

A COMPARISON OF THE NATIONAL REGISTER OF HISTORIC PLACES WITH LOCAL HISTORIC LANDMARK AND DISTRICT DESIGNATIONS

The National Register of Historic Places and *local* historic landmark and historic district designations are two very different programs that recognize and protect historic properties. Some historic properties and districts may receive both types of recognition in communities where local historic preservation commissions have been established according to North Carolina enabling legislation. However, local designation is entirely a local government decision and is independent of the National Register program.

THE NATIONAL REGISTER OF HISTORIC PLACES

The National Register of Historic Places is a federal program administered by the National Park Service in partnership with state governments. The National Register was created by the National Historic Preservation Act of 1966 to recognize and protect properties of historic and cultural significance that warrant consideration in federal undertakings such as highway construction and urban renewal projects, and to provide incentives for local and private preservation initiatives.

In each state the program is administered by a *State Historic Preservation Officer* (SHPO), who is usually an official in a state historical or environmental agency. In North Carolina, the State Historic Preservation Officer is the Director of the Division of Archives and History. The SHPO is responsible for conducting the statewide survey of historic properties, coordinating nominations of eligible properties to the National Register, and conducting environmental review of federal and state projects that may affect properties listed or eligible for listing in the National Register. Nominations of properties to the National Register are prepared and reviewed at the local and state levels, but the final decision to list a property or district in the National Register is made by the National Park Service.

National Register listing is primarily an honor, meaning that a property has been researched and evaluated according to established procedures and determined to be worthy of preservation for its historical value. The listing of a historic or archaeological property in the National Register does not obligate or restrict a private owner in any way unless the owner seeks a federal benefit such as a grant or tax credit or applies for a special permit. For a private owner, the chief practical benefit of National Register listing is eligibility for investment tax credits that can be claimed against the cost of a certified rehabilitation. If the property is income-producing, the owner may be eligible for a combination of state and federal tax credits; if the property is non-income-producing, the owner may be eligible for a state tax credit.

For more information about the National Register, please see the following State Historic Preservation Office fact sheets:

"WHAT IS THE NATIONAL REGISTER OF HISTORIC PLACES?"

"NATIONAL REGISTER CRITERIA FOR EVALUATION"

"HOW HISTORIC PROPERTIES ARE LISTED IN THE NATIONAL REGISTER OF HISTORIC PLACES"

"STATE AND FEDERAL HISTORIC REHABILITATION TAX CREDITS"

LOCAL HISTORIC LANDMARK AND DISTRICT DESIGNATIONS

The Preservation Commission. Local governments (municipalities and counties) may establish a preservation commission under North Carolina General Statute found in 160D.* A preservation commission may carry out a comprehensive preservation program, including recommending to the governing board that certain properties and areas be locally designated as landmarks and historic districts. The commission may be called other names: for example, historic properties commission,

*§160D-940 to -951, §160D-102, §160D-303, and §160D-404(c)

historic landmarks commission, historic district commission, or historic resources commission.”

A local government is not obligated to establish a preservation commission, even if there are National Register properties in the community. Commissions are generally established only where there is sufficient local interest in historic preservation and the local planning environment is responsive to this interest. Listing properties or districts in the National Register may build local support for a commission, but does not mean that a commission and local designations will necessarily follow.

A preservation commission is established by an ordinance that sets forth the organization, operations, and powers of the commission, as prescribed in the state enabling statute. The ordinance also sets forth the procedures the governing board will follow to designate landmarks and/or historic districts. The governing board may designate any property or district which it deems has special significance and integrity, regardless of whether or not it is listed in or eligible for the National Register. While National Register standards for listing serve as a useful guide for local designation decisions, those standards need not be strictly applied when the governing board is deciding what shall be locally designated.

Local Landmarks. Landmark designations apply to individual buildings, structures, sites, areas, or objects which are studied by the commission and judged to have historical, architectural, archaeological, or cultural value. Designation is an honor, meaning the community believes the property deserves recognition and protection. The local government designates landmarks through passage of an ordinance. Owners of landmarks are eligible to apply for an annual 50% property tax deferral as long as the property's important historic features are maintained. Recapture penalties may apply if the owner destroys the property or damages its historic value.

Local Historic Districts. Historic district designation is a type of zoning that applies to entire neighborhoods or other areas that include many historic properties. The zoning provides controls on the appearance of existing and proposed buildings. Designation is an honor, meaning the community believes the architecture, history, and character of the area are worthy of recognition and protection. Historic district zoning can help stabilize and improve property values, and it benefits property owners by protecting them from inappropriate changes by other owners that may destroy the special qualities of the neighborhood. Unlike landmark designations, local historic district designation has no effect on local property taxes for property owners within the designated district.

Certificates of Appropriateness. Owners of local landmarks and of property in local historic districts are required to obtain a *certificate of appropriateness* from their preservation commission before making significant changes or additions to a property, before beginning new construction, or before demolishing or relocating a building or structure. The commission's review of proposed changes ensures that changes to landmarks or properties in historic districts are appropriate to the special character of the landmark or district. A certificate of appropriateness for demolition cannot be denied unless the property is deemed to be of statewide significance by the State Historic Preservation Officer. In all other cases, the commission may delay demolition or relocation for up to 365 days to explore alternatives to demolition or relocation.

Federal and State Tax Benefits and Local Designations: Locally designated landmarks and properties located within local historic districts are generally *not* eligible for federal or state preservation tax credits *unless* the landmark or district is also listed in the National Register of Historic Places. The only exceptions are those properties in local districts which are not listed in the National Register, but which have been *certified* by the National Park Service as essentially meeting National Register criteria. There are only three such certified local districts in North Carolina. An owner of a property that is *both* locally designated and listed in the National Register who is seeking preservation tax credits for a rehabilitation must acquire a local certificate of appropriateness *and* preservation tax certification through separate applications. Approval for one does not imply or guarantee approval for the other, though in most cases local design review standards and federal rehabilitation standards are in concurrence and are mutually reinforcing.

FOR MORE INFORMATION contact the Preservation Commission Services Coordinator, State Historic Preservation Office, 4617 Mail Service Center, Raleigh, NC 27699-4617. Telephone 919/814-6576.