

Agenda
Kalamazoo Historic Preservation Commission Meeting
City of Kalamazoo

Wednesday, February 9, 2022 6:00 PM

Community Room – 241 W South Street

- I. Call to order:**
- II. Roll call and approval of absences:**
 - A. Fred Edison (FE).
 - B. Kyle Hibbard (KH) **EXCUSED**
 - C. Regina Gorham, chair (RG)
 - D. Katherine White (KW)
 - E. Lenee Powell-Wilson (LPW)
 - F. VACANT
 - G. VACANT
- III. Approval of Agenda:**
- IV. Introduction of Guests:**
- V. Citizen Comments on NON-agenda items* & Correspondence:**
- VI. Financial Report (20 min) (Item A)**
 - A. Revenue January \$0.00; Year to date \$0.00
 - B. Expenses January \$1,869.12; Year to date \$1,869.12
 - C. Balance Remaining \$4,130.88
 - D. Reserve Fund – O’Connor Fund for HP in Kzoo held at Kalamazoo Community Foundation
 - 1. Primary spendable D1 \$8,384.88
 - 2. Primary spendable D2 \$2,011.75
 - 3. Total funds in the O’Connor Fund: \$440-450,000
 - E. **Diversity and Inclusion** (Powell-Wilson, White, Edison)
 - 1. Kalamazoo Reservation Public Education (Gorham) (10 min) - report at meeting
 - F. **Historic Preservation Programs - O’Connor Fund** (Powell-Wilson)
 - 1. Grantmaking – Report at meeting (**ITEM B**)
 - 2. OHOW – Old House Owners Workshops – no report
 - G. **Reconnaissance Level Historic Resource Survey & CLG Grant** (Pena) no report
 - H. **Grave Issues – Cemetery Project** (Hibbard) - no report
 - I. **Preservation Month** (Gorham) (15 min) – no report
 - J. **Designation & Sites** (D) – (10 min) - no additional report
 - K. **Sustainability** (SU) – (10 min) Pena – no report
 - L. **Operations** (O) – Gorham (5 min) - no report
- VII. Old/New Business**
 - A. Preservation Awards
 - B. HPC Annual Report (**Item C**)
- VIII. Approval of meeting notes: (5 min)**
 - A. January 12, 2022 (**ITEM D**)

IX. Coordinators Report on non-agenda items (5 min)

A. Coordinators monthly report (**ITEM E**)

X. Citizen Comments on NON-agenda items*

XI. Commissioner Comments

XII. Adjourn 8:00 PM

*The mission of the Kalamazoo Historic Preservation Commission is to educate the public and city leaders on the value of preserving the City's historic resources, and to advise the City Commission accordingly. Questions and comments regarding this agenda should be directed to the Historic Preservation Coordinator at 337-8804. *The Commission's Work Plan is on the reverse side.*

** Citizen Comments are limited to four minutes on non-agenda items. During agenda items, citizens are also requested to limit their comments to four minutes unless invited to join in the discussion by the Commission.*

**NEW WORK PLAN ON
FOLLOWING PAGES
Adopted March 10, 2021**

KALAMAZOO HISTORIC PRESERVATION COMMISSION GOALS FOR 2021-2023

Adopted Wed., March 10, 2021

Chair: Josh Koenig Vice-chair: Regina Gorham
Secretary: none Treasurer: Lenee Powell-Wilson

+++++

PRIORITY PROJECTS

DIVERSITY AND INCLUSION

NEW/ONGOING

Leader(s) Lenee Powell-Wilson, Regina Gorham, Fred Edison

1. Create working relationship with local and regional entities to partner with efforts to make Kalamazoo history more inclusive and complete
2. KALAMAZOO RESERVATION PUBLIC EDUCATION COMMITTEE - migrate all Next Exit History material to Kalamazoo Public Library, continue to work with Gun Lake band tribal council

O'CONNOR FUND FOR HISTORIC PRESERVATION PROGRAMS

ANNUAL/ONGOING

CREATE NEW & MANAGE EXISTING PROGRAMS

Leader(s) Katherine White & Lenee Powell-Wilson

1. Education: Old House Owners Workshops - Video, Hands-On and In-Seat Programming
 - a. ~~Complete taping and showing Season 1, 8 episode video series for 2020-2021~~
 - b. Plan Season 2 plan and tape 8 episodes for broadcast in late 2021 and 2022. **Suspended**
 - c. Count video viewers
 - d. Negotiate partnership agreement with PMN to include broadcasting rights for City of Kalamazoo for 2021-2022 season.
 - e. Consider pros and cons of returning to hands-on and in-seat informational sessions for summer 2022. Make a decision and plan for 2022 if the answer is "yes."
2. Preservation Assistance: Explore and provide funding for a program or programs to address:
 - a. no-cost home repairs for qualified low-income owner-occupants
 - b. a more inclusive & diverse Kalamazoo history as it relates to preserving buildings & places
3. Preservation Assistance: Develop and implement one or more grant-making programs

RECONNAISSANCE LEVEL HISTORIC RESOURCE SURVEY PROJECT

COMPLETE – OCTOBER 2023

LEADER(S) Coordinator & Chairperson

GOAL: Prepare a historic resource survey of all structures and resources within the boundaries of the city of Kalamazoo

1. Monthly report to HPC.
2. Begin Survey in March 2021 – complete field work by October 2022, report by October 2023
3. Final report to HPC to use in preparing next Workplan

CEMETERIES (Grave Issues Squad)

ANNUAL/ONGOING

LEADER(S) Kyle Hibbard, Sharon Ferraro

1. 2021 - when the repairs are being made on the roads in the Mountain Home explore the creation of a survey database that can be used on smartphones to facilitate quick survey of grave marker condition using volunteers
2. Use the cemetery to engage the public in using appropriate techniques for cleaning grave markers – explore making a short video on water-only cleaning of headstones
3. LONG TERM - Create plan to clean and repair grave markers and cemetery buildings using public volunteers and professionals when necessary
4. assist city staff in developing a long-term plan for repair, cleaning and maintenance in Kalamazoo's two historic cemeteries, Mountain Home and Riverview.

PRESERVATION MONTH & OTHER EVENTS

ANNUAL/ONGOING

Leader: Regina Gorham & coordinator

GOAL: Consider a variety of events to celebrate Preservation Month in May

1. Committee formed in January to consider awards and special events for Preservation Month
 - a. Create work schedules, recruit & train volunteers
 - b. Complete events, Post event debrief presented to HPC
 - c. Present Preservation Awards nominations to HPC and make awards
 - d. Form committee for next year
2. Put "Pres month opportunities" as a discussion section on HPC monthly agenda.
3. *Create a three-year plan for future events to celebrate Preservation Month before end of 2021*

DESIGNATION (Preservation Tools/Outreach):

ANNUAL/ONGOING

LEADER(S): Fred Edison & Katherine White

(See appendix A to C for current DRAFT lists)

1. Work to create a citywide context statement for "missing" history – the history of BIPOC and women in Kalamazoo – the statement could be used to be an integral part of surveys, National Register and Local HD listings
2. support the establishment of new historic districts, National Register nominations and local designation as appropriate
3. Consider the creation of a local historic marker program
4. Explore and support a process to include the identification of potential pre-historic and historic archeological sites in Kalamazoo
5. educate the public on historic preservation and designation as a tool
6. 2022 – using the results of the reconnaissance historic resource survey, create a new list of potential historic resources in the city.

SUSTAINABILITY/ REVENUE

ANNUAL/ONGOING

LEADER(S): Coordinator & Chairperson

1. Finalize transition of KL&F from Pam O'Connor to Lynn Houghton.
 - a. Develop a plan for remaining inventory by Sept. 1, 2021 **DONE**
 - b. execute said plan before Dec. 31, 2021.
2. Review plans annually for ongoing and new O'Connor Fund expenditures and ensure that O'Connor fund appeal is done in November
3. Review Hidden Kalamazoo book publication – possibly shift to Arcadia Press
4. Start looking for future fund-raising plans

OPERATIONS/Chairperson's responsibilities

ANNUAL/ONGOING

LEADER: Chairperson

1. To see that 1-2 representatives from KHPC meet quarterly w/ Director of CPED and City Planner to discuss KHPC
2. Review financial status & reserve account quarterly in advance of opportunities for budget adjustment
3. Create budget in July or August
4. Monitor the preservation coordinator position so that it remains funded by City
5. Ensure quorum at meetings
6. Meet monthly with Historic Preservation Coordinator to review issues and plan agendas.
7. Oversight and update of operational plans monthly
8. Ensure succession plan for HPC

APPENDIX A: sites eligible for additional designation – to be expanded and revised after the Reconnaissance Level Historic Resources Survey is complete

LOCAL DESIGNATION

- Woodside Properties (W) and panhandle Greenlawn – add to West Main Hill
- **Bronson Park Historic District (NR listed)**
- Milwood Area
- Edison/Washington Square Area
- Hillcrest/Winchell Area
- Parkwyn Village
- Mid-Century Resources
- **Isaac Brown House (NR listed)**
- Loring-McMartin Farm /railroad viaduct
- Ihling Brothers Building (Kalamazoo Ballroom Academy, Worship Arts, Dill Instruments 2020 Fulford St (Edison)

NATIONAL REGISTER DESIGNATION

- State Theater – National Register eligible - NR nomination in progress (March 2021)
- American National/5/3 Bank Tower - National Register eligible – need new photos and permission letter from owner
- Bronson/Upjohn Headquarters (NR nomination in progress – March 2021)
- Parkwyn Village (Nomination being prepared by Peter Copeland)
- Mid Century Resources
- Washington Square Area

APPENDIX B: Schools – encourage and prepare history and heritage of schools to post on KPL Local History Room and KPS, Kal. Christian Schools, Catholic Schools websites. Encourage adaptive use if buildings become vacant. Prioritized List of Local Public and Private School Buildings:

1. El Sol/Vine Elementary (KPS) (In local historic district) 604 W. Vine
2. Milwood Middle School (KPS) 2916 Konkle St
3. Winchell Elementary (KPS) 2316 Winchell Ave
4. Greenwood Elementary (KPS) 3501 Moreland Street
5. Hackett High School (Catholic Diocese) 1000 West Kilgore Ave
6. St. Augustine Elementary (Catholic Diocese) 600 West Michigan Ave
7. St. Monica Elementary (Catholic Diocese) 530 West Kilgore Ave
8. Kalamazoo Christian High School (Christian Schools)
9. Community Education Center (former Kalamazoo Central High School) (KPS) NR & Local HD 600 West Vine St.
10. (Former) South Christian Elementary on Westnedge – owned by KPS
11. Hillcrest School (Kazoo School - private) 1401 Cherry St
12. Former Ebenezer School (Bronson, Former K Christian John St)

Work completed on upgrades and new construction (Nov 2018)

1. Loy Norrix High School (KPS) 606 East Kilgore Road
2. Lincoln Elementary (KPS) 912 North Burdick Ave.
3. Woodward Elementary (KPS) (In NR and local historic district) 606 Stuart Ave
4. Parkwood/Upjohn Elementary (KPS) 2321 South Park St

APPENDIX C: Churches (by address and denomination)

- 1) Second Missionary Baptist Church - 603 North Rose (North Side)
- 2) North Presbyterian - 603 North Burdick - (North Side) VACANT
- 3) Friendship Baptist Church – 326 West Paterson (North Side)
- 4) North Westnedge Church of Christ – 1101 North Westnedge Ave (North Side)
- 5) Allen Chapel AME - 804 West North Street (North Side)
- 6) Chicago Avenue Church of Christ – 940 Chicago Avenue (East Side)
- 7) Bethany Reformed Church – 1833 South Burdick Ave (Edison)
- 8) Seasons of Change Church – 1401 Lay Blvd (Edison)

revstat.rpt
 02/02/2022 12:11PM
 Periods: 1 through 1

Revenue Status Report

City of Kalamazoo
 1/1/2022 through 1/31/2022

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
233 DONATIONS FUND					
233-803 HISTORIC COMMISSION					
233-803-00.000 HISTORIC COMMISSION					
233-803-00.000 HISTORIC COMMISSION					
233-803-00.000-642.003 HISTORIC PRESERVATION SALES	2,000.00	0.00	0.00	2,000.00	0.00
Total DONATIONS FUND	2,000.00	0.00	0.00	2,000.00	0.00
Grand Total	2,000.00	0.00	0.00	2,000.00	0.00

expstat.rpt
 02/02/2022 12:05PM
 Periods: 1 through 1

Expenditure Status Report

City of Kalamazoo
 1/1/2022 through 1/31/2022

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
233						
	DONATIONS FUND					
233-803						
	HISTORIC COMMISSION					
233-803-00.000						
	HISTORIC COMMISSION					
233-803-00.000						
	HISTORIC COMMISSION					
233-803-00.000-729.000	50.00	0.00	0.00	0.00	50.00	0.00
233-803-00.000-801.000	4,750.00	1,869.12	1,869.12	0.00	2,880.88	39.35
233-803-00.000-810.003	500.00	0.00	0.00	0.00	500.00	0.00
233-803-00.000-811.000	200.00	0.00	0.00	0.00	200.00	0.00
233-803-00.000-881.000	500.00	0.00	0.00	0.00	500.00	0.00
Total DONATIONS FUND	6,000.00	1,869.12	1,869.12	0.00	4,130.88	31.15
Grand Total	6,000.00	1,869.12	1,869.12	0.00	4,130.88	31.15

glpatrans
2/2/2022 12:19:15PM

GL/PA Transaction Report
City of Kalamazoo

Fund: 233
Account: 233-803-00.000-801.000 PROFESSIONAL AND CONTRACTUAL SERVICES

Doc Date	Jrnl	Type	Doc #	Ref #	Line	Description	Project String	Actual	D/C	Encumbrance	Budget Adj
1/27/2022	AP	IN	5383332	011222-MA	1	Kalamazoo Lost & Found: Marke		1,869.12	D	0.00	0.00
							TOTAL 233-803-00.000-801.000	1,869.12		0.00	0.00
							Fund 233 TOTAL	1,869.12		0.00	0.00
							GRAND TOTAL	1,869.12		0.00	0.00

Date: 12-30-21
To: Kalamazoo Historic Preservation Commission, Sharon Ferraro and Luis Pena
From: Pam O'Connor, O'Connor Fund Grants/Gifts Committee
Subject: O'Connor Fund Report and Recommendations

GRANTS

We have a great simplified Grant application now, which will be used for making grants of between \$2,000 - \$10,000.

Next steps:

- a) figure out how to score completed applications, now that the form is complete
- b) determine how to best market and manage the program announcements, due dates, etc.
- c) get the opportunity in front of the intended audience

KHPC ORDINANCE LANGUAGE

The City Commission approved the KHPC's requested ordinance edits at its December 20, 2021 meeting.

GIFT AGREEMENT WITH COMMUNITY HOMEWORKS (see following items for recommendation and agreement)

All documents are ready to go, and the proposal for moving ahead with this gift accompanies this report.

HEALING & TRANSFORMATION KALAMAZOO/HISTORICAL AND CULTURAL LANDSCAPE PROJECT

Michelle Johnson, who is working on this project, will attend our January 12th meeting. Hopefully, we will learn if there may be a way to assist some part of this ongoing or upcoming effort that is consistent with the KHPC's Duties as prescribed by its ordinance.

**GRANTS - COMMUNITY HOMEWORKS
Recommendation**

Date: 12-30-21
 To: Kalamazoo Historic Preservation Commission, Sharon Ferraro and Luis Pena
 From: Pam O'Connor, O'Connor Fund Grants/Gifts Committee
 Subject: Community Homeworks/O'Connor Fund Gift Recommendation & Rationale

Dear KHPC members , Ms. Ferraro and Mr. Pena:

Recommendation

At its January 12, 2022 meeting, I recommend that the KHPC approve a one-time gift agreement with CHW in support of its Critical Repair Program of **\$10,000**. This gift will allow CHW to perform up to five critical home repair projects over the course of a year.

All documents needed to make this gift were approved in concept at the KHPC's October, 2021 meeting, and a clarification of the KHPC's ordinance was approved by the Kalamazoo City Commission at its December 20, 2021 meeting. That leaves the following items to complete the process:

- 1) The KHPC must approve this proposal.
- 2) The KHPC Chair must sign the agreement.
- 3) The Preservation Coordinator must transmit the signed Preservation Agreement and its attachments to CHW for action.
- 4) CHW's Authorized Representative must acknowledge the gift by countersigning the Preservation Agreement and returning it to the Preservation Coordinator.
- 5) The Preservation Coordinator must request the gift from the Kalamazoo Community Foundation's (KZCF) O'Connor Fund for Historic Preservation in Kalamazoo, and ask the KZCF to transmit the gift to CHW.
- 6) The Preservation Coordinator must keep the KHPC informed on the status of the gift making process until it is completed, as signaled by the receipt of a gift acknowledgement from CHW.

For clarity and transparency, I have again included the Committee's rationale making a gift to CHW, along with one additional new paragraph which precedes the Conclusion below, titled "Rationale: Amount of Gift."

Why

This gift proposal is NOT for the usual exterior - only repairs and rehabilitation addressed by either of Kalamazoo's Preservation Commissions or commissions in other cities. *However*, there is a strong case to be made for this gift to the CHW program *precisely* because it treats "root causes" which, when left untreated, can lead to fires, deaths, abandonment (for code violations or other reasons) and homelessness, and then, unfortunately and ultimately, demolition. **And we can't preserve owner-occupied residences and support their role in supporting strong neighborhoods and residents if the buildings are no longer there.**

After reviewing a number of other Kalamazoo area agency/non-profits, this CHW program was selected for recommendation because:

- It is a "no-charge" program for qualified low-income homeowner-occupants only. This helps keep the homeowner-occupants in their homes and supports the growth of generational wealth and wellness.
- CHW's construction staff and sub-contractors are trained to do these jobs, and they are completed at no charge to the homeowner. Other programs either charge for work, or the work is carried out at no charge, but completed by volunteers who may not be trained. (Other programs reviewed either charge for work, or the work is carried out at no charge, but by volunteers that may not be trained.)

All are good programs, but since our draft gift agreement requires that all work meets the *Secretary of Interior's Standards*, this gift should go to a program that uses trained contractors, and Community Homeworks is confident it can meet those requirements.

- This program supports Imagine Kalamazoo 2025 by responding directly to the need to preserve old buildings as a sustainable development practice. It also addresses multiple preservation-related goals identified in several completed Neighborhood Plans, including those for the Northside, Vine, and Eastside neighborhoods.

What

- Information on CHW's Critical Repair Program can be found at: <https://communityhomeworks.org/need-help/>

- The work this program carries out is often aligned with household systems: plumbing, water heaters, furnaces, and electric, but it also addresses other health and safety repairs: floors, stairs and porches, structural and other.

How

- Through a Preservation Gift Agreement between CHW and the KHPC, repairs made using this gift would be guided by the following requirements and others provided in the Preservation Agreement.
- Work must be completed only by Community Homework's trained construction staff and/or CHW-approved sub-contractors, and provide essential repair/improvement services included in its "Critical Repair Program" at no-cost to owner-occupants.
- Homes must be 50 years or older and within the City of Kalamazoo.
- Work must meet the *Secretary of Interior's Standards for Rehabilitation*, and be approved in advance by the City's Historic Preservation Coordinator.

Rationale: Amount of Gift

I have recommended a gift of **\$10,000** because:

- a) a gift of this size will allow CHW to do more home preservation work, and,
- b) there is a cost the CHW will bear to set up a "Preservation" style program that aligns with the terms of the KHPC's Preservation Agreement, and since that system needs to be set up just once, there is an administrative savings to CHW that allows it to can carry out even more work with a single larger gift, (as compared to multiple smaller gifts at different times, and,
- c) The more successful preservation program work we can share with O'Connor Fund donors, the more likely they will continue to support the Fund's future work and the KHPC in general.

Conclusion

Thank you for your consideration. I look forward to contacting CHW following the January 12, 2022 meeting to advise CHW that a \$10,000 gift will soon be made to its Critical Repair Program.

Copy to O'Connor Fund Gifts and Grants Committee Members not already copied here: Nancy Finegood and Kerry Lyn Williams.

COMMUNITY HOMEWORKS Preservation Agreement
Kalamazoo Historic Preservation Commission
O'Connor Fund for Historic Preservation in the City of Kalamazoo
Number: 2022-01-12-CHW

This agreement is made the 12th day of January, 2022, by the Kalamazoo Historic Preservation Commission ("KHPC") and the gift recipient, Community Homeworks ("CHW") for the purpose of making repairs on residential, qualified low-income homeowner-occupied residences in the City of Kalamazoo, under its Critical Repair program. The KHPC has determined CHW is an appropriate and qualified recipient of this gift for this important work.

In consideration of the sum of **\$10,000** received as a gift from the O'Connor Fund for Historic Preservation in The City of Kalamazoo (O'Connor Fund), at the Kalamazoo Community Foundation, CHW hereby agrees to the following requirements when carrying out its work as a result of this gift:

1. CHW will use this gift exclusively to make repairs to buildings under its Critical Repair program.
2. Homes that receive repairs as a result of this gift must be 50 years or older.
3. Repairs to homes that receive Critical Repairs as a result of this gift will be made in a manner consistent with the *Secretary of the Interior's Standards for Rehabilitation* (Attachment #1);
4. Repairs to homes that receive Critical Repairs as a result of this gift must be approved in advance, in writing, by the City of Kalamazoo Historic Preservation Coordinator, though a process agreed upon by both parties.
5. CHW will acknowledge financial support from the O'Connor Fund and KHPC in ALL media generated (including website and exterior signage) for work carried out as a result of this gift will use only the statements and logos. (Attachment #2)
6. CHW agrees to adhere to ALL City of Kalamazoo ordinances; including as they relate to Chapters 18 and 18A on Non-Discrimination and Fair Housing (Attachment #3)
7. CHW will provide an annual report to the KHPC which provides information about the projects and owner demographics for which funds from this gift were expended.
8. This agreement shall be enforceable in specific performance by a court of competent jurisdiction.

9. It is understood and agreed by the parties hereto that if any part, term, or provision of this agreement is held to be illegal by the courts, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the agreement did not contain the particular part, term, or provision held to be invalid.

Grantor: Kalamazoo Historic Preservation Commission and the O'Connor Fund for Historic Preservation at the Kalamazoo Community Foundation

Name and title of Authorized KHPC Representative Regina Gorham, Chair

Signature of Authorized KHPC Representative

Date

Gift Recipient: Community Homeworks/Critical Repair Program

Authorized Representative: Sam Field, President, Board of Directors

Signature of Authorized Representative

Date

This section of the City of Kalamazoo Code of Ordinance will be appended to the Community Homeworks grant agreement.

Chapter 18 Non-Discrimination

Article I General Provisions

§18-1 Policy.

- A. It is the intent of the City of Kalamazoo that no person be denied the equal protection of the laws; nor shall any person be denied the enjoyment of their civil rights.
- B. The prohibitions against discrimination provided for in this Chapter do not preempt Federal or State law, but are intended to supplement existing State and Federal civil rights law to prohibit discrimination in the areas of employment, public accommodations, and housing not addressed at State or Federal law, especially in regards to actions taken because of an individual's source of income, status as a victim of domestic violence, prior arrests, or conviction record; provided, however, this Chapter shall be construed and applied in a manner consistent with First Amendment jurisprudence regarding the freedom of speech and exercise of religion.

§18-2 Definitions

As used in this Chapter, the following words and phrases have the following meanings:

AGE

Chronological age.

ARREST RECORD

Information indicating that a person has been apprehended, detained, taken into custody, held for investigation, or restrained by a law-enforcement department or military authority due to an accusation or suspicion that the person committed a crime. Arrest record includes pending criminal charges, where the accusation has not yet resulted in a final judgment, acquittal, conviction, plea, dismissal, or withdrawal of charges.

CITY MANAGER

The City Manager of the City of Kalamazoo or his or her designee.

CONTRACTOR

A person who by contract furnishes services, materials or supplies to the City. "Contractor" does not include persons who are merely creditors or debtors of the City, such as those holding the City's notes or bonds or persons whose notes, bonds or stock is held by the City.

CONVICTION RECORD

Information regarding the history of criminal convictions of an individual in any jurisdiction, including time served in prison, jail, juvenile detention, probation, parole, rehabilitation or diversion programs, and placement on a sex offender registry.

DISCRIMINATE

To make a decision, offer to make a decision, or refrain from making a decision based in whole or in part on an individual's actual or perceived race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation or gender identity, educational affiliation, source of income, status as a victim of domestic violence, governmental identification method, arrest record and conviction record (collectively "protected classes").

A. Discrimination based on sex includes sexual harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:

(1) Submission to such conduct or communication is made a term or condition, either explicitly or implicitly, to obtain employment, public accommodations, or housing.

(2) Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual's employment, public accommodations or housing.

(3) Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, or housing environment.

B. Discrimination based on sex includes discrimination based on an actual or perceived sexual orientation or gender identity of an individual

C. Discrimination based on actual or perceived physical or mental limitation includes discrimination because of the use by an individual of adaptive devices or aids.

D. Discrimination also includes the use of facially neutral policies or practices that have a disparate impact on members of a protected class.

E. Discrimination also includes conduct directed at another based on their membership in a protected class which creates an intimidating, hostile or offensive environment regarding employment, public accommodation or housing.

EDUCATIONAL AFFILIATION

The fact of being enrolled, or not enrolled, in any educational institution.

EMPLOYER

Any person employing one or more individuals engaged in a lawful business or enterprise but does not include the employment of an individual by his or her parent, sibling, spouse, or child.

EMPLOYMENT AGENCY

A person who undertakes to procure employees for an employer or procures opportunities for individuals to be employed by an employer.

FAMILY STATUS

A. An individual who is pregnant, or

B. One or more individuals under the age of 18 residing with a parent or other person having custody or in the process of securing legal custody of the individual or individuals or residing with the designee of the parent or other person having or securing custody, with the written permission of the parent or other person.

GENDER IDENTITY

A person's actual or perceived gender, including a person's self-image, appearance, expression, or behavior, whether or not that self-image, appearance, expression, or behavior is different from that traditionally associated with the person's sex as assigned at birth as being either female or male.

GOVERNMENTAL IDENTIFICATION METHOD

The legal form of identification that an individual may use, including any valid, government-issued identification, such as a State ID card, Federal immigration documentation, municipal or county ID card, or passport issued by a foreign country.

INDIVIDUAL

A human being, as distinguished from a person, as defined herein.

LABOR ORGANIZATION

An organization of any kind or structure in which employees participate or are members and which exists for the purposes, in whole or part, of dealing with employers concerning the terms and conditions of employment of its participants or members, whether or not such organization is subordinate to or affiliated with a national or international labor organization.

MARITAL STATUS

The state of being married, single, widowed, divorced, or separated.

PERCEIVED

Refers to the perception of the person who acts, and not to the perception of the person for or against whom the action is taken.

PERSON

An individual, association, partnership, agency, organization, or corporation, public or private including the employees, members and officers thereof.

PHYSICAL OR MENTAL DISABILITY

A determinable physical or mental characteristic resulting from disease, injury, congenital condition of birth, or functional disorder and is unrelated to one’s ability to safely perform the work involved in jobs or positions available to such person for hire or promotion; or unrelated to one’s ability to acquire, rent and maintain property; or unrelated to one’s ability to utilize and benefit from the goods, services, activities, privileges and accommodations of a place of public accommodation “Physical or mental disability” does not include any condition caused by the current illegal use of a controlled substance, the use of alcohol liquor, or use of marijuana by an individual.

PLACE OF PUBLIC ACCOMMODATION

An educational, governmental, health, entertainment, cultural, recreational, refreshment, transportation, financial institution, business or facility of any kind, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

PREGNANT

The condition of carrying a developing human embryo in the uterus.

RELIGIOUS ORGANIZATION

An organization, church, group, or body of communicants that is organized not for pecuniary profit that regularly gathers for worship and religious purposes and includes a religious-based private school that is not organized for pecuniary profit.

RETALIATION

An adverse action taken against an individual who files or participates in a complaint investigation under this Chapter.

SEXUAL ORIENTATION

Male or female homosexuality, heterosexuality or bisexuality, whether by orientation or practice. Sexual orientation does not include the physical or sexual attraction to a minor by an adult.

Article II
Conduct Prohibited

§ 18-3 Discriminatory public accommodation practices.

- A. Except as otherwise provided in this Chapter, no person shall discriminate in making available full and equal access to all goods, services, activities, privileges, and accommodations of any place of public accommodation.
- B. Public accommodations must be made accessible to individuals with disabilities in compliance with State and federal law and regulations.
- B. Nothing in this Chapter permits or requires access to any place of public accommodation for

the purpose or intent of engaging in criminal conduct, offensive or disorderly conduct, or conduct which represents a threat to the public health, safety, or welfare.

- C. Nothing in this Chapter shall require the construction or provision of unisex, single-user restrooms, changing rooms, locker rooms, or shower facilities.

§ 18-4 Discriminatory employment practices.

Except as otherwise provided in this Chapter:

- A. No employer shall discriminate in the employment, compensation, work classifications, conditions or terms, promotion or demotion, or termination of employment of any person.
- B. No labor organization shall discriminate in limiting membership, conditions of membership, or termination of membership of any person in any labor union or apprenticeship program.
- C. No employment agency shall discriminate in the procurement or recruitment of any person for possible employment with an employer.

§ 18-5 Nondiscrimination by City contractors.

- A. All contractors proposing to do business with the City of Kalamazoo shall satisfy the nondiscrimination administrative policy adopted by the City Manager in accordance with the guidelines of this section.
- B. A contractor shall, as a condition of being deemed a responsible bidder, at the time of its submission to the City in responding to an invitation for bids or request for proposals, certify in writing that it complies with the provisions of this Chapter.
- C. All City contracts shall provide that breach of the obligation not to discriminate is a material breach of the contract. The contractor shall be liable for any costs or expenses incurred by the City in obtaining from other sources the work and services to be rendered or performed or the goods or properties to be furnished or delivered to the City under the contract.

§ 18-6 Discriminatory effects.

No person shall adopt, enforce or employ any policy, practice, or requirement which has the effect of creating unequal opportunities according to actual or perceived race, color, religion, national origin, sex, age, height, weight, family status, marital status, physical or mental disability, educational association, source of income, status as a survivor of domestic violence, governmental identification method, arrest record, or conviction history for a person to obtain employment, public accommodation, or housing, except for a bona fide business necessity. Such a bona fide business necessity does not arise due to a mere inconvenience or because of suspected or actual objection to such a person by neighbors, customers, or other persons but shall require a demonstration that the policy or requirement is reasonably necessary to the normal operation of the person's business.

§ 18-7 Other prohibited practices.

- A. No person shall adopt, enforce or employ any policy or requirement, or publish, post or broadcast any advertisement, sign or notice which discriminates or indicates discrimination in providing employment, public accommodations, or housing.

- B. No person shall discriminate in the publication or distribution of advertising material, information or solicitation regarding *housing*, employment or public accommodations.
- C. No agent, broker, labor organization, employment agency or any other intermediary shall discriminate in making referrals, listings or providing information with regard to employment, public accommodations, or housing. A report of the conviction of any such person for a violation of this Chapter shall be made to the applicable licensing or regulatory agency for such person or business.
- D. No person shall coerce, threaten or retaliate against a person for making a complaint or assisting in the investigation regarding a violation or alleged violation of this Chapter, nor require, request, conspire with, assist or coerce another person to retaliate against a person for making a complaint or assisting in an investigation.
- E. No person shall conspire with, assist, coerce or request another person to discriminate in any manner prohibited by this Chapter.
- F. No person shall use any history information other than convictions contained in a criminal record.

§ 18-8 Exceptions.

Notwithstanding anything contained in this Chapter, the following practices shall not be violations of this Chapter:

- A. To engage in a bona fide effort to establish an affirmative action program to improve opportunities in employment for minorities and women consistent with applicable State and
- B. To discriminate based on a person's age when such discrimination is required by State, Federal, or local law.
- C. To refuse to enter into a contract with an unemancipated minor.
- D. To refuse to admit to a place of public accommodation serving alcoholic beverages a person under the legal age for purchasing alcoholic beverages.
- E. To refuse to admit persons under 18 years of age to a business providing entertainment or selling literature which the operator of said business deems unsuitable for minors.
- F. For an educational institution to limit the use of its facilities to those affiliated with such institution.
- G. For a religious organization to restrict employment opportunities for officers, religious instructors and clergy to individuals of that denomination. It is also permissible for a religious organization to restrict employment opportunities, educational facilities, and dormitories that are operated as a direct part of its religious activities to persons who are members of the denomination involved or who agree to conform to the moral tenets of that religious organization

- H. To provide discounts on products or service to students, or on the basis of age.
- I. For a governmental institution to restrict any of its facilities or to restrict employment opportunities based on duly adopted institutional policies that conform to Federal and state laws and regulations.
- J. To restrict participation in an instructional program, athletic event or on an athletic team on the basis of age, sex, height, or weight consistent with applicable state or federal laws and regulations.
- K. To restrict membership in a private club that is not open to the public except to the extent that private clubs which permit members to invite guests on the premises are not exempted as it concerns a member's guest.
- L. To the use of marital status or family status limitations in a health or pension plan if such limitations conform to Federal and State laws and regulations.

Article III Enforcement

§ 18-9 **Complaint Process; Information and Investigation**

- A. Any person claiming to have been discriminated against in violation of this Chapter or Chapter 18A “Fair Housing” must file a signed, written complaint with the City Manager or the designee of the City Manager setting forth the details, including the names of the parties involved, contact information for the complainant, dates, witnesses, and other factual matters relevant to the claim, within 91 days of the incident forming the basis of the complaint. Complaints not filed with the specified timeframe will not be considered.
- B. The City Manager or the designee of the City Manager, with the assistance of the City Attorney or designee of the City Attorney, will review the complaint to determine its relevance to applicable city ordinances. Upon completion of the review, the complaint will be addressed through one of the following actions:
 - (1) Referral of the complaint to an appropriate state, federal or local authority for investigation. If referred to an external agency, the complainant will receive written notification of the referral by the City.
 - (2) Conduct an investigation of the complaint with the assistance of the City Attorney’s Office and personnel from any other City departments.
 - (3) Dismiss the complaint, if after review with the City Attorney’s Office, the allegations do not constitute a violation of city ordinances.
- C. In the course of the investigation, the City Manager or the designee of the City Manager may request a person to produce books, papers, records or other documents which may be relevant to the complaint being investigated. If said person does not comply with such request, the City Attorney may issue subpoenas for the production of materials, and if

necessary, apply to the Kalamazoo County Circuit Court for an order requiring production of said materials.

- D. No person shall provide false information to any authorized City employee investigating a complaint initiated under this section. Violation of this section is a misdemeanor.
- E. Action on the complaint will be completed within 91 days of receipt of the complaint and the parties will be notified in writing if additional time is necessary.
- E. After the completion of an investigation, the City Manager shall give written notice of the results of the investigation to the Civil Rights Board, the person who filed the complaint, and the person accused of the violation. If the investigation establishes that a violation of City ordinances occurred, the City Manager or his/her designee may attempt to resolve the matter by a voluntary settlement agreement between the involved parties without legal action.

§18-10 Voluntary Settlement Agreements.

A. Cases may be resolved by a voluntary settlement, agreed to by both parties, or by an administrative closure, if the request for settlement is withdrawn or a complaint is filed in court or with another administrative agency based on the same incident of discrimination.

B. If the investigation establishes probable cause of discrimination, an offer to settle the matter will take place as soon as possible. The City may enter into enforceable agreements with a respondent to terminate the discriminatory conduct and reverse the effects of past discrimination.

C. The respondent will be asked to 1) cease and desist from the specific discriminatory act or practice involved in the complaint, and 2) implement whatever actions and policies are necessary to remedy the discrimination uncovered in the investigation.

D. Violations of voluntary settlement agreements are violations of this Chapter, subjecting the respondent to prosecution and equitable action to enforce the agreement.

§ 18-11 Injunctions

The City Attorney may commence a civil action to obtain injunctive relief to prevent discrimination prohibited by this chapter, to reverse the effects of such discrimination or to enforce a voluntary settlement agreement.

§ 18-12 Prosecution.

A. Prosecution for violation of this Chapter may be initiated by complaint of the affected person on the basis of a violation of a voluntary settlement agreement or at the direction of the Civil Rights Board on the basis of an investigation undertaken by the City Manager.

B. Violation of this chapter shall be prosecuted by the City Attorney as a municipal civil infraction pursuant to the provisions of the Revised Judicature Act of 1961, MCLA 600.101 et seq.

§ 18-13 Penalties.

- A. A violation of any provision of this chapter is a municipal civil infraction punishable by a fine of not more than \$2000, plus all costs of the action. The court may issue and enforce any judgment, writ, or order necessary to enforce this chapter. This may include reinstatement, payment of lost wages, hiring and promotion, sale, exchange, lease or sublease of real property, admission to a place of public accommodation, and other relief deemed appropriate.
- B. Each day upon which a violation occurs shall constitute a separate and new violation.
- C. A violation proved to exist on a particular day shall be presumed to exist on each subsequent day unless it is proved that the violation no longer exists.
- D. Nothing contained in this chapter shall be construed to limit in any way the remedies, legal or equitable, which are available to the City or any person for the prevention or correction of discrimination.

Article IV

Civil Rights Board**§ 18-14 Civil Rights Board creation; composition.**

- A. To implement the general policy and purposes set forth in this Chapter, the City Commission establishes a Civil Rights Board.
- B. The Civil Rights Board consists of seven voting members appointed by the Mayor and approved by the City Commission and two ex-officio members who shall have no vote, but who may otherwise fully participate in any meeting of the Board.
- C. Members appointed to the Board shall be residents of the City reflecting and representing the diversity of the Kalamazoo community and be able to demonstrate experience in civil rights issues and law. Members to the Board may be appointed who are not residents of the City, not to exceed two members, when there is a valid reason for such appointment, such as the member works in the City, or has special expertise to carry out the duties and responsibilities of the Board.

§ 18-15 Appointment and terms of Board members; filling of vacancies; termination of appointments.

- A. Except for the initial appointments, members of the Board are appointed for a term of three years. The initial appointments to the Board will consist of 3 members appointed for a 3-year term, 2 members appointed for a 2-year term and 2 members appointed for a 1-year term. Members of the Board may serve up to two consecutive terms. Vacancies may be filled by the same appointment procedure for the remainder of an unexpired term.
- B. The ex officio Board members shall be appointed by the Mayor and approved by the City Commission. One member shall be a City Commissioner and the other member shall be a City officer or employee, recommended by the City Manager, but who shall not be a City

Commissioner or the City Manager.

§ 18-16 Election of Board officers.

The Board shall elect a Chairperson for a term of 1 year, with no limit on the number of terms a member may serve as Chairperson, to conduct its meetings and as it may desire, elect a Vice Chairperson to act in the absence of the Chairperson, from its members. Rules for the conduct of Board meetings shall be stated in the bylaws, as determined by the Board and approved by the City Commission.

§ 18-17 Secretary to Board; administrative support.

The City Manager shall designate someone other than himself/herself to serve as Secretary to the Board and shall provide such administrative support as may be required.

§ 18-18 Board subject to State law.

Meetings of the Board shall be conducted in compliance with the Michigan Open Meetings Act, MCLA § 15.261 et seq. and its records shall be available to the public under the Michigan Freedom of Information Act, MCLA § 15.231, et seq.

§ 18-19 Duties and responsibilities of Board.

The Board shall exercise its authority, functions, powers, and duties in accordance with all ordinances, rules, regulations, orders, and city charter of the City of Kalamazoo. The authority, duties, and responsibilities of the Board shall include the following:

- A. Foster mutual understanding and respect among the people in the City and discourage and prevent unlawful discriminatory practices toward the protected classes described in this Chapter.
- B. Review claims of discrimination brought by residents of the City of Kalamazoo following investigation of the claim by the City Manager or the designee of the City Manager.
- C. Review and analyze of conditions, practices, attitudes, policies, and other factors within Kalamazoo that contribute to discriminatory impact and further inequities, as well as evaluating the impact of anti-discrimination efforts.
- D. Make recommendations to the City Commission and City Manager on ways to improve City programs and ordinances to eliminate discrimination or remove effects of past discrimination.
- E. Engage in public awareness-building activities to ensure residents are informed of increased local protections and the role of the Board, including issuing an annual report of the activity of the Board.
- F. Engage with federal, state, and local agencies to assist in addressing issues of discrimination in the City.
- G. The Board shall provide an annual report to the City Commission regarding complaints received and actions taken.

This section of the City of Kalamazoo Code of Ordinance will be appended to the Community Homeworks grant agreement.

Chapter 18A Fair Housing

Article I General Provisions

§18A-1 Policy

- A. It is the policy of the City of Kalamazoo in the exercise of its municipal authority for the protection of the public health, safety, and general welfare, that all residents be assured of an equal opportunity to live in adequate housing facilities and prohibit unlawful discriminatory practices in housing and real estate transactions.
- B. The prohibitions against discrimination provided for in this Chapter do not preempt Federal or State law, but are intended to supplement existing State and Federal civil rights law to prohibit discrimination and practices in the area of housing not addressed at State or Federal law, especially in regards to actions taken because of an individual's source of income, status as a victim of domestic violence, prior arrests, or conviction record; provided, however, this Chapter shall be construed and applied in a manner consistent with First Amendment jurisprudence regarding the freedom of speech and exercise of religion.

§18A-2 Definitions

- A. Any term used in this Chapter shall have the definition as provided in Chapter 18, "Non-Discrimination".
- B. As used in this chapter the following words and phrases have the following meanings:

ACTUAL EVICTION

The completed legal process of a landlord removing a tenant from a rental property.

ADVERSE ACTION

To evict an individual, fail or refuse to rent or lease real property to an individual, or fail or refuse to continue to rent or lease real property to an individual, or fail or refuse to add a household member to an existing lease, or reduce any tenant subsidy. The adverse action must relate to property located in the City of Kalamazoo.

AGENT

A person acting on behalf of a housing facility entity.

APPLICANT

An individual applying to rent or lease a housing facility and an individual applying to be

added to an existing housing facility lease.

DIRECTLY-RELATED CONVICTION

The conduct for which the person was convicted or that is the subject of an unresolved arrest that has a direct and specific negative bearing on the health, safety, or right to peaceful enjoyment of the premises by persons and includes one or more of the following offenses:

- A. Any conviction where State or Federal law prohibits the applicant from being eligible for public housing; or
- B. Any conviction that leads to the applicant becoming a lifetime registered sex offender.

EVICTION FILING

A legal filing intended to start the process in which a landlord removes a tenant from a rental property.

EVIDENCE OF REHABILITATION

Includes but is not limited to, a person's satisfactory compliance with all terms and conditions of parole or probation (however, an inability to pay fines, fees and restitution due to indigence shall not be considered regarding compliance with terms and conditions of parole or probation or both); employer recommendations, especially concerning a person's post-conviction employment; educational attainment or vocational or professional training since a conviction, including training received while incarcerated; completion or active participation in rehabilitative treatment, such as alcohol or drug treatment; letters of recommendation from community organizations, counselors or case managers, teachers, community leaders, or probation or per parole officers who have observed the applicant since their conviction; and the length of time since conviction or release from incarceration. Successful completion of parole, probation, mandatory supervision, or post-release community supervision shall create a presumption of rehabilitation.

HOUSING FACILITY

Any dwelling unit or facility used or intended or designed to be used as the home, domicile or residence of one or more persons, including, but not limited to, a house, apartment, rooming house, housing cooperative, homeless shelter, hotel, motel, tourist home, retirement home or nursing home.

LANDLORD

Any owner, lessor, sublessor, managing agent, or company, or any other person that rents, leases, approves the rental or lease of a housing facility, or makes tenancy decisions.

PUBLIC HOUSING

Rental housing facilities developed with federal, state, or local government (City or county) funding or which pays an annual service charge in lieu of taxes and is intended for eligible low-income individuals and families, the elderly, and persons with disabilities.

REAL ESTATE TRANSACTION

The sale, exchange, rental or lease of real property.

RENTAL APPLICATION FEE

Any fee paid by an applicant to a landlord to permit a background check of the applicant before or after a leasehold contract is created.

SOURCE OF INCOME

Lawful verifiable income derived from wages, salaries or other compensation for employment, money derived from a gift or bequest, contract (including insurance proceeds), loan, or the settlement or award for a claim for personal injury. It also includes but is not limited to social security benefits, supplemental security income, unemployment benefits, retirement income, alimony, child support, Federal Housing Choice Voucher, Local Housing Assistant Fund Millage, or any other housing subsidy.

VICTIM OF DOMESTIC VIOLENCE

An individual against whom any of the following acts were perpetrated by a person that was not an act of self-defense:

- A. Causing or attempting to cause physical or mental harm to a family or household member;
- B. Placing a family or household member in fear of physical or mental harm;
- C. Causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress; or
- D. Engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, threatened, harassed, or molested.
- E. Conduct constituting sexual assault as described in MCL 750.520a to 750.520l
- F. Conduct constituting stalking as defined at MCL 750.411h and 750.411i.

Article II

Fair Housing Standards

§ 18A-3 Discriminatory housing practices.

Except as otherwise provided in this Chapter:

- A. No person shall discriminate in leasing, selling or otherwise making available any housing facilities.
- B. No person shall discriminate in the terms, conditions, maintenance or repair in providing any housing facility.
- C. No person shall refuse to lend money for the purchase or repair of any real property or insure any real property solely because of the location in the City of such real property.

- D. No person shall promote real estate transactions by representing that changes are occurring or will occur in an area with respect to any protected classification.
- E. No person shall place a sign or other display on any real property which indicates that the property is for sale or has been sold when it is not for sale or has not recently been sold.
- F. No landlord shall have or enforce a blanket policy that prohibits renting to a person based on eviction filings or actual evictions, or outright bans prospective tenants with prior actual evictions or eviction filings. Landlords must carefully consider the reason for and length of time since an actual eviction of, or eviction filing against a rental applicant.
- G. No person is permitted to establish an outright ban on any aspect of housing because of a conviction record.
- H. A landlord may not refuse or base an adverse action, in whole or in part on either an applicant or tenant with the status as a victim of domestic violence or having an early lease termination under MCL 554.601b.
- I. No person shall fail to account for any tenant or prospective tenant's entire source of income when using a financial income standard for entering into or renewing a tenancy or lease for a housing facility.
- J. A landlord may not require an individual who receives housing assistance of dedicated rent via voucher or any other housing subsidies to earn any more than what is needed to pay for utilities as a requirement for tenancy.

§18A-4 Rental housing-prohibition on criminal record inquiries

- A. No person shall use any criminal history information, other than convictions contained in a conviction record, to deny an individual any aspect of housing. An individual's conviction record may only be used to deny the individual housing if the landlord considers an applicant's conviction record taking into account such factors as evidence of rehabilitation, the length of time since conviction, the severity of a criminal conviction, the relevance of the conviction to housing, and any circumstances surrounding the conviction relating to disability or domestic violence. This provision shall not bar a landlord from considering criminal conduct occurring on the premises of the landlord's property, regardless of whether that conduct resulted in conviction.
- B. It is the responsibility of a landlord to ensure that its employees and agents comply with this Section.
- C. Regarding applicants and their household members, a landlord may base an adverse action in whole or in part on directly-related convictions that have a direct and specific negative bearing on the safety of persons or real property, given the nature of the housing, and includes one or more of the following:
 - (1) Any conviction where State or Federal law prohibits the applicant from being eligible for public housing; or

- (2) Any conviction that leads to the applicant becoming a lifetime registered sex offender.
- D. The landlord shall promptly notify the applicant of any final adverse action based upon their conviction history or contents of the criminal background check.
- E. It shall be unlawful for any landlord to engage in a communication, including the production or dissemination of advertisements, related to held housing that expresses, directly or indirectly, that any person with an arrest record or conviction record will not be considered for the rental or lease of real property or may not apply for the rental or lease of real property, except as required by local, State or Federal law. For purposes of this subsection, “engage in a communication” includes, but is not limited to, making a verbal statement or producing or disseminating any solicitation, advertisement or signage.
- F. A landlord shall state in all solicitations or advertisements for the rental or lease of eligible housing, or made on their behalf, that a landlord will consider qualified applicants consistent with this Chapter. This language shall include, at a minimum, the following statement:

“The rental or lease of this property must comply with the City of Kalamazoo ordinance regulating the use of criminal background checks as part of the tenant screening process to provide individuals with criminal backgrounds a fair opportunity. For additional information please contact the City of Kalamazoo Civil Rights Board.”

§18A-5 Rental application fees

- A. A rental application fee may not exceed the actual cost of the background check process which may include national, state and local criminal histories, credit reports, rental history records, reference checks, eviction records and employment verification obtained by a landlord to screen an applicant. An application fee shall not include administrative fees, except for actual reasonable costs necessarily incurred to check the rental history and employment verification of an applicant. Landlords must provide applicants an itemized explanation of an application fee. A landlord must provide an applicant with any reports or correspondence generated as a result of the screening process to the extent permitted or required by State and Federal law.
- B. Before receiving a rental application fee, a landlord must provide a written notice to the applicant setting forth the criteria on which the application will be judged and the amount of the application fee that will be charged. The amount received shall not exceed the amount disclosed.
- C. Landlords shall only advertise housing facilities, receive applications, screen applicants and accept rental application fees for properties that are readily available for rent and occupancy unless an applicant consents in writing to being added to a waiting list. A housing facility is no longer considered available if a different applicant has been offered the housing facility and accepted and has placed a deposit on the housing facility. For purposes of this section, a housing facility may be considered available if a tenant of the unit has declared they will not be renewing the lease. Landlords shall document the date and time that deposits are placed

housing facilities.

- D. A landlord may collect and hold an application fee for an available housing facility for up to 30 calendar days so long as the landlord provides a written receipt to the applicant. If a housing facility becomes no longer available after applications and application fees are received but before some applications have undergone screening process, all application fees associated with unscreened applications must be returned to the respective applicants within 14 calendar days from the date the housing facility is no longer available for rent.
- E. In all cases where an applicant is not offered the housing facility applied for, the landlord shall provide the applicant with a written statement explaining the reason or reasons that the housing facility was not offered to the applicant. The explanation must provide the applicant with a clear statement of the reason or reasons that the housing facility was not offered along with any documentation substantiating the reason or reasons.
- F. If an applicant believes the application fee exceeds the actual cost of the screening process or believes that the reasons for denial deviate from the disclosed criteria for evaluating the application, or believes that the landlord has violated any other requirement of this section, the applicant or their representative may, within 30 days of receipt of the denial, file a written complaint with the City Manager or the City Manager's designee. For purposes of this section, a denial means any circumstances which the applicant is not offered the housing facility.
- G. If it is determined that a landlord has violated this section, in addition to any fines imposed as a result of a municipal civil infraction, the rental property owner must refund the entire application fee to the applicant including, but not limited to, situations in which the screening process has not occurred or has not been documented sufficiently prior to denial.

§18A-6 Exercise of rights protected; retaliation prohibited

- A. It shall be unlawful for a landlord or any other person to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under this Chapter.
- B. It shall be unlawful for a landlord to interrupt, terminate, or fail to refuse to initiate or conduct a transaction involving the rental or lease of eligible housing, including falsely representing that such property is not available for rental or lease, or otherwise take adverse action against a person in retaliation for exercising rights protected under this Chapter. Such rights include but are not limited to:
 - (1) the right to file a complaint or inform any person about a landlord's alleged violation of this Chapter;
 - (2) the right to inform the administering agency about a landlord's alleged violation of this Chapter;
 - (3) the right to cooperate with the administering or enforcing agencies or other persons in the investigation or prosecution of any alleged violation of this Chapter; or

- (4) the right to inform any person of their rights under this Chapter.
- C. Protections of this section shall apply to persons who mistakenly but in good faith allege violations of this Chapter
- D. Taking adverse action against a person within 90 days of the exercise of one or more than rights described in this section shall create a rebuttable presumption in the administering agency's investigation of such adverse action was taken in retaliation for the exercise of those rights.

§18A-8 Exceptions

The following practices are not violations of this chapter:

- A. For a religious organization to restrict the occupancy of any of its housing facilities or accommodations which are operated as a direct part of its religious activities to persons of the denomination involved or who agree to conform to the moral tenets of that religious organization. This does not include housing facilities or homeless shelters that are available to the public.
- B. For the owner of an owner-occupied, one-family or two-family dwelling, or a housing facility or public accommodation facility, respectively, devoted entirely to the housing and accommodation of individuals of one sex, to restrict occupancy and use based on sex.
- C. To limit occupancy in a housing project or to provide public accommodations or employment privileges or assistance to persons of low income, persons over 55 years of age or disabled persons.
- D. To discriminate in any arrangement for the shared ownership, lease or residency of a housing facility
- E. In the rental of housing facilities in a building which contains dwelling units for not more than two families living independently of each other if the owner of the building or a member of the owner's family resides in one of the dwelling units, or to the rental of a room or rooms in a single-family dwelling by an individual if the lessor or a member of the lessor's family resides in the dwelling.

§18A-9 Landlord records

- A. Unless prohibited by Federal or State law, a landlord shall maintain and retain records of tenant application forms, and other pertinent data and records required in this Chapter, for a minimum of one year from the date of application, and shall allow the administering or enforcing agencies to access such records, with appropriate notice and at a mutually agreeable time, to monitor or verify compliance with the requirements of this Chapter.
- B. At no time shall the administering or enforcing agencies require a landlord to provide any information or documents the disclosure of which would violate local, State or Federal law.

C. Anytime a landlord does not maintain or provide adequate records documenting compliance with this Chapter or does not allow reasonable access to such records, the Office of the Chief Financial Officer or other City department or agency shall have the authority to provide all nonfinancial information necessary to fill the administering or enforcing agencies responsibilities under this Chapter subject to confidentiality provisions of this Chapter and all applicable laws.

Article III Enforcement

§18A-10 Notices

The City Manager or his or her designee shall publish on the City website and make available to landlords, in all languages spoken by more than 5% of the City population, a notice suitable for posting that informs housing applicants of their rights under this Chapter. This notice shall be updated on or before December 1 of any year in which there is a change in the language is spoken by more than 5% of the City population.

§18A-11 Remedies

The provisions of this Chapter are enforced through any of the mechanisms set forth at Article III of Chapter 18, Sections 18-9 through 18-13.

Standards for Rehabilitation *The CHW agreement requires the use of these standards*

Please note: For the *Historic Preservation Tax Incentives Program* use the *Standards for Rehabilitation* that are codified separately in 36 CFR 67 and are regulatory for the review of rehabilitation work for that program.

The Standards will be applied taking into consideration the economic and technical feasibility of each project.

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations or related new construction will not destroy historic materials, features and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

**CITY OF KALAMAZOO
HISTORIC PRESERVATION COMMISSION
ANNUAL REPORT
2021**

Introduction

In 2021 the Kalamazoo Historic Preservation Commission was involved in a much narrower variety of projects than usual. This past year included the completion of one historic district study committee report, public education, publication changes, historical resource surveys and rehabilitation advice.

The Covid-19 pandemic substantially altered the work the commission accomplished over the year. The August and December monthly meetings were canceled.

The duties of the Historic Preservation Commission are defined in Article V of the Code of Ordinance of the City of Kalamazoo. In support of its duties, the commission undertook or continued a variety of projects in 2021:

“The commission may support and produce historical publications”:

In the spring of 2021, the commission decided to cease regular sales of *Kalamazoo: Lost and Found*. The vendors that were selling the books were given an opportunity to buy more stock at a reduced rate. Three-hundred and six books were sold to vendors, 216 books were sent to the preservation coordinators office for distribution to commissioners and city staff. The coordinator may distribute them as they see fit. The remainder of the books (270) were sold at a very low price to Kzoo books. The bookstore will pay the HPC a percentage of the sales price how ever they choose to sell them.

“... inventory of historic resources within the city which, in its judgment, have such value as to warrant preservation and/or redevelopment; to publish such inventory; and to cooperate with owners of such resources in devising and carrying out appropriate means for their preservation.” And ***“The commission shall be responsible for the coordination and nomination of National Register and state register historic districts, sites and/or individual properties, and may support the creation of local historic districts”:***

During 2020 and into 2021, the Historic Preservation Commission, acting as a historic district study committee completed one study committee report on the First Baptist Church to become a local historic district. This work was undertaken at the request of the Board of First Baptist and their partners the Kalamazoo Non-Profit Action Coalition. KNAC has purchased the church and annex and has developed it as a hub for local non-profits.

“The commission shall encourage and promote historic preservation and educate the public on preservation wherever possible”:

In the fall of 2020, the commission began examining how traditional historic preservation has marginalized people of color in Kalamazoo. The commission is very interested in working with other local organizations including the TRHT project at the Kalamazoo Community Foundation, SHARE and the city’s own Diversity and Inclusion coordinator. While specific plans are not yet formulated, the commission has discussed a local marker program and possible financial support for projects

Hidden Kalamazoo Book Tour

From 2013 to 2018, the Hidden Kalamazoo Tour raised over \$53,000 for the preservation commission. In 2019, the commission decided that since there were few accessible downtown buildings left to tour, that their new project would be the publication of a book highlighting the history of each building that had appeared on the tour. The year 2019 was spent writing the book. Both historic and current photos need to be added to the text and permission received to use the photos. Publication was originally planned for Preservation Month in May 2020. The current plan is to publish the book through Arcadia Press.

Historic Preservation Awards of Merit

In 2020, the annual Preservation Awards were postponed until 2021. The commission decided that all the projects that were nominated for awards in 2020 will be carried over for consideration without prejudice in 2021. With the Covid pandemic still active, the commission chose a virtual awards program. With the help of Neal Conway, a short video was produced about each award-winning project or individual. The Chair of the HPC, Dr. Joshua Koenig introduced the video program, and each site was narrated by the preservation coordinator, Sharon Ferraro.

See the appendix at the end of this report for award winners.

“The commission may support the inclusion of historic preservation concepts in planning and land use..” As participants in the 2016 Programmatic Agreement between the State Historic Preservation Office, the Advisory Council on Historic Preservation and the City of Kalamazoo, in 2020 the HPC commented on 21 projects on buildings that were historic or were potentially historic. One hundred and fifty-one non-historic properties were also reviewed. This is an increase of over 50% for potential historic properties and over 200% increase in non historic reviews..

Inventory Kalamazoo, 2022

The HPC supports and will advise the progress of the Reconnaissance Level Historic Resources Survey which began in the winter of 2020 and complete field work and photography by the end of 2022. The survey proposes to document every building in the city, estimated at about 24,000 by the assessor, with volunteers using the ESRI Survey 123 app on smart phones and tablets. The finished survey report will be useful to other city departments, provide updated photos on all properties to the assessor and allow historic preservation to be a vital part of decision making in the city. In the future, the survey can easily be updated.

In July 2020, the city received \$90,000 as a Certified Local Government Grant to perform a reconnaissance level survey of the Edison neighborhood. On December 22, 2020, the Kraemer Design Group in Detroit was chosen to perform the survey. Throughout 2021, beginning in late June, Kraemer has photographed over 3,000 structures in Edison and is making substantial progress in completing the survey. (Due to the restrictions of the coronavirus pandemic, the National Park Service extended the original October 2021 deadline to September 2022.

“... cooperate with owners of such (historic) resources in devising and carrying out appropriate means for their preservation... “

O’Connor Fund for Historic Preservation in the City of Kalamazoo – grant program

Founded in 2000 with \$5000 each from Pam and Terry O’Connor and the City of Kalamazoo, fundraising for the fund held at the Kalamazoo Community Foundation has grown to over \$400,000. The fund is controlled by the Historic Preservation Commission and planning continued throughout 2021 to establish a grant program using the spendable funds. With a minor change in the Ordinance (Chapter 2) the commission is ready to make inaugural grants starting in 2022.

Old House Owners Workshops:

In November 2018, the Historic Preservation Commission undertook a project to present a series of old house owner workshops, both informational and “Hands on” in the summer of 2019. Planning for the 2020 in person workshops was suspended in April 2020 and the committee changed course to partner with the Public Media Network to produce seven short videos on old house rehab topics. All the videos were released in 2021. Preliminary discussions of plans in 2021 for 2022 workshops have not led to a firm plan yet. So much depends on the status of the pandemic.

Grave Issues Squad:

In January 2018, the HPC decided on a project to evaluate the condition of grave markers in Mountain Home Cemetery on West Main. The Grave Issues Squad cleaned gravestones in September of 2021, fielding a team of over 25 volunteers including high school seniors for volunteer hours, neighbors and other local people interested in cemeteries.

Concerns

The HPC expressed these concerns about specific sites within the city in 2021:

Loring McMartin Farmstead – The HPC remains concerned about the farmhouse and railway abutment at this site and hopes that any proposed new development whether it is a carwash and shopping or any other use,

could be done in a manner that would leave both structures intact and on site. The railway abutment is probably the last surviving abutment from the 1840s in Michigan and could be incorporated into a pedestrian entrance into the Asylum Lake Preserve from Stadium Drive.

Bronson Park - The HPC is concerned about retaining the character of Kalamazoo's central park into the future. The new form-based code for downtown changes the height restrictions in the downtown area. The commission has reviewed a light and shadow study and consideration of firm height restrictions that could have an impact on Bronson Park.

Recommendations

The HPC makes the following recommendation to the City Commission for the coming year:

The city should explore stronger demolition controls through ordinance revisions allowing historic buildings more protection and considering protection of sound, non-historic commercial buildings, especially in the central business district to maintain the city tax base.

Acknowledgements

The HPC wishes to thank CPED Department Director Rebekah Kik and planner Christina Anderson for their continuing support and encouragement.

Conclusion

Historic preservation is a vital part of Kalamazoo's community character, enhancing both our existing built environment and future development. Kalamazoo. The City of Kalamazoo can look with pride at the handsome, restored, historic buildings along East Michigan Avenue, at the steady improvement of the Stuart and Vine neighborhoods and the preservation of the West Main Hill neighborhood. Much more of our city could be protected and should be preserved and HPC is proud to be part of that process.

Respectfully submitted,



Luis Pena, historic preservation coordinator

Sharon Ferraro, Historic Preservation Coordinator (Retired)

See next page for 2020 and 2021 Historic Preservation Awards of Merit.

Appendix

The 2020 Historic Preservation Awards of Merit:

Hotel Holt – Ritz Hotel – Tovich LLC - 320 East Michigan: Best known as Alfred E. Bike since the early 1980s, the partners in Tovich LLC purchased the three-story building with a plan to turn the two upper floors into four apartments. Before they began, the interior space was like a movie set – over 20 small hotel rooms with two shared bathrooms at the rear illuminated by a glorious skylight over the central staircase. The original stair was retained along with much of the hardwood maple floors and many items of trim.

Illinois Envelope Building - Kalamazoo County Health and Human Services – Plazacorp - 311 East Alcott: Built about 1904 when the owners of the Bryant Paper Mill recruited the Illinois Envelope Company to construct their factory alongside the rolling mills. This building is listed on the National Register of Historic Places and is the only survivor from the entire paper mill complex. Plazacorp took on the challenge of rehabilitating this factory building to house Kalamazoo County Health and Human Services as part of the Community Services Campus. The high-ceilinged manufacturing areas have been converted to welcoming spaces with offices, conference rooms and laboratory space to house this vital service.

Lifecycles Studios – Rhonda and Tony Ethridge – 522 Mills Street: Rhonda and Tony Ethridge have combined their passions for styling hair and spin-cycling. With the help of a LISC façade grant they moved from a spare bedroom and their garage into a former grocery store at the corner of Crosstown and Mills Street. They opened up long boarded windows, repointed mortar and transformed the interior into two friendly spaces – for the hair styling at the front and the spin cycle room on the side. All the rooms are bathed with light and good cheer.

The 2021 Historic Preservation Awards of Merit:

Douglass Community Association – 1000 West Paterson: More than 100 years after the founding of the Douglass Community Association, the organization continues to be a beacon of light to the community. The Douglass Community Association is recognized by the Historic Preservation Award as an organization whose historic presence in the community continues to contribute to the entire city, serving as a vital hub of community activity for all the people of Kalamazoo regardless of race or economic status.

Henry VanderHorst House – Kalamazoo College - 106 Thompson Street: One of Kalamazoo’s premiere builders at the beginning of the 20th century, Henry VanderHorst built this almost fireproof house as a home for his family, with concrete and steel. Kalamazoo College purchased this sturdy, yet elegant home in 2015, planning to rehabilitate it to serve as the admissions office, the first experience potential new students would have with the Kalamazoo College Campus. The rehabilitation carefully modified the house to provide barrier free access to the first floor, interview space, office space and a profoundly comfortable and welcoming atmosphere.

Carder-VanDeusen House - Upjohn Institute for Employment Research – 527 West South: Originally built in 1866 as an Italianate, about 1904 the generous eaves were re-decorated, and the dramatic towering Ionic columns redefined the front façade. Best known in recent years as the Hospital Hospitality House, the Upjohn Institute purchased it in 2018 to convert to offices for the massive columns,

window rehabilitation, a rear addition and repurposing the small garage as a recording studio.

Gate Cottage – Kalamazoo Psychiatric Hospital – 1312 Oakland Drive: This small, picturesque Gothic Revival cottage was built to house a gatekeeper in 1880 to facilitate wagons entering and leaving the grounds of the Kalamazoo Asylum for the Insane. By 1885, the cottage became a home for privileged lady patients and later for hospital staff. Although the inside is still laid out as a small house museum, maintenance deferred had resulted in a roof leak. The last three years have seen a new furnace installed, the chimney repaired, the entire house painted and the return of the fanciful *fleur de lis* roof cresting missing for most of a century.

Sharon Ferraro – Historic Preservation Coordinator – Individual award: Since 1968, when her best friend's family bought the Stewart-Chappell House on Elm Street, Sharon Ferraro has been fascinated by history and old buildings. She went to Eastern Michigan University to pursue a degree in historic preservation with the dream of bringing the tools of preservation back to Kalamazoo. In 2001 she got her dream job and has spent the last two decades spreading her enthusiasm for old buildings, championing old house owners by finding ways to teach DIY skills, showing off the unseen spaces in downtown Kalamazoo with five years of Hidden Kalamazoo Tours and working with property owners and developers throughout the city to preserve the sites and buildings that tell the story of Kalamazoo.

KALAMAZOO HISTORIC PRESERVATION COMMISSION
Community Room – City Hall – 241 W. South St
WEDNESDAY January 12, 2022 – 6:00pm

I. Call to order:**II. Roll call and approval of absences:**

- A. Fred Edison (FE) Present
- B. Kyle Hibbard (KH) Present
- C. Regina Gorham, chair (RG) Present
- D. Katherine White (KW) Absence approved
- E. Lenee Powell-Wilson (LPW) Absence approved
- F. VACANT
- G. VACANT

1. Absences were approved with a motion by Fred Edison and second by Regina Gorham. Approved unanimously with a voice vote.

This meeting did not have a quorum. The commission members that were available chose to meet and take care of two administrative matters – commenting on and approving the National Register nominations for the State Historic Preservation Review Board and interviewing and recommending the appointments for two openings on the commission as well as approving the meeting notes from November 10, 2021.

III. Approval of Agenda: Add a discussion of live streaming the HPC meeting in the future. Added under Operations – motion by FE, second by RG approved unanimously by voice vote.

IV. Introduction of Guests: Michelle Johnson - Institute for Public Scholarship (Diversity, Equity and Inclusion) discuss opportunities for HPA to partner. Discussion (more info – article from Encore <https://www.encorekalamazoo.com/features/creating-change?fbclid=IwAR0XLg3bmmR6Fx0bh-vvmU9EkYGAwt-4li6Ao-X6VSALE06y7MMoazCz0U>) – Dr. Johnson cancelled because of concerns about a live meeting with the coronavirus status.

A. Guests – Pam O’Connor, former commissioner. Ryan Walker and Patrick Vail, candidates for open commission seats, Peter Copeland – author of the National Register nomination for Parkwyn Village.

V. Citizen Comments on NON-agenda items* & Correspondence:**VI. Financial Report (20 min) (Item A)**

- A. REVENUE – October \$0.00 Year to date \$3079.36
- B. EXPENSES – October \$0.00 Year to date \$2463.00
- C. BALANCE REMAINING (?? \$6,858.73 ??)
- D. RESERVE FUND – O’Connor Fund for HP in Kzoo held at Kalamazoo Community Foundation
 - 1. New grant dollars available in 2021 \$8353.56
 - 2. Agency fund – new grant dollars available in 2021 \$830.48
- E. Comment from Pam O’Connor. The Agenda item VI D – Reserve Fund – should be replaced by funding status reports from the O’Connor Fund:
 - 1. Primary spendable D1 \$8,384.88
 - 2. Primary spendable D2 \$2,011.75
 - 3. Total funds in the O’Connor Fund: \$440-450,000

VII. Action and Discussion Items

- A. **Diversity and Inclusion** (Powell-Wilson, White, Edison) Report at meeting
 - 1. Kalamazoo Reservation Public Education (Gorham) (10 min) No report from the KRPE. The committee is waiting on the tribal council to decide whether they want to pursue the corner markers
- B. **Historic Preservation Programs - O'Connor Fund** (Powell-Wilson)
 - 1. Grantmaking – (short report at meeting – ordinance change scheduled for city commission meeting on December 6) (**ITEM B**) Pam O'Connor presented an overview of the planned grants program. Due to a lack of quorum, the commission could not make a decision to approve the first proposed grant. She also provided an addendum on requirements to acknowledge the O'Connor Fund and the Kalamazoo Community Foundation by any grant recipients.
 - 2. OHOW – Old House Owners Workshops (no report)
- C. **Reconnaissance Level Historic Resource Survey & CLG Grant** (Ferraro) No report
- D. **Grave Issues – Cemetery Project** (Hibbard) - (no report) The Squad is hoping to schedule a gravestone cleaning day for March after the water is turned back on at Mountain Home.
- E. **Preservation Month** (Gorham) (15 min) (no report) Commissioners were encouraged to consider any sites inside or outside the historic districts that might be eligible for an award.
- F. **Designation & Sites** (D) – (10 min) Pam O'Connor recapped the completed Study Committee Report. The full report will be included in the HPC packets in February with an expectation for the HPC to take action at the March meeting.
- G. **Sustainability** (SU) – (10 min) (Ferraro) (K: L&F short report at meeting) (**ITEM C**)
 - 1. Pam O'Connor reported on the “landing page” for the library website where the HPC books will be available. The landing page will include updates from all three books, especially any buildings lost to demolition.
- H. **Operations** (O) – Gorham (5 min)
 - 1. Chairperson Gorham reported on her meeting with planner Christina Anderson. She is asking that the HPC be assigned a recording secretary by March. She also suggested the new Sustainability plan be presented by Jamie McCarthy to the commission in March or April. There will also be more work on Zoning coming up in 2022.
 - 2. The commissioners present discussed the option of livestreaming the meetings. This would require moving into City Commission chambers for meetings because that is where all the equipment is set up. Live streaming would mean taking comments live during the meeting and would promote transparency. The coordinator will add this topic to the February agenda.

VIII. Old/New Business

A. National Register nominations

Background – *As a Certified Local Government one of the responsibilities of the Historic Preservation Commission is to review all National Register nominations approved by the State Historic Preservation Office. The mayor and commission chair need to sign a report form (Items A2 and B2) after the coordinator fills them out. The nominations are up for review at the State Historic Preservation Review Board (SHPRB) on January 28, 2022. After the HPC reviews and clears and the SHPRB approves, the nominations are sent to the Keeper of the National Register at the National Park Service in Washington DC for final approval and listing.*

a. Parkwyn Village (**ITEMS D1 and D2**)

- i. Peter Copeland, the author of the Parkwyn Village National Register nomination was present to answer questions and receive kudos from the commission. Mr. Copeland pointed out that this year will be the 75th anniversary of Parkwyn Village and the community will celebrate both Frank Lloyd Wright and Norm

Carver.

- ii. **Fred Edison moved and Regina Gorham seconded the motion to send the Parkwyn Village CLG Report to the mayor for signature and forwarding to the State Historic Preservation Review Board. With a voice vote the motion passed unanimously.**

b. Gibson Guitar Factory and Office Building (ITEMS E1 and E2)

- i. Sharon Ferraro and Regina Gorham made some revisions to correct facts of the nominations as written. These have been forwarded to Todd Walsh, the National Register coordinator at SHPO.
- ii. **Kyle Hibbard moved and Fred Edison seconded the motion to send the Gibson Guitar Factory and Office Building CLG Report to the mayor for signature and forwarding to the State Historic Preservation Review Board. With a voice vote the motion passed unanimously.**

B. 4th Quarter Report to HPC for 106 Reviews of Federally Funded Projects (ITEM F)

C. Historic Preservation Commission Applications

- a. Patrick Vail (ITEM G)
- b. Ryan Walker (ITEM H)
- c. **After an interview by members of the commission that were present, plus answering questions from the candidates, the motion was made by Fred Edison and seconded by Kyle Hibbard to recommend that the mayor appoint both applicants to the HPC. With a voice vote the motion passed unanimously.**

IX. Approval of meeting notes: (5 min)

- A. **November 10, 2021 (ITEM I) With a motion by Kyle Hibbard and a second by Fred Edison, the November 10, 2021 meeting notes were approved with one minor revision to item VII-F. With a voice vote the motion passed unanimously.**

X. Coordinators Report on non-agenda items (5 min)

- A. **Coordinators monthly report (ITEM J)**

XI. Citizen Comments on NON-agenda items*

XII. Commissioner Comments

- XIII. Adjourn Motion by Fred Edison, second by Regina Gorham, with a voice vote the motion passed unanimously. 8:00 PM**

REVIEWS: Historic District Commission:

✓ HDC Cases to 01/31/2022 – 100 Total

Fees total year to date, 2022 \$70

2022	2022	2021	2021 fees
○ 4 no fee	\$ 0	1 no fee	\$ 0
○ 2 bldg permit-\$35*	\$ 70	4	\$ 140
○ <u>0 HDC hearing - \$85</u>	<u>\$ 0</u>	<u>0</u>	<u>\$ 0</u>
6 TOTAL	\$ 70	5	\$ 140

Section 106 reviews (Federally funded projects)

✓ Section 106 reviews to 01/31/2022 – total 13:

- 1 – in Potential Historic Study Areas or established historic districts
- 12 - in areas identified in the 2001 survey as “No Historic Properties”

✓ Section 106 reviews to 01/31/2021 – total 3:

- 2 – in Potential Historic Study Areas or established historic districts
- 1 - in areas identified in the 2001 survey as “No Historic Properties”

SITES AND PROJECTS:

Nominations:

Both the Gibson Inc. Office and Factory Building and Parkwyn Village National Register of Historic Places nomination forms were reviewed by the State Historic Preservation Review Board on January 28th, 2022.

Michigan State Historic Tax Credit Program:

Also briefly discussed at the State Historic Preservation Review board meeting on January 28th was the newly reinstated Michigan Historic Tax Credit Program. It was stated that the State Historic Preservation Office hopes to launch the program by July of this year.

PRESERVATION AWARDS:

Calls for preservation awards will go out in February. Please keep your eye open for projects, or people, you feel should be nominated for Preservation Awards.

VACANT – NOT REHABBED BUILDINGS AND/OR UPPER FLOORS in Downtown Kalamazoo

Historic buildings – 50+ years old - Underlined-in Historic District (Eligible for Federal HP tax credit except #2)

ENTIRE BUILDING VACANT AND UNDEVELOPED – TOTAL 3

1. KALAMAZOO GAZETTE BUILDING – 401 SOUTH BURDICK –historic building still vacant but restored on the exterior
2. CHARTER ONE BANK – NORTH SIDE, 215 E MICHIGAN (Non-contributing - No HP tax credit) New owner – project in Site Plan Review
3. 308 North Burdick – Kalamazoo Overall Co – Mr. President – HK (No HP tax credit)

UPPER FLOORS VACANT OR UNDEVELOPED – 4 ON MALL, 5 ON MICHIGAN AVENUE, 2 ON N. EDWARDS – TOTAL 11

4. International Hotel – 241-7 S Kalamazoo Mall (2nd & 3rd floors) (No HP tax credit)
5. Montgomery Wards – Terrapin/Walgreens – 237 S Kalamazoo Mall* (2nd & 3rd floors) **HK** (No HP tax credit)
6. Fuller Building – Petals & Postings/Invitations by Design – 233 S Kal. Mall (2nd & 3rd floors) **HK** (No HP tax credit)
7. Boudeman Building – Rustica - south end - 236 S Kalamazoo Mall, west side* (2nd & 3rd floors) **HK** (No HP tax credit)
8. Stevens Building – 312 West Michigan – Studio Grill (2nd floor) **HK** (No HP tax credit)
9. Clapham McDonald Building – 131 East Michigan – 3rd floor **HK**
10. Weber Building- 228 East Michigan - 3rd floor **HK**
11. Hiemstra Optical (Chase Building) - 234-8 East Michigan (2nd floor) **HK**
12. 266 East Michigan – Hall Building – Coney Island – east storefront, upper three floors vacant (work beginning) **HK**
13. 100 North Edwards – Nave Architects – 2nd floor
14. 150 North Edwards – Heritage Co – 2nd floor **HK**

UPPER FLOOR UNOCCUPIED – TOTAL 1

15. American National Bank (5/3) – 136 East Michigan – 15th floor only -building now owned by Hinman **HK**



FIRST FLOOR VACANT, UPPER FLOORS OCCUPIED – TOTAL 2

16. Merrill-McCourtie Building – (south storefront only) former Dragon Inn – 232 S. Kalamazoo Mall (No HP tax credit)
17. Button-Jannasch Building - 242 East Michigan – east 1st floor bay vacant (HP tax credit eligible)

Notice this list is getting shorter! **HK = part of Hidden Kalamazoo Tour – 2/3 of the vacant/underutilized spaces!**

17 buildings or spaces in historic buildings are unoccupied.

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