

# NATIONAL REGISTER BULLETINS

Technical information on comprehensive planning, survey of cultural resources, and registration in  
the National Register of Historic Places

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U.S. Department of the Interior  
National Park Service  
Interagency Resources Division



The following National Register Bulletins provide information about the historic preservation investment tax credit program and the Part 1 certification process.

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# NATIONAL REGISTER BULLETIN 4

Technical information on comprehensive planning, survey of cultural resources, and registration in the National Register of Historic Places

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U.S. Department of the Interior  
National Park Service  
Interagency Resources Division

## Contribution of Moved Buildings to Historic Districts

**SUBJECT** National Register Historic Districts

**ISSUE** When can a moved building make a contribution to a National Register or certified local district?

### DISCUSSION

Occasionally an owner anticipating claiming tax credits for "certified rehabilitation" wishes to rehabilitate a recently moved building or to move a building into or within a Registered Historic District as a part of the rehabilitation. Procedures covering applications for Part 1 certification of significance for such buildings are outlined in 36 CFR 67.4 (f).

Properties listed in the National Register should be moved only when there is no feasible alternative for preservation. The National Register discourages the moving of historic structures because the significance of properties is embodied in their sites and settings as well as in the structures themselves. Like individually listed properties, buildings in historic districts also derive part of their significance from their location and setting. Moving of buildings into and within historic districts can create a false sense of historical development. Even a building moved within its lot loses some integrity, though the overall impact on the district may be minimal. Also, any move involves some unavoidable loss of historic fabric, frequently foundations and chimneys.

## **DECISION**

The size and character of the listed or certified district are major factors in determining whether a moved building can be satisfactorily incorporated into the district. Very small districts, or districts within which the lot sizes, configuration, or other spatial relationships of the buildings are of primary significance, may be unable to absorb moved buildings.

1. Buildings which were individually listed and are moved into historic districts may remain individually listed if the procedures in 36 CFR 60 are followed.
2. A building moved within a district, or a building not previously listed which is moved into a district, may be considered contributing if the building has retained basic historical and architectural integrity, and is appropriate to the architectural character and historical period of the district. Every attempt should be made to reestablish the historic orientation, immediate setting, and general environment of the moved building. Failure to do so may mean a denial of certification. The placement of the building on the new site must not diminish the significance of the district as a whole, nor alter the historic spatial organization of the district, nor the relationships of the buildings and their settings.
3. Any building moved outside the boundaries of a listed district is removed from the National Register. If individually nominated at a later date, the building's eligibility as an exception to the National Register criteria must be addressed. If nominated as part of another historic district, its contribution should be addressed as described above.

## **EXAMPLE 1**

Part 1 certification was requested for two 1870's Italianate residences located two blocks outside a historic district of antebellum, Victorian, and turn-of-the-century structures. Threatened with demolition, the residences were proposed for relocation to a large vacant site serving as a parking lot at a major intersection in the district. The antebellum mansion previously on the site had to be burned, leaving a gap in the historic district. The structures to be moved shared Italianate details including bracketed eaves, two-story porches, and intact interiors; each house has a mid-20th century addition which was not proposed to be moved. Each house faced the street on a narrow lot; this orientation was to be replicated at the new location.

Although the 1971 National Register nomination form for the historic district had focused on the district's antebellum buildings, the State Historic Preservation Officer verified that the historic district's period of architectural significance extended through the early 20th century. The Part 1 certification application included photographs of the proposed site and adjacent properties, which included a Gothic Revival church and several antebellum and late Victorian frame and brick residences.

The two structures retained substantial integrity and it appeared that their significant features would be preserved in the proposed move. Based on their architectural significance and that of the historic district, the National Register (then responsible for reviewing tax incentive projects) made a preliminary determination that the structures could contribute based on their compatible scale, materials, age, and architectural style. A preliminary certification of each building was issued.

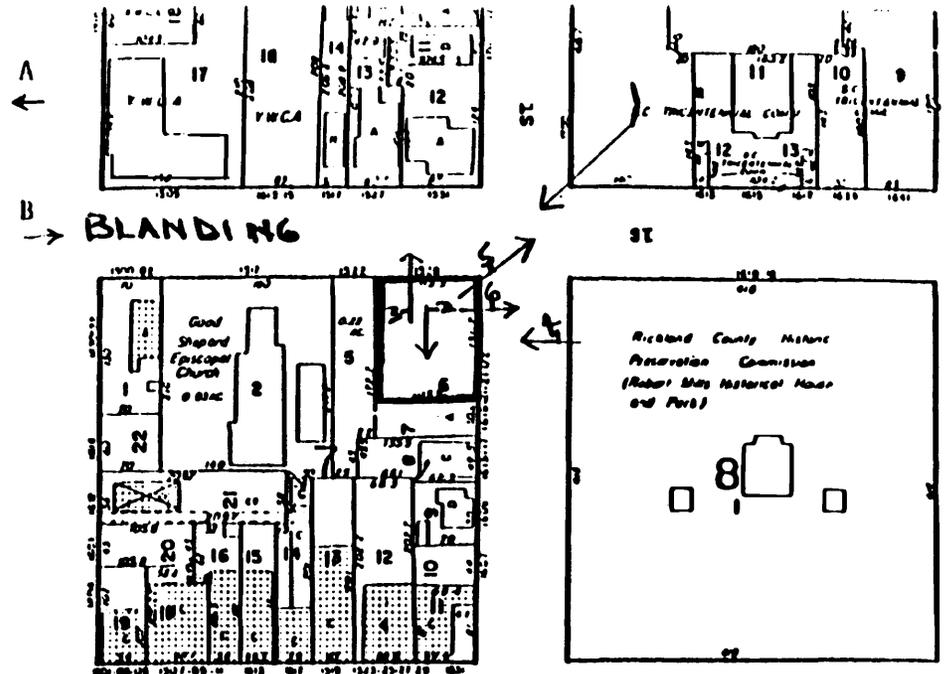
## **EXAMPLE 2**

Part 1 certification was requested for a ca. 1840 frame residence located at the edge of a district primarily composed of one- and two-story frame residences with regular massing, porches, and modest Greek Revival and Victorian details. The district was significant as an early resort serving a major southern city and for its variety of 18th, 19th, and early 20th century architectural styles. The residence had been moved to a large lot in the district in the late 19th century. Prior to the submission of the Part 1 application, the property owner moved the structure to one corner of the lot and reoriented it so that the roof ridge was parallel to the street. There, the house was placed on a seven-foot-high foundation raising the house five feet overall.

Substantial interior alterations had occurred earlier. Only one chimney had been reconstructed following the 19th-century move. During World War II the structure had been "gutted" and remodeled into apartments. The interior had again been stripped by a previous owner who abandoned a rehabilitation attempt in the 1970s.

The request for Part 1 certification was submitted to the National Park Service after the move had been completed. The appearance of the property prior to the move had not been documented, but it appeared that the structure had already lost significant features and that certification on its original site might have required careful justification. The changes in the building's height, massing, and orientation in conjunction with the move were also judged to be detrimental. The Keeper of the National Register concluded that the numerous alterations to the structure—its substantial loss of original material, alteration of basic form, and removal from its specific site—had resulted in an irretrievable loss of integrity. The Keeper's decision not to certify the building was appealed by the owner. The National Register's decision was sustained.

1 May 1981  
(revised June 1987)



Example 1: One of the two residences to be moved into the historic district is shown on its original site in A. B is a portion of the sketch map submitted by the property owner, showing the vacant parcel, its relationship to surrounding structures, and photograph views provided. Shown below are the views numbered 1 and 3 on the sketch map. 1 is the proposed site and adjacent structures; 3 shows the frame residence which the moved buildings will face.



1.



2.



Example 2: Photograph 1 shows the building, already moved to the corner of its lot and placed on a seven foot concrete block and stucco foundation. Photograph 2 is a view of the rear porch and other side facade; the concrete foundation is concealed by vegetation from this angle. In the main facade (not shown), the new basement reads as a third story, with off-center entrance and two small square window openings. Because photographs were not taken of the building before work began, it was not possible to judge the earlier contribution of the building to the historic district. The move, new foundation, and other alterations were determined to have substantially compromised the integrity of location, design, setting, materials, and workmanship of the building.



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U.S. Department of the Interior  
National Park Service  
Interagency Resources Division

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(revised 11/86)

## Tax Treatments for Moved Buildings

- SUBJECT:** Certifications of Significance
- ISSUE:** Tax treatments for moved buildings
- DISCUSSION:** Properties listed in the National Register should be moved only when there is no feasible alternative for preservation. The National Register staff is frequently asked about the application of the historic preservation tax incentives to moved buildings, whether the incentives can be applied to the costs of a move, and how the disincentives apply to the former site of a moved building. In this process, the National Park Service is responsible for determining when a moved building qualifies as a certified historic structure and when a rehabilitation qualifies as a certified rehabilitation; the Internal Revenue Service is responsible for determinations of which rehabilitation costs are eligible for favorable tax treatment.
- DECISION:** Individually listed structures: If a property individually listed in the National Register is to be moved, the steps outlined in 36 CFR 60 must be carried out prior to the move, or the property will be removed from the National Register, will not be considered a certified historic structure, and will have to be renominated for listing. Owners should

fill out Part 1 of the Historic Preservation Certification Application if they wish to receive a preliminary reading from the National Park Service as to whether a move will cause a property to be delisted. Information about the reasons for the move, the method to be used for moving the building, its probable effect on the property's integrity, and the new site should be submitted. Documentation should include photographs of the proposed location and evidence that the proposed site does not possess historical significance that would be adversely affected by the structure. A positive response on such a Part 1 application does not satisfy the requirements of 36 CFR 60, however. The State Historic Preservation Officer (SHPO) will need to follow the remaining steps outlined in the Department of the Interior regulations so that the National Park Service can determine that the moved structure will remain listed and retain its status as a certified historic structure.

Contributing Structures in Registered Historic Districts: If an owner wishes to use the rehabilitation tax incentives for a building recently moved or proposed to be moved into or within a Registered Historic District, Part 1 of the certification application should be filled out, including the documentation outlined in 36 CFR 67.4(f). The SHPO should use the information in National Register Bulletin 4, "Contribution of Moved Buildings to Historic Districts," in formulating recommendations about such proposals. The National Park Service, upon review of Part 1, may issue a certification of significance for a building already moved or a preliminary certification for one proposed to be moved. If a preliminary certification is issued, when the property owner submits materials and requests certified rehabilitation status upon completion of the rehabilitation project, the SHPO should make a final recommendation both as to whether the moved building contributes to the district and whether the completed project meets the Secretary's Standards for Rehabilitation. The National Park Service's letter declaring the project to be a "certified rehabilitation" will also designate the building a "certified historic structure," if the National Park Service judges that the moved property contributes to the district and that the rehabilitation meets the Secretary's Standards for Rehabilitation.

Tax Treatments: Costs attributable to the relocation of an existing certified historic structure (an individually listed structure or one located within a Registered Historic District) were allowed under provisions of the Tax Reform Act of 1976 (P.L. 94-455) if the relocation of the structure was expressly approved by the Department of the Interior. If the rehabilitation meets the Secretary's Standards for Rehabilitation, the expenditure can be added to the basis and recovered through the applicable recovery period for the portion of the basis attributable to rehabilitation expenses.

For questions regarding tax treatments, the public may consult the appropriate regional IRS office, or John Schmalz (202-566-3297) at the Internal Revenue Service in Washington, D.C.



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U.S. Department of the Interior  
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## Use of Nomination Documentation in the Part 1 Certification Process

- SUBJECT:** Certifications of Significance
- ISSUE:** Use of nomination documentation in Part 1 certification process for the tax program.
- DISCUSSION:** For Part 1 certification requests, the National Park Service will look to the nomination and State or local district documentation in evaluating an individual structure within a registered historic district to determine its status as a "certified historic structure." The individual structure is judged to contribute or not contribute to the significance of a historic district in conformance with the "Standards for Evaluating Significance within Registered Historic Districts" (36 CFR 67.5).

According to these standards, a structure which retains its historic integrity and is located within a registered historic district may be determined to "add to the district's sense of time and place and historical development." A structure may not contribute to the historic significance of a district if it is one "which does not add to the district's sense of time and place and historical development." This evaluation is made within the context of the significant historic associations,

architectural values or specific period(s) of significance of the designated district. The context is usually clearly discernible from the nomination documentation, including the form, photographs and sketch maps.

In some cases, the National Park Service documentation for a district may not cover all themes, levels, or periods of the district's significant development. This may particularly be a problem in National Register nominations prepared early in the National Register program before documentation standards were clearly established, in nominations prepared for National Historic Landmark designation, or in nominations for districts where more recent research has identified additional areas or periods of significance. Although nominations have routinely been amended and updated in cases where boundaries have been increased subsequent to listing, they have seldom been revised to address areas, themes, periods or levels of significance not addressed in the original nomination. Situations may arise where an owner seeks certification for a building that falls outside the significance discussed in the documentation but the building may in fact contribute because it: 1) individually meets the National Register criteria for evaluation on its own merit, or 2) reflects expanded areas or periods of significance recognized by the State Historic Preservation Officer or by the State or local jurisdiction for a certified district but not documented in the National Register file or the National Park Service file for a certified State or local district.

In the past, the National Park Service recommended that in such cases additional information be provided with the application to show how the building either individually met the National Register criteria for evaluation or contributed to expanded areas or periods of significance for the district. The State Historic Preservation Officer, the National Park Service regional office, or the owner could provide the additional documentation. This documentation would become part of the certification file and seldom was entered into the National Register file for the district. This procedure led to inconsistency in actions, especially where one owner requested certification that a building contributed while another requested certification that one of the same period, style, or associations did not. It also provided no formal means for amending the National Register

nomination or the certified State or local district file. It did not allow for State Review Board review and comment on the issues of significance.

**DECISION:**

Certification requests for properties within registered historic districts must be decided on the basis of documentation existing in the National Register nomination or National Park Service certified State or local district file. Although the specific property need not be explicitly mentioned as contributing in the nomination or district documentation, there should be sufficient evidence in the documentation to indicate that the areas and period represented by the property are recognized to be significant in the district's history. The information provided with the certification application should be viewed closely in the context of the district documentation.

In cases where the property clearly reflects values other than those recognized as significant in the district documentation, the property cannot be certified as contributing until the district documentation is formally amended. However, a property owner may request a preliminary certification that a property contributes to the district based on the expanded significance. The request should include adequate documentation of the basis for expanding the period of significance as well as a statement from the State Historic Preservation Officer that he or she intends to process the expansion of significance for the district. The request must also address how the building for which certification is requested reflects the expanded significance. The preliminary certification will become final when the district documentation is officially amended by the National Park Service. In cases where an owner seeks certification that such a property does not contribute to the significance of the district, a certification of non-significance will be granted because the listed official National Register nomination does not identify this type of property as contributing.

The procedures described in the Bulletin are consistent with the Historic Preservation Certification Regulations, 36 CFR 67. The procedures for expanding the significance of a National Register district ensure that adequate documentation is prepared, and that the documentation is formally considered by the Review Board and officially recorded as part of the National Register nomination for the district. The

documentation of the proposed expansion of significance should be prepared and scheduled for review and approval by the Review Board. Renotification of property owners is not required as long as the district boundaries are not changed. The State Historic Preservation Officer submits documentation in the form of signed continuation sheets or, for substantial revisions, a signed revised nomination form to the National Register for review. These submissions will be reviewed within 45 days of receipt. When the National Register accepts the documentation, enters it into the National Register file for the property and notifies the State Historic Preservation Officer and National Park Service regional office, action can proceed on related certification requests. Previously issued preliminary certifications will become final at that time provided the affected properties are covered by the expanded documentation of significance in the nomination. Requests for certification of significance for properties identified as contributing in the revised documentation can be granted. Requests for certification that such properties do not contribute that are received after the district documentation has been amended must be evaluated using the revised documentation, which will mean that the properties will be certified as contributing unless they have lost integrity.

For certified local districts, the process for submitting additional documentation is the same as that for requesting certification of the district. It must be reviewed and accepted by the National Park Service regional office as substantially meeting the National Register criteria for evaluation.

In cases where the nomination form for a National Historic Landmark district does not cover the themes or periods of local or State significance, the State Historic Preservation Officer should submit signed continuation sheets documenting these areas of significance to the National Register, following the National Register nomination amendment process outlined above. The continuation sheets should state the significance of the themes, areas, and periods of historic development having importance at local and State levels and should date and describe the condition and general characteristics of properties contributing to these themes.

District documentation can be expanded in two ways:

- A. The documentation may show that an individual property or group of properties outside a district's period or areas of significance adds to the district because that property or group of properties is important in its own right. It may be a distinctive example of an important architectural style or type, or it may be associated with persons or events that occurred outside the themes or periods of significance identified in the nomination form but that made important contributions to the history and development of the locality. In these cases documentation should focus specifically on the individual property or group in question and show that it possesses a degree of importance that is essentially the same as that required for individual listing in the National Register. If the intent is to qualify a single building (an Art Deco theatre in an 1860-1910s commercial district, for example) the State has the option of submitting either continuation sheets or an individual nomination (following the complete nomination process) for the single building.
  
- B. The documentation may discuss additional areas, themes, or periods of significance for which the district is important. These may have been identified by research subsequent to listing. Additionally, they may result from changing perspectives of what is significant, from the passage of time (for properties previously considered too recent for National Register recognition), or from the identification of additional levels of significance, for example, State and local values for districts originally listed only as National Historic Landmarks. Whatever the situation or whatever the nature and extent of the expanded significance, documentation should be presented clearly and according to the documentation requirements outlined in National Register Bulletin 16, "Guidelines for Completing National Register of Historic Places Forms." The documentation should include the following: a description of the kinds of properties covered by the expanded areas or periods of significance and their distinctive architectural characteristics; a statement justifying how these expanded themes, levels, or periods are significant and have made a positive contribution to the history and development of the district and the community

in which they are located; and a bibliography of sources on which the expanded significance is based. In some cases, additional photographs and updated maps identifying contributing and non-contributing structures may be necessary. Although all structures related to the expanded significance do not need identification and description, the documentation should refer to a number of examples , and identify their patterns of development, characteristics and roles in order to support the more general discussion. Documentation must justify expanding the district's significance. Although amendments to district documentation can be made as the need arises, the States may wish to identify systematically districts needing revised documentation and include these in their annual work plan.

**Note:** The process for expanding the significance for listings other than those classified as districts is the same as the process described here for districts.

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## Certification of State and Local Statutes and Historic Districts

This publication explains the documentation requirements for the certification of State or local statutes and historic districts and supersedes all earlier National Register bulletins on this subject. In order to stimulate capital investment in historic buildings and to spur revitalization of historic neighborhoods, the Internal Revenue Code has contained Federal tax incentives for the rehabilitation of income-producing historic buildings since 1976. The current investment tax credit (ITC) is 20 percent of the cost for any qualified project that the Secretary of the Interior designates as a certified rehabilitation of a certified historic structure. Buildings located within State or local historic districts that are designated under a State or local statute, may qualify for these preservation tax incentives only if the statute or ordinance creating the district and the district itself have been certified by the Secretary of the Interior.

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Preservation tax incentives are available for any qualified project that the Secretary of the Interior designates as a **certified rehabilitation** of a **certified historic structure**. Brochures explaining the procedures for applying for the certification of a rehabilitation project and the two-part Historic Preservation Certification Application forms can be obtained from the State Historic Preservation Office or the appropriate regional office of the National Park Service. (See the list of regional offices in the attached appendix).

A **certified historic structure** is defined as any building that is:

listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior); or,

a property located in a registered historic district that has been certified by the Secretary of the Interior as being of historic significance to the district.

A **registered historic district** is defined as any district that is:

listed in the National Register of Historic Places; or,

designated under a State or local statute which has been certified by the Secretary of the Interior as containing criteria which will substantially achieve the purpose of preserving and rehabilitating buildings of significance to the district and which is certified as substantially meeting all of the requirements for listing of districts in the National Register.

In the past, a variety of preservation tax incentives to encourage the rehabilitation of historic buildings and districts have been enacted in The Tax Reform Act of 1976, The Revenue Act of 1978, The Tax Treatment Extension Act of 1980, The Economic Recovery Tax Act of 1981, The Tax Reform Act of 1984 and The Tax Reform Act of 1986. These laws established provisions in the Internal Revenue Code for accelerated depreciation, rapid amortization, and an investment tax credit (ITC) for historic properties, and denied incentives to projects involving the demolition of historic buildings. The Economic Recovery Tax Act of 1981 dramatically enhanced earlier tax incentives to encourage further capital investment in income-producing historic buildings and, as amended by the The Tax Reform Act of 1984, made permanent the provision (Section 280B of the Internal Revenue Code of 1976) that disallowed the deduction of demolition expenses for a Certified Historic Structure. In 1986, The Tax Reform Act of 1986 overhauled the entire tax law. A number of changes directly affected the rehabilitations of historic buildings. The Tax Reform Act of 1986 establishes:

a 20 percent tax credit for the substantial rehabilitation of historic buildings for commercial, industrial, and rental residential purposes, and a 10 percent tax credit for the substantial rehabilitation for nonresidential buildings built before 1936.

a straight-line depreciation period of 27.5 years for residential property and 31.5 years for nonresidential property for the depreciable basis of the rehabilitated building reduced by the amount of the tax credit claimed.

The ten percent tax credit is **not** available for rehabilitations of certified historic structures, and owners who have properties within registered historic districts and who wish to elect this credit must obtain certification that their buildings are not historic.

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The certification of historic districts, designated under State and local statutes, extends the availability of the tax benefits for rehabilitation beyond National Register listing and includes properties in State and local historic districts. The certification of State and local historic districts requires that the Secretary of the Interior certify in two dependent but separate actions (1) the statute providing for the designation and regulation of historic districts and (2) every historic district thereunder. The separate certification of local historic districts is necessitated by The Revenue Act of 1978, which modified the responsibilities of the Secretary in establishing eligibility for Federal tax incentives. Only after NPS certification can the tax provisions go into effect for certified rehabilitation of certified contributing structures within State and local historic districts (unless of course the district is also listed in the National Register). Federal regulations for the certification of statutes and historic districts are contained in Department of Interior regulations, 36 CFR 67.

### Certification of State and Local Statutes

By the term "State and local statute" or simply "statute," the NPS means a law of a State or local government designating, or providing a method for the designation of, a historic district or districts. To date the majority of requests received by the NPS have been for independent local ordinances. However, if State enabling legislation exists, it must be certified before the local statute under its authority can be certified.

Local governments may designate historic districts through zoning ordinances or through State enabling legislation. These forms of resource protection have been successful and several States have enacted enabling legislation. In addition, a State court has upheld the authority of a municipality, in a State without enabling legislation, to identify historic resources under its general zoning authority (City of Santa Fe v. Gamble-Skogmo, Inc., N.M. 1974).

Statutes commonly contain sections that designate districts, individual sites, buildings, and structures for their local historical value. However, for purposes of qualifying for Federal tax benefits, only properties within certified historic districts established under a certified statute may qualify for the Federal rehabilitation tax credits (unless the property is listed in the National Register).

### Requirements for Certification

A statute must contain criteria that substantially achieve the purpose of preserving and rehabilitating buildings of significance to historic districts. The statute must provide for a duly appointed review board or commission with the power to advise officially property owners on proposed alterations to structures that contribute to the historical significance of the district or districts designated under the statute. Only State or federally-owned properties may be exempted from the provision of a statute.

### Review of State and Local Statutes

Statutes that fail to meet certification requirements are those that are inconsistent with the "purpose of preserving and rehabilitating buildings of significance to historic districts." The following examples illustrate provisions that may prevent a statute from meeting certification criteria:

Provisions in a statute that terminate the historic district status of the designated district at a specified date.

Any provision that exempts selected district properties, which contribute to the historical significance of the district, from the procedures for local review of proposed alteration, demolition, or relocation of properties. An example would be setting an arbitrary age to activate review of proposed alteration, demolition, or relocation of properties, if this age limit does not protect all the buildings determined to contribute under National Register Criteria (36 CFR 60) and Standards for Evaluating Significance within Historic Districts (36 CFR 67). The only exemption allowed has been property under State or Federal ownership because, under most State constitutions, State-owned property, as is the case with Federal property, generally is not subject to local government regulations.

Review by NPS does not involve a substantive legal analysis of the statute's ability to work within the framework of a municipal government, to coincide with the provisions of State enabling legislation, or to be consistent with legal precedent in a given State. It is advisable to draft a local ordinance with the aid of legal counsel who is thoroughly familiar with both State enabling legislation and applicable court decisions that might affect the validity of the local statute. A helpful guide for the preparation of local preservation ordinances, entitled Recommended Model Provisions for a Preservation Ordinance, With Annotations by Stephen N. Dennis, can be obtained from the Preservation Bookshop, National Trust for Historic Preservation, 1600 H Street, NW, Washington, D.C. 20006.

In carrying out the Secretary of the Interior's responsibilities for certification of local statutes, NPS must review any existing State legislation that enables the local government to designate and protect historic properties. If the State enabling legislation contains provisions that fail to meet requirements for certification, then any proposed local statute empowered by the legislation will not be certified. For example, one State enabling act failed to meet certification requirements because it exempted State **projects** from review procedures established by local authorities for their historic properties. The only allowable exemption of properties from local review is State or Federal property. However, certification cannot be granted to ordinances or legislation which exempt privately-owned properties affected by development undertaken with State or Federal involvement. The inclusion of this special exemption clause prevents the local statutes from achieving the purpose of preserving and rehabilitating buildings of significance to historic districts and NPS denied certification of this and other subsequent local ordinances that operated under the provisions of the act.

Every preservation ordinance should be researched and written specifically to pertain to the local situation. This is important because an ordinance that works in one community may not be suitable to another, and State enabling legislation, where it exists, usually differs from State to State. Consequently, NPS reviews the statute to ascertain if it meets the purpose of preserving and rehabilitating buildings of historic significance to a district and does not apply an ideal model to ordinances under review. However, the following outline lists common components of statutes that have been certified:

- 1 Statement of purpose
- 2 Definitions
- 3 Establishment of review body
- 4 Survey plan for identification of historic resources
- 5 Procedures for review concerning alteration, demolition, relocation, and new construction within a historic district
- 6 Appeals

To be consistent with the NPS program, it is recommended that State and local governments adopt the Secretary of the Interior's Standards for Evaluating Significance within Historic Districts. For determining which properties contribute to the significance of historic districts definitions of contributing and noncontributing buildings are contained in Department of the Interior regulations, 36 CFR 67. This is essential for certification by NPS if a local commission only has review powers

for buildings which contribute to the district. It is also advisable for State and local governments to adopt the Secretary's "Standards for Rehabilitation" for review and certification of the rehabilitation of historic buildings.

A qualified historic preservation review commission should be established with the enactment of the statute. It should consist of professional and lay members who demonstrate interest, competence, or knowledge in historic preservation. To the extent available in the community, the local government should appoint professional members from the disciplines of architecture, history, architectural history, planning, archeology, or other historic preservation related disciplines, such as urban planning, American civilization, cultural geography, and cultural anthropology.

Diversity is expected in the operation of statutes. The powers of local review bodies, in communities that have certified statutes in effect, range from advisory commissions to boards capable of halting inappropriate building activities and penalizing violators with substantial fines. Because the Federal tax incentives offer financial benefits to property owners of certified historic structures, considerable effort should be made within a municipality to disseminate information concerning the tax benefits. The potential advantages of rehabilitating property within a historic district designated under a certified local or State statute could trigger significant revitalization of historic districts.

### How to Apply for Certification

Requests for certification of State or local statutes must be made by the Chief Elected Official or by his/her duly authorized representative, and submitted to the State Historic Preservation Officer (SHPO). Requests for certification must include the following information:

- (1) A written request from the Chief Elected Official or the duly authorized representative certifying that he or she is authorized to apply for certification. The request should include the name, position, address, and telephone number of the Chief Elected Official or the authorized representative. It should also contain the name, position, address, and telephone number of any person to be consulted for additional information if this person is someone other than the Chief Elected Official or the duly authorized representative.

The Chief Elected Official or the duly authorized representative who requests certification may be the mayor, the city manager, a member of the planning commission, city council, or local historic district commission, or another appropriate person. The letter requesting certification must include a phrase identifying

this representative such as "I am the duly authorized representative of (city/county/State) who has been authorized by (mayor/city council/etc.) to request certification of (statute)." This requirement is included in the Department of the Interior regulations in an attempt to ensure that local citizens and officials are aware that a request has been made for the certification of a particular State or local statute.

(2) A copy of the statute for which certification is requested, including any bylaws or amendments that contain information necessary for the certification of the statute.

(3) A copy of the State enabling legislation, if any exists, authorizing the designation of historic districts, unless a copy of this legislation is already on file with NPS.

Certification requests are reviewed for the Secretary by the appropriate NPS regional office (see appendix), which will assess whether the statute(s) and any bylaws or ordinances that contain information necessary for the certification of the statute contain criteria which will substantially achieve the purposes of preserving and rehabilitating buildings of historic significance to the district(s). The SHPO will be given a 30-day opportunity to comment on the request and this recommendation will be considered by NPS in the review process, if received within the allotted time frame. If for some reason, the 30-day period for State review expires without a recommendation being made, the duly authorized representative may notify the NPS regional office of this fact. The NPS will consult the SHPO to ensure that a review of the information is completed in a timely manner. Within 30 days of submission of the request to the NPS, the NPS will provide written notification of a decision to the Chief Elected Official or the duly authorized representative and the SHPO when certification of the statute is given or denied. If the request for certification is denied, the notification will provide an explanation of the reason(s) for the denial.

### **Amendment or Repeal of Certified Statutes**

If a certified statute is repealed or amended, the duly authorized representative of the State or local government which initially submitted the certification request, must notify the NPS. The certified statute and any districts designated under the law will be withdrawn by the Secretary when repealed or amended. However, an amended statute may retain its certified status if the amendments are submitted for review, according to the procedures outlined above, to ascertain if the statute continues to meet the criteria for certification. A written decision on the status of the statute will be sent to the Chief Elected Official or the duly authorized representative and the SHPO within 60 days of receipt. The Secretary may withdraw certification of any repealed or amended statute (and any districts thereunder) on his/her initiative, if it is

inconsistent with certification requirements and after providing the duly authorized representative and the SHPO 30 days in which to comment prior to the withdrawal of certification.

### Certification of Historic Districts

After the certification of a statute, any historic district(s) designated under the statute also must be certified as substantially meeting National Register criteria. This status qualifies it as a registered historic district allowing the owners to be eligible for Federal tax incentives for the rehabilitation of certified historic structures. The Secretary will not process requests for certification of individual buildings within a State or locally designated district until the district has been certified as a registered historic district. Registered historic districts are determined eligible for the National Register at the time of certification.

A historic district is a defined area that possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. A district may also comprise individual elements that although linked by association or function, were separated geographically during the period of significance. The significance of a district is the product of the sense of time and place in history that its individual components collectively convey. This sense may relate to developments during one period or through several periods in history. Some district buildings will be pivotal to the significance of the district (i.e., the county courthouse in a courthouse square historic district); still others may actively detract from the district's overall historic significance (i.e., the 1960s gas station on the corner of an 1890s commercial row).

It is recommended that the following definitions from 36 CFR 67.5 be used to categorize component properties of a historic district as contributing or noncontributing:

A building contributing to the historic significance of a district is one which by location, design, setting, materials, workmanship, feeling, and association adds to the district's sense of time and place and historical development.

A building not contributing to the historic significance of a district is one which does not add to the district's sense of time and place and historical development; or where location, design, setting, materials, workmanship, feeling, and association have been so altered or have so deteriorated that the overall integrity of the building has been irretrievably lost.

Useful reference for the evaluation of properties in the building inventory are National Register Bulletins 8, "Certifications of Significance," 15, "Guidelines for Applying the National Register Criteria for Evaluation," and 16, "Guidelines for Completing National Register of Historic Places Forms."

### Requirements for Certification

A historic district designated under a State or local statute must meet National Register criteria explained in 36 CFR 60. Therefore, a historic district designated under a certified state or local statute could, if nominated, be listed in the National Register. The National Register criteria for evaluating the significance of properties were developed to recognize the accomplishments of all peoples who have made a contribution to our country's history and heritage. The criteria are designed to guide State and local governments, Federal agencies, and others in evaluating potential entries in the National Register.

#### Criteria for Evaluation

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, setting, design, materials, workmanship, feeling, and association:

- A that are associated with events that have made a significant contribution to the broad patterns of our history; or
- B that are associated with the lives of persons significant in our past; or
- C that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D that have yielded, or may be likely to yield, information important in prehistory or history.

Criteria considerations: Ordinarily cemeteries, birthplaces or graves of historical figures, properties owned by religious institutions or used for religious purposes, properties that have been moved from their original locations, reconstructed historic properties, properties primarily commemorative in nature, and properties that have achieved significance within the last 50 years shall not be considered eligible for the National Register. However, properties will qualify if they are integral parts of districts that do meet the criteria or if they meet the exceptions defined in 36 CFR 60. Information on documentation of

properties and use of the Criteria for Evaluation may be obtained from: National Register of Historic Places, Interagency Resources Division, National Park Service, P.O. Box 37127, Washington, D.C. 20013-7127.

### Review of Local Historic Districts

Because a locally designated historic district must meet National Register criteria to be certified, documentation requirements for the certification process parallel those required for districts considered for listing in the National Register. However, the certification of historic districts can offer local governments and preservation groups certain advantages. Certification can be a faster and simpler process than National Register listing, because it does not require any action by the State review board or regulated comment periods.

The NPS recommends that communities consider National Register listing for the recognition that such status confers as well as the eligibility for Federal assistance for historic preservation when funds are available. The process for listing properties in the National Register is outlined in 36 CFR 60. At the time that a local district is certified by NPS, it is placed on a list of properties determined eligible for the National Register. In accordance with Section 106 of the National Historic Preservation Act of 1966, Federal agencies must afford the Advisory Council on Historic Preservation an opportunity to comment before they fund, license, or assist a project which may affect a property determined eligible for the National Register.

Certification of a local district can be advantageous because it may be a faster process than National Register listing due to fewer procedural requirements. This could prove critical to the promotion of preservation planning and the conservation of historic resources. However, documentation requirements are just as stringent as those for listing and districts have been denied certification because of failure to meet National Register criteria. Generally, failed requests are the result of insufficient documentation to make a decision on the eligibility of the district for listing. Listed below are two of the most frequent problems of locally designated historic districts that have resulted in the denial of their certification:

a local district in which the collective significance of contributing properties has been substantially compromised by the relatively high percentage and impact of noncontributing properties.

a local district that represents just a portion of a larger resource and contains in itself a collection of buildings, structures, sites, and objects that are insufficient in number, quality, and/or historical cohesiveness to convey the significance of the extant district.

### How to Apply for Certification

As is the case with local and State statutes, certification requests for historic districts are submitted to the SHPO by the Chief Elected Official or the duly authorized representative of the government which enacted the statute designating the district. If the Chief Elected Official or the duly authorized representative delegates the responsibility of compiling the documentation for certification review to a second party, then the name, position, address, and telephone number of that individual must be included with the submission of district documentation. A certification request for a historic district may be submitted concurrently with the certification request for the statute under which it is to be designated. The certification procedure, however, will involve two separate actions. The NPS regional office will follow the same procedures for the certification of historic districts as those discussed above for the certification of statutes. Federal regulations (36 CFR 67) provide for a 60-day maximum time frame (30 days at the SHPO and 30 days at the NPS regional office) for the review of districts. If for some reason, the 30-day period for State review expires without a recommendation being made, the duly authorized representative may notify the NPS regional office of this fact. The NPS will consult the SHPO to ensure that a review of the information is completed in a timely manner.

### Documenting Historic Districts

The guidelines in National Register Bulletin 16, "Guidelines for Completing National Register of Historic Places Forms," provide information on how to document historic districts for the National Register. District documentation submitted for certification must include the following information:

- (1) A concise description of the general physical or historical elements and qualities which make this area a historic district with a description of building types, architectural styles, and periods represented in the district.

This description should include information on the scale, materials, workmanship, and spatial qualities of the district and should use the appropriate professional terminology. To help identify architectural styles or standard architectural terms used to describe buildings, works such as Marcus Whiffen, American Architecture Since 1780: A Guide to the Styles, John J.G. Blumenson, Identifying American Architecture, John Poppelier et. al., What Style Is It? or Virginia and Lee McAlester, A Field Guide to American Houses are valuable reference sources. Stylistic treatment and building type usually reflect regional variation and at times may defy standard categorization. Therefore, the reference works cited above should be used as aids in defining the architectural character of districts, which

undoubtedly will reflect special qualities that are representative of that district, city, and/or region's cultural development and may require modification of standard terminology. In a district where stylistic identification is difficult, it may be more accurate to describe common decorative elements, building forms, and types or periods of construction, rather than ascribing architectural style classifications that might misrepresent the resource.

- (2) A concise statement that clearly documents why the district has significance (areas of significance that reflect the district's historic importance), the period of time for which it is significant, and why it substantially meets National Register criteria for listing (see 36 CFR part 60); the relevant criteria should be identified as A,B,C and D.

The statement should provide sufficient background history or context to evaluate the historical or architectural importance of the district and should discuss the authenticity or integrity of the resource.

- (3) A clearly defined and explained boundary for the district.

The boundary justification and description are crucial to the evaluation of district documentation. In order to meet National Register criteria, it must be demonstrated that the district reflects the historical or architectural qualities employed in the delineation of the boundaries. Districts with irregular or unusual boundaries usually require a description of what lies outside the district in order to define the edge of the resource and to explain the exclusion of adjoining areas. Two common errors in the delineation of boundaries are affixing lines that bisect a building or separate related parts of a single resource. For example, a boundary delineation that separated worker housing from the factory in a planned historic mill village would be inappropriate if all the components were intact and retained integrity. (For general policy guidance in the definition of boundaries, see National Register Bulletin 21, "Establishing Boundaries for National Register Properties," which is available from the National Register, NPS regional offices, and SHPOs).

- (4) A definition of what types of buildings contribute and do not contribute to the significance of the district as well as an estimate of the percentage of buildings within the district that do not contribute to its significance.

The standards used by NPS for evaluating properties within National Register districts are defined in 36 CFR 67.5. These definitions are explained and amplified in National Register Bulletin 16, "Guidelines for Completing National Register of Historic Places Forms." The physical characteristics and historic significance of the overall property provide the basis

for evaluating component resources. A contributing building, site, structure, or object adds to the historical architectural qualities, historic associations, or archeological values for which a property is significant because a) it was present during the period of significance, and possesses historic integrity reflecting its character at that time or is capable of yielding important information about the period, or b) it independently meets National Register criteria. A noncontributing building, site, structure, or object does not add to the historical architectural qualities, historic associations, or archeological values for which a property is significant because a) it was not present during the period of significance; b) due to alterations, disturbances, additions or other changes, it no longer possesses historic integrity reflecting its character at that time or is incapable of yielding important information about the period; or c) it does not independently meet the National Register criteria. In cases where a resource contributes on the basis of significance unrelated to that of the district, the documentation should explain how the resource independently meets the National Register criteria.

- (5) A map illustrating all buildings in the district with an identification of contributing and noncontributing resources.

Maps on district brochures, tax assessor's maps, city maps, etc., may be suitable if they clearly depict district structures and property lines. The map or maps should indicate the district boundaries and all the buildings within it; include street and place names with general street numbers; and identify all contributing and noncontributing resources, if possible. Color coding is not recommended due to the difficulty of reproduction, and it is preferred that black and white graphic patterning be used or a similar approach that makes the map clearly legible and easy to copy.

- (6) Photographs of typical streetscapes in the district and the major types of contributing and noncontributing structures.

All photographs of districts should be keyed to a map so that the location and direction of the view can be ascertained. The photographs may be color or black and white and must be of a size and quality that clearly documents the architectural character of individual buildings or groups of buildings. Photographs should be labeled on the back with the district name, street address, city and State, name of the photographer, date on which the photograph was taken, location of the original negative, description of view indicating direction of the camera, and a photograph number for keying to the accompanying map.

### Expanded Districts

If a local government wants to request certification for the expansion of a previously certified district or wishes to incorporate a district already listed in the National Register into a larger certified local district, the documentation accompanying the request can supplement that already on record. However, State or local governments, as appropriate, must notify the Secretary if a certified district designation is amended (including boundary changes) or repealed. If a certified district designation is amended, the duly authorized representative shall submit documentation describing the change(s) and, if the district has been increased in size, the documentation must specifically describe properties in question and state why they form an integral and contributing part of the existing district. The boundaries of the previously listed or certified district and proposed expansion must be clearly indicated on a map. A revised statement of significance for the district as a whole shall be included to reflect any changes in overall significance as a result of the addition or deletion of areas. The review procedures will follow those for the certification of historic districts outlined above. The Secretary will withdraw certification of repealed or inappropriately amended certified district designations, thereby disqualifying them as registered historic districts.

### Additional Districts

Documentation on additional districts designated under a certified State or local statute should be submitted for certification following the same procedures and information requirements outlined above.

### Defining the Local System for Rating the Contribution of District Structures

The NPS encourages local governments to conduct surveys and maintain the most comprehensive records possible on area inventories of historic resources. This effort in many communities has resulted in the development of local systems which categorize structures within historic districts by rating each structure's relative contribution to the overall significance to the district.

In the certification process, this kind of system, keyed to district maps and/or included in descriptions of the district, can prove a valuable addition to district documentation. In order to interpret this information correctly, however, the NPS must have

exact information as to the nature and application of criteria used in rating the structures, and

examples of the range and kinds of structures included within each category.

This information is important because local judgements as to the contribution of district properties may differ significantly from decisions that would be made by the NPS under standards contained in 36 CFR 67.5 for evaluating structures within certified or listed districts. For example, under the NPS program, visually compatible structures that do not add to the historic or architectural significance of a district, such as recent buildings that replicate historic styles, would not be considered to contribute to the district.

Certification that a locally designated historic district substantially meets the requirements for listing in the National Register does not mean that a local system for rating district structures has been certified. The information on file at the NPS regional offices concerning a local rating system will aid in the review of any application requesting certification of significance or nonsignificance for a structure within a certified historic district for purposes of qualifying for tax incentives. The local review board or commission must have the authority to review changes to all contributing structures as they are defined by NPS. If it is clear from the documentation provided, that the definition of contributing and noncontributing buildings is not in conformance with 36 CFR 67, certification will be denied. Certification would also be denied if the review by the board or commission did not extend to properties considered by NPS to be significant. The final decision by NPS on these applications will be made according to standards contained in 36 CFR 67.5 and will not reflect the rating of a locally developed system.

### Appeals

An appeal may be made, pursuant to 36 CFR 67.10 for any of the certifications or denials of certifications for State and local statutes and historic districts.



**Appendix: National Park Service Regional Offices and Associated States (Revised 7/97)**

<b>Alaska Regional Office</b> National Park Service 2525 Gambell Street Anchorage, AK 99503-2892	AK
<b>Intermountain Regional Office</b> National Park Service P.O. Box 25287 12795 W. Alameda Parkway Denver, CO 80225-0287	MT, WY, UT, AZ, NM, CO, OK, TX
<b>Midwest Regional Office</b> National Park Service 1709 Jackson Street Omaha, NE 68102	ND, SD, NE, KS, MN, IA, MO, AR, WI, IL, IN, OH, MI
<b>Northeast Regional Office</b> National Park Service US Customs House 200 Chestnut Street Philadelphia, PA 19106	ME, VT, NH, NY, MA, RI, CT, DE, PA, VA, WV, MD
<b>Pacific West Regional Office</b> National Park Service 600 Harrison Street, Suite 600 San Francisco, CA 94107-1372	WA, OR, ID, NV, CA, HI
<b>Southeast Regional Office</b> National Park Service Atlanta Federal Center 1924 Building 100 Alabama Street, SW Atlanta, GA 30303	TN, KY, NC, SC, GA, AL,

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