

# Appendix 13-B

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## Other Historic Programs

### Federal and State Programs for Consideration

#### Federal Level

The **National Trust for Historic Preservation** has helped protect historic resources for more than 50 years. The Trust provides leadership, education, and advocacy to save America's diverse historic places and revitalize communities. The Trust owns and operates a collection of nationally significant house museums and provides a wide range of preservation services across the country, including grant programs. More information can be found at their website, <http://www.preservationnation.org/>.

Previous federal surface transportation and funding bills, such as **SAFETEA-LU** included a Transportation Enhancement (TE) Program to strengthen the cultural, aesthetic, and environmental aspects of the Nation's intermodal transportation system. Improvements eligible for 80% federal funding under the TE Program included acquisition of scenic lands and purchase of historic properties or buildings in historic districts, including historic battlefields. Depending upon the next federal transportation reauthorization bill, the TE Program may continue to be a potential funding source for historic preservation projects.

Founded in 1989, **Partners for Sacred Places**, based in Philadelphia, is the nation's only non-denominational, non-profit organization devoted to helping Americans embrace, maintain, and make good use of older and historic religious structures. Partners for Sacred Places provides assistance and serves as an information clearinghouse for groups interested in finding out more information on how to maintain historic structures, outreach to children, fundraising, sharing property and uses, and more on their website <http://www.sacredplaces.org>.

While pivotal federal legislation and programs for historic resource protection have been discussed or indirectly referenced in this Chapter, information about **other Federal laws** affecting historic resources is available on the PHMC's website.

The National Trust for Historic Preservation provides tracking of **prospective federal legislation** on the Advocacy Center section of their website: <http://www.preservationnation.org>.

#### National Historic Landmarks Program

National Historic Landmarks (NHL) "are nationally significant historic places designated by the Secretary of the Interior because they possess exceptional value or quality in illustrating or interpreting the heritage of the United States" and include buildings, sites, districts, structures, and objects that have been determined by the Secretary of the Interior to be nationally significant in American history and culture.

There is a nomination process to become an NHL, and a set of criteria are used to determine the level of national significance. The NHL designation automatically places a resource on the National Register. Once designated, the NPS NHL Assistance Initiative assists in NHL preservation through technical assistance to NHL owners/managers and through education of the public about the importance of NHLs. The NHL Stewards Association, a group of owners and managers, also work to preserve, protect, and promote NHLs. Relatively speaking, few properties hold this national distinction. As of November 2010, there were nine NHLs in Chester County, including large scale sites such as Brandywine Battlefield National Historic Landmark and Valley Forge National Historical Park, and 167 NHLs statewide in Pennsylvania.

### **Section 106 Review Process**

The Section 106 review process was one of the most effective components of the National Historic Preservation Act (NHPA) in reducing the loss of historic resources. This section of the NHPA requires that any federally sponsored, funded or assisted project, including those requiring a federal permit, license, or approval, is reviewed for its impact on historic resources either listed on, or determined eligible for, the National Register. The federal agency directly or indirectly responsible for the project is also responsible for ensuring compliance with the review process. This review can be delegated to federal field offices or passed through to the state, county or municipal governmental agency responsible for administering the federal funds. Conducting the review at the local level can encourage local input on projects and provide for a high degree of participation on the part of those who may be directly impacted by an activity. This is important as the Section 106 process also stipulates that the public be notified of such projects and their effects, which in turn is key as public involvement helps leads to more acceptable community solutions.

Section 106 does not necessarily protect historic resources from demolition or alteration, however, it requires an investigation of alternatives and consideration of mitigation measures. For example, for Community Development Block Grant funding, administered by Chester County's Department of Community Development, National Register listed and eligible sites and historic districts are reviewed for a project's potential impact on resources prior to project initiation.

### **Investment Tax Credits for Historic Preservation**

The availability of federal income tax credits for the rehabilitation of income producing historic resources has proven to be a very effective means of encouraging their voluntary preservation. Investment tax credits first became available for historic preservation in 1976, and for the next 10 years, they served as a major incentive as billions of dollars were expended in the rehabilitation of historic properties. Although the program was scaled back in 1986, investment tax credits remain available and may result in substantial savings in rehabilitation costs, often making rehabilitation more financially feasible than new construction.

Section 47 of the Internal Revenue Code, promulgated after the Tax Reform Act of 1986, provides a rehabilitation tax credit of 20% for the rehabilitation of NPS certified historic structures (for commercial, industrial, agricultural, or rental residential purposes, but not for

structures used exclusively as an owner's private residence). A 'certified historic structure' is one that is either individually listed on the National Register or is certified as "contributing" to a National Register Listed District.

The Act also provides for a tax credit of 10% for the rehabilitation of older buildings (not National Register listed or eligible) placed in service before 1936 (applies only to buildings rehabilitated for *non-residential* uses).

## State Level

The NHPA authorizes the creation of a State Historic Preservation Office to administer provisions of the Act at the state level. In Pennsylvania, the agency assigned this responsibility is the Pennsylvania Historical and Museum Commission. The Pennsylvania Historical and Museum Commission (PHMC) is responsible for maintaining and administering the state's sites and museums, making determinations of eligibility (DOEs) for the National Register, managing the State Archives, and administering a wide variety of historic preservation programs.

### Pennsylvania History Code

Many of the federal mandates required through NHPA are reiterated in the Pennsylvania History Code, Title 37 of the Pennsylvania Consolidated Statutes. The code pertains to the conservation, preservation, protection, and management of historical and museum resources and identifies PHMC as the responsible agency. It outlines Pennsylvania's legal framework for historic preservation and also mandates cooperation among other state entities in identifying and protecting historic and archeological resources. Additional state legislation addresses preservation, supplementing the provisions of the History Code.

### Pennsylvania Preservation Plan

In 1999, PHMC and its partners developed a 5-year preservation plan for Pennsylvania. PHMC just recently completed an update to this plan entitled, *Honoring the Past, Planning for the Future: Pennsylvania's Historic Preservation Plan 2006-2011*. Focus groups were convened around the state, and an online survey was developed. The responses of both are reflected in the priorities of this plan through three plan goals and implementing objectives/actions. The three main goals of the plan are as follows:

- *Goal 1:* Recognize, sustain, and support historic resource as viable components of local community environments.
- *Goal 2:* Secure stable public policy and public funding supports at all levels for the preservation of historic and cultural resources.
- *Goal 3:* Identify and celebrate preservation accomplishments through recognition, leadership, stewardship, and outreach.

The full plan can be found on PHMC's website, preservation plan tab, at: <http://www.phmc.state.pa.us/bhp>.

### **Other State Legislation**

While pivotal state legislation and programs for historic resource protection has been discussed or indirectly referenced in this chapter, additional information can be found at PHMC's website. Information about new and proposed state legislation affecting historic resources is available on the Preservation Pennsylvania's website: <http://www.preservationpa.org>.