



Housing and Revitalization
Department

Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 908
Detroit, Michigan 48226

Phone: 313.224.6380
Fax: 313.224.1629
www.detroitmi.gov

September 20, 2022

Detroit City Council
2 Woodward Avenue
1340 Coleman A. Young Municipal Center
Detroit, MI 48226

RE: Amendment of the Programmatic Agreement Regarding the Administration of Housing and Community Development Programs funded by the U.S. Department of Housing and Urban Development

The Housing and Revitalization Department is requesting this Honorable Body's approval of the Second Amendment to the Programmatic Agreement (the "Amendment") between the City of Detroit (the "City") and Michigan State Historic Preservation Officer (the "SHPO") and the Advisory Council on Historic Preservation (the "ACHP"), regarding the administration and coordination of the U.S. Department of Housing and Urban Development - Housing and Community Development Programs and environmental review responsibilities (the "HUD Programs").

On November 9, 2016, the City, SHPO, and ACHP entered into a Programmatic Agreement (the "2016 Agreement") to coordinate the City's responsibilities for the federal environmental review of all HUD Programs. The City determined that the administration of the HUD Programs may affect properties included in or eligible for inclusion in the National Register of Historic Places (NRHP) as required under Section 106 of the National Preservation Act 1966, (54 U.S.C. 306108). For each of the HUD Programs, HUD requires that the City assume the environmental review responsibilities for conducting an environmental review for projects or activity and prior to the approval and release of federal funds, in accordance with 24 C.F.R. Part 58. The activities funded under the Program may constitute an undertaking subject to review for compliance with Section 106 of the National Historic Preservation Act (NHPA) under Title 36 of the Code of Federal Regulations (CFR), Part 800, as amended.

The 2016 Agreement provided for the cooperation and consultation between SHPO, the Advisory Council on Historic Preservation, the City's Preservation Specialist, and the City's Historic Designation Advisory Board (HDAB), which is responsible for identifying, documenting and surveying of all historical resources to determine the eligibility for NRHP designation. On April 21, 2020, the City amended the PA to reflect changes made to the City's reorganization and transfer of the programmatic functions from the Planning and Development Department to the Housing and Revitalization Department. Since the execution of the 2016 Agreement, the City has been able to streamline the Section 106 review process by laying out the agreed-upon terms and conditions, resolving potential adverse effects, address issues in complex undertaking, and other environmental and historical situations.



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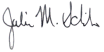
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The City's Planning and Development Department and HDAB support the continued cooperation and consultation between the City and SHPO and ACHP and wish to be invited signatories to the Amendment. The adoption of the second amendment will continue the City's obligation and responsibility in compliance with Section 106 and provide further assistance with administration of individual undertakings within the HUD Program, which includes single-family and multi-family rehabilitation, property acquisition, property relocation, accessibility for disabled persons, demolition, new construction, lead hazard reduction, redevelopment projects, and commercial demolition.

We hereby request that your Honorable Body adopt the attached resolution authorizing and approving the execution of the amendment to the Programmatic Agreement.

Respectfully Submitted,

DocuSigned by:

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Julie Schneider
Director , Housing and Revitalization

CC: Val Miller
Penny Dwoinen
Tiffany Ciavattone

RESOLUTION

BY COUNCIL MEMBER: _____

WHEREAS, the City of Detroit (the “City”) is the recipient of grant funds from the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, HUD is authorized to provide for the assumption of environmental review responsibilities by recipients of federal funding to be administered for HUD programs in accordance with HUD’s environmental review procedures as set forth in 24 C.F.R. Part 58, and

WHEREAS, the City has accepted the federal environmental review responsibility, in accordance with section 104(g) of the Housing and Community Development Act of 1974, 42 U.S.C. 5304(g), and the federal agency responsibility for compliance with Section 106 of the National Historic Preservation Act of 1966 (the “NHPA”), 54 U.S.C. § 306108, (“Section 106”); and

WHEREAS, the City, Michigan State Historic Preservation Officer, and Advisory Council on Historic Preservation wish to amend the Programmatic Agreement executed on November 9, 2016, to administer HUD grant and/or entitlement programs with funds from HUD (the “2016 Agreement”); and

WHEREAS, the City’s Planning and Development Department (“PDD”) and City Council Historic Designation Advisory Board (“HDAB”) wish to support the Second Amendment to the Programmatic Agreement as invited signatories and agree to the modification outlined in the agreement.

WHEREAS, the Signatories, Invited Signatories, and Concurring Parties of the 2016 Agreement have agreed that modifications of the agreement is needed to improve the effectiveness of the stipulations outlined in the agreement, in order to satisfy the City’s Section 106 responsibilities for all individual undertakings administered under the HUD Programs.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the foregoing communication, the Housing and Revitalization Department request the approval to enter into that certain Second Amendment Programmatic Agreement (the ‘Amendment’) with the Michigan State Historic Preservation Officer and the Advisory Council on Historic Preservation for the coordinated administration of the City’s federal environmental review responsibility and federal agency responsibility for compliance with Section 106 of the National Historic Preservation Act; and be it further

RESOLVED, that the Directors of the Planning and Development Department and the Housing & Revitalization Department, or an authorized designee is hereby authorized to execute the amendment to the Programmatic Agreement with the Michigan State Historic Preservation Office and Advisory Council on Historic Preservation and such other documents as may be necessary to

effect the execution of the Amendment, provided they do not substantially alter the stipulations of the agreement; and be it further.

RESOLVED, that the Historic Designation Advisory Board authorized designee is hereby authorized to execute the amendment to the Programmatic Agreement as invited signatories, provided they do not substantially alter the stipulations of the agreement; and be it further

RESOLVED, that the Amendment will be considered confirmed when executed by the Directors of the Planning and Development Department, Housing and Revitalization Department, and Historic Designation Advisory Board or an authorized designee, and approved by the Corporation Counsel as to form