Appendix I

Programmatic Agreement on Historic Preservation

PROGRAMMATIC AGREEMENT AMONG THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS, THE GEORGIA STATE HISTORIC PRESERVATION OFFICE AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION FOR THE ADMINISTRATION OF THE STATE OF GEORGIA "SMALL CITIES" COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP PROGRAMS

WHEREAS, the federal government has created and funded the Small Cites Community Development Block Grant (hereinafter "CDBG") and HOME Investment Partnership (hereinafter "HOME") programs in order to stimulate the revitalization of blighted low income neighborhoods and the repair, rehabilitation, and construction of affordable housing targeted to low income individuals and families; and

WHEREAS, the Georgia Department of Community Affairs (hereinafter "DCA") administers the CDBG program on behalf of general local governments with funds allocated by the Department of Housing and Urban Development (hereinafter "HUD"); and

WHEREAS, the Georgia Department of Community Affairs (hereinafter "DCA") administers the HOME program on behalf of general local governments and other eligible recipients with funs allocated by HUD; and

WHEREAS, by virtue of the age and significance of many low income neighborhoods, districts, and housing units eligible for CDBG or HOME funds in Georgia, the implementation of the CDBG and HOME programs by DCA may have an effect upon properties included in or eligible for inclusion in the National Register of Historic Places (hereinafter "National Register") pursuant to Section 800.13 of the regulations, 36 CFR Part 800, implementing Section 106 of the National Historic Preservation Act, 16 U.S.C. 470f (hereinafter Section 106"); and

WHEREAS, Pursuant to 24 CFR Part 58, HUD has delegated the responsibility for compliance with the requirements of NEPA and Section 106 to DCA; and

WHEREAS, Pursuant to 24 CFR Part 58, DCA delegates its responsibility for compliance with NEPA and Section 106 to general local governments (hereinafter "State Recipients") which receive program funding from DCA and which enter into agreements with DCA for the administration of these programs; and

WHEREAS, in response to the principles set forth in the Advisory Council on Historic Preservation's (hereinafter "Council") Policy Statement on Affordable Housing and Historic Preservation (hereinafter "Policy Statement"), DCA, the Georgia State Historic Preservation Office (hereinafter "SHPO") and the Council have determined that DCA and its State Recipients can more effectively carry out their Section 106 review responsibilities for CDBG and HOME program activities if a programmatic agreement is used to streamline the administrative process, identify CDBG and HOME activities which can be exempted from Section 106 review because they have No Effect on historic properties, and permit greater flexibility when addressing historic properties which have special physical (e.g. lead paint, asbestos) or financial feasibility problems; and

WHEREAS, measures taken under this Agreement, while satisfying the requirements of Section 106 for purposes of the programs covered herein, do not automatically meet the requirements set forth in *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (hereinafter "the Standards") for purposes of the Federal or State Rehabilitation Tax Incentive Programs or other programs not specifically included in this Agreement; and

WHEREAS, for purposes of this Agreement, "Afford Housing" is defined as housing which is either occupied or intended for occupation by owners or renters who are low income and who earn less than 80% of the applicable Median Income with adjustments for family size;

NOW, THEREFORE, DCA, SHPO, and the Council agree to enter into a Programmatic Agreement (hereinafter "Agreement") which shall direct the administration of the CDBG and HOME programs primarily for low and moderate-income housing in accordance with the following stipulations in order to take into account the potential effect on historic properties and to satisfy DCA's Section 106 responsibilities for all such individual undertakings of the CDBG and HOME programs:

STIPULATIONS

DCA will ensure that the following measures are carried out:

I. ADMINISTRATION OF THE PROGRAMMATIC AGREEMENT

A. DCA shall ensure that State Recipients employ or contract with qualified professionals (hereinafter "Preservation Professional") who meet the *Secretary of Interior's Professional Qualifications Standards* at 36 CFR 61 (hereinafter "Professional Qualification"). The Preservation Professionals will carry out reviews related to their profession that are required under the terms of this Agreement, and DCA shall ensure that such Professionals follow the requirements established in this Agreement;

B. State Recipients will notify DCA and the SHPO in writing once their Preservation Professional has been selected, but prior to initiation of the undertaking. The notification shall include the curriculum vitae of the Preservation Professionals qualifications and the address, phone and fax numbers of the State Recipient's primary points of contact for project activities pursuant to this Agreement;

C. In order to assist DCA and State Recipients in ensuring that State Recipients employ or contract with qualified Preservation Professionals, and that such professionals follow the requirements established in this Agreement, the SHPO will compile a "List of Qualified Preservation Professionals" (hereinafter "List") who meet the Professional Qualifications. This List will also be compiled using information generated through application of the Recommended Qualifications for

Historic Preservationist (hereinafters "Recommended Qualification") outlined in Appendix A;

D. The SHPO will make this List available to State Recipients and other interested parties. In order to assist Preservation Professionals being placed on the List, the SHPO will provide a standard form which will be made available to State Recipients. State Recipients who select a name from the list will be required to only notify DCA and the SHPO of their selection, and no curriculum vitae will need to be submitted. This List will be made available for technical assistance and its use is not required. This List does not constitute an endorsement by DCA or the SHPO of any Preservation Professionals, and may not be exhaustive of all qualified Preservation Professionals;

E. Should DCA or the State Recipient determine that a State Recipient cannot employ or contract with qualified professionals to carry out reviews pursuant to this Agreement, DCA or the State Recipient shall consult with the SHPO to determine whether alternative arrangements can be made to allow the State Recipient or DCA to complete the review required pursuant to this Agreement. DCA shall notify the Council in writing of any alternative administrative procedures approved by the SHPO. If alternative arrangements cannot be made that meet the intent and terms of this Agreement, the State Recipient shall complete the Section 106 compliance process in accordance with 36 CFR Parts 800.4 through 800.6.

F. DCA, in consultation with the SHPO and Council, shall plan, develop, and provide technical assistance on an ongoing basis to State Recipients and Preservation Professionals in order to ensure responsible adherence to the terms of this Agreement, including but not limited to: 1) an annual workshop targeted at both program administrators and Preservation Professionals as a prerequisite for program participation by State Recipients, and 2) the development of standardized approaches to the rehabilitation of historic housing for low-to-moderate-income families in cooperation with Georgia entitlement communities and other interested parties;

EXEMPT ACTIVITIES

No review of properties is required if program activities are limited solely to those listed because these activities have a limited potential to affect historic properties;

A. Properties less than fifty (50) years old;

B. Rehabilitation (except reconstruction) of previously identified non-contributing building within a SHPO- approved surveyed historic district;

C. Rehabilitation work to historic properties which is being or has been reviewed by the SHPO for the Federal or State Rehabilitation Incentive Programs;

D. Community Development activities limited solely to the following:

1) General Community Development Activities which will not involve the alteration of potentially historic properties including;

2) Grants or loans to participants in any Economic Development program funded by CDBG which may be used for working capital, equipment, furniture, fixtures, and debt refinancing, or acquisition of non-historic building for reuse. Such activities shall require SHPO review only if such activities should involve changes to structures which are either listed in or are considered eligible for inclusion in the National Register;

3) Upgrading of existing curbs, sidewalks, streets, utilities, parks, or other public facilities or infrastructure, except where significant historic materials retain their integrity from the historic period and exhibit distinctive materials, methods of construction, or elements of design that would contribute to the character of a National Register-listed or eligible historic district or property;

4) Projects consisting of grants or loans to eligible families or entities to be applied solely to the purchase of residences or businesses;

5) Acquisition of property which is limited to the legal transfer of title with no physical improvements or changes proposed;

6) Demolition of dilapidated secondary structures (garages, sheds, etc.)

7) Rehabilitation of housing units fifty (50) years of age or older which were originally configured as One and Two-family units including:

a) All interior improvements and/or changes in floor plans that do not affect or change the appearance of the exterior, when the planned activities involve only interior spaces and other exempt activities, and a reasonable effort is made to conduct all interior and exterior alterations in accordance with guidance provided at Appendix B – (*Historic Rehabilitation Guidelines*;)

b) Repair, replacement, or installation of the following systems provided that such work does not affect or change the exterior appearance of street facing elevations of the property and has only minor affect on all other elevations:

* Electrical supply, switch/outlets, and fixtures;

* Plumbing supply, drainage, and fixtures;

* HVAC systems;

* Smoke, CO, alarms, security lighting or other safety devices;

* Electrical or mechanical ventilation systems;

* Kitchens, bathrooms, and utility room repairs and/or improvements.

c) Repainting of exterior surfaces provided that destructive surface preparation treatments, including sandblasting, are not used;

d) Weatherization or energy conservation activities which do not significantly affect the exterior appearance, especially the front elevation, including:

* Attic, floor and wall insulation;

* Caulking, weather-stripping, and other air infiltration control measures;

* Storm windows or doors, and wooden screen doors which do not harm or obscure historic windows or trim;

* Repair and weather-stripping of windows and doors in a manner which does not harm or obscure historic windows or trim;

* Underpinning and ventilation of crawlspaces except that underpinning of the front façade shall be accomplished by setting the underpinning material at least 2 inches behind the outer face of piers;

e) Lead-based Paint Abatement or "Management in Place" activities carried out in accordance with *Preservation Brief #37: Appropriate Methods for Reducing Lead-Paint Hazards in Historic Housing*;

f) Alterations necessary to comply with the Americans with Disabilities Act (ADA) or to improve handicap accessibility for current or anticipated residents of properties which are carried out in accordance with Preservation Brief #32: Making Historic Properties Accessible;

g) Asbestos siding or roofing materials may be either removed and replaced or encapsulated with new roofing or siding materials

which are compatible, though not necessarily similar, with the basic scale and historic character of the district;

h) Repairs to or replacement of deteriorated roof materials with either similar materials or with new materials which provide a sense of compatibility with other properties in the district (e.g. metal roofing or architectural shingles may be preferable if financially feasible);

i) Repair or re-framing of structural roof elements as required to improve the drainage and durability of the roof as long as the appearance of the roof lines visible from the front elevation are not affected;

j) Repair, replacement, or installation of gutters and down spouts;

k) Installation of door and/or window locks and/or electronic security apparatus;

l) Repair or re-pointing of chimneys, brick or other masonry features which are elements of the front elevation with design, materials and pointing to match original and, in cases of severe deterioration, elimination of chimneys above the roof line. When repairs are made, the work shall follow the recommended approaches in *Preservation Brief #2; Re-pointing Mortar Joints in Historic Brick Buildings*;

m) Removal of "floating" chimneys which lack full ground contact with non-combustible materials;

n) Repair of foundations and structural elements in a manner that is reasonably compatible with the scale and historic character of the district. Underpinning and ventilation of crawlspaces is permitted and, whenever original brick piers remain in place, shall be accomplished by setting the underpinning material at least 2 inches behind the outer face of piers;

o) Repair of front porches, ceilings, awnings, floors, rails, columns, cornices and other trim details with new materials used to match the original materials;

p) Repair of windows, doors, and siding with new materials which match the original in design, color, texture, and material composition;

III. IDENTIFICATION OF HISTORC PROPERTIES

If the State Recipient determines that the planned activities are not exempt activities as listed in Stipulation II, then the following steps shall be taken within 30 days:

A. For each target area or for each program activity, the Preservation Professional shall identify if the subject property or other properties within the area of potential effects are fifty (50) years old or older and evaluate each for eligibility in the National Register of Historic Places. In making this determination, the Preservation Professional shall consult previous surveys of historic properties and/or districts, if any;

B. At a minimum, the Preservation Professional shall maintain a file on the identification and National Register evaluation of each subject property and on other properties within the area of potential effects. The file shall include the following data used in the determination:

1) Interior and exterior building and neighborhood context photographs per Section 106 keyed to a location map;

2) Information on whether the property and/or district meets the criteria for the National Register inclusion;

3) Information indicating whether the property is contributing or non-contributing as part of a National Register-eligible historic district, or if it is individually eligible for the National Register.

C. In making a decision concerning the National Register-eligibility of subject properties:

1) The Preservation Professional shall consult with the owner of the property and record such information (owner's knowledge of the past history, age, alterations, etc.) for use by the Preservation Professional.

2) If the property is part of a series of proposed projects in a neighborhood or community, public input must be solicited at a regular or special public hearing called to fulfill the required CDBG and HOME public meeting requirements and in accordance with the Public Participation requirements outlined in Stipulation IX of this Agreement. The State Recipient shall make all public comments regarding identification of historic properties or the history of the district available to the Preservation Professional prior to the Preservation Professional making a decision concerning the eligibility of the subject property.

D. Properties which are determined to be contributing elements of a National Register-listed or eligible historic district shall be subject to further review pursuant to this Agreement;

E. If the Preservation Professional determines that the subject property does not meet the National Register criteria, then the Preservation Professional shall submit a letter to the State Recipient indicating that there is No Historic Property.

If the extant property is a non-contributing property in either a National Register-listed or eligible historic district, and will be replaced with a new unit, the Preservation Professional shall review the plans and specifications in accordance with Stipulation V.B.4.

F. If the Preservation Professional needs assistance in determining the eligibility of a property or district for the National Register, or the Preservation Professional and the State Recipient disagree on the eligibility of a property or district, the Preservation Professional shall forward the documentation listed at Stipulation III.B and C. to the SHPO for a thirty (30) day determination of eligibility. If necessary, the State Recipient may obtain a formal determination of eligibility from the Keeper of the National Register in accordance with 36 CFR Part 800.4(c).

G. Upon the completion of an historic property survey under this Agreement by a Preservation Professional, the results of the survey shall be forwarded to the SHPO for incorporation into the State Historic Resources Inventory.

EMERGENCY DEMOLITION

When emergency demolition of a building is required to eliminate an imminent threat to the health and safety of residents as identified by local or county building inspectors, fire department officials, or other local officials, the State Recipient shall adhere to the following procedures:

A. The State Recipient shall give the SHPO seven (7) business days to review the property in question, if the nature of the emergency allows. In such cases, the following information shall be forwarded to the SHPO by the State Recipient:

1) Identification of the property involved;

2) A clear statement about the nature (structural condition, threat to adjacent properties, etc.) of the emergency;

3) Photographs which clearly depict the emergency conditions; and

4) The maximum time-frame allowed by local officials to address the emergency.

B. If the SHPO determines that the emergency demolition involves a contributing structure which is located in a National Register-listed or eligible historic district or involves a structure which is a National Register listed or eligible property, the SHPO shall recommend to the State Recipient the appropriate mitigation measures as outlined in Appendix C – *Standard Mitigation Measures for Adverse Effects*. If feasible, the State Recipient shall make every reasonable effort to follow such recommendations.

C. The Preservation Professional shall maintain records in accordance with Stipulation XIII of this Agreement regarding the emergency undertaking and shall make records available to the public.

V. TREATMENT OF HISTORIC PROPERTIES

If the Preservation Professional determines that the property is a contributing structure which is either listed in the National Register or is eligible for listing in the National Register (or a lot within such a listed or eligible district), prior to the initiation of any work, the State Recipient shall request the Preservation Professional's review of the proposed work. Within thirty (30) days from the receipt of a request from the State Recipient, the Preservation Professional shall review work write-ups or plans and specifications submitted for all proposed activities not listed as exempt in Stipulation II for their effects to historic properties as follows:

A. Rehabilitation

Whenever the State Recipient is planning to do rehabilitation, prior to the initiation of rehabilitation activities, the Preservation Professional shall review work write-ups or plans and specifications to determine the effects of the proposed activities to historic properties.

B. New Construction

Whenever the State Recipient is planning to do reconstruction, in-fill construction, new construction, or additions to existing buildings in a National Register-eligible historic district, the Preservation Professional shall:

1) Review work write-ups to ensure that all work is compatible with the architecture of the historic district or adjacent historic buildings in terms of set-backs, size, scale, massing, design, color, features, and materials; and is responsive to the recommended approaches

for new construction set forth in the *Standards* and input received through the required public notification process.

2) Develop preliminary design plans in consultation with the State Recipient. Final plans and specifications will be submitted to the Preservation Professional for review and comment prior to the initiation of construction activities. If feasible, the State Recipient shall consult with the Preservation Professional to develop a set of historically compatible model replacement house plans in advance of any planned reconstruction activities which shall be shared with the public during the initial public hearings held.

C. The State Recipient shall take into account the comments and recommendations made by the Preservation Professional for both rehabilitation and new construction activities in accordance with one of the following findings:

1) The Preservation Professional may issue a finding of No Effect if the planned activities will not alter characteristics of the property, including its location, setting, or use, that may qualify it for inclusion in the National Register, including any activities undertaken which are listed in Stipulation II, Exempt Activities.

2) The Preservation Professional may issue a finding of No Adverse Effect under one of the three following conditions:

a) Properties which are transferred, leased, or sold with adequate restrictions or conditions to ensure preservation of the property's significant historic features;

b) Properties which will be rehabilitated in accordance with the *Standards* (Houses rehabilitated using the *Standards* meet the intent of this Agreement by definition and are the preferred solution whenever feasible);

c) Properties rehabilitated in accordance with the Standards which include some of the treatments outlined in Appendix B, Historic Preservation Guidelines, and in the opinion of the Preservation Professional, the overall project will avoid an Adverse Effect through meeting the intent of the *Standards* and Appendix B, given the condition of the building, economic constraints, and current housing requirements.

If, in the judgement of the Preservation Professional, activities initially planned by the State Recipient do not avoid an Adverse Effect but can be reasonably modified to avoid an Adverse Effect, the Preservation Professional may issue a Conditional No Adverse Effect finding indicating required all modifications. Once the State Recipient has addressed the required modifications, the Preservation Professional may issue a No Adverse Effect finding that permits the State Recipient to proceed with the revised activity.

3) The Preservation Professional may issue a finding of Adverse Effect under the following circumstances:

a) Projects where the Preservation Professional and the State Recipient agree that the proposed activities planned do not meet the intent of the *Standards* to avoid the Adverse Effects, cannot be reasonably modified to meet the intent of the *Standards* as stated in Stipulation C.2.b. and C.2.c. to avoid the Adverse Effects, and the Preservation Professional and the State Recipient agree that the proposed activities are the most feasible solution;

b) Projects where there is a disagreement about whether the proposed activities meet the intent of the *Standards* to avoid the Adverse Effects;

In the case of Adverse Effect, the Preservation Professional shall issue an Adverse Effect notice to the State Recipient. Such a notice will require the State Recipient to submit the work write-ups or plans and specifications to DCA and the SHPO for their review. If the SHPO does not respond within 21 calendar days from the time of its receipt, the State Recipient may proceed with the project. Projects having Adverse Effects shall require the State Recipient to mitigate the Adverse Effects as outlined in Stipulation X, and propose mitigation in accordance with Appendix C (– *Standard Mitigation Measures for Adverse Effects.*)

VI. SALVAGE OF ARCHITECHTURAL ELEMENTS

Prior to implementation of project activities involving historic properties under this Agreement, the State Recipient shall determine whether or not any architectural elements should be salvaged. If it is determined that such architectural elements exist, the State Recipient shall ensure that such elements are: 1) made available to owners of properties within the district; or 2) may be made available to any other interested party which can be reasonably expected to reuse such materials in the rehabilitation of other historic structures. The State

Recipient shall ensure that such architectural elements are removed in a manner that minimizes damage.

VII. TREATMENT OF ARCHEOLOGICAL SITES

The State Recipient shall notify the SHPO when ground-disturbing activities, to include excavation for footing and foundations, installation of utilities such as sewer, water, storm drains, electrical, gas, leach lines, and septic tanks, are proposed as part of an undertaking and shall comply with the following requirements:

A. The State Recipient shall request the SHPO's opinion regarding the potential effect of such activities on archaeological properties prior to initiation of project activities. If the SHPO determines that there is a high probability for the presence of significant archaeological sites or cultural remains within the project area, following the review of background information provided by the State Recipient or a review of state surveys, the State Recipient shall contract a qualified archaeologist to conduct archaeological surveys. The State Recipient shall forward the scope of work for the archeological survey to the SHPO for review and comment.

B. If the State Recipient and the SHPO determine that there is the potential for archeological properties listed on or eligible for listing on the National Register to be affected by the undertaking, the SHPO shall advise the State Recipient of the appropriate treatment for the archeological properties. If the State Recipient cannot avoid the archeological properties or preserve them in-situ, the State Recipient shall develop a data recovery plan that is consistent with the Secretary of the Interior's Standards and Guidelines for Archeological Documentation (48 FR 44734-37) and take into account the Council's publication "Treatment of Archeological Properties" and subsequent revisions made by the Council and appropriate state guidelines. The State Recipient shall submit treatment plans to the SHPO for review and comment and shall ensure that the approved plan is implemented by qualified archeologists.

VIII. DISCOVERY

If previously unidentified historic properties, including archaeological sites, are discovered during project rehabilitation or construction, the State Recipient shall immediately stop all project activities.

The State Recipient shall immediately contact the Preservation Professional concerning the discovery who shall then be requested to follow procedures outlined in Stipulations V and VI of this Agreement.

IX. PUBLIC NOTIFICATION REGARDING REHABILITATION ACTIVITIES

A. The State Recipient, in consultation with the Preservation Professional shall determine the public interest in planned rehabilitation or new constructions activities which may affect potentially historic properties or districts by informing the public about potentially historic properties while meeting its public participation requirements as set forth in the regulations for the CDBG and HOME programs and in complying with 24 CFR Part 58. The State Recipient shall notify the Preservation Professional of the public interest in any project activities covered under the terms of this Agreement.

B. At a minimum, the public meetings shall include a discussion of the planned rehabilitation activities overall effect to historic properties with emphasis on the following issues, as applicable:

1) The significance of the National Register districts;

2) a description of the financial assistance offered to affected property owners;

3) a discussion about the Federal and State Rehabilitation Tax Incentive Programs;

4) local historic codes and standards;

5) the relative costs of preservation verses rehabilitation;

6) the priority given to front facing facades;

7) treatment and/or replacement of windows and doors;

8) treatment and/or replacement of siding;

9) treatment of interior spaces;

10) treatment of foundations;

11) roofing materials;

12) new construction, reconstruction, or in-fill construction standards

13) mitigation of adverse affects;

C. At any time during the implementation of the measures stipulated in the Agreement, should the public raise an objection pertaining to the treatment of an historic property, the State Recipient shall

notify the Preservation Professional and take the objection into account. When requested by the objector, the State

Recipient and SHPO and/or Recipient is not being reviewed.

the Preservation Professional shall consult with the Council to resolve the objection. The State required to cease work while objections are

D. The State Recipient shall record all comments received at any public meetings, in writing, or by phone, which records shall become part of the Environmental Review Record (See Stipulation XIII).

RESOLUTION OF ADVERSE EFFECTS

A. As described in Stipulation V, activities which the Preservation Professional determines will have Adverse Effects to historic properties will require the State Recipient to submit the project to DCA and to the SHPO for their review;

B. If the State Recipient and the SHPO agree upon how Adverse Effects to historic properties will be mitigated (in accordance with one of the options listed in Appendix C – *Standard Mitigation Measures for Adverse Effects*), the State Recipient will enter into a mitigation agreement with the SHPO. The State Recipient may submit this mitigation agreement for concurrent review at the time it provide the documentation for a finding of adverse effect as outlined in Stipulation V;

C. If the State Recipient and the SHPO cannot come to an agreement on how the Adverse Effects should be mitigated using the mitigation measures in Appendix C, or if the public objects, or if the project will adversely affect a National Historic Landmark, or if human remains are present within the area of potential effects, the Preservation Professional shall notify the Council and initiate consultation as set forth at 36 CFR Part 800.5 (e).

XI. DISPUTE RESOLUTION

Should the SHPO object within thirty (30) days to any plans and specifications provided to it for review, or actions proposed pursuant to this Agreement, the State Recipient shall consult with DCA and the SHPO to resolve the objection. If

the State Recipient determines that the objection cannot be resolved, DCA shall request the further comments of the Council pursuant to 36 CFR Part 800.6(b). Any Council comment provided in response to such a request will be taken into account by DCA and the State Recipient in accordance with 36 CFR Part 800.6(c)(2) with reference only to the subject of the dispute. The State Recipient's responsibility to carry out all other actions under this Agreement that are not subjects of the dispute will remain uncharged.

XII. REVIEW OF PUBLIC OBJECTIONS

At any time during implementation of the measures stipulated in this Agreement, should any objection to any such measure or its manner of implementation be raised by a member of the public, the State Recipient shall take the objection into account, notify the Preservation Professional of the objection, and consult as needed with the objecting party, the SHPO, or the Council to resolve the objection, and consult as needed with the objecting party, DCA, the SHPO, or the Council to resolve the objection.

XIII. MONITORING AND REPORTING

A. DCA and the State Recipient will cooperate with the SHPO and Council should they request to review files for activities at specific project sites when given reasonable advance notification of such intent.

B. DCA will also review the activities of State Recipients to ensure compliance with this Agreement as part of its normal CDBG and HOME program monitoring activities.

C. The Preservation Professional shall provide a report of all review activities to the State Recipient which shall become part of the Environmental Review Record maintained by the State Recipient.

D. DCA will require State Recipients to complete a final report which shall include actions undertaken involving potentially historic properties. DCA shall provide access to SHPO on an ongoing basis of all final reports received from State Recipients.

XIV. RECORD KEEPING

The State Recipient shall maintain records of all activities untaken pursuant to this Agreement which shall become part of the Environmental Review Record for the project including:

A. All records related to the selection of the Preservation Professional which clearly documents adherence to the Professional Qualification (36 CFR 61) or Recommended Qualifications (Appendix A);

B. All records indicating the compliance of each property with the Exempt Activities at Stipulations II;

C. All records of correspondence and finding letters provided by the Preservation Professional to the State Recipient;

D. All records indicating all mitigation measures taken in accordance with Appendix C;

E. All records indicating further consultations with SHPO and/or the Advisory Council;

F. All records of public comments received during public hearings and written or telephonic comments received from the public at all other times;

G. All records (excluding permanent public records submitted in accordance with a selected mitigation measure under Appendix C) shall be maintained for a minimum of three (3) years after completion of each project and shall be made available to the general public and all other interested parties upon request during this timeframe.

XV. AMENDMENTS

Amendments to this agreement shall be made in the following manner:

A. Any party to this Agreement may request that it be amended or modified, whereupon DCA, SHPO, and the Council will consult in accordance with 36 CFR 800.13 to consider such revisions;

B. Any resulting amendments or addenda shall be developed and executed among DCA, SHPO, and Council in the same manner as the original Agreement.

XVI. TERMINATION

Any party to this Agreement may withdraw from its participation in the Agreement by providing thirty (30) calendar days notice to the other parties of their reasons for withdrawing.

XVII. FAILURE TO COMPLY WITH THIS AGREEMENT

In the event that the State Recipient does not carry out the terms of the Agreement, the State Recipient shall comply with 36 CFR Section 800.4 through 800.6 with regard to each individual CDBG or HOME project for which DCA has awarded funding to the State Recipient.

EXECUTION AND IMPLEMENTATION of this Programmatic Agreement evidences that DCA has satisfied its Section 106 responsibilities for all undertakings of the State administered Community Development Block Grant and HOME Investment Partnership Programs.

Georgia Department of Community Affairs

_____ _____

Assistant Commissioner Date

Historic Preservation Division, Department of Natural Resources

_____ _____

Director and State Historic Preservation Officer Date

Advisory Council on Historic Preservation

_____ _____

Executive Director Date

APPENDIX A – *Recommended Qualifications for Historic Preservationist*

In accordance with Stipulation I of this Agreement, a Preservationist Professional must meet, at a minimum, The Secretary of the Interior's Professional Qualifications Standards at 36 CFR 61. In addition, the following guidelines will be used to assemble the List of qualified Preservation Professionals outlined in Stipulation I.B.:

1. If the Preservation Professional is to identify historic properties pursuant to Stipulation III of this Agreement, have a minimum of one-year experience in applying the National Register of Historic Places eligibility criteria to buildings, structures and districts;

2. If the Preservation Professional is to review proposed rehabilitation work pursuant to Stipulation IV of this Agreement, have a minimum of one year experience in applying the *Secretary of the Interior's Standards* for Rehabilitation to rehabilitation projects; and

3. Have demonstrated the successful application of acquired proficiencies in the field of historic preservation by meeting at least one of the following:

a. Have demonstrated experience in completing the application forms for the rehabilitation of historic buildings pursuant to the National Park Service's Federal Historic Preservation Tax Credit program; or

b. Have demonstrated experience in developing plans for the rehabilitation or restoration of historic buildings that have been implemented; or

c. Have received an award from a local, state, or national organization in recognition for a historic building rehabilitation or restoration project; or

d. Have written an article in a professional journal, a chapter in an edited book, or a monograph on the subject of historic building rehabilitation or restoration; or

e. Have presented a paper or organized a session at a professional conference on the subject of historic building rehabilitation or restoration; or

f. Have served on local historic preservation commission, state National Register of Historic Places Review Board, or state or national historic preservation organization's board or committee in the capacity of architectural historian or architect.

APPENDIX B – *Historic Rehabilitation Guidelines*

A. Window Guidelines

1. To the extent feasible, windows should be repaired and maintained in place. However, the replacement of windows due to either their deterioration, failed lead-paint surface condition, or poor energy performance which are not part of street facing-elevations, and alterations to window openings which are not part of the street-facing façade including additions, deletions, and enlargements required for structural reasons (including ADA, or other significant design purpose) are permitted. In the case of window replacement or alterations to window openings, the State Recipient shall ensure that:

   a. The vinyl, metal, or wood replacement windows will closely replicate the existing windows in size and window light pattern to the extent feasible (e.g. jalousie windows may not be feasible to

replace with new jalousie windows due to severe energy loss considerations); and

b. The replacement windows must be energy efficient models which may either be double-pane (insulated glass) wood, metal (must have thermally broken frames), or vinyl, or may be single-pane wood with a storm window.

2. Individual windows on the street-facing façade may be replaced if they are in an advanced state of deterioration of 50% or more. However, when such materials must be removed or replaced, the State Recipient shall ensure that:

a. All replacement windows will meet the above guidelines; and

b. The replacement windows installed on the street-facing elevations will not alter the existing window opening area and configuration.

Preferred solution: If windows on the street-facing façade are in an advanced state of deterioration of 50% or more and must be replaced, windows on other elevations that are in repairable condition may be relocated to the street-facing façade. If a replacement sash unit can be used which permits saving of the existing window casings and jambs, this is preferable to complete window replacement. In addition, a vinyl jamb liner can be used which encapsulates lead paint surfaces which are subject to friction wear.

B. Door Guidelines

1. To the extent feasible, doors should be repaired and maintained in place. However, the replacement of doors due to either their deterioration, failed lead-paint surface condition, or poor energy performance with are <u>not</u> part of the street facing-façade, and alterations to door openings which are <u>not</u>

part of the street facing-façade, and alterations to door openings which are not part of the street-facing façade including additions, deletions, and enlargements required for structural reasons (including ADA, or other significant design purpose) are permitted. In the case of door replacement or alterations to door openings, the State Recipient shall ensure that:

a. The wood or metal replacement door will, to the extent feasible, closely replicate the existing doors in size and door style; and

b. The replacement doors must be energy efficient models which may either be wood or metal, and if the doors are glazed, the glazing must be double-pane (insulated glass).

2. Doors on the street-facing façade in an advanced state of deterioration of 50% or more may be replaced. However, when such materials must be removed or replaced, the State Recipient shall ensure that:

a. All replacement doors specified meet the guidelines; and

b. The replacement doors installed on the street-facing façade will not alter the existing door opening area and configuration.

C. Siding Guidelines

1. To the extent feasible, siding should be repaired and maintained in place. However, the replacement or encapsulation of wood siding which is in advanced stages of deterioration of 50% or more is permitted. When such materials must be replaced or encapsulated, the State Recipient shall ensure that:

a. In order to avoid further deterioration of wood elements, prior to installation of any new siding materials all sources of existing moisture shall be mitigated and repairs shall be made to any damage sub-surface materials, and further moisture penetration into the building shall be prevented.

b. Siding shall be installed in a manner that will not irreversibly damage or obscure the building's architectural features, decorative shingle work, and trim.

c. To the extent feasible, siding will be similar to the existing siding in size, profile, and finish.

Recommended materials: vinyl, concrete-fiber board, cement board Not recommended: masonite, aluminum, asphalt

D. Exterior Trim and Architectural Elements

1. To the extent feasible, existing exterior trim and architectural elements (porches, dormers, gables, cornices, railings, columns, awnings, etc.)

should be repaired and maintained in place, especially if located on the front-facing façade. However, replacement of wood or other trim materials which are in advanced stages of deterioration of 50% or more is permitted. When such materials must be removed or replaced, the State Recipient shall ensure that:

a. Preference shall be given to replacement materials which model the basic visual characteristics (not necessarily replicate) of the original trim or architectural elements in terms of size and location. For example, a flat window casing which is the same width as the

original window casing is preferable to a stock casing that reduces the scale of the original trim.

2. Activities which result in the alteration or removal of architectural elements that do not comprise the front elevation and which are either in advanced stages of deterioration of 50% or more, or are deemed necessary by the State Recipient for economic considerations, lead-paint poisoning concerns, or to meet ADA requirements are permitted. However, the State Recipient shall ensure that replacement materials will model the basic visual characteristics (though not necessarily replicate) of the original trim in terms of size and location.

3. Porch enclosures on the front façade are permitted only if no historic materials are removed or permanently altered and new materials can be easily removed at a future date. Such enclosures shall, to the extent possible, not obstruct the view of primary architectural elements.

E. Interior Guidelines

1. Program activities involving interior changes which do not affect the exterior of the property are permitted. However, the State Recipient shall ensure that each of the following guidelines is followed:

   a. *Interior Doorways:* If interior doors must be removed, install wood paneled doors in rooms facing the street;

   b. *Ceilings:* Where ceilings need to be lowered, they should never impact any window frames. In addition, if beaded-board ceilings are in good condition and can be left exposed, they should be painted. If they are not left exposed, the beaded ceiling should remain in place and be covered with sheetrock;

   c. *Walls:* Plaster finishes may be removed from walls if there are not decorative elements. It is recommended that the lathe be retained on interior walls and removed on exterior walls to allow installation of insulation. If unpainted wood surfaces (such as beaded board, v-groove, or tongue and groove board, etc) exists, retain in place. If possible, scrape painted wood surfaces (in accordance with *Preservation Brief #37; Appropriate Methods for Reducing Lead-Paint Hazards in Historic Housing*) and repaint.

   d. *Floors*: Wood floors should either be refinished or carpeted. Vinyl coverings may be used in baths and kitchens, but not in main living areas or hallways.

   e. *Closets*: Where closets do not exist, attempt to install in most inconspicuous location in room (e.g. behind door giving access to room or at one side of chimney). If there are wood surfaces in a room, try to leave these in place (see treatments listed under

"Walls"). Do not remove and attempt to "girdle" the closet with the existing wood surface materials.

f. *Fireplaces*: If mantels and surround are missing, these do not have to be reconstructed. However, where decorative iron surround or tile work remain in main rooms, construct a simple mantel consisting of a wood shelf with simple wood triangular supports. Leave hearth at flood level.

g. *Floor Plans*: A reasonable effort should be made to keep the existing floor plan of main rooms intact. If changes need to be made, it is preferable that they should be made in the rear rooms and/or second floor spaces. Where hallways are necessary to give access to rooms, the original walls should remain wherever possible, and the new walls should subdivide the existing rooms to create a hallway. Maintain the front rooms as is. In "shotgun" dwellings, if a hall is necessary, install it along one side of house to give access to rooms on the opposite side.

2. For purposes of lead-based paint abatement, the State Recipient shall verify that lead paint exists through testing. If lead paint is present, encapsulation or removal of interior surfaces and materials which do not affect the appearance of the exterior are permitted whenever all interior alterations are done in accordance with each of the guidelines.

APPENDIX C – Standard Mitigation Measures for Adverse Effects

In cases of Adverse Effects, the State Recipient and the Preservation Professional may develop a mitigation plan that includes one or more of the following Standard Mitigation Measures whenever the Preservation Professional determines that the State Recipient cannot conduct the project so that it will avoid Adverse Effects as described in Stipulation V of this Agreement:

A. Alteration of the Historic Property

If the State Recipient determines that the subject property cannot be feasibly rehabilitated in accordance with the recommendations provided by the Preservation Professional (developed in accordance with Stipulation V and the guidelines Appendix B), the following procedure shall be followed:

1. The State Recipient shall ensure that prior to project implementation the historic property is documented. In consultation with the SHPO, one of the following documentation methodologies shall be selected:

    a. Contributing Structure in an Eligible Historic District: The State Recipient shall provide a floor plan, and original archival-quality, large-format, black and white photographs as required for the 106 Review process. A brief history and explanation of the final condition of the structure prior to demolition shall be written not to exceed two (2) pages. In addition to submittal to the SHPO, this documentation shall be placed with either a local historical society archive, local library historical collection, or, at minimum kept as a permanent record by the State Recipient.

    b. Building Eligible for Individual Listing: The State Recipient shall document the historic property in accordance with the Historic American Buildings Survey (HABS) Standards or other acceptable recordation method developed in consultation with the SHPO.

2. The State Recipient shall develop plans and specifications in consultation with the Preservation Professional which will, to the greatest extent feasible, preserve the basic character of the structure with regard to the scale, massing, and texture of the original.

3. Primary emphasis shall be given to the major street visible elevations and significant contributing features there, including trim, windows, doors, porches, etc., will be repaired or replaced with either in-kind materials or materials which come as close as possible to the original materials in basic appearance;

4. Any enclosures of existing porches shall be done in such a manner that none of the intact historic materials are removed or destroyed and in such a manner that a future restoration could be carried out by removing the added materials;

5. Any room additions will be built in a manner that does not "replicate" the original structure and that can be clearly distinguished from the earlier period;

B. Demolition of the Historic Property

If the State Recipient determines that the historic unit cannot be feasibly rehabilitated in accordance with the recommendations provided by the Preservation Professional

(developed in accordance with Stipulation V and the guidelines in Appendix B), or the historic building must be acquired for purposed of easement assemblage or sub-standard lot correction, and that the building must be demolished, then the State Recipient shall adhere to the followed guidelines:

1. The State Recipient shall follow the recordation guidelines outline in Section A.1.;

2. The State Recipient shall advertise the availability of the housing unit (with or without the land on which the house is built) prior to its demolition for a minimum of thirty (30) days. Any interested local preservation society of other pre-identified interested parties may be given a "first right of refusal" at an agreed upon price (recommended price based on actual cost of relocation only) and shall have forty-five (45) days to remove the structure from the site;

3. If more than one offer is receive, all offers shall be reviewed by the Preservation Professional and the best offer selected with regards to the appropriateness of the acquiring group's proposed use, relocation site, the feasibility of the planned movement of the structure, plans for its temporary preservation and/or the partial or complete rehabilitation. The State Recipient shall negotiate any funds which the acquiring group may use to defray the cost of moving the structure which are derived from the avoided cost of demolition;

4. If feasible, the Preservation Professional shall ensure that all historic properties are moved in accordance with approaches recommended in *Moving Historic Buildings* (John Obed Curtis, 1979) by a professional house mover who has the capability to move historic properties properly;

5. If no interested party willing to relocate the building can be identified, the State Recipient shall then advertise the availability of historic materials or shall attempt to reuse such materials in other compatible historic homes being rehabilitated by the State Recipient. The Preservation Professional shall consider the most appropriate planned use of historic materials. All salvaged materials must be removed from the site within thirty (30) days of their advertised availability.

C. Reconstruction (demolition and replacement) of Historic Properties

The State Recipient shall ensure that, to the greatest extent feasible, the reconstruction of any historic structure deemed infeasible for rehabilitation shall be carried out in a manner

that is compatible with the architecture of the original unit and/or other buildings within the surrounding historic district in terms of set-backs, size, scale, massing, design, color, features, and materials, and is responsive to the recommended approaches for new construction set forth in the *Standards*. The following procedures shall be followed to ensure the historic compatibility of the proposed reconstruction:

1. The State Recipient shall follow the recordation guidelines outlined in Section A.1.;

2. The State Recipient shall follow the guidelines for demolition outlined in Section C;

3. The State Recipient shall develop preliminary plans in consultation with the Preservation Professional. (The State Recipient shall consult with the Preservation Professional to develop a set of historically compatible model replacement house plans in advance of any planned reconstruction activities which shall be shared with the public during the initial public hearings held.) Final construction drawings used in the biding process, including elevations, shall be submitted to the Preservation Professional for review and comment prior to the award of a construction contract and the initiation of construction activities.

4. If the State Recipient determines that the proposed plans and specifications for the reconstruction do not meet the *Standards* as interpreted by the Preservation Professional, the State Recipient shall notify the Council and initiate consultation as set forth at 36 CFR Part 800.5 (e).

D. New Construction and In-Fill Construction in Historic Districts

The State Recipient shall ensure that, to the greatest extent feasible, the construction of new housing units in an eligible historic district shall be carried out in a manner that is compatible with the architecture of other buildings within the surrounding historic district in terms of set-backs, size, scale, massing, design, color, features, and materials, and is responsive to the recommended approaches for new construction set forth in the *Standards*. The following procedures shall be followed to ensure the historic compatibility of the proposed new construction:

1. The State Recipient shall develop preliminary plans in consultation with the Preservation Professional. (The State Recipient shall consult with the Preservation Professional to develop a set of historically compatible house plans in advance of any planned construction activities which shall be shared with the public during the initial public hearings held). Final construction drawings used in the bidding process, including elevations, shall be submitted to the Preservation Professional for review and comment prior to the award of a construction contract and the initiation of construction activities.

2. If the State Recipient determines that the proposed plans and specifications for the reconstruction do not meet the *Standards* as interpreted by the Preservation Professional, the State Recipient shall

notify the Council and initiate consultation as set forth at 36 CFR Part 800.5(e).