Historic Preservation and HUD

Opportunities for Development and Protection

Nancy E. Boone

September 12, 2012

Webinar Format

- Presentation will last approximately one hour followed by 30 minutes of Q&A
- Recording of webinar will be posted on HUD's Office of Environment and Energy Website
- Audience members are muted due to the high number of participants

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Audio Issues During the Webinar

- For audio, please use the following phone number: 866-893-1635, or listen through your computer.
- If you have technical difficulty with the audio or video portions of this webcast, try:
  - Logging off, then logging in again
  - Requesting help through the Q &A box that will appear on your screen.

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How to Submit Questions

Type your questions in the Q & A box that will appear on your screen during the presentation. Technical questions will be addressed right away; content questions will be answered after the presentation.

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Objectives

Participants will gain an understanding of general historic preservation principles, including what makes a building historic.

Participants will understand the range of development and protection tools available to promote the preservation of historic buildings, districts, and archeological sites, including Section 106 and historic tax credits.

Participants will see examples of HUD assistance that helped communities reach local housing and community development goals through preservation.

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Background

MISSION

Create strong, sustainable, inclusive communities and quality affordable homes for all

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Background

- HUD assists tens of thousands of projects each year
- Projects include new construction and rehabilitation for affordable housing, mortgage and loan guarantees, community planning, and development

- Assistance goes to state and local governments, tribal governments, non-profit organizations, and individual recipients

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What is Historic Preservation?

- Using historic buildings and places
- Preserving a “sense of place”
- Protecting irreplaceable resources
- In a few instances, setting aside buildings and sites for museums and study

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National Historic Preservation Act

Congress finds and declares that--
"the spirit and direction of the Nation are founded upon and reflected in its historic heritage"

9

National Historic Preservation Act

Congress finds and declares that--
"the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people"

10

National Historic Preservation Act

Congress finds and declares that--

"the preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans"

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Preservation is: Community Development

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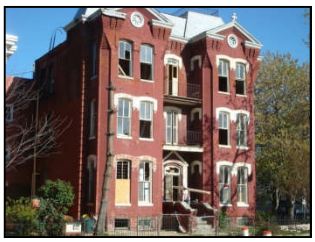
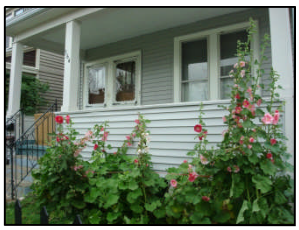
Preservation is: Affordable Housing





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Preservation is: Main Street Revitalization

http://www.preservationnation.org/main-street/

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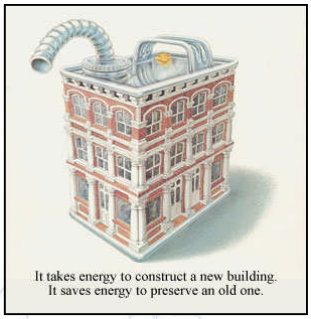
Preservation is: Economic Development

Studies show residential rehabilitation **creates 50% more jobs** than new construction.

Preservation is: Sustainability

The Greenest Building: Quantifying the Environmental Value of Building Reuse



http://www.preservationnation.org/information-center/sustainable-communities/sustainability/green-lab/valuing-building-reuse.html

"The greenest building is the one already built." Carl Elefante

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Preservation is: Sustainability

http://www.nps.gov/tps/standards/rehabilitation/sustainability-guidelines.pdf

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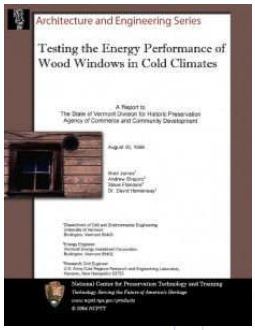
Preservation is: Sustainability



Window studies:

http://www.nps.gov/tps/sustainability/research.htm

http://ncptt.nps.gov/testing-the-energy-performance-of-wood-windows-in-cold-climates-a-report-to-the-state-of-vermont-division-for-historic-preservation-agency-of-commerce-and-community-development-1996-08/

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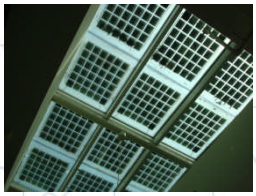
Preservation is: Sustainability



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Preservation is: Adaptive Reuse

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National Register of Historic Places

- Official list of historic properties worthy of preservation
- Maintained by the National Park Service
- The threshold for Section 106

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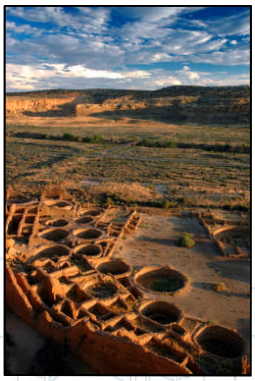
National Register of Historic Places

Age : Over 50 years old



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National Register of Historic Places

Criteria

A. Historic Significance
B. Famous Person
C. Architectural Significance
D. Ability to Yield Important Information

Level of Significance: local, state or national

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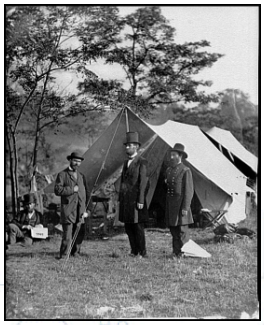
National Register of Historic Places

A. Historic Significance



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National Register of Historic Places

B. Association with Important Person

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National Register of Historic Places

C. Architectural Significance

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National Register of Historic Places

D. Ability to Yield Important Information (Archeology)

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National Register of Historic Places

Integrity

Location, design, setting, materials, workmanship, feeling, and association

(Courtesy: University of Vermont Historic Preservation Program)

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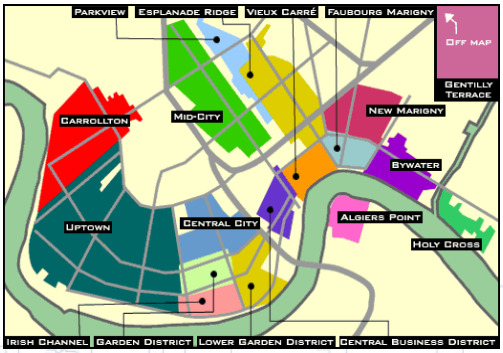
National Register of Historic Places

Historic District

- Individual parts comprise a greater whole
- Neighborhood, downtown, other area with a concentration of historic buildings
- Contributing Buildings
  Non-contributing Buildings
  - Lack age
  - Lack Integrity



Map of New Orleans Historic Districts

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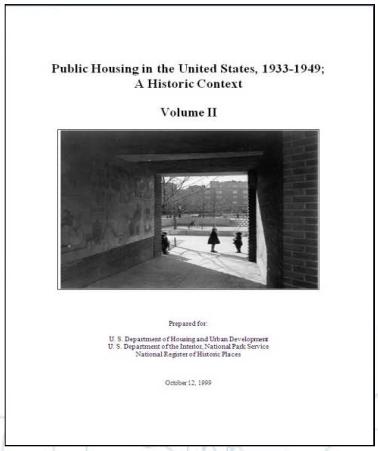
Historic Context Multiple Property Documentation



Public Housing in the United States, 1933-1949; A Historic Context

Volume II

Prepared for:
U. S. Department of Housing and Urban Development
U. S. Department of the Interior, National Park Service
National Register of Historic Places

October 12, 1999

- Theme
- Geographic area
- Time Period
- Registration Requirements

http://www.nps.gov/nr/publications/guidance/Public%20Housing%20in%20the%20United%20States%20MPS.pdf

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Where to find information on Historic Buildings

National Register database
http://www.nps.gov/nr/index.htm

SHPO offices with databases on the web
http://www.nps.gov/nr/shpoinventories.htm

SHPO offices
http://www.ncshpo.org/find/index.htm

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State Historic Preservation Officer

South Dakota State Historical Society
Department of Tourism and State Development

North Carolina
State Historic Preservation Office
Department of Cultural Resources
Office of Archives and History

Office of History & Archaeology
Alaska Department of Natural Resources, Division of Parks and Outdoor Rec.

Maine Historic Preservation Commission
STATE OF MAINE

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Effects of Designation

- Pride and recognition of historic quality
- Protection in projects that use federal funds, permits or licenses
- Qualification for federal preservation grants if there is funding (none since 1980)
- Qualification for federal and state preservation tax credits
- Consideration in decision to issue a surface mining permit for coal

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Local Historic Districts

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Secretary of the Interior's Standards

- Find a compatible use
- Retain historic materials and features
- Repair rather than replace
- If necessary, replace in kind

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Secretary of the Interior's Standards

- Preserve archeological resources
- Distinguish new construction from the old

National Park Service guidance on the Standards
http://www.nps.gov/tps/standards.htm

Preservation Briefs
http://www.nps.gov/tps/how-to-preserve/briefs.htm

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20% Historic Tax Credit

Listed on National Register of Historic Places

Income-producing property

Substantial Rehabilitation

Adjusted Basis
- Purchase Price
- minus value of land
- minus depreciation
+ plus value of capital improvements

Work meets Secretary of the Interior's Standards for Rehabilitation

http://www.nps.gov/tps/tax-incentives/before-you-apply.htm

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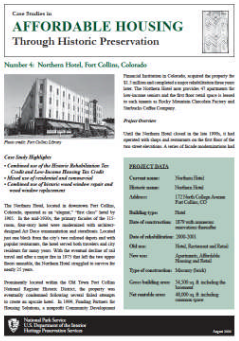
20% Historic Tax Credit

Can be used in combination with the Low Income Housing Tax Credit (LIHTC)



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Easements

- Restrictions to protect historic property
- Easements on building exterior and/or interior, and on historically important land
- Property remains in private ownership
- Easement held by qualified organization with responsibility to enforce restrictions
- Stewardship fee
- Owner may claim value of easement as tax deduction
- Value affected by level of new restriction imposed

http://www.nps.gov/tps/tax-incentives/taxdocs/easements-historic-properties.pdf

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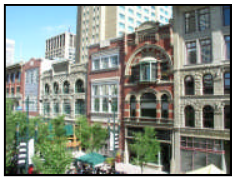
Section 106

- The National Historic Preservation Act of 1966 requires federal agencies to consider the impact of their projects on historic properties



- Process known as "Section 106" review
- Implementing regulations – 36 CFR Part 800
- Incorporated by reference in HUD regulations 24 CFR Part 50 and Part 58

Section 106

Step 1: Initiate Consultation

Step 2: Identify and evaluate historic properties

Step 3: Assess effects

Step 4: Resolve any adverse effects

Section 106

- General Guidance in ATEC (Assessment Tools for Environmental Compliance) on HUD website

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/atec

or search on the Internet for "HUD ATEC"

Agency Official

- Certifying official for Part 58 Responsible Entities
- HUD approving official for Part 50 programs
- Agency is responsible for ensuring compliance before project approval
- Agency Official is the decision-making party
- Engage cultural resource professionals as needed

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Step 1: Initiate Consultation

- Determine whether there is an undertaking
- Identify the appropriate SHPO/THPO
- Decide what other consulting parties should be involved
- Clarify how the public will be involved in project planning

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Consulting Parties

- Agency Official
- Applicants
- State Historic Preservation Officer (SHPO)
- Federally recognized Indian tribes and Native Hawaiian organizations
- Tribal Historic Preservation Officer (THPO)
- Local governments
- Organizations with demonstrated interest
- Public
- Advisory Council on Historic Preservation (ACHP)

Consultation is a process, not an event

Consultation means the process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the Section 106 process.
[36 CFR Section 800.16 (f)]

Step 1: Initiate Consultation

TDAT -- Tribal Directory Assessment Tool

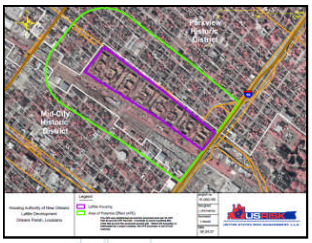
http://egis.hud.gov/tdat/Tribal.aspx

- Information on counties of interest was gathered from tribes in 2011
- Will be updated as contact information changes

Tribal Directory Assessment Tool (TDAT)

Step 2: Identify Historic Properties

- Determine scope of identification efforts
- Determine and document the area of potential effects (APE)
- Identify historic properties
- Evaluate historic significance by applying the National Register Criteria



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Step 3: Assess Adverse Effects

- Apply the “Criteria of Adverse Effect” to each property that will be affected
- Evaluate whether Adverse Effects can be avoided through project design, location, or treatment
- Determine whether the undertaking will have an effect on one or more properties within the APE

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Examples of Adverse Effect

Damage, destruction, or removal of historic properties

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Examples of Adverse Effect

Change in the character of use/setting

Alteration not according to the Secretary's Standards

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Examples of Adverse Effect

Removal

Introduction of visual, audible, or atmospheric elements

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Step 4: Resolve Adverse Effects

- If Adverse Effect, notify Advisory Council and invite their participation in consultation
- Council will respond within 15 days
- Criteria for Council participation
  36 CFR Part 800 Appendix A

Step 4: Resolve Adverse Effects

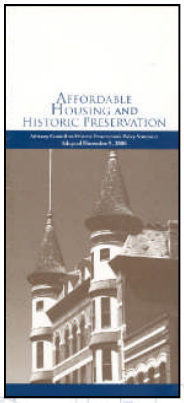
Consult to avoid, minimize or mitigate Adverse Effects

- Consider alternatives
- Consider mitigation measures

Memorandum of Agreement (MOA)

- Required signatories – RE, SHPO/THPO, ACHP
- Invited signatories – THPO, tribe, other consulting parties
- Must be executed prior to decision point for project

Step 4: Resolve Adverse Effects



ACHP Policy Statement on Affordable Housing and Historic Preservation

http://www.achp.gov/afford.html

Step 4: Resolve Adverse Effects

Mitigation

– Mitigation measures may relate to the specific property that is being affected, or other historic properties in a similar location or of a similar type.

Avoidance	Modification of project
Documentation	Research/Publication
Education	Interpretation
Curation	Off-site Preservation
Monitoring	Landscaping/screening

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Section 106

Programmatic Agreement (PA)

- Used to cover multi-year programs with multiple undertakings, potential adverse effects
- Could be city-, state-, or nation-wide in scope
- Exempt activities
- Streamlined review process
- Possible delegation of review authority

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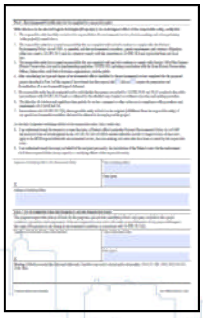
Unanticipated Discoveries

- If historic properties are discovered during construction, stop construction and notify SHPO, THPO, tribes, and ACHP within 48 hours, and reenter consultation
- If discovery includes human remains, respectfully cover over and secure the remains, and notify same parties plus local law enforcement officials
- Follow ACHP "Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects"

Record of Compliance

Revised Request for Release of Funds (RROF) form (7015.15)

- Old form required certification of compliance with all relevant environmental laws and regulations
- Revision adds certification of compliance with Section 106 process including consultation with SHPO and Indian tribes
- Ties consultation to approval of release of funds



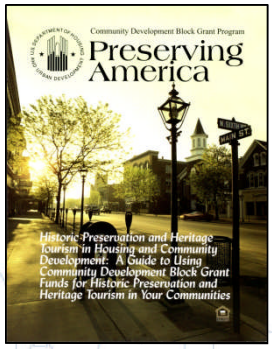
- http://www.hud.gov/offices/adm/hudclips/forms/hud7.cfm

HUD-assisted Projects

Community Development Block Grant (CDBG)

- Building Rehabilitation
- Planning
- Feasibility Studies
- Survey and Nomination

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/programs



http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_14211.pdf

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HUD-assisted Projects

Community Development Block Grant (CDBG)

Former Wilson School
Casper, Wyoming

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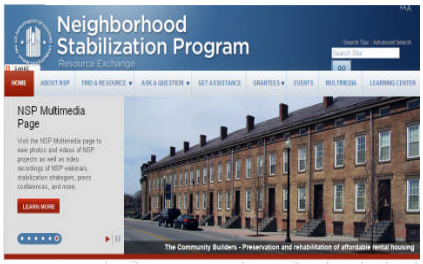
HUD-assisted Projects

Neighborhood Stabilization Program (NSP)



Foreclosed and Abandoned Homes

- Purchase
- Rehabilitate
- Landbank
- Demolish
- Redevelop

https://hudnsphelp.info/

Choices are Local

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HUD-assisted Projects

Neighborhood Stabilization Program (NSP)

Lafayette Place Lofts (former Sears), Pontiac, Michigan

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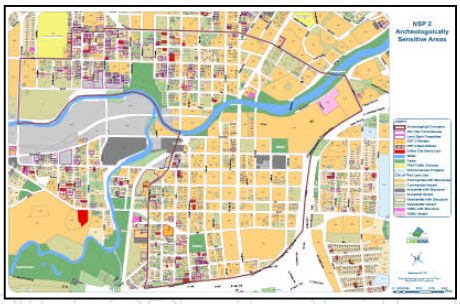
HUD-assisted Projects

Neighborhood Stabilization Program (NSP)



Archeological sensitivity map and monitoring program

Flint, Michigan

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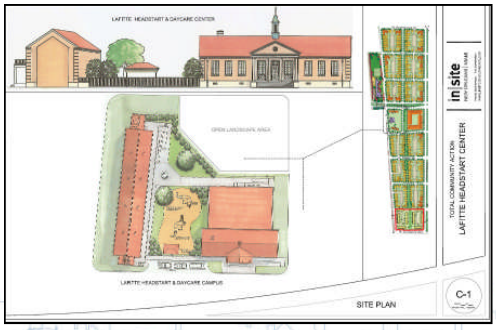
HUD-assisted Projects

Public Housing



Lafitte Headstart and Daycare Center

New Orleans, LA

http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/ph

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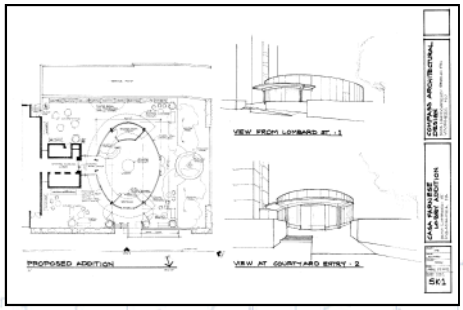
HUD-assisted Projects

Multi-Family Section 223(f)



Casa Farnese, Philadelphia, PA

http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/mfh/progdesc/purchrefi223f

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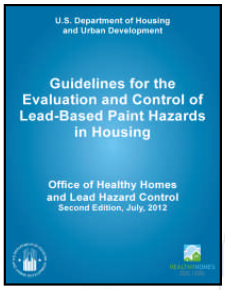
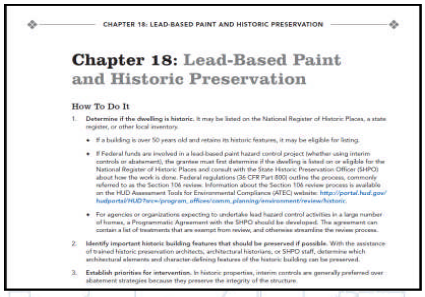
HUD-assisted Projects

Lead Hazard Control





http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/lbp/hudguidelines

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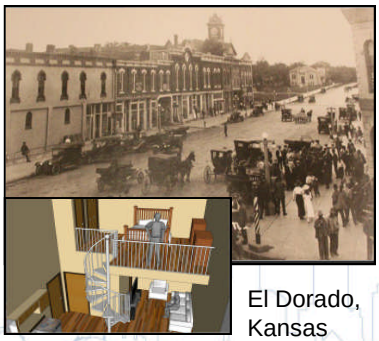
HUD-assisted Projects

HOPE VI Main Street Grant



El Dorado, Kansas

Mayesville, SC

http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/ph/hope6/grants/mainstreet

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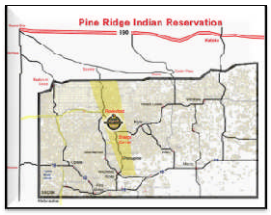
HUD-assisted Projects

Sustainable Communities Planning Grant



Oyate Omniciyé
OGLALA LAKOTA PLAN

Thunder Valley CDC
Oglala Lakota Nation

http://portal.hud.gov/hudportal/HUD?src=/program_offices/sustainable_housing_communities/sustainable_communities_regional_planning_grants

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HUD-assisted Projects

HOME Program

Lincoln Avenue Apartments
Goshen, IN

http://www.hud.gov/offices/cpd/affordablehousing/programs/home/

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Resources

- General Guidance in ATEC (Assessment Tools for Environmental Compliance) on HUD website

  http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/atec

  or search on the Internet for "HUD ATEC"

Resources

Local HUD Environmental Officers

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/contact/localcontacts

HUD Federal Preservation Officer

Nancy E. Boone
Office of Environment and Energy
Community Planning and Development
202-402-5718
Nancy.E.Boone@HUD.gov