

Executive Summary

In use within the preservation field for decades, the *Standards*¹ guide preservation decision-making within federal, state, and local regulatory and financial incentive programs, including Section 106 project review, federal and state rehabilitation grants, Federal Rehabilitation Tax Credits (Historic Tax Credits), and local historic preservation design review. The national application of the *Standards* includes use by historic preservation professionals such as NPS staff working with grant and Historic Tax Credit programs; Federal Preservation Officers (FPOs), SHPOs, and THPOs; architects and consultants; and local government staff and commission members.

By their very nature, the *Standards* require interpretation, as they are written to describe broad principles rather than specific scenarios. In theory, they can apply to any building or property type, style, or use, and to any type of project that may be undertaken. Because of the broad nature of the *Standards* and the wide range of situations in which they are utilized across the country, the application of the *Standards* varies from office to office, agency to agency, program to program, and person to person. As a consequence, the *Standards* are seen by some as appropriately flexible, and by others as inappropriately subjective. Some practitioners question whether the *Standards* are broad enough to encompass the many project types, and the varied societal and public policy priorities, that may affect historic properties.

The broader national discussion of the efficacy of the *Standards* has manifested itself in recent years in convenings such as the *Taliesin Colloquium 2023: The Evolution of Preservation Standards and Guidelines* (AIA National Historic Resources Committee) and *Toward Sustainability and Equity: A dialogue exploring heritage, justice, and community agency in changing contexts* (Columbia University, 2020; proceedings published in book form); in reports such as the *Chair's Report and Recommendations on the Application and Interpretation of Federal Historic Preservation Standards* delivered to the Advisory Council on Historic Preservation (ACHP) by Sara C. Bronin (2024); and some articles and Op-Eds in national media and industry publications.²

Given their foundational nature and broad application to multiple core preservation programs at the federal, state, and local levels, the *Standards* deserve, and benefit from, thoughtful scrutiny and discussion.

1. "The Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR Part 68, 1995)," National Park Service, Technical Preservation Services, accessed 2024, <https://www.nps.gov/orgs/1739/secretary-standards-treatment-historic-properties.htm>.

Consisting of four treatment standards (Preservation, Rehabilitation, Restoration, and Reconstruction), the 1995 Standards are regulatory for NPS Grants-in-Aid programs (36 CFR 68), which means they apply to all projects funded via the Historic Preservation Fund (HPF). They are also regulatory in the Section 106 context as they are cited in the ACHP regulations (36 CFR 800.5) in the process for determining adverse effects to historic properties. In addition, a stand-alone and nearly identical set of Standards for Rehabilitation are regulatory for the federal Historic Tax Credit program (36 CFR 67, 1990) and are used to determine if a project qualifies as a "certified rehabilitation." The Standards are also widely used by local preservation commissions and within the broader field of preservation as the most widely accepted approach to treating historic properties.

In this report, the term "Standards" is used to refer to both sets of rehabilitation standards, notwithstanding that there are slight differences between them. Additionally, while the charter for the NCSHPO Work Group defined the "Standards" as the Standards for the Treatment of Historic Properties, the Work Group intentionally focused on the rehabilitation Standards, as the most commonly used set of standards, to narrow the focus of its work.

2. McDonald, Bonnie. "To Do Historic Preservation Right, We Need To Move Beyond Our Fixation on Historic Material." Next City, accessed November 6, 2024 [this is a representative example]. <https://nextcity.org/urbanist-news/historic-preservation-improve-move-beyond-historical-material>.

Summary of Participation

The Colleague Engagement Subcommittee sought feedback in the form of two targeted survey campaigns. The SHPO survey consisted of fifty-six questions and received 122 responses from SHPOs in forty-five states and U.S. territories, including Puerto Rico. The CLG survey consisted of thirty-four questions and received 237 responses representing CLGs in forty-four states; local preservation program staff made up 68% of responses, with another 31% coming from local commission members.

The Stakeholder Subcommittee sought feedback in the form of a broadly distributed survey which received 415 responses from users applying the *Standards* across all states and territories. The subcommittee followed up with a series of three listening sessions to which survey respondents were invited; these sessions were attended by approximately seventy-five total participants drawn from the pool of survey respondents.

What We Heard – Overarching Themes

- The majority of respondents surveyed **do not take issue** with the *Standards* themselves (77% of SHPO survey takers, 56% of CLG survey takers, and 64% of stakeholders) and agree that they lead to positive preservation outcomes (82% of SHPO survey takers, 62% of CLG survey takers, and 68% of stakeholders).
- Respondents generally feel that the *Standards* **lend themselves to interpretation**, encourage **flexibility and creativity**, allow application to contemporary situations and concerns, and **demand clear and defensible reviewer decision making**. That said, Stakeholders are more likely to take issue with the **interpretation** of the *Standards* (58%) than SHPO (39%) or CLG (40%) survey takers.
- Respondents have a strong need for both **updated and new guidance and training** in various accessible formats; many think reviewers should expand their own knowledge by partaking of training on a broad array of topics. Additionally, respondents felt that guidance and training on emerging challenges should be more proactive and timelier, and that more and better guidance should be geared toward the general public, which also assists with issues of public perception.
- **Respondents noted process and program concerns**, including evaluating the impact of financial incentives and challenges related to project costs, assisting applicants in making complete submittals, ensuring preservation reviews occur early in the project planning process, and maintaining good working relationships across parties.
- Respondents noted the need for additional **outreach** that shows positive **preservation** outcomes and help in countering myths and misinformation.

Summary of Recommendations

- NPS Technical Preservation Services (TPS) should host biannual listening sessions on the *Standards*, inviting a variety of subject matter experts, including SHPO staff, preservation-related entities (Partners for Sacred Spaces, National Trust, NCSHPO, NATHPO, NCPTT, NAPC, etc.), professional-related entities (AIA, etc.), universities, practitioners, stakeholders, and similar partners to be utilized as a sounding board for multiple aspects related to the *Standards*.
- NPS TPS should open regular comment periods on the *Standards*.
- NPS and NCSHPO should invite stakeholders to a convening specifically focused upon the degree to which the *Standards* can and should be applied with flexibility.
- NPS TPS should work with stakeholders to transparently and regularly update its guidance on the *Standards*, taking into account emerging trends, new building technologies, and new materials, and build and promote finding aids to improve navigation. Other agencies and entities that issue independent guidance should also evaluate and update that guidance regularly, taking NPS TPS guidance into account.
- Preservation agencies and organizations should develop training on the *Standards* that is appropriate to a variety of audiences, including beginners and the general public; reviewers need a broad range of training related to the *Standards* along with other topics related to project management, financing, and construction.
- NPS TPS should develop a definition of, and guidance about evaluating “economic and technical feasibility” (36 CFR 67.7b)
- ACHP, NPS, SHPOs, THPOs and Agencies should work together to develop guidance on Section 106 Adverse Effect and National Register Eligibility Determinations.
- Funding organizations and agencies, as well as advocates, should explore complementary funding, incentives programs, and partnerships to address rehabilitation needs not met by existing preservation programs.
- For Historic Tax Credit and Section 106 review projects, encourage and engage in early and frequent coordination and communication while providing clear explanations of decisions, challenges and opportunities.
- For Historic Tax Credit projects, to address concerns of timelines, consistency and redundancy, NCSHPO, SHPOs, and NPS TPS should examine and evaluate the necessity and effectiveness of the SHPO/NPS dual review process.
- Enhance legislation as needed to continue to simplify and incentivize historic preservation and to increase funding for SHPO offices to provide the needed technical assistance for tax projects, National Register nominations, and other related projects.
- Conduct more outreach on the positive aspects of preservation to combat perception that preservation reviews cause project delays



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