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**Fact Sheet #11**

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## **FREQUENTLY ASKED QUESTIONS ABOUT THE NATIONAL REGISTER OF HISTORIC PLACES**

The National Register of Historic Places, established under the National Historic Preservation Act of 1966, is the catalogue of the archeological and historic properties that are significant in our nation's heritage. An understanding of the National Register is important to property owners and to government agency representatives, professional consultants, and private citizens involved in a wide range of historic preservation-related activities. (See also SHPO Fact Sheet #1.) For simplicity several abbreviations and short forms are used in this Fact Sheet including the Act (National Historic Preservation Act), National Register (National Register of Historic Places), NPS (National Park Service), and SHPO (State Historic Preservation Office/Officer).

### **A. FAQ/PROCESS AND PROCEDURES**

#### **1. Doesn't the National Trust for Historic Preservation administer the National Register program?**

No. The National Trust is a nationwide private nonprofit organization. The National Register is a federal government program established under the Act and administered by the U.S. Department of the Interior, NPS.

#### **2. Who nominates properties to the National Register?**

Except under special circumstances, the SHPO is the only person with the authority to nominate properties to the National Register. If a tribal government has assumed SHPO duties on tribal land under Section 101(d)(2) of the Act, the Tribal Historic Preservation Officer (THPO) becomes the nominating authority for properties under the tribe's jurisdiction. A federal agency can nominate property in its ownership to the National Register.

#### **3. Who can prepare a National Register nomination?**

Anyone can prepare a National Register nomination for any property and submit the nomination package to the SHPO. The SHPO reviews and processes all nominations received in accordance with NPS regulations (36 CFR Part 60) and the relevant standards and guidelines. The SHPO encourages individuals preparing National Register nominations to involve property owners in the project and to work with the SHPO to provide accurate information to property owners about the National Register process and their rights in that process.



First Presbyterian Church, Atoka County

#### **4. How are property owners and the public notified about proposed National Register nominations?**

When the SHPO staff determines that a National Register nomination under review in its office is complete and in acceptable form, it is scheduled for the next possible Historic Preservation Review Committee meeting. In accordance with NPS regulations (36 CFR Part 60), the SHPO notifies the owners of the property and the appropriate chief elected local official (with courtesy copies provided to the appropriate State Senator and Representative) of the pending nomination. If there are fewer than fifty (50) property owners involved, the SHPO sends NPS approved notification by certified mail to each owner and to the chief elected local official. If a property involves fifty (50) or more property owners, the SHPO publishes a general notice in a newspaper of general circulation in the area where the property is located (historic districts are the most common properties to involve 50 or more owners), and a notice is sent by certified mail to the chief elected local official. Whichever notification process is used, the notice is given not less than thirty (30) nor more than seventy-five (75) days in advance of the Historic Preservation Review Committee meeting at which the nomination will be considered. The notice stipulates the property that is the subject of the nomination; explains the meaning of the National Register listing; informs the recipient about the date, time and place of the Committee's meeting; provides the date, time and place of an informational meeting in the local community when the property proposed for nomination is a district; and explains how owners may object to the nomination (see A.6. below). In the case of historic district nominations, the SHPO also issues a press release to the local newspaper and other media and provides an article for publications such as neighborhood newsletters. Complete copies of the proposed nomination are made available upon request from the SHPO and at the informational meetings held for historic district nominations.

#### **5. How can property owners and others express support of a National Register nomination?**

Any property owner, local official, or citizen may express support for a National Register nomination under consideration by the SHPO, and all such written statements that the SHPO receives will be transmitted to the NPS. These statements may be forwarded to the SHPO by regular mail, fax, or e-mail or hand delivered to the above address or at the Historic Preservation Review Committee meeting when the nomination is considered.

#### **6. Can an owner object to listing of his/her property in the National Register? If so, how?**

Yes. Property owners have the right to object to the listing of their property in the National Register. If a simple majority of the private owners provide a notarized statement to the SHPO that they are the sole or partial owner of a specific property and that they object to the listing of the property in the National Register, it will not be listed. When a majority of the property owners file such objections with the SHPO (by regular mail or in person) at the address at the top of this Fact Sheet by the deadline specified in the notice to property owners about the nomination, the SHPO will complete the formal review of the nomination under the NPS regulations (36 CFR Part 60). However, the Keeper of the Register, NPS, will issue a Determination of Eligibility rather than formally list the property.

Public property owners, such as city and county governments, may not support nomination of their property to the National Register. However, their objections do not prevent formal listing in the National Register.

Property owners should feel free to contact the SHPO about their questions concerning the National Register and their rights. Or, they may visit the NPS website (<http://www.cr.nps.gov/nr/index.htm>) for additional information. For the convenience of owners who wish to object to a National Register nomination, the SHPO will provide a form objection letter upon request. Anyone has the right to petition the Keeper of the Register directly about objections to a nomination.

## 7. What is the Oklahoma Historic Preservation Review Committee?

NPS regulations (36 CFR Part 61) require that each SHPO have an appropriate state review board to provide advice about nominations to the National Register and other issues. In Oklahoma the state review board is known as the Oklahoma Historic Preservation Review Committee (Committee), and its members are appointed by the Governor. NPS regulations require that every state review board must have at least five (5) members and that the membership include individuals who meet the Secretary of the Interior's Professional Qualification Standards in the fields of archeology, historic archeology, history, architectural history, and architecture. The Committee consists of five (5) individuals, and each member meets the qualification standards for one of these disciplines.

## 8. How long does it take to get a property listed on the National Register?

Due to NPS requirements (36 CFR Part 60) for owner notification, the Committee's quarterly meeting schedule, and the time allowed for the Keeper of the Register to act on a nomination, it takes at least ninety (90) days from the SHPO's receipt of a complete and acceptable nomination to the property's formal listing. The time required for preparation of a National Register nomination varies widely and is dependent on the type of property and the experience and ability of the nomination preparer. Finally, if the property is located within the jurisdiction of a city government participating in the SHPO's Certified Local Governments (CLG) Program, additional time will be necessary to allow the CLG to complete its review of the nomination. (See also SHPO Fact Sheet #5.)



Lake Overholser Dam, Oklahoma County

## 9. Can a property be removed from the National Register?

Yes. Properties can be removed from the National Register if they have lost integrity (see Section C), it is demonstrated that errors in professional judgment occurred during review of the original nomination, new information is discovered that demonstrates the property does not meet the National Register criteria, or the SHPO made errors in the processing of the nomination. The procedures for removing properties from the National Register are included in 36 CFR Part 60.

## **10. How do property owners and the public learn about a property's listing in the National Register?**

When the Oklahoma SHPO has National Register nominations pending with NPS, staff checks the NPS web site each week for new listings. When a property is listed, the SHPO sends written notice to the property owner and elected officials. We also issue a press release and include stories about new National Register properties in our quarterly newsletter, Preservation Oklahoma News, and in the Oklahoma Historical Society's monthly newsletter, Mistletoe Leaves. Additionally, the listing of National Register properties on our web site (<http://www.okhistory.org/shpo/shpom.htm>) is immediately updated. If the property is a district with more than fifty (50) property owners, a general public notice is published in at least one newspaper in general circulation for the area in which the listed property is located, a press release is issued to a local newspaper and other media and other available methods, such as publication of an article in a neighborhood association newsletter, are used to inform owners rather than direct mail.

## **B. FAQ/WHAT NATIONAL REGISTER LISTING MEANS**

### **1. What are the benefits of National Register listing?**

Listing in the National Register provides (1) recognition of a property's significance, (2) limited protection, (3) owner eligibility for federal tax incentives under certain circumstances, and (4) eligibility for matching grants when such funds are available.

### **2. Now that my property is listed on the National Register, how do I get a grant for its restoration?**

Listing in the National Register is not a guarantee of funding. It provides that property owners may qualify for matching grants if funding is available. A guide to public sources of preservation funding is available on the Advisory Council on Historic Preservation's web site at <http://www.achp.gov/>. However, most restoration/rehabilitation work is accomplished through private investment.

### **3. Can I sell my property if it is listed in the National Register?**

Absolutely. The National Register places no requirement of any kind on public or private owners concerning sale of the property.



Perry Lake Park, Noble County

### **4. Do I have to open my house for tours if it is listed in the National Register?**

No. There are no requirements for anyone to provide public access to their historic property just because it is listed in the National Register.

## **5. Can the SHPO help us prevent someone from demolishing a National Register-listed building in our community?**

The SHPO staff is always available to talk with any property owner about alternatives to demolition. However, listing in the National Register provides only limited protection. Under Section 106 of the Act, federal agencies and their applicants must consider how their federally funded, licensed, or permitted actions may impact properties listed on or eligible for the National Register. This process requires their consultation with the SHPO in accordance with the Advisory Council on Historic Preservation's regulations (36 CFR Part 800). However, the federal agency has the final authority to carry out any project. If there is no federal funding, license, or permit involved in a demolition or any proposed new construction on the site, the owner has absolutely no obligation to confer with the SHPO (see also SHPO Fact Sheet #2 and #10). The most effective tools for preservation of the majority of important properties in a community are a local historic preservation zoning ordinance and a strong local advocacy effort.

## **6. What tax incentives are available to owners of National Register property?**

Owners of income producing properties which are either individually listed on the National Register or contributing resources in a district listed on the National Register may receive a 20% federal investment tax credit on qualified rehabilitation expenses. The rehabilitation work must meet the Secretary of the Interior's Standards for Rehabilitation, and the owner must obtain NPS approval of the project. To obtain this approval, the owner must submit an application to the SHPO for review and transmittal to the NPS. The owner must also meet all Internal Revenue Service requirements. While listing in the National Register is required, property owners may proceed with their application process and rehabilitation work prior to formal listing. (See also SHPO Fact Sheet #3.)

## **7. Why is it important to list properties in the National Register when it provides no guarantee of funding or of protection?**

Remember that National Register listing does provide recognition of a property's importance. It helps make the general public and community leaders and decision makers aware of the property, and such increased awareness can cause people to ascribe value to the property. The attitudes of local citizens and officials are key to a successful preservation effort. Additionally, National Register nominations ensure that high quality documentation about listed properties will always be available for use by researchers and the public even if circumstances prevent a property's preservation in place.

## **C. FAQ/NATIONAL REGISTER ELIGIBILITY**

### **1. Under what circumstances is a property considered eligible for the National Register?**

Properties that meet at least one of the four National Register Criteria, retain their overall historic integrity (character), and are, in most cases, at least fifty years old, are eligible for listing in the National Register.

### **2. What are the National Register Criteria?**

The National Register Criteria provide that properties eligible for listing are those (A) that are associated with events that have made significant contributions to the broad patterns of our history, (B) that are associated with the lives of persons significant in our past, (C) that embody the distinctive characteristics of a type, period, or method of construction, or that represent a significant and distinguishable entity whose components may lack individual distinction, or (D) that have yielded or may be likely to yield information important in prehistory or history.

### **3. Can properties other than buildings qualify for National Register listing?**

Yes. Buildings, structures, sites, objects, districts, and landscapes are all property types that can be entered in the National Register.

### **4. Why is that old building that looks like it is falling apart and that has been vacant for years eligible for the National Register?**

Whether or not a building is occupied has nothing to do with whether or not it is significant. Also, just because a building is in poor condition does not mean it has lost its historic integrity (required for National Register eligibility). Vacant and deteriorating buildings are often nominated to the National Register because the designation can stimulate interest in developing them for a modern use. National Register listing is one of the most important tools available for revitalization of older neighborhoods and commercial districts that may seem to be undesirable places at the time of their nomination. The recognition afforded through National Register listing can help instill pride in ownership and lead to improved maintenance.

### **5. What does historic integrity mean?**

Historic integrity simply refers to a property's authenticity. There are seven elements of integrity which include location, design, setting, material, workmanship, feeling, and association. Not all seven elements of integrity are required for National Register eligibility, but sufficient integrity must remain so that the property still conveys its significance.



Rosamund, Cherokee County

### **6. Should we wait until our building is restored before we propose a National Register nomination?**

No. As stated above, as long as the building meets the National Register Criteria and has historic integrity, it is eligible for listing.

### **7. Can properties less than fifty years old be eligible for the National Register?**

Yes. While the National Register Criteria provides that properties less than fifty years old are generally not eligible, the exceptions to the Criteria allow listing of such properties when exceptional significance can be demonstrated through scholarly research.

### **8. Are all properties listed on the National Register nationally significant?**

No. The National Register is a record of all aspects of our nation's history, and it includes properties significant at the national, state, and local levels.

### **9. Are there types of properties that are not eligible for the National Register?**

Yes. Seven categories of properties are generally not eligible for the National Register including religious properties, moved properties, birthplaces and graves of historic persons, cemeteries, reconstructed properties, commemorative properties, and properties less than fifty years old. However, the National Register Criteria set forth the circumstances under which each of these seven property types may be eligible.

## **D. FAQ/GENERAL INFORMATION**

### **1. Where can I get a list of all Oklahoma properties listed in the National Register?**

The SHPO publication Oklahoma's National Register Handbook and its quarterly supplements contain a county-by-county listing of the state's entries in the National Register. The handbook is available free of charge from the SHPO or online at <http://www.okhistory.org/shpo/shpom.htm> (click on National Register of Historic Places).

### **2. Where can I find out which properties in other states are on the National Register?**

A complete database of all National Register properties is available from the NPS National Register Information System online at <http://www2.cr.nps.gov/>. You can also contact any SHPO about their National Register properties, and this contact information is available on the National Conference of State Historic Preservation Officer's web site at <http://www.ncshpo.org/>.

### **3. Will I receive a plaque to indicate my property is listed on the National Register?**

The SHPO will provide a certificate denoting National Register listing, and it will be matted and ready for framing. There are commercial vendors that sell standard and customized National Register plaques in a variety of materials, sizes, and styles, and some of them have provided their product brochures to the SHPO. These are available upon request. You may choose to contact a local foundry or other business in your community about design and production of a plaque. The SHPO staff will be happy to review wording for plaques upon request.

### **4. If we want to hire a consultant to prepare a National Register nomination, who should we contact?**

There are numerous highly qualified individuals and firms available to prepare National Register nominations. The SHPO maintains a list of consultants who have expressed an interest in contracting for such work in Oklahoma, and the list is provided upon request. We make no recommendations concerning any person or firm on the list, and we urge you to ask any potential consultant about their recent experience with National Register nominations for properties similar to yours and to check references.

### **5. Where can I get detailed information and guidance about the National Register, how to prepare successful nominations, and how the designation may affect property owners?**

The SHPO presents free, day-long workshops about the National Register, preparing nominations, and the rights of property owners each May and December, and details about these sessions are available from the SHPO. Also, SHPO staff routinely provide presentations to interested groups upon request. Detailed guidance material is also available from the SHPO in hard copy or online at <http://www.okhistory.org/shpo/shpom.htm> (click on National Register of Historic Places). You may also want to visit the NPS web site at <http://www2.cr.nps.gov/> for a wide range of detailed information about the National Register program.

### **6. Is there a particular SHPO staff person I can contact with my questions about the National Register?**

Yes. Contact Lynda Schwan Ozan, Architectural Historian and the SHPO's National Register Program Coordinator, at 405/522-4478 or [lozan@okhistory.org](mailto:lozan@okhistory.org). When she is not available, the receptionist will direct your call to another staff member at your request.