
The Historic District Act

Act of June 13, 1961, P.L. 282, No. 167 as amended, 53 P.S. § 8001, et. seq.

An Act

Authorizing counties, cities, boroughs, incorporated towns and townships to create historic districts within their geographic boundaries providing for the appointment of Boards of Historical Architectural Review; empowering governing bodies of political subdivisions to protect the distinctive historical character of these districts and to regulate the erection, reconstruction, alteration, restoration, demolition or razing of buildings within the historic districts.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The term “governing body” as used in this act, shall mean the board of commissioners of any county, the council of any city, except cities of the first or second class, the council of any borough or incorporated town, the board of commissioners of any township of the first class and the board of supervisors of any township of the second class.

The term “executive authority,” as used in this act, shall mean the chairman of the board of commissioners of any county, the mayor of any city, except cities of the first and second class, the president of council of any borough or incorporated town, the president of the board of commissioners of any township of the first class and the chairman of the board of supervisors of any township of the second class. (As amended 1980 P.L.257, No. 74, (53 P.S. § 8001 et seq.).

Section 2. For the purpose of protecting those historical areas within our great Commonwealth, which have a distinctive character recalling the rich architectural and historical heritage of Pennsylvania, and of making them a source of inspiration to our people by awakening interest in our historic past, and to promote the general welfare, education, and culture of the communities in which these distinctive historical areas are located, all counties, cities, except cities of the first and second class, boroughs, incorporated towns and townships, are hereby authorized to create and define, by ordinance, a historical district or districts within the geographic limits of such political subdivisions. No such ordinance shall take effect until the Pennsylvania Historical and Museum Commission has been notified, in writing, of the ordinance and has certified, by resolution, to the historical significance of the district or districts within the limits defined in the ordinance, which resolution shall be transmitted to the executive authority of the political subdivision. (P.L. 282, No. 167 as amended, 53 P.S. §8001, et. seq.).

Section 3. The governing body of the political subdivision is authorized to appoint a Board of Historical Architectural Review upon receipt of the certifying resolution of the Pennsylvania Historical and Museum Commission. The board shall be composed of not less than five members. One member of the board shall be a registered architect, one member shall be a licensed real estate broker, one member shall be a building inspector, and the remaining members shall be persons with knowledge of and interest in the preservation of historic districts. A majority of the board shall constitute a quorum and action taken at any meeting shall require the affirmative vote of a majority of the board. The board shall give counsel to the governing body of the county, city, borough, town, or township, regarding the advisability of issuing any certificate which the governing body may issue pursuant to this act. (As amended 1963 P.L. 27, No. 24.)

Section 4. (a) Any governing body shall have the power and duty to certify to the appropriateness of the erection, reconstruction, alteration, restoration, demolition or razing of any building, in whole or in part, within the historic district or districts within the political subdivision. Any agency charged by law or by local ordinance with the issuance of permits for the erection, demolition or alteration of buildings within the historic district shall issue no permit for any such building changes until a certificate of appropriateness has been received from the governing body.

(b) Any governing body in determining whether or not to certify to the appropriateness of the erection, reconstruction, alteration, restoration, demolition or razing of a building, in whole or in part, shall consider the effect which the proposed change will have upon the general historic and architectural nature of the district. The governing body shall pass upon the appropriateness of exterior architectural features which can be seen from a public street or way, only, and shall consider the general design, arrangement, texture, material and color of the building or structure and the relation of such factors to similar features of buildings and structures in the district. The governing body shall not consider any matters not pertinent to the preservation of the historic aspect and nature of the district. Upon giving approval, the governing body shall issue a certificate of appropriateness authorizing a permit for the erection, reconstruction, demolition, or razing of a building in whole or in part. Disapproval of the governing body shall be in writing, giving reasons therefore, and a copy thereof shall be given to the applicant, to the agency issuing permits, and to the Pennsylvania Historical and Museum Commission.

(c) Any person applying for a building permit within a historic district shall be given notice of the meeting of the Board of Historical Architectural Review which is to counsel the governing body, and of the meeting of the governing body which is to consider the granting of a certificate of appropriateness for the said permit, and may appear before the said meetings to explain his reasons therefore. In the event of a failure to recommend, the board, and, in the event of its disapproval, the governing body shall also indicate what changes in his plans and specifications would meet its conditions for protecting the distinctive historical character of the historic district.

(d) Any person aggrieved by failure of the agency charged by law or by local ordinance to issue a permit for such building changes by reason of the disapproval of the governing body may appeal therefrom in the same manner as appeals from decisions of the agency charged by law or local ordinance with the issuance of permits for such building changes.

Section 5. The agency charged by law or by local ordinance with the issuance of permits for the erection, demolition or alteration of buildings within the historic district shall have power to institute any proceedings, at law or in equity, necessary for the enforcement of this act or of any ordinance adopted pursuant thereto, in the same manner as in its enforcement of other building, zoning or planning legislation or regulations.

Section 6. The provisions of this act are severable and, if any of its provisions shall be held unconstitutional, the decision of the court shall not affect or impair any of the remaining provisions of this act.

It is hereby declared to be the legislative intent this act would have been adopted had such unconstitutional provisions not been included herein. The provisions of this act shall not be construed to limit the powers and duties assigned to the Pennsylvania Historical and Museum Commission.

Section 7. This act shall take effect immediately.

**STEPS TO ESTABLISH A HISTORIC DISTRICT ORDINANCE
AUTHORIZED BY THE HISTORIC DISTRICT ACT**

- A. Obtain and complete a Pennsylvania Historic Survey Form of the area you propose for historic district designation from the Bureau for Historic Preservation (BHP) at www.phmc.state.pa.us under the heading “**National Register of Historic Places**” or by telephone at (717) 787-0771.
- B. Submit the completed form to BHP staff to evaluate the eligibility of the area to the National Register of Historic Places. *For purpose of the Historic District Act the area in question does not need to be **listed** in the National Register of Historic Places.*
- C. Schedule a site visit with BHP staff to establish the proposed historic district boundaries. Note: the historic district ordinance may regulate a smaller area than the National Register Historic District but not a larger area than defined by National Register boundaries.
- D. Submit a draft of the historic district ordinance for BHP staff review and comment prior to submittal for final approval to the municipality’s governing body. Request for BHP historic district ordinance model is available from PHMC Web site under the heading “**Community Preservation**” or by calling (717) 787-0771.
- E. Consult with BHP staff concerning strategies to gain local support for the proposed historic district ordinance.
- F. Follow appropriate municipal regulations regarding enactment and passage of ordinances, i.e., schedule a public hearing (if required by your charter) for public consideration of the proposed historic district ordinance.
- G. The local governing body adopts the historic district ordinance.
- H. In a letter addressed to **Jean H. Cutler, Director, BHP**, the chief elected official of the local government requests that the Pennsylvania Historical and Museum Commission certify the historical significance of the proposed historic district.

A certified (signed and dated) copy of the ordinance must accompany this request, with a map clearly showing the historic district(s) boundaries. (**Note:** Do not confuse Bureau for Historic Preservation review of documentation of the Historic Resource Survey Form and determination of eligibility to the National Register of Historic Places with the official resolution by the Pennsylvania Historical and Museum Commission (the commissioners appointed by the governor) certifying the historical significance of the district).

- I. The Pennsylvania Historical and Museum Commission will notify the local government of its official action. The historic district ordinance can only be

enforced on the date of certification by resolution of the Commission. The Commission meets four times a year and will consider the historical significance of the proposed district at its regular meeting.

All completed documentation must be received at least forty-five days prior to the next scheduled meeting of the Commission at which it will be considered.

Note: A model historic district ordinance, further information and technical assistance, including site visits, is available from the Pennsylvania Historical and Museum Commission, Bureau for Historic Preservation, Commonwealth Keystone Building, 2nd Floor, 400 North Street, Harrisburg, PA 17120-0093. Telephone (717) 787-0771, Fax (717) 772-0920.

Michel R. Lefevre, Chief
Preservation Planning and Education Outreach
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
400 North Street
Harrisburg, PA 17120-0093