.
- B. File Retention.** The City shall retain individual project files containing determinations of eligibility, the comments of the SHPO, written authorization from the Preservation Specialist, specifications and work write-ups, "before" and "after" photographs, and any other pertinent documentation for at least three (3) years following completion of any Program Activity.

XV. PLANNING

- A. A copy of the City's 2002 Master Plan shall be provided to the SHPO. The SHPO may provide comments on the historic preservation provisions contained in the Master Plan to the City. If comments are received, the City shall take them into consideration should that document be amended.
- B. The City shall provide to the SHPO a copy of any other planning efforts and programs that have the potential to affect historic resources. Within thirty (30) calendar days the SHPO shall provide the City comments on the provisions contained in the plans that may affect historic resources. The City shall make every effort to take those comments into account, should those documents be amended.

XVI. COORDINATION WITH OTHER FEDERAL PROGRAMS

- A. Should other Federal agencies provide financial assistance to the City to assist with the implementation of housing and community development projects, they may satisfy their Section 106 compliance responsibilities by accepting and complying with the terms of this Agreement. The City or the Federal agency shall notify the SHPO in writing of its intent to adhere to this Agreement in lieu of case-by-case Section 106 reviews.
- B. If HUD or other Federal agencies provide financial assistance to a non-City entity for an activity, which is also supported by the City with funds from HUD or other Federal agencies and covered by this Agreement, then that non-City entity may satisfy its Section 106 compliance responsibilities by accepting and complying with the terms of this Agreement. The City or Federal agency shall notify the SHPO in writing of its intent to adhere to this Agreement in lieu of case-by-case Section 106 reviews.

XVII. DISPUTE RESOLUTION

- A. If the City Program staff disagrees with the Preservation Specialist regarding the eligibility of a property or an area, whether an activity is exempt from review, the

proposed treatment of a historic property, or any other provision of this Agreement, the City shall consult with the SHPO. The SHPO shall review the issue referred by the City and comment within thirty (30) calendar days.

- B. Should the SHPO object to any proposed plans for action, the City shall consult with the SHPO to resolve the objection. If the City determines that the objection cannot be resolved, the City shall forward all relevant documentation to the ACHP per 36 CFR § 800.7(b).
- C. Within forty-five (45) calendar days following the receipt of adequate documentation, the ACHP shall either:
 - 1. Provide the City with recommendations, which the City shall take into account in reaching a final decision regarding the dispute (36 CFR § 800.7(b)); or
 - 2. Notify the City that it shall comment pursuant to 36 CFR § 800.7(c), and proceed to comment. Any ACHP comment provided in response to such a request shall be taken into account by the City in accordance with 36 CFR § 800.7(c)(4) with reference to the subject of the dispute.
- D. The ACHP's responses to such request shall be taken into account by the City in accordance with 36 CFR § 800.7(c) with reference only to the subject of dispute; the City's responsibility to carry out all actions under this Agreement that are not the subject of the dispute shall remain unchanged.

XVIII. TERM OF AGREEMENT

This Agreement shall take effect on the date it is signed by all parties and shall continue in full force and effect until December 31, 2024, unless otherwise terminated or extended. At any time in the six-month period prior to this date, the City may request in writing that the SHPO review the City's Program and consider an extension or modification to this Agreement. All parties to this Agreement must agree in writing to any extension for it to take effect.

XIX. AMENDMENTS AND MODIFICATIONS

Any party to this Agreement may request in writing that it be amended. Any amendment must be signed by all parties to the Agreement. The amendment shall take effect on the date a signed copy is filed with the ACHP. At any time in the six (6) month period prior to the expiration of the Agreement on December 31, 2024, the City may request in writing that the SHPO review the City's Program and consider a modification to this Agreement. All parties to this Agreement must agree in writing to any modification for it to take effect.

XX. TERMINATION

Any party seeking to terminate this Agreement must make the request in writing to all signatories to this Agreement. Any party seeking termination must consult thirty (30) calendar days prior to termination to seek agreement on amendments or other actions

that would avoid termination. In the event of termination, the City will comply with 36 CFR § 800.3 - 800.6 with regard to individual undertakings covered by this Agreement.

Execution and implementation of this Agreement evidence the City has afforded the ACHP a reasonable opportunity to comment on the Program and that the City has taken into account the effects of the Program on historic properties.

MICHIGAN STATE HISTORIC PRESERVATION OFFICER

By: Brian D. Conway Date: 11/9/17
Brian D. Conway, SHPO

CITY OF GRAND RAPIDS

By: Rosalynn Bliss Date: 12-20-17
Rosalynn Bliss, Mayor

Attest: D. O'Neal Date: 12.21.17
Darlene O'Neal, City Clerk

Invited Signatory:

CITY OF GRAND RAPIDS COMMUNITY DEVELOPMENT DEPARTMENT

By: Connie M. Bohatch Date: 12/20/2017
Connie M. Bohatch, Managing Director of Community Services

Concur:

GRAND RAPIDS HISTORIC PRESERVATION COMMISSION

By: Emily Uebbing Date: 12/6/17
Emily Uebbing, Chair

**AFFIX
Mayor's Signature**

[Signature]
Dept. of L.

APPENDIX A

DEFINITIONS AND ABBREVIATIONS

ACHP	The Advisory Council on Historic Preservation, an independent Federal agency that advises the President and Congress on historic preservation matters
ADVERSE EFFECT	The altering of a property in a manner that would diminish its integrity or alter the characteristics that qualify the property for inclusion in the National Register of Historic Places
CDBG	Community Development Block Grant
CDD	City of Grand Rapids Community Development Department
COMMISSION	The City of Grand Rapids Historic Preservation Commission
ESG	Emergency Solutions Grants
HISTORIC PROPERTY	As set forth in 36 CFR § 800, any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places
HOME	HOME Investment Partnerships Program
HUD	The United States Department of Housing and Urban Development
MOA	Memorandum of Agreement
NATIONAL REGISTER	The basic inventory of historic resources in the United States maintained by the Secretary of the Interior, also known as the National Register of Historic Places
PRESERVATION SPECIALIST	The City staff member who meets the professional qualifications as specified in the Secretary of the Interior's <i>Historic Preservation Professional Qualification Standards</i> , (48 FR 44738-9, September 29, 1983)
PROGRAM	Refers to all activities funded by HUD specifically covered by this Programmatic Agreement
SECTION 106	Refers to the section of the National Historic Preservation Act of 1966 and its resulting review process designed to ensure that impacts on historic properties are taken into account during Federal project planning and execution
SHPO	The Michigan State Historic Preservation Officer

STANDARDS

The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings published at 36 CFR § 67

UNDERTAKING

A project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency

APPENDIX B
ARCHAEOLOGY AND HISTORIC PRESERVATION:
Secretary of the Interior's Standards and Guidelines
[As Amended and Annotated]

Professional Qualifications Standards

The following requirements are those used by the National Park Service, and have been previously published in the Code of Federal Regulations, 36 CFR Part 61. The qualifications define minimum education and experience required to perform identification, evaluation, registration, and treatment activities. In some cases, additional areas or levels of expertise may be needed, depending on the complexity of the task and the nature of the historic properties involved. In the following definitions, a year of full-time professional experience need not consist of a continuous year of full-time work but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of a year of full-time experience.

History

The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field plus one of the following:

- At least two years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historic organization or agency, museum, or other professional institution; or
- Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

Archaeology

The minimum professional qualifications in archaeology are a graduate degree in archaeology, anthropology, or closely related field plus:

- At least one year of full-time professional experience or equivalent specialized training in archaeological research, administration or management;
- At least four months of supervised field and analytic experience in general North American archaeology, and
- Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archaeology shall have at least one year of full-time professional experience at a supervisory level in the study of archaeological resources of the prehistoric period. A professional in historic archaeology shall have at least one year of full-time professional experience at a supervisory level in the study of archaeological resources of the historic period.

Architectural History

The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history, or a bachelor's degree in architectural history, art history, historic preservation or closely related field plus one of the following:

- At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or
- Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

Architecture

The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years of full-time experience in architecture; or a State license to practice architecture.

Historic Architecture

The minimum professional qualifications in historic architecture are a professional degree in architecture or a State license to practice architecture, plus one of the following:

- At least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field; or
- At least one year of full-time professional experience on historic preservation projects. Such graduate study or experience shall include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.

APPENDIX C

PROGRAM ACTIVITIES NOT REQUIRING REVIEW

A. Public Improvements

1. Reconstruction of roads where no change in width, surface materials, surface treatments, or vertical alignments of drainage is to occur.
2. Repair/replacement of existing curbs and sidewalks when located outside of designated historic districts.
3. Repair/replacement of water, gas, storm, and/or sewer lines if it occurs within the dimensions of the original trench and permanent impacts upon surface treatments or landscape features which contribute to the historic or architectural significance of the resource are avoided.
4. Tree plantings.
5. Repainting parking spaces or streets.
6. Items that require immediate attention to correct a threat to health or safety.
7. Installation of required public improvements under the American with Disabilities Act (ADA), if the design was previously approved by the SHPO.
8. Installation of detectable warnings required by the ADA.

B. Interior Rehabilitation

The following may proceed without review if permanent impacts upon interior elements or surface treatments that contribute to the historic or architectural significance of the buildings are avoided.

1. All plumbing rehab/replacement - includes pipes and fixtures.
2. Repair, replacement or cleaning of existing water heaters, heating systems (including ductwork and piping) and other appliances.
3. Electrical work.
4. Restroom improvements for handicapped access - provided that work is contained within the existing restroom.
5. Interior surface treatments (floors, walls, ceilings, and woodwork) provided the work is restricted to repainting, refinishing, re-papering, or laying carpet or linoleum and the feature is not significant to the integrity of the property.
6. Installation of insulation provided it is restricted to attics and crawl spaces, upper surfaces of existing ceilings and the ceilings are not dropped, and proper vapor barriers are used.
7. Repair or replacement of concrete basement floors and interior basement walls.
8. Installation of new kitchen and bath appliances, cabinets, counters, tubs, sinks and toilets.

9. Installation of smoke or carbon monoxide alarms.
10. Replacement of door locks.

C. Exterior Rehabilitation

1. Caulking, weather stripping and replacement of window glass with glass of the same surface qualities (color, texture, and reflectivity).
2. Installation or replacement of gutters and downspouts (if the color is historically appropriate for the period and style of the historic resource).
3. Flat or shallow pitch roof repair/replacement (shallow pitch is understood to have a rise-to-run ratio equal to or less than 3 inches to 12 inches), with no part of the surface of the roof visible from the ground.
4. New storm windows - provided they conform to shape and size of historic windows and that the meeting rail coincides with that of the existing sash. Color should match trim; mill finish aluminum is not acceptable.
5. Repair or repainting of existing storm windows.
6. In-kind replacement - the new features/items shall duplicate the material, dimensions, configuration and detailing of the existing of the following:
 - a. Porches – including railings, posts/columns, brackets, cornices, steps, and flooring,
 - b. Roofs,
 - c. Siding,
 - d. Exterior architectural details and features,
 - e. Windows - including the frame, panes and sash,
 - f. Doors,
 - g. Cellar/bulkhead doors.
7. Painting previously painted surfaces.
8. Repair or replacement of existing wheelchair ramps.
9. Repair, replace, or install new sidewalks or driveways located outside of designated historic districts.
10. Repair or replacement of chimneys with the same material, dimensions, and design.