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HOUSE BILL NO. 2709

Offered January 16, 2025

A BILL to amend and reenact § 10.1-2206.1 of the Code of Virginia, relating to designating or nominating historic landmarks; notice requirements.

Patron—Singh

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-2206.1 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-2206.1. Procedure for designating a historic district, building, structure, or site as a historic landmark; National Register of Historic Places, National Historic Landmarks; historic district defined.

A. In any county, city, or town where the Board proposes to designate a historic district, building, structure, object, or site as a historic landmark, or where the Director proposes to nominate property to the National Park Service for inclusion in the National Register of Historic Places or for designation as a National Historic Landmark, the Department shall give written notice of the proposal to the governing body and to the owner, owners, or the owner's agent, of property proposed to be so designated or nominated, and to ~~the owners, or their agents, of all abutting property and property immediately across the street or road from the property~~ *a property owner in a manner consistent with the requirements of the National Park Service pursuant to 36 C.F.R. § 60.6.* The Department shall also consult with any federally recognized Tribal Nations in the Commonwealth pursuant to § 10.1-2205.1 if the designation or nomination is in a locality identified by the Ombudsman for Tribal Consultation pursuant to subdivision B 2 of § 2.2-401.01.

B. Prior to the designation or nomination of a historic district, the Department shall hold a public hearing at the seat of government of the county, city, or town in which the proposed historic district is located or within the proposed historic district. The public hearing shall be for the purpose of supplying additional information to the Board and to the Director. The time and place of such hearing shall be determined in consultation with a duly authorized representative of the local governing body and shall be scheduled at a time and place that will reasonably allow for the attendance of the affected property owners *and the general public*. The Department shall publish notice of the public hearing once a week for two successive weeks in a newspaper published or having general circulation in the county, city, or town. Such notice shall specify the time and place of the public hearing at which persons affected may appear and present their views, ~~not less than six days nor more than 21 days after the second publication of the notice in such newspaper with the first notice to be no more than 30 days before the public hearing and the second notice to be no less than seven days before the public hearing~~. In addition to publishing the notice, the Department shall give written notice of the public hearing at least five days before such hearing to the owner, owners, or the owner's agent, of each parcel of real property to be included in the proposed historic district, ~~and to the owners, or their agents, of all abutting property and property immediately across the street or road from the included property consistent with the requirements provided by the National Park Service~~. Notice required to be given to owners by this subsection may be given concurrently with the notice required to be given to the owners by subsection A. The Department shall make and maintain an appropriate record of all public hearings held pursuant to this section.

C. Any written notice required to be given by the Department to any person shall be deemed to comply with the requirements of this section if sent by first class mail to the last known address of such person as shown on the current real estate tax assessment books, provided that a representative of the Department shall make an affidavit that such mailings have been made.

D. The local governing body and property owners shall have 30 days from the date of the notice required by subsection A, or, in the case of a historic district, 30 days from the date of the public hearing required by subsection B to provide comments and recommendations, if any, to the Board and to the Director.

E. For the purposes of this chapter, a historic district means a geographically definable area that contains a significant concentration of historic buildings, structures, or sites having a common historical, architectural, archaeological, or cultural heritage, and which may contain local tax parcels having separate owners. Contributing properties within a registered district are historic landmarks by definition.

F. All regulations promulgated by the Director pursuant to § 10.1-2202 and all regulations promulgated by the Board pursuant to § 10.1-2205 shall be consistent with the provisions of this section.