

## Pennsylvania's Certified Local Government Application

A Pennsylvania municipality may become a "Certified Local Government" (CLG), a designation established under the National Historic Preservation Act, by fulfilling certain requirements of the Act. The primary requirement is the municipality's enactment of a historic preservation ordinance affording protection of historic buildings, structures, and areas certified by the Pennsylvania Historical and Museum Commission as historic, and by establishing regulations and appointing a Board of Historical Architectural Review or a Historical Commission to advise the governing body or zoning hearing board as to the issuance of certificates of appropriateness or permits.

In order to determine whether your municipality meets the requirement of the CLG program, answer the following questions below, and please state in writing the applicable article and/or section of your ordinance(s). For other questions submit the relevant sample or document substantiating your claim, for example, see question 11 of the CLG Application, paragraph two. "Local governments may be certified without the minimum number of disciplines if they can demonstrate that they have made a reasonable effort to fill those positions to the extent available in the community." Substantiate your effort by documenting how your municipality sought out these disciplines or professionals (historian, architectural

historian, archaeologist, or other historic preservation related disciplines) by providing any one or all of the following: sample correspondence, telephone call logs, classified advertisements, public notices, etc.

If your municipality's request for certification meets the program requirements, the Bureau for Historic Preservation will send you a "Certification Agreement" to be signed by your local government officials and those of the PHMC. The Certification Agreement will incorporate program responsibilities outlined in Section B and C below. When the Bureau for Historic Preservation receives the signed Certification Agreement it will forward it with the request for certification to the National Park Service.

Note: The process of becoming a Certified Local Government under the National Historic Preservation Act should not be confused with the entirely separate certification of your historic district under the Pennsylvania Historic District Act of 1961, or certification of districts and ordinances for the purpose of Federal Investment Tax Credits of the Internal Revenue Service for historic rehabilitations.

If you need assistance or have any question related to answering or filling out the CLG Certification Application form, please do not hesitate to telephone the Bureau for Historic Preservation at 717-787-4215.

## **A. What must be submitted with the request for CLG certification**

1. A letter to Serena Bellew, Deputy State Historic Preservation Officer, (Bureau for Historic Preservation, Pennsylvania Historical and Museum Commission, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0093) from the **chief elected official** of the local government requesting certification. The official must provide written assurance that the local government has fulfilled all the standards for certification in the Program Guidelines. These are outlined in Sections A and B below
2. A copy of the local historic district ordinance, or historic preservation ordinance, and/or historic preservation zoning overlay, including all amendments.
3. A copy of the Board of Historical Architectural Review, and/or Historical Commission by-laws or procedures.
4. A list and maps of the areas designated as historic districts or individual landmarks protected by the local preservation ordinance.
5. Résumés of each member and staff of the Board of Historical Architectural Review and/or Historical Commission, including credentials of expertise in fields related to historic preservation.

## **B. Please respond in writing to each of the following requirements for CLG certification.**

### ***Enforce legislation for the designation and protection of historic properties.***

1. Local governments must have adopted an ordinance under the Historic District Act of 1961, as amended, or authorized by the Municipalities Planning Code as in a historic preservation overlay on the local government's zoning ordinance and administered in accordance with requirements of said act or code, or in the case of first and second class cities, and home rule municipalities, appropriate legislation that provides a mechanism for the designation of historic properties and, at a minimum, their protection and preservation through review and approval or denial of permits for all exterior alterations, relocation and demolition.

2. The criteria upon which a local government's Board of Historical Architectural Review or Historical Commission reviews proposals for alteration and demolition must be clearly set forth in the ordinance. Design standards that conform with the Secretary of the Interior's ten basic Standards for Rehabilitation (36CFR67) are recommended but not required.
  3. The ordinance or, where appropriate, an administrative action pursuant to the ordinance, which designates resources for protection must clearly delineate the landmarks or boundaries of designated districts to be protected.
  4. The local government through its Board of Historical Architectural Review, or Historical Commission, must review and recommend decisions on alterations to or relocation of all structures or sites within the boundaries designated by the ordinance. No categorical exclusion can be made for any type of structure, site or applicant.
  5. The local government through its Board of Historical Architectural Review or Historical Commission must review and render decisions on any proposed demolitions within the boundaries designated by the ordinance and must have authority under the ordinance to recommend denial of demolition permits where appropriate.
  6. The local government through its Board of Historical Architectural Review or Historical Commission must review and render an opinion or recommendation on all proposed new construction within the boundaries designated by the ordinance.
  7. Decisions of the local governing body made pursuant to review as above must be binding upon the applicants. Provision for enforcing decisions and a right of appeal must exist in the historic district ordinance or zoning ordinance, or by reference, the Administrative Procedures Act.
  8. Each Board of Historical Architectural Review or Historical Commission and its local governing body shall have in effect rules of procedures or by-laws pertaining to all official duties related to historic preservation under the Certified Local Government program. At a minimum, these should establish regular meeting times, attendance and training requirements for members of the Board of Historical Architectural Review and/or Historic Commission and staff.
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9. Rules of procedures or by-laws contain provisions to cover issues of conflict of interest.
  10. The Board of Historical Architectural Review or Historical Commission shall have a minimum of five members. All members shall have a demonstrated interest, competence, or knowledge in historic preservation.
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***Establish a Board of Historical Architectural Review or Historical Commission composed of professional and non- professional members.***

11. At least one Board of Historical Architectural Review or Historical Commission member shall meet relevant enabling legislation requirements and have professional expertise in a field closely related to historic preservation (i.e., history, architectural history, archaeology, or other historic preservation related disciplines, such as urban planning, American studies, American civilization, cultural geography, or cultural anthropology). Information on the credentials of members must be kept on file and be available to the public and the State Historic Preservation Officer.

Local governments may be certified without the minimum number of types of disciplines if they can demonstrate that they have made a reasonable effort to fill those positions to the extent available in the community. A good faith effort shall include contacting professionals who are known to reside in the community and contacting universities or professional organizations to locate such professionals in the community if they are not known to live there. Nothing in this part shall be construed to encourage the appointment of professionals who do not have a demonstrated interest, competence, or knowledge in historic preservation. However, professional expertise in unrepresented disciplines must be sought when considering National Register nominations and other actions that will affect properties normally evaluated by a professional in such disciplines.

12. The local government must employ, contract with, or otherwise have access to, on at least a part-time basis, a qualified professional in historic preservation (as defined by U.S. Department of the Interior regulations, 36CFR61 Professional Qualifications Standards). Equivalent experience and training will be considered by the State Historic Preservation Officer. Minimum staff responsibilities must include reviewing and commenting to the Historical Commission or Board of Historical Architectural Review on administration, application, National Register nominations, and related preservation issues.

***Maintain a system for survey and inventory of historic properties***

13. A listing of officially designated historic districts, buildings, sites, objects, and/or structures in the municipality must be maintained.
14. An inventory of all surveyed areas, historic districts, buildings, sites, objects and/or structures identified to date as historic resources within the municipality must be maintained.
15. The system for survey and inventory will be coordinated with the State Historic Preservation Office's (BHP) records, guidelines and formats for data collection.
16. All inventory material shall be accessible to the public, except for restrictions on the location of archaeological sites when deemed necessary by the State Historic Preservation Officer (Bureau for Historic Preservation), or local government.

***Provide for adequate public participation***

17. All meetings of the Historic Commission or Board of Historical Architectural Review must be publicly announced and be open to the public. The agenda must be available to the public for review prior to the meeting. Commission or BHARs must occur at regular intervals at least four times a year. Public notice must be provided prior to any special meetings; all requirements of the "Sunshine Act", No. 175 of 1974 shall be met.
18. Careful minutes of all decisions and actions of the Historical Commission or Board of Historical Architectural Review and the governing body, including the reasons for making these decisions, must be kept on file and available for public inspection
19. All decisions by the Historical Commission or Board of Historical Architectural Review, or governing body related to enforcement of local legislation or Certified Local Government responsibilities shall be made in a public forum, and applicants shall be given written notification by mail of decisions or recommendations of the Historical Commission or BHAR. This notification may be in the form of a copy of the recommendation made to or by the local governing body.
20. The rules of procedures adopted by the Historical Commission or BHAR shall be available for public inspection.

***What the Certified Local Government must do following certification***

- Continue to meet the standards for certification described above in Section B;
- Participate in the National Register nomination process for properties nominated within its boundaries;
- Provide for attendance by members of Historical Commissions and/or Boards of Historical Architectural Review, including staff to eight hours of BHP approved training per year;
- Submit an annual report of the local government's historic preservation activities, including those of the Historical Commission and/or Board of Historical Architectural Review;
- Conduct any new survey and inventory activities in coordination with the State Historic Preservation Office's (BHP) records guidelines, and formats for data collection.
- If awarded a grant through the CLG grant process, adhere to federal standards for grant administration.