



## SECTION E

### TOOLBOX

#### In Answer to Your Questions About...

#### QUESTION ONE: What Can I Do to Help Protect My Historic Property?

##### ANSWER:

##### Use these tools when available in your community

- Master plan
- Land use mechanisms, such as zoning, downzoning, cluster zoning, transfer of development rights, etc.
- Local preservation ordinances
- Subdivision ordinances
- Historic district commissions
- Easements donated in perpetuity
- Protective covenants
- Financial assistance

##### Use these tools when available at the state level

- State laws that help preserve historic properties or environmental quality
- Easement programs
- Financial assistance such as grants or loans
- Tax abatements or reductions

##### Use applicable federal tools

- Advisory Council Historic Preservation review and comment on Federal Projects
- Certified Local Government status
- Historic Preservation Fund matching grants
- Tax incentives for the certified rehabilitation of income-producing properties listed in the National Register
- Tax incentives for charitable contributions for conservation purposes

*Adapted from: My Property Is Important To America's Heritage: What Does That Mean? Answers to Questions for Owners of Historic Properties. The National Register of Historic Places*

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**Question TWO: I am confused about what kind of historic preservation activities may be carried out by local governments, as opposed to the state and federal government. Are local government activities fairly limited in nature?**

**Answer. No, local communities can carry out a wide variety of historic preservation activities, as you can see from this summary, below:**

- Conducting surveys and maintaining an inventory of historic and cultural resources.
- Developing a preservation plan or preservation element of the local master plan.
- Developing a local preservation ordinance.
- Developing regulations, standards, guidelines, and procedures for complying with the ordinance (including specific design guidelines for a historic district).
- Designating properties, landmarks, and districts under the local ordinance.

- Reviewing proposals and applications for alterations, new construction, demolition, certificates of appropriateness, and design review.
- Reviewing local zoning amendments, subdivision proposals, and development projects not specifically related to historic districts.
- Reviewing federal undertakings under Section 106 of the National Historic Preservation Act as an interested party or as an “in house expert” for a fellow agency in the same local government (e.g., local commission review of a state/federal highway project or a local Community Block Development Grant project).
- For Certified Local Governments (CLGs), official, required authority for reviewing and commenting on National Register nominations, and recommendations to the SHPO.
- Carrying out preservation, rehabilitation, and restoration projects; monitoring covenants and easements
- Creating broad-based public education programs and heritage tourism activities, including brochures, walking tours, lectures, publications, marker programs, preservation award programs, etc.
- Assuring public participation in various areas, including open meetings of the historic preservation commission or review board, public hearings on National Register nominations, and soliciting public reviews on preservation issues (e.g., in developing plans or ordinances).

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**Question THREE: What are the benefits of becoming a CLG? If they are partially financial, how can funds be used?**

**Answer: Becoming a Certified Local Government (CLG) is recognition that a community’s municipal historic preservation program meets certain state and federal standards. We’ll give you the benefits first, then tell you what the steps and requirements are.**

- Eligibility to compete for at least 10% of the federal funds annually allocated to the SHPO to support local historic preservation projects. CLG funds may be used for a wide variety of projects such as historic site survey work, National Register nomination development, community planning, local design guidelines, public education and archeology.
- Direct participation in the review and approval of nominations to the National Register of Historic Places.
- Technical training and assistance specifically targeted to their needs.
- Formal recognition by the state and federal government of local preservation efforts.

**To become certified, a local government applies to the SHPO and agrees to meet these minimum federal requirements:**

- Enforce State or local legislation for the designation and protection of historic properties
- Establish and maintain a qualified historic preservation commission
- Maintain a system for the survey and inventory of historic properties in coordination with its State Historic Preservation Office
- Provide for public participation in its activities, and perform other agreed upon functions delegated to it by its State Historic Preservation Officer.

**Finalizing the Agreement.** Upon approval of a CLG’s application for certification, the chief elected local official (or designee) and the SHPO sign a certification agreement that specifies the responsibilities of each party. The SHPO generally requires the CLG to submit an annual report summarizing its activities and accomplishments. At least once every four years, the SHPO conducts and evaluation of the CLG’s performance of its duties as outlined in the certification agreement.

Your State’s procedures detail specific requirements for certification, such as: The kinds of legislation that local governments seeking certification must enact and enforce, e.g., a local historic preservation ordinance; the expertise and background of

members to serve on the local historic preservation commission; the frequency with which the commission meets; and the methods necessary to satisfy the requirement for public participation in the local preservation program.

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**Question FOUR: I am interested in learning more about creating a historic district—and as quickly as possible. Can you provide me with information on how to do this?**

**Answer: It is possible to establish a historic district under Federal, State, or local law, but the designation process should not be rushed. The appropriate amount of information must be compiled and analyzed in order to make cogent arguments for significance, and the public process (a legal one!) needs to play itself out so that everyone has adequate time to hear about the designation proposal and provide comment, if they choose.**

The State Historic Preservation Office (SHPO) has expertise in all three types of historic districts, so is the appropriate starting place. Each approach has its own limitations and benefits. The SHPO staff will either know the answers to your questions or know the person who does have the answers. Depending upon the details of a particular situation and the options available in each state, there are one, two, or three general approaches to creating a historic district:

Establishing a historic district under Federal law usually involves nominating the district for listing on the National Register of Historic Places. Listing on the National Register gives official recognition of the district's significance, and is a prerequisite for receiving various kinds of Federal benefits (e.g., Federal grants, tax incentives, etc.). However, National Register listing or eligibility for listing provides protection—of a procedural sort—only when there is a Federal involvement (e.g., Federal dollars, permits, etc.) in an action that may threaten the resources in the district. If there is no Federal involvement, the Federal designation of the district as historic doesn't help to protect the resources aside from the fact that the Federal Government has officially agreed that the district is significant and thus worthy of preservation.

Many States have a State Register process through which a historic district can be recognized as significant under State law. In most cases, this State law “designation” will have benefits and limitations that parallel a Federal designation. The SHPO is the place to find out whether your State has this sort of program.

Quite often, creating a historic district under local law can provide more protection to historic resources than either Federal or State level designation. This is because most land-use decisions are made under the authority of local law. The prerequisites for a local government creation of a historic district depend upon the language of each State's Constitution and/or enabling legislation. The SHPO will be familiar with what is possible for local governments in your State. At the local level, the designation of historic districts is usually linked to a review process designed to protect the historic appearance of buildings in the district.

*This question and answer was adapted from a response to a broader question raised by a person in a community development office of a small town. John Renaud, State, Tribal, and Local Programs Branch, and Susan Henry Renaud, Preservation Initiatives Branch, Heritage Preservation Services Division, National Center for Cultural Resources, National Park Service*

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**Question FIVE: Can you please help me understand the steps I need to take in creating a local historic district?**

**Answer: The order of the steps will depend upon whether the local government already has a process in place for creating a local historic district.**

1. Find out if the local government has a system for creating local districts. If it does, go to step 3. If it doesn't, go to step 2.
2. Ask the State Historic Preservation Office what the State authorizing statutes have to say about establishing local historic preservation programs and local districts. Go to step 3.
3. Find out the eligibility criteria for becoming a local district and what the benefits/consequences are for being located in a historic district. Go to step 4.
4. Given the answers to the issues in step 3, find out from community members whether or not they think that this is worth while at least investigating. If you don't have community support, you probably will have difficulty in getting the local political support necessary to move the process along. If you are successful, go to step 5.
5. Find someone with the requisite expertise to help you determine whether the community meets the eligibility criteria. If it does, go to step

6. Hold a community meeting or survey community members to get a more formal expression of support to pursue local designation as a local district. If successful, go to step 7.

7. Approach the local government a) entity responsible for historic preservation at the local level or b) if there is no local historic preservation program, the entity that State law requires to initiate the process for establishing a local program. Go to step 8.

8. Assist and encourage the local government a) to follow its certification procedures to designate the community as a local historic district or b) to take the steps necessary to establish a local historic preservation program and then use that system to designate the community as a local historic district.

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**Question SIX: Can my State Historic Preservation Office give financial and other assistance to us while we're trying to create a historic district?**

**Answer: Yes, it can. Through technical assistance and matching grants, the SHPO helps communities build successful preservation programs to protect historic buildings, structures, and archaeological sites.**

### **Preservation Planning**

With preservation planning, communities integrate preservation into other plans and policies, such as transportation, subdivision regulations, housing and economic development. The development or update of a local comprehensive or master plan is a great opportunity to consider the future of a community's historic resources.

#### ***Created with citizen input, a preservation plan:***

- Reviews the current inventory and conditions of historic resources
- Describes the desired future for these resources
- Outlines action steps

Communities may apply for matching grants from the SHPO for preservation planning. Some states may provide planning grants for comprehensive plans that include historic properties.

### **Surveys of Historic and Prehistoric Resources**

Surveys help local governments and preservation groups identify and evaluate historic properties. This information helps communities plan how to protect and benefit from historic and cultural resources.

#### ***A survey:***

- Identifies historic buildings, structures, and landscapes, and archaeological sites
- Records physical characteristics and locations on maps
- Evaluates significance in local and State history
- Determines if properties or areas are eligible for listing in the National Register of Historic Places.

Local governments and non-profit organizations may apply for matching grants from the SHPO to conduct surveys. The SHPO also helps plan and administer surveys. The local government—and the SHPO—keeps completed survey records for future research and planning needs, including GIS systems (Geographic Information System).

### **Zoning Ordinances**

For many states, state law allows communities to adopt and enact zoning ordinances that protect historic and architecturally valuable districts and neighborhoods by restricting or placing conditions on exterior alterations, additions, demolitions or relocations of structures in those areas. Studies across the nation have shown that having local preservation overlay zoning in place not only protects the historic properties, it protects the value of those properties. Thus owners of historic buildings in these protected districts see the value of their investments increase.

**Preservation Ordinance.** A preservation ordinance protects historic properties by officially recognizing historic areas, buildings and sites as local historic districts and landmarks. Owners of these locally designated properties get approval from a locally appointed board for exterior changes, additions, new construction, relocation or demolition, so that changes complement the historic appearance of the building and its surroundings. This approval process is called design review.

Communities may apply for matching grants from the SHPO to develop or revise a preservation ordinance. Many SHPOs have a sample preservation ordinance and staff will review drafts. The SHPO offers training for members and staff of historic preservation commissions and architectural review boards and responds to special information requests.

## Design Guidelines

Design guidelines are both written and graphic advice for preservation commissions and property owners to use when considering the appropriateness of exterior alterations, additions, demolitions, and new construction for local historic districts. Design guidelines are key support materials for administering the preservation overlay zoning ordinance. Guidelines may also be created and used on a voluntary basis, before local historic districts and design review are in place.

Communities may apply for matching grants from the SHPO to create or update design guidelines, which give property owners and historic preservation commissions and design review boards guidance on alterations and new designs that are appropriate for the local historic properties and districts.

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**Question SEVEN: I was told I would have to get a "Certificate of Appropriateness" from our historic preservation commission before starting exterior work on my house. What is the certificate, and what should I do?**

**Answer: Some local communities—historic districts—have preservation ordinances requiring that proposed work on designated historic properties be reviewed by a local historic preservation commission or design review board. These commissions and boards are comprised of local citizens appointed by the city government.**

Generally, when they review and approve proposed changes to a historic building they issue a "Certificate of Appropriateness." A Certificate of Appropriateness is simply a document stating that the proposed work is appropriate for the historic district and meets criteria in the local code. Usually, the certificate is required before most exterior work begins and before a building permit can be issued. Work completed without a Certificate of Appropriateness creates a legal risk of fines and having to reverse any work done for failing to follow procedures.

You need to contact your city government's preservation official for specific information about what is needed for a Certificate of Appropriateness, the design review process, and to obtain an application for proposed exterior work. The completed application is submitted to the city's preservation official, who forwards it to the historic preservation commission or design review board. Property owners usually attend the commission's regularly scheduled public meeting to present their work proposal and answer any questions the commission or other citizens in the community may have about it. The commission discusses the project, measures it against criteria in the code, then votes on the proposal. If approved, the applicant receives the "Certificate of Appropriateness" in the mail. If denied, the applicant has an opportunity to make changes to the proposal and re-submit it. For a particularly complex construction project, the citizen commission or board may consult with the State Historic Preservation Office, but its review and decision is completely independent of the State.

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**Question EIGHT: We just moved in to a local historic district with many wood frame houses from the late 19th and early 20th century. We have a 1970s utility shed in back of our historic house. The wood siding on it is rotting and needs to be replaced. We want to use a synthetic (concrete) siding. Do we need permission to change materials on the shed?**

**Answer: First, unless there is federal money involved, this would not be a federal decision. You will probably have to take your proposal to the local review board or historic preservation commission to get permission.**

The board weighs it against criteria in the preservation ordinance your city or county has adopted. Even though the review board may use the Secretary of the Interior's Standards developed by the National Park Service, this is still a local project, not subject to federal review. Since the outbuilding is not historic and not visible from the public way, we would find your proposal acceptable, but your municipality may not. If the district has written a local design guideline, there may be specific information on the topic.