

07 NCAC 04R .0905 CERTIFICATION

(a) Requests for evaluation of historic significance should be made by the owner to determine whether or not a structure located within a registered historic district contributes to the significance of the district.

(b) If the property is individually listed in the National Register, and of a character subject to the allowance for depreciation provided in Section 167 of the Internal Revenue Code of 1954, it automatically is considered a certified historic structure.

(1) To determine whether or not a property is individually listed in the National Register, the owner should consult the listing of National Register properties, which identifies the structures in a registered historic district that are of historic significance to the district.

(2) If the property is individually listed in the National Register and the owner believes it has lost the characteristics which caused it to be nominated and therefore wishes it delisted, the owner should consult the SHPO and refer to the delisting procedures outlined in 36 CFR 60.

(3) Many individual properties in the National Register include more than one structure. In these cases, the SHPO and the secretary will consider the property listing as a registered historic district for the purpose of determining which of the structures encompassed by the property are of historic significance to the property.

(4) If it is proposed that a structure individually listed in the National Register be moved as a part of a request for certification of rehabilitation, the owner must follow the procedures outlined in 36 CFR 60.8. When a property is moved, every effort should be made to reestablish its historic orientation, immediate setting, and general environment.

(c) If the property is located within the boundaries of a registered historic district and the owner wishes the secretary to certify as to whether the structure contributes to the significance of the district, the owner must complete Part 1 of the Historic Preservation Certification Application and submit it to the SHPO. The following minimum documentation is required:

(1) name of owner;

(2) name and address of structure;

(3) name of historic district;

(4) current photographs of structure; photographs of the structure prior to alteration if rehabilitation has been completed; photographs showing the structure along with adjacent structures on the street; and, where applicable, photographs of significant interior features and spaces;

(5) brief description of appearance including alterations, distinctive features and spaces, and dates of construction;

(6) brief statement of significance summarizing how the building reflects the values that give the district its distinctive historical and visual character, and explaining any significance attached to the building itself (i.e., unusual building techniques, important events that took place there, etc.);

(7) sketch map showing structure's location within the district; and

(8) signature of property owner requesting the evaluation.

(d) For purposes of the 15 and 20 percent tax credits under 26 U.S.C. 46, structures within registered historic districts are presumed to contribute to the significance of such districts unless certified as non-significant by the secretary. Owners of non-historic structures within registered historic districts must obtain certification of non-significance in order to qualify for either the 15 percent (buildings 30-39 years old) or the 20 percent (buildings 40 years or older) investment tax credit. If an owner begins or completes demolition or substantial alteration of a structure in a registered historic district without knowledge of requirements for certification of non-significance, he may request certification that the structure was not of historic significance to the district prior to substantial alteration or demolition in the same manner as stated in Paragraph (c) of this Rule.

(e) If an owner wishes to obtain certified rehabilitation status for a building which has been moved (or is proposed to be moved) into a registered historic district or which is within a registered historic district and which has been moved (or will be moved) elsewhere in the district, he must complete Part 1 of the Historic Preservation Certification Application and, in addition to the minimum documentation outlined in this Rule, should submit documentation which discusses:

(1) the effect of the move on the property's appearance (any proposed demolition, proposed changes in foundations, etc.);

(2) the new setting and general environment of the proposed site;

(3) the effect of the move on the distinctive historical and visual character of the district.

Photographs showing the proposed location must be sent with the documentation. When a property is moved, every effort should be made to reestablish its historic orientation, immediate setting, and general environment.

- (f) Structures within registered historic districts will be evaluated for conformance with the Secretary's Standards for Evaluating Structures within Registered Historic Districts.
- (g) The SHPO will sign Part 1 indicating his recommendation as to the significance of the structure and forward Part 1, the photographs, and the map to the secretary within 45 days after the owner has submitted the required information.
- (h) A preliminary certification of significance may be requested by the owner by filling out Part 1 of the Historic Preservation Certification Application and sending it to the SHPO. The SHPO will review preliminary certification requests for conformance with the National Register criteria (36 CFR 60.4) and the Secretary's Standards for Evaluating Structures within Registered Historic Districts. The SHPO shall forward the application with recommendations to the secretary for review. The secretary shall notify the applicant and the SHPO of the preliminary certification decision. The time periods applicable to other certification of significance requests shall apply to preliminary certification requests also.
- (i) In cases where it is difficult to make a determination of significance because it is impossible to determine the amount of remaining historic fabric, such as where metal screening obscures facades, or where a substantial question exists about the degree of physical deterioration and structural damage, but an owner wishes to attempt certified rehabilitation, it may be necessary to make a certification of significance conditional upon approval of the completed rehabilitation. A conditional certification indicates that the property appears to have the potential to meet National Register criteria for listing or to contribute to a district but will not be considered a certified historic structure until such time as the property is individually listed or, in the case of a building within a registered historic district, a certification of rehabilitation is issued.
- (j) Once the significance of a structure located within a registered historic district has been determined by the secretary, the property owner and the SHPO will receive written notification in the form of a certification of significance or conditional certification or as a notice that the structure does not contribute to the historic significance of the district. Written notification will be made within 30 days of receipt of Part 1 of a Historic Preservation Certification Application, with documentation as specified in this Rule. In cases where Parts 1 and 2 are submitted together, review of Part 1 will be completed within 30 days, but notification to the owner for both Parts 1 and 2 will generally be made within 45 days.
- (k) When a preliminary certification of significance has been made for a building proposed for individual listing in the National Register or for inclusion within a district proposed for listing or certification, the preliminary certification will be considered as completed as of the date of individual listing on the National Register or the date of listing or certification of the historic district. If information included in the nomination or district documentation differs substantially from that reviewed with the preliminary certification request, however, the SHPO and the secretary will review the preliminary request a second time prior to a final decision on listing the district and the secretary will make a judgment as to whether a structure should be treated as a certified historic structure.

History Note: Authority G.S. 121-8; 26 U.S.C. 46-48; 26 U.S.C. 170; 26 U.S.C. 191; 26 C.F.R. Part 1; 36 C.F.R. 67; Eff. February 1, 1985; Amended Eff. June 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.