

Weekly Legislative Update for State Historic Preservation Offices

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Legislative Working Group Meets to Sketch Out Ideas for Next Congress

This week, staff from the National Conference of State Historic Preservation Offices, Preservation Action, and the National Trust for Historic Preservation met to discuss potential legislative items tied to a core set of objectives determined during a day long October 29 policy charrette. (See additional charrette attachment which is scheduled to be finalized next week with no significant changes expected). The charrette helped the national preservation partners establish common ground to make the most of changes in the next Administration and Congress.

On November 13, a legislative working group considered a wide variety of legislative concepts that might be stand alone bills, or included within larger bills with broad impact in the next Congress. Many ideas discussed have been considered at different points during the last 40 years of the National Historic Preservation Act. These legislative concepts are now being reconsidered and reworked within our context of national crises – primarily financial and environmental – and new Congressional leadership.

Please share with us your thoughts and ideas on the following legislative concepts:

- Assistance for owners of historic homes continues to be a grassroots priority, and is being considered by the working group. Homeowners might receive incentives through a number of policy changes connected to energy conservation incentives. The National Trust has been studying Portland's Residential Energy Retrofit Tax Credit (RERTC) as a potential model for federal legislation. Although the RERTC relates to incentivizing energy efficiency and conservation not historic preservation, the program might be adapted and expanded to include reuse of older and historic fabric toward these ends.
- Energy credits that might be slightly adjusted toward preservation goals have been considered by the outgoing Congress. America's Climate Security Act of 2007, S. 2191, otherwise known as the Lieberman Warner Bill, addressed climate change through a set of initiatives and credits designed to reduce emissions and environmental impact. This bill, introduced early in the 110th Congress, includes a "climate change jobs" provision that conceptually overlaps with extant and anticipated green jobs legislation.
- An existing provision within the National Historic Preservation Act may also help owners of historic homes – if funded. Section 104 of the NHPA establishes a loan program for properties listed on the National Register of Historic Places. Funding for this program may be more likely if it is sold as an element of a program encouraging energy efficient rehabilitation of historic buildings.
- Manufacturer's tax credits may also help incentivize historic home rehabilitation. The relative expense of historically-appropriate building parts is a primary problem. If manufacturers of historically-appropriate replacement elements received federal credits to help reduce the cost of appropriate parts, more historically-appropriate rehabilitation would occur. If a manufacturer's tax credit were complemented with a credit to homeowners using historically appropriate replacement elements, more historically-appropriate rehabilitation would occur.

- Underlying all of this is an assumption that historic home owners receiving aid have properties within established National Register historic districts. National Register status, whether as a contributing building within a NR district or an individually-listed property, is the base criteria by which historic properties receive federal aid due to their historic value – including FEMA’s special insurance program for historic properties. District creation and related digitized historic resource inventory helps the federal government respond quickly to disasters and establish a basis for supplemental disaster relief funding.
- The Obama Administration’s focus on creating “green jobs,” a growing need to spend wisely on disaster response, disaster preparedness, and renewed focus on revitalizing American cities and urban neighborhoods all point to a federal program supporting training for individuals conducting historic resource inventories. The Works Progress Administration’s survey program provides one precedent for federally-supported historic inventory work.
- Guaranteed funding for the Historic Preservation Fund is also a top legislative concern. Funding for the HPF is supported by offshore oil lease revenue. The HPF is authorized to receive \$150 million annually. The fund has never approached that figure set in the late 1970s. Establishing a bank of funds to support disaster response through SHPO offices will also be explored by the working group.