

INTRODUCED: June 2, 2025

AN ORDINANCE No. 2025-126

To authorize the Chief Administrative Officer, for and on behalf of the City of Richmond, to execute a Programmatic Agreement between the City of Richmond and the Virginia Department of Historic Resources, the State Historic Preservation Office for the purpose of ensuring compliance with Section 106 of the National Historic Preservation Act in the performance of programs funded by the United States Department of Housing and Urban Development.

\_\_\_\_\_  
Patron – Mayor Avula

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Approved as to form and legality  
by the City Attorney  
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PUBLIC HEARING: JUN 23 2025 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the Chief Administrative Officer, for and on behalf of the City of Richmond, be and is hereby authorized to execute a Programmatic Agreement between the City of Richmond and the Virginia Department of Historic Resources, the State Historic Preservation Office for the purpose of ensuring compliance with Section 106 of the National Historic Preservation Act in the performance of programs funded by the United States Department of Housing and Urban Development. The Programmatic Agreement shall be approved as to form by the City Attorney and shall be substantially in the form of the document attached to this ordinance.

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_

ADOPTED: \_\_\_\_\_ REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_

§ 2. This ordinance shall be in force and effect upon adoption.

# City of Richmond

## Intracity Correspondence

### O&R Transmittal

**DATE:** May 6, 2025 **EDITION:** 3

**TO:** The Honorable Members of City Council

**THROUGH:** The Honorable Dr. Danny Avula, Mayor (by request)  
(This in no way reflects a recommendation on behalf of the Mayor)

**THROUGH:** Sabrina Joy-Hogg, Interim Chief Administrative Officer

**THROUGH:** Sharon L. Ebert, DCAO for Economic Development and Planning

**FROM:** Kevin J. Vonck, Director, Planning and Development Review

**RE:** Authorization for the Chief Administrative Officer to execute a Programmatic Agreement between the City of Richmond and the Virginia Department of Historic Resources (DHR), the State Historic Preservation Office, for the purpose of ensuring City compliance with Section 106 of the National Historic Preservation Act in the performance of programs funded by the US Department of Housing and Urban Development.

#### **ORD. OR RES. No.**

**PURPOSE:** To authorize the Chief Administrative Officer to sign a “Programmatic Agreement Between the City of Richmond and the Virginia Department of Historic Resources (DHR), the State Historic Preservation Office, Regarding the Administration of the City of Richmond’s Community Revitalization Programs Funded by the US Department of Housing and Urban Development (HUD),” for the purpose of ensuring City compliance with Section 106 of the National Historic Preservation Act in the performance of programs funded by the U.S. Department of Housing and Urban Development.

**BACKGROUND:** The City of Richmond is the administering agency for local programs receiving federal assistance from the US Department of Housing and Urban Development (HUD), including, but not limited to the following: Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), Emergency Solutions Grant (ESG), Housing Opportunities for Persons with AIDS (HOPWA), Choice Neighborhoods, HOPE VI Program, Project Based Vouchers (PBV), Section 108 Loan Guarantee Program, Community Project Funding Grants, and the Self-Help Homeownership Opportunity Program (SHOP). The City is thus responsible for certifying the compliance of those programs with the National Environmental Policy Act (NEPA) of 1969 and the federal regulations at 36 CFR Part 800, et seq. that implement Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended.

Since 1993, the City of Richmond has carried out its Section 106 responsibilities under the guidance of a

Programmatic Agreement with the Virginia Department of Historic Resources (State Historic Preservation Office). The Programmatic Agreement stipulates the City's process for ensuring compliance with 36 CFR Part 800 and streamlines the Section 106 review process and allows the city to make decisions and review certain projects without consultation with DHR. Approximately 130 HUD-funded projects, on average, are annually reviewed for compliance with Section 106 and nearly 90% of those projects can be reviewed by city staff without consultation, which reduces the review time by 30 to 60 days.

In the past, these agreements have been executed by the City Manager or Chief Administrative Officer without Council authorization, but federal caselaw of the last 5 years suggests Council approval is necessary.

**COMMUNITY ENGAGEMENT:** The Programmatic Agreement was developed as part of the City's obligation to comply with federal law. The State and federally recognized tribes with cultural interest in the City of Richmond, the Archaeological Society of Virginia, Historic Richmond Foundation, APVA Preservation Virginia, Black History Museum, and the Valentine Richmond History Center were specifically consulted during the development of the PA. Comment was also solicited from members of the public through direct email with civic associations affected by projects in the past and posting on the city website.

**STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL:** The Programmatic Agreement has a direct impact on the administration of the City's affordable housing initiatives.

**FISCAL IMPACT:** None

**DESIRED EFFECTIVE DATE:** Upon adoption.

**REQUESTED INTRODUCTION DATE:** May 27, 2025

**CITY COUNCIL PUBLIC HEARING DATE:** June 23, 2025

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** Land Use, Housing, and Transportation

**AFFECTED AGENCIES:** Planning and Development Review, Housing and Community Development, Richmond Redevelopment and Housing Authority, and grant sub-recipients

**RELATIONSHIP TO EXISTING ORD. OR RES.:** N/A

**ATTACHMENTS:** Programmatic Agreement (2025-2030)

**STAFF:** Kimberly M. Chen, Senior Manager – authentiCITY Studio 804.646.6364

**PROGRAMMATIC AGREEMENT  
BETWEEN  
THE CITY OF RICHMOND AND  
THE VIRGINIA DEPARTMENT OF HISTORIC RESOURCES (DHR),  
THE STATE HISTORIC PRESERVATION OFFICE  
REGARDING  
THE ADMINISTRATION OF  
THE CITY OF RICHMOND'S COMMUNITY REVITALIZATION PROGRAMS  
FUNDED BY THE  
US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)**

**WHEREAS**, The City of Richmond (City) in the Commonwealth of Virginia proposes to administer programs receiving federal assistance from the US Department of Housing and Urban Development (HUD), including, but not limited to: Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), Emergency Solutions Grant (ESG), Housing Opportunities for Persons with AIDS (HOPWA), , Choice Neighborhoods, HOPE VI Program, Project Based Vouchers (PBV), Section 108 Loan Guarantee Program, Community Project Funding Grants, and the Self-Help Homeownership Opportunity Program (SHOP); and

**WHEREAS**, the City executes relationships with community development corporations and nonprofit organizations (sub-grantees) as well as Richmond Redevelopment and Housing Authority (RRHA) and other development-related entities to implement its Program Activities; and

**WHEREAS**, the Administering Agency for the above HUD Program Activities, in accordance with 24 CFR Part 58.1, is the City, which is thus responsible for certifying compliance with the National Environmental Policy Act (NEPA) of 1969, and with 36 CFR Part 800 of the regulations implementing Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended; and

**WHEREAS**, the City and the Virginia Department of Historic Resources (DHR), which serves as the State Historic Preservation Office (SHPO), and the Advisory Council on Historic Preservation (ACHP) have determined that the City can more effectively carry out its Section 106 responsibilities for HUD Program Activities if a Programmatic Agreement (Agreement) is used to streamline the administrative process where agreed upon criteria and procedures are followed; and

**WHEREAS**, the undertakings to be reviewed under the Stipulations of this Agreement generally consist of the acquisition and disposition of real property, the full or partial demolition of buildings or structures, the reduction or abatement of lead paint hazards, the construction of new buildings, the substantial rehabilitation of existing buildings, or the repair of hazardous and/or deficient conditions in occupied dwellings; and

**WHEREAS**, the City has defined the scope of review and compliance as the City's jurisdiction, which encompasses the corporate limits of the City of Richmond as illustrated in Appendix 1, and in certain instances may include an undertaking extending over multiple jurisdictions in which the City is a participant; and

**WHEREAS**, projects using funds from the above HUD programs have the potential to affect properties listed in or eligible for listing in the National Register of Historic Places (NRHP) and, therefore, require compliance with Section 106 of the National Historic Preservation Act (54 USC 300101) and its implementing regulation (36 CFR Part 800); and

**WHEREAS**, the principles set forth in the ACHP’s *Housing and Historic Preservation Policy Statement* (2023), which is attached as Appendix 2 and incorporated herein, will be taken into consideration by all parties when carrying out the Stipulations of this Agreement; and

**WHEREAS**, the City has consulted with the ACHP and the SHPO pursuant to 36 CFR Part 800.14 of the regulations governing the implementation of Section 106 of the National Historic Preservation Act (54 USC 300101), and after the initial consultation the ACHP declined to participate further in the development of the Agreement; and

**WHEREAS**, pursuant to 36 CFR Part 800.3(f)(2) in a letter dated February 3, 2025, the City invited the State and Federally-recognized tribes that retain cultural interest in the City of Richmond including the Catawba Indian Nation, Cheroenhaka (Nottoway) Indian Tribe, the Chickahominy Indian Tribe, the Chickahominy Indians Eastern Division, the Delaware Nation – Oklahoma, the Mattaponi Indian Reservation, the Monacan Indian Nation, the Nansemond Tribe, the Nottoway Indian Tribe of Virginia, the Pamunkey Indian Tribe, the Patowomeck Tribe, the Rappahannock Tribe, and the Upper Mattaponi to participate in consultation and to sign the Agreement as concurring parties; and

**WHEREAS**, no tribes responded to the invitation, the City is assuming that all State and Federally recognized tribes are consulting parties and is treating them as such in accordance with the Standard Operating Procedures (SOP)/Section VII-Consultation contained in Appendix 4; and

**WHEREAS**, pursuant to 36 CFR 800.3(f), in a letter dated February 3, 2025, the City invited the Archaeological Society of Virginia (ASV), Historic Richmond Foundation, Preservation Virginia, Black History Museum, and the Valentine Richmond History Center to participate in consultation and to sign the Agreement as concurring parties; and no responses were received; and

**WHEREAS**, pursuant to 36 CFR 800.2(d) the City shall seek and consider the views of the public in a manner that reflects the nature and complexity of individual undertakings and their potential to affect historic properties, the likely interest of the public in the effects on historic properties, confidentiality concerns of private individuals and businesses, and the relationship of the Federal involvement to the undertaking; and

**WHEREAS**, the definitions given in Appendix 5 are applicable throughout this Agreement.

**NOW, THEREFORE**, the City and the SHPO agree that the review of all HUD-funded undertakings as a part of this Agreement shall be implemented in accordance with the following Stipulations:

## **STIPULATIONS**

The City shall ensure that the following Stipulations are carried out:

### **I. ADMINISTRATION OF THE PROGRAMMATIC AGREEMENT**

- A. Regulations and Procedures.** The City shall administer Section 106 review in accordance with the Stipulations of this Agreement, the Appendices thereto, and the most recent version of the ACHP Regulations (36 CFR Part 800). No part of this agreement shall conflict with 36 CFR Part 800. To elaborate on these two documents and to clarify the procedural details of the Section 106 process, the City has developed Standard Operating Procedures (SOP) in consultation with the SHPO (Appendix 4). The SOPs and other Appendices to this document may be revised at any time without requiring the Amendment

process outlined in this Agreement. Changes must be made by the City in consultation with the SHPO and agreed to by both parties. Date(s) of revision(s) shall be noted in each Appended item.

**B. Professional Qualifications.** The City shall assure that all activities related to the identification of historic properties, effects assessment, and mitigation carried out pursuant to this Agreement shall be done by, or under the direct supervision of, City historic preservation staff who meet the qualifications set forth in the latest version of the *Secretary of the Interior's Professional Qualifications Standards* (48 FR 44738-44739). The City shall advise and consult with the SHPO if there is any change in the historic preservation staff administering this Agreement.

**C. Guiding Documents and Standards.** The review of undertakings that have the potential to affect historic properties will be guided by the following:

**1. Standards and related documents.** In the review of undertakings that will affect historic properties, the City and SHPO shall follow the recommended approaches in the latest version of the *Secretary of the Interior's Standards for Rehabilitation (Secretary's Standards)*, adopted by National Park Service (NPS). The City and SHPO shall also consider the most current editions of the NPS Technical Preservation Services - *Preservation Briefs* - as well as additional applicable guidance documents issued by the ACHP, NPS, or SHPO.

**2. Archaeology.** The archaeological professionals preparing any studies shall give full consideration to the most recent versions of:

**a.** The *Secretary of the Interior's Standards and Guidelines for Archaeological Documentation* (48 FR 44734-37); and

**b.** The DHR's *Guidelines for Conducting Historic Resources Survey in Virginia* (September 2017); and

**c.** The ACHP publications: *Consulting About Archaeology under Section 106* (1990), *Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites* (1999), and *Section 106 Archaeology Guidance* (June 2007).

**3. Design Guidelines.** The *Old & Historic District Handbook and Design Review Guidelines* (October 2017), currently in use by the City of Richmond's Commission of Architectural Review, may be used in the review of undertakings under the Stipulations of this Agreement, or additional guidelines may be developed as needed which shall be subject to review under the Stipulations of this Agreement in consultation with the SHPO and consulting parties. When applicable, the principles set forth in the *ACHP's Policy Statement on Housing and Historic Preservation* (2023), Appendix 2, shall be taken into consideration by all parties and balanced with the recommendations of these guidelines. All other HUD-funded projects shall comply with standard review protocols, as outlined in the SOPs, and adhere to the *Secretary's Standards*.

**4. Standardized Designs for New Construction.** In planning new construction on multiple sites in a given neighborhood that will affect historic properties, the City

may consult with the SHPO and consulting parties regarding a plan for the use of one or more standardized designs.

- D. Coordination of Review.** Sub-grantees and project applicants will submit complete applications to the City. As per the SOP, the City will submit a complete application to the SHPO. The SHPO and other consulting parties shall review undertaking documentation submitted by the City to them pursuant to this Agreement within thirty (30) days after confirmed receipt of complete documentation. If no response is received within thirty (30) days, the City may assume the non-responding party has no comments and concurs with the finding of the City. The City shall take into consideration all comments received within the thirty (30)-day review period, implement, and proceed to the next step in the process.
- E. Public Review and Comment.** The City of Richmond shall make a reasonable and good faith effort to seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties. The City shall post a list of all complete and active projects on Planning and Preservation website on a quarterly basis. Upon request any member of the public can review the complete record of any undertaking. The City will accept written comments from the public on both individual undertakings and the administration of the Agreement. The City shall consider and address all requests from a member of the public to review or reconsider determinations of eligibility for an undertaking in consultation with the SHPO. The City shall take written comments from the public on an undertaking into account in completing the Section 106 review. As a part of consultation, the City shall forward copies of public comments to the SHPO and consulting parties. Public comments pertaining to adverse effects shall be governed by Stipulation VI (B). The City shall respond in writing to written comments received on the administration of this Agreement, providing copies to the SHPO and consulting parties.

## II. PRESERVATION PLANNING

- A. Resource Inventory.** The City shall work to maintain an inventory of archeological and architectural resources in the City of Richmond for which evaluation is needed or that are listed on, eligible for, potentially eligible for, or ineligible for listing on the NRHP, including districts, buildings, structures, sites, and objects. Two (2) electronic data tools shall be used to manage the inventory: VCRIS and Richmond Geographic Information System (GIS). The inventory process shall be specified in the SOP (Appendix 4).
- B. Code Enforcement.** The City shall strengthen its efforts to protect properties from demolition. The City of Richmond shall work actively with Code Enforcement and Building Officials to develop a list of properties identified in the Resource Inventory with active code enforcement violations and shall bi-annually report these findings to the SHPO.
- C. Comprehensive Planning.** The City in partnership with the SHPO is creating a comprehensive, city-wide Cultural Heritage Stewardship Plan to be completed by December 2024 and adopted in early 2025 as an amendment to the Comprehensive Plan (Richmond 300). The City will continue to work with the SHPO and the community to further the implementation of the plan.



- D. Yearly Section 106 Training by SHPO.** City staff shall coordinate with the SHPO to provide Section 106 training for employees in Code Enforcement, Housing and Community Development, grant sub-recipients, and other agencies directly involved with the regulation and oversight of historic resources on a yearly basis.
- E. Community Planning.** The City Department of Housing and Community Development (HCD) prepares a Five-Year Consolidated Plan (2021-2025) and an Annual Action Plan (FY 2024-2025) that guide its HUD fund allocations. As part of these two documents the HCD identifies Priority Neighborhoods and Federal Entitlement Priority Areas (Appendix 3). The map will be updated as required by changes in the Consolidated and/or Annual plans.

### III. INITIATING THE 106 PROCESS

- A. Define the undertaking as per 36 CFR 800.16(y).** The City shall determine if HUD-funded project(s) constitute(s) an undertaking subject to Section 106 review. The City shall clearly identify the scope of work for each project and potential to affect historic properties.
- B. Undertaking Record.** The City shall compile an individual record for each undertaking reviewed under the Stipulations of this Agreement, including exempt work items and undertakings that do not affect historic properties, per the SOP (Appendix 4). All written and email correspondence shall form part of the undertaking record.

### IV. IDENTIFICATION AND EVALUATION OF HISTORIC PROPERTIES

- A. Area of Potential Effect (APE) Delineation.** Per the SOP, and in consultation with the SHPO, the City shall determine an APE for each undertaking. The City shall consider affects to historic and archaeological resources. For an undertaking greater than one (1) acre of cumulative ground disturbance, the APE shall consist of the parcel(s) where the affected property (ies) is/are located or that are immediately adjacent, within 150 feet of the affected property (ies).
- B. Archaeology:** Any undertaking involving ground disturbance within archaeological sites previously identified by the SHPO; a cemetery, Civil War related feature, a site shown as High or Moderate Priority on the Archaeologically Sensitive Areas (Appendix 6) and/or an undertaking resulting in one (1) acre or more of cumulative ground disturbance shall be considered an undertaking subject to Section 106 and submitted to the SHPO and consulting parties.
  - 1. Additional identification.** Should the City determine, in consultation with the SHPO and consulting parties that further consultation is needed or that further identification is needed; the SHPO and consulting parties may recommend a process to identify and evaluate archaeological resources.
  - 2. Additional Consultation.** The SHPO and consulting parties shall be consulted by the City if there is a horizontal or vertical increase to the initially defined limits of disturbance.

**C. No Historic Properties Affected.** A finding of no historic properties affected can be made after preparation of a complete undertaking record, as per the SOP, if the undertaking falls into one of the following categories:

**1. Properties not requiring SHPO concurrence:**

- a. The affected property is documented in VCRIS (as either an individual property or as part of a district) and has been determined by the SHPO to be ineligible for listing on the NRHP within the past 7 years and shown on the Architecturally Sensitive Areas (Appendix 7) as Ineligible Districts/Properties (VCRIS); or
- b. The affected property is listed as non-contributing in the inventory of a district listed on the NRHP; or
- c. If the affected property has a building, structure, or object that has not been previously documented in VCRIS that is less than fifty (50) years of age, provided the City determines the property does not meet the NRHP Criteria Consideration G, for properties that have achieved exceptional significance within the past fifty (50) years; or
- d. The affected property is identified as having been constructed Post 1985 (RVA GIS) as illustrated on the Architecturally Sensitive Areas (Appendix 7), provided the City determines the property does not meet the NRHP Criteria Consideration G, for properties that have achieved exceptional significance within the past fifty (50) years.

For these properties, the City may complete a finding of “no historic properties affected” without consultation with the SHPO and complete the Section 106 review of the undertaking.

**2. Properties requiring SHPO concurrence:**

- a. **Properties fifty (50) years or older.** If the City determines and documents that a property (ies) with a building(s), structure(s), or object(s) affected by the undertaking is/are not eligible under the NRHP Criteria for Evaluation; the City shall submit documentation to the SHPO with a finding of “no historic properties affected.” Upon the concurrence by the SHPO of “no historic properties affected,” the undertaking may proceed.
- b. **Properties determined eligible by SHPO or documented in VCRIS as eligible or potentially eligible.** If a property (building, object, or structure) or a number of properties affected by an undertaking are noted as NRHP-Eligible or potentially NRHP-Eligible in VCRIS, the City shall submit documentation to the SHPO along with a finding of “no historic properties affected”. Upon the concurrence of the SHPO of “no historic properties affected,” the undertaking may proceed.

**D. Historic Properties Affected.**

- 1. Preliminary Finding Made.** The City may make a preliminary finding of “historic properties affected” if:

- a. The undertaking is within/or immediately adjacent to a district or individual property (ies) listed on the NRHP, or that has been determined NRHP-eligible by the SHPO and documented in VCRIS, or is identified as pre-1985 as illustrated on the Architecturally Sensitive Areas (Appendix 7) as NR/VLR Historic District, Potential Historic Districts/Properties (VCRIS) or Pre\_1985 (RVA GIS); and/or
  - b. An undertaking whose APE will impact, either directly or indirectly, a district or individual property (ies) listed on the NRHP, or that has been determined NRHP-eligible by the SHPO and documented in VCRIS or is identified as pre-1985 as illustrated on the Architecturally Sensitive Areas (Appendix 7) as NR/VLR Historic District, Potential Historic Districts/Properties (VCRIS) or Pre\_1985 (RVA GIS).
2. **Excluded work items.** Excluded work items are those that have no effect, or limited potential to affect, historic properties. For any undertaking that is restricted to the excluded work items listed in Appendix 8, the City may make a finding of “no adverse effect.” For such an undertaking, the City must produce an undertaking record, and may complete Section 106 review without consultation with the SHPO.
  - a. **Applicable Standards.** Maintenance shall be guided by the guiding documents and standards, specifically the *Secretary Standards for the Preservation of Historic Properties*.
  - b. **Division of undertaking.** If an undertaking scope of work consists of both excluded and non-excluded items, the City may divide Section 106 review and present the non-excluded items for SHPO review.
3. **Undertakings Submitted for Consultation.** Any undertaking for which the City makes a preliminary finding of “historic properties affected” shall be submitted to the SHPO for consultation, per the SOP.

## V. TREATMENT OF HISTORIC PROPERTIES

### A. General Provisions.

1. **Review of documentation.** Undertakings with a finding of historic properties affected shall be submitted to the SHPO and consulting parties for review. The SHPO and other consulting parties shall review undertaking documentation by the City pursuant to this Agreement within (30) days after confirmed receipt of a complete application for review, as outlined in the SOP. If no response is received within thirty (30) days, the City may assume the non-responding party has no comments and concurs with the finding of the City.
2. **Treatments.** Treatments not listed in the Undertaking Work Items Excluded from SHPO Review (Appendix 8) shall be considered non-excluded. Work cannot commence on non-excluded work items until consultation is completed and a final determination has been issued by the SHPO. Failure to comply may result in stop

work orders being issued and additional measures, including the forfeiture of HUD-funding.

3. **Archaeology: Treatment plans.** Should the City, as a result of survey efforts and in consultation with the SHPO and consulting parties, determine that an NRHP-Eligible archaeological resource will be affected, a plan for its avoidance, protection, or recovery of archaeological data shall be submitted to the SHPO and consulting parties for consultation. The City shall consider all comments received in preparing the final treatment plan and shall then implement the plan.
4. **Conclusion of Consultation.** Following the submission by the City of a complete application per the SOP (Appendix 4), including information regarding how the undertaking will affect historic properties, the SHPO may as part of consultation concur with the finding and conditions of the City or impose additional conditions to assure compatibility, compliance with the *Secretary's Standards*, or to mitigate an adverse finding. For a conditional no adverse effect determination, the City shall ensure compliance with the conditions imposed by the SHPO.

**B. Acquisition and/or Disposition as Undertakings.** The acquisition of a property with HUD funding, shall be considered an undertaking subject to Section 106 review. The disposition of a property purchased or improved with HUD funding shall be considered an undertaking subject to Section 106 review. Subsequent HUD-assisted rehabilitation, new construction, demolition, or other treatments shall be treated as undertakings to be reviewed in accordance with Stipulations IV, or V. If such treatments are known at the time of acquisition or disposition, they should be aggregated into the same Section 106 review as the acquisition or disposition. Conveyance with a protective covenant may be considered in dispositions where appropriate to protect a highly significant historic property.

**C. Demolitions of Unsafe Structures using HUD funding.** Should the City of Richmond Code official determine a building or structure to be unsafe in accordance with Section 106 of the 2018 Virginia Maintenance Code, the Code Official shall notify the City of Richmond Division of Planning and Preservation of its intent to demolish utilizing HUD funding. The undertaking will be reviewed in accordance with Stipulations IV or V. Demolitions affecting historic properties will be reviewed in accordance with Stipulation V with a seven (7) day comment period with the following conditions:

1. **No Adverse Effect Determinations.** A determination of “no adverse effect” can be made where the City is removing a building or structure that has suffered fire or collapse through an act of God or other circumstance beyond the city’s control of more than 50% of its square footage.
2. **Adverse Effect Determinations.** If the demolition will result in an adverse effect to historic properties, or the SHPO objects to a “no adverse effect” determination, the City will follow the steps outlined in Stipulation VI.

**D. Emergency Demolitions using HUD funding.** During operations which respond to an emergency or disaster declared by the appropriate local, state, or federal authority where HUD funds will be utilized for the total or partial demolition of an unsafe building or structure in the interest of public health and safety the City may act in accordance with Stipulations IV or V (C).

## **E. Redevelopment Projects**

1. The City shall consult with the SHPO during the preparation of redevelopment plans for neighborhood, historic district, or target areas using HUD funds. The City shall afford the SHPO an opportunity to comment on the document during the late planning stages. The SHPO shall evaluate the potential effect that the goals, objectives and implementation strategy of the plan will have on Historic Properties. The SHPO's comments shall be integrated into the plan or referenced in the document before it is submitted for required local administrative reviews.
2. The City, in consultation with the SHPO, shall determine whether the redevelopment plan should be implemented under the terms of this Agreement or whether a project-specific MOA should be developed in accordance with 36 C.F.R. § 800.6. The City shall notify the ACHP of the SHPO's determination and, if appropriate, provide the ACHP with background documentation to initiate the consultation process.

## **VI. ADVERSE EFFECT**

- A. Consultation.** If an undertaking will adversely affect historic properties, the City shall consult with the SHPO and other consulting parties to consider possible ways to avoid or minimize the adverse effect. If an adverse effect cannot be avoided, the City shall continue consultation to identify appropriate mitigation that is based on the degree of the adverse effect and the level of significance of the historic properties affected. The mitigation measures shall receive the concurrence of the SHPO and the consulting parties before treatment activities begin.
- B. Public Comment.** When any finding of adverse effect is made for any undertaking, the City shall solicit written comments from the public regarding the adverse effect of the undertaking on historic properties. The City shall notify the public regarding the adverse effect using the City website and direct notification by mail of property owners and civic associations within 150 feet of the proposed undertaking in accordance with the SOP (Appendix 4) to this Agreement. As a part of the public comment process the City shall provide the opportunity for the interested members of the public to express their views on the proposed mitigation measures. The City shall provide copies of all comments received to the SHPO.
- C. Archaeological Mitigation.** Mitigation plans relating to archaeology shall be covered by treatment plans developed in accordance with Stipulation V(A)(3) and the general guidance documents related to the discipline aforementioned in this Agreement.
- D. Mitigation for Demolition.** Mitigation is resolved through consultation with the SHPO, ACHP, and other consulting parties and is commensurate to the scale of the undertaking.
  1. **Standard Mitigation.** For the proposed demolition of a historic property, site or object, standard mitigation shall be a survey of the affected property at the intensive level, as specified further in the SOP.

- a. In the case of mitigation for redevelopment, mitigation shall include Section 106 review of the proposed new construction (replacement structure), per the SOP.
- b. The incorporation of salvaged materials and/or design features from the demolished building or structure in the replacement new construction may be considered as mitigation.

**Additional Mitigation Measures.** Additional mitigation measures for a demolition may be identified as part of consultation.

**E. Mitigation for Alterations.** Mitigation for alterations that result in the loss of historic fabric to the degree that it will be an Adverse Effect is resolved through consultation with the SHPO, ACHP, and other consulting parties and is commensurate to the scale of the undertaking.

1. **Standard Mitigation.** For the proposed alteration of a historic property, that results in the loss of historic fabric, standard mitigation shall be a survey of the affected property at the intensive level, as specified further in the SOP.

**Additional Mitigation Measures.** Additional mitigation measures for an alteration may be identified as part of consultation.

## **VII. POST REVIEW DISCOVERIES**

The City shall include Stipulation VII (A to C) in all construction contracts implemented in association with an identified undertaking.

**A. Notification of the City.** If previously unidentified historic properties or unanticipated effects to historic properties are discovered during construction, the construction contractor shall immediately halt all activity within a one hundred (100)-foot radius of the discovery, notify the City of the discovery or unanticipated effect, and implement interim measures to protect the discovery from looting and vandalism or protect the area of unanticipated effect from further harm.

**B. Response by the City.** Immediately upon receipt of the notification required in Stipulation VII (A), the City shall:

1. Inspect the construction site to determine the extent of the discovery or unanticipated effect and ensure that construction has halted;
2. Clearly mark the area of discovery or unanticipated effect;
3. Implement additional measures, as appropriate, to protect the discovery from looting and vandalism or protect the area of unanticipated effect from further harm;
4. Have a professional archaeologist inspect the construction site to determine the extent of the discovery and provide recommendations regarding its NRHP eligibility and treatment; and/or

5. Consult with the SHPO to formulate the appropriate treatment for unanticipated effects.
- C. **Consultation.** Within forty-eight (48) hours of receipt of the notification by the contractor, the City shall provide the ACHP, the SHPO, and other consulting parties a summary of the response by the City to date, a recommendation as to the NRHP eligibility of the discovery, and the measures it proposes to take to avoid or resolve adverse effects. In making its official evaluation, the City, in consultation with the SHPO, may assume the discovery to be NRHP eligible for the purposes of Section 106 pursuant to 36 CFR 800.13(c). The SHPO and other consulting parties shall respond within forty-eight (48) hours of receipt. The City shall consider the consulting parties' recommendations on eligibility and treatment of the discovery, shall ensure that it carries out appropriate actions, and provide the ACHP, the SHPO, and other consulting parties with a report on these actions when they have been implemented. Construction may proceed in the area of discovery or unanticipated effect, when the City has determined that implementation of the actions undertaken to address the discovery or unanticipated effect pursuant to Stipulation VII are complete.

## VIII. HUMAN REMAINS

- A. **Treatment requirements.** The City shall treat all human remains and associated funerary objects encountered during the course of construction of an undertaking reviewed under this Agreement in the manner consistent with the latest version of ACHP's *"Policy Statement on Burial Sites, Human Remains, and Funerary Objects."* All reasonable efforts will be made to avoid disturbing gravesites, including those containing Native American human remains and associated artifacts. To the extent possible, the City shall assure that the general public is excluded from viewing any gravesites and associated artifacts. All consulting parties agree to release no photographs of any gravesites and/or funerary objects to the press or to the general public.
- B. **Removal.** If the City agrees that avoidance of the human remains is not prudent and feasible, the City shall apply for a permit from DHR for the archaeological removal of the human remains in accordance with the provisions of the *Virginia Antiquities Act*, Section 10.1-2305 of the *Code of Virginia*, and with the final regulations adopted by the Virginia Board of Historic Resources and published in the Virginia Register of July 15, 1991.
- C. **Native American Remains.** If the human remains encountered appear to be of Native American origin, whether prehistoric or historic, the City shall immediately notify the State and Federally-recognized tribes. The treatment of Native American human remains and associated funerary objects will be determined in consultation with the State and Federally-recognized tribes and any other appropriate tribal leaders identified as a part of consultation. In considering issuance of a permit involving removal of Native American human remains, the DHR shall notify and consult with the State and Federally-recognized tribes and any other identified tribal leaders, in conformance with all applicable state and federal regulations.

## IX. DISPUTE RESOLUTION

- A. Objections.** Should any party to this Agreement or a member of the public object in writing to the City regarding any action carried out or proposed with respect to an undertaking proposed and/or reviewed under the Stipulations of this Agreement or the City's implementation of this Agreement, the City shall consult with the objecting party to resolve the objection. As a part of such consultation, the City shall notify the parties to this Agreement and should the objector so request the City shall undertake consultation with any of the parties. Through consultation the City will attempt to resolve the objection.
- B. Comment by the ACHP.** If after initiating such consultation the City determines that the objection cannot be resolved through consultation, the City shall forward all documentation relevant to the objection to the ACHP, including the proposed response of the City to the objection. Within thirty (30) days after receipt of all pertinent documentation, the ACHP shall exercise one (1) of the following options:
1. Advise the City that the ACHP concurs with the proposed City response to the objection, whereupon the City shall respond to the objection accordingly; or
  2. Provide the City with recommendations, which the City shall take into consideration when reaching a final decision regarding its response to the objection; or
  3. Notify the City that the objection will be referred for comment pursuant to 36 CFR Part 800.7(a) (4) and proceed to refer the objection for comment. The City shall take the resulting comment into consideration in accordance with 36 CFR Part 800.7(c) (4) and Section 110(l) of NHPA.
- C. Concurrence by the ACHP.** Should the ACHP not exercise one (1) of these options within thirty (30) days after receipt of all pertinent documentation, the City may assume concurrence of the ACHP in its proposed response to the objection. The City shall take into consideration any ACHP recommendations or comments provided in accordance with this Stipulation with reference only to the subject of the objection. The responsibility and ability of the City to carry out all actions under this Agreement that are not the subject of the objection shall remain unchanged.

## **X. REVIEW AND MONITORING OF IMPLEMENTATION OF THE AGREEMENT**

- A. Annual Status Report.** On or before July 1 of each year, the City shall provide an annual status report to the SHPO and other consulting parties. The report shall contain summary information on all activities carried out under this Agreement, including but not limited to the following topics:
1. Progress in updating the inventory completed during the reporting period.
  2. A summary of training completed during the previous year.
  3. A list of properties identified in the inventory with active code enforcement violations.
  4. Progress made in comprehensive planning and/or community planning efforts during the reporting period.



5. Any problems or unexpected issues with administering the agreement encountered during the year.
  6. Any changes that the City believes should be made in implementation of this Agreement.
- B. The City shall make the annual status report available to the interested public on the City's website. The signatories to this agreement shall review the annual report and provide comments to the City.
  - C. At the request of any party to this agreement, the City shall ensure that a meeting or meetings are held to facilitate review and comment, to resolve questions, or to resolve adverse comments.

## **XI. AMENDMENT AND TERMINATION**

- A. **Amendment.** Any signatory to this Agreement may request that it be amended, whereupon the signatories shall consult in accordance with 36 CFR Part 800.13 to consider such an amendment. All signatories to this Agreement must agree to the proposed amendment in accordance with 36 CFR Part 800.6(c) (7). The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.
- B. **Termination.** Any signatory to this Agreement may propose termination of the Agreement if either the City determines that it cannot implement the Stipulations of this Agreement, or if the SHPO or ACHP determines that the Agreement is not being properly implemented. Any signatory may propose termination of this Agreement and shall so notify all parties to the Agreement. In the proposal for termination, the signatory shall explain the reasons for termination. The other signatories shall have at least thirty (30) days to consult and seek alternatives to termination. The signatories to this Agreement shall then consult. Should such consultation fail and the Agreement be terminated, the City shall comply with 36 CFR Parts 800.3 through 800.6 with regard to the review of individual undertakings covered by this Agreement. The termination process shall include the submission by the City to the SHPO of any outstanding undertaking records, inventories, reports, and other documentation pertaining to work done up to and including the date of termination.

## **XII. DURATION OF THE AGREEMENT**

This Agreement shall continue in full force and effect until five (5) years after the date of the last signature. At any time in the six (6)-month period prior to such date, the City may request the ACHP and the SHPO to consider an extension or modification of this Agreement. No extension or modification shall be effective unless the signatories to the Agreement have signed an amendment that modifies this Stipulation and states the length of the extension. The extension will be effective on the date a copy signed by all signatories is filed with the ACHP.

Execution of this Agreement and implementation of the Stipulations herein shall be evidence that the City has satisfied its Section 106 responsibilities for all individual undertakings subject to review under this Agreement.

Upon execution, this Agreement supersedes all previous versions of the Programmatic Agreement, and all prior Programmatic Agreements will be terminated.

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SIGNATURE PAGE  
PROGRAMMATIC AGREEMENT  
BETWEEN  
THE CITY OF RICHMOND AND  
THE VIRGINIA DEPARTMENT OF HISTORIC RESOURCES (DHR),  
THE STATE HISTORIC PRESERVATION OFFICE  
REGARDING  
THE ADMINISTRATION OF  
THE CITY OF RICHMOND'S COMMUNITY REVITALIZATION PROGRAMS  
FUNDED BY THE  
US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

SIGNATORIES:

**CITY OF RICHMOND**

\_\_\_\_\_ Date \_\_\_\_\_  
Chief Administrative Officer

Approved as to Form

  
\_\_\_\_\_  
John K. Dickinson  
Assistant City Attorney

SIGNATURE PAGE  
PROGRAMMATIC AGREEMENT  
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SIGNATORIES:

**VIRGINIA STATE HISTORIC PRESERVATION OFFICER**

\_\_\_\_\_  
Julie V. Langan, Director  
Department of Historic Resources

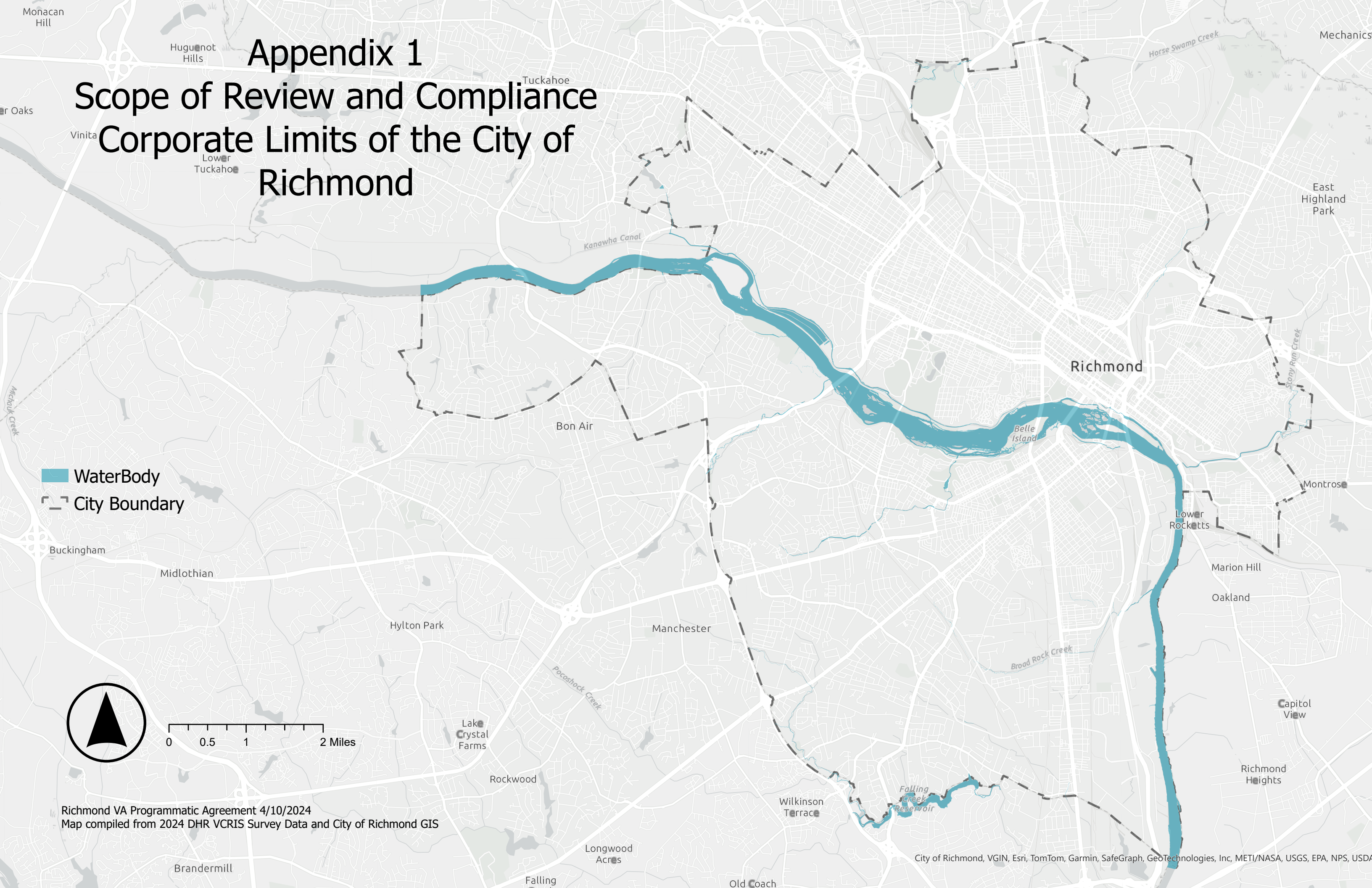
Date \_\_\_\_\_



# Appendix 1

## Scope of Review and Compliance

### Corporate Limits of the City of Richmond





## APPENDIX 2



### ADVISORY COUNCIL ON HISTORIC PRESERVATION HOUSING AND HISTORIC PRESERVATION POLICY STATEMENT Adopted December 22, 2023

Many communities across America are experiencing housing shortages, especially shortages of affordable housing. Cumulatively, this problem has grown to crisis proportions. Tackling this challenge requires a multi-pronged effort, of which rehabilitation of historic buildings is a critically important component. Recognizing that facilitating rehabilitations can help boost housing supply, meet sustainability goals, and utilize community assets more effectively, the Advisory Council on Historic Preservation (ACHP) has developed this policy statement to encourage both rehabilitation of historic housing (including historic public housing) and adaptation of historic buildings not originally built for housing.

#### SCOPE OF THE ISSUE

Estimates vary among studies quantifying the scope of the current housing shortage, but the overall conclusion is the same—America is facing a significant deficit in housing supply versus demand in many communities. This deficit is a major cause of rising costs. A 2023 report by the Joint Center for Housing Studies of Harvard University, *The State of the Nation's Housing 2023*, succinctly summarizes what many other studies have found:

*Millions of households are now priced out of homeownership, grappling with housing cost burdens, or lacking shelter altogether, including a disproportionate share of people of color, increasing the need for policies to address the national housing shortfall at the root of the affordability crisis.*

While discussing the need to construct new units, the report also concludes that:

*In addition to expanding the supply of new homes, improving the existing housing supply is critical. Substantial investment will be needed to preserve the aging stock and respond to climate change. At 43 years of age, the median home in 2021 was the oldest it has ever been . . .*

Rehabilitating and reusing existing buildings must be integral to addressing the housing shortage, which is not a problem America can build its way out of solely through new construction.

Because approximately 40 percent of America's current building stock (residential and commercial) is at least 50 years old, rehabilitation of historic and older buildings must play an important role in addressing the housing supply shortfall. In towns, counties, and cities, and on Tribal lands throughout the country, historic buildings either are or can be rehabilitated as housing. Given that the cost of rehabilitation on a per-square-foot basis tends to be less than new construction, historic buildings are an important source of so-called "naturally occurring" affordable housing. The opportunities for housing creation and retention are immense. Further, every person should have safe, clean, and affordable options for housing and a healthy environment, and these needs are closely linked with other social determinants of health and environmental justice goals.

This policy statement pertains primarily to historic properties—buildings, sites, districts, structures, and objects—which are included in or eligible for inclusion in the National Register of Historic Places

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(National Register), and principally to individual historic buildings and buildings within historic districts. However, it is important to recognize that many older buildings that could qualify for historic designation have not yet been designated. Others are not yet 50 years old—the usual age threshold that must be reached to be considered eligible for National Register designation. The ACHP acknowledges that many of the strategies and suggestions offered in this policy statement can apply to older buildings generally, not just those formally determined to be historic.

It also is important to acknowledge that while efforts to honor and preserve the stories of all Americans are expanding, historic properties in disadvantaged and underserved communities, as well as communities with environmental justice concerns, are often underrepresented on the National Register, creating imbalances in access to preservation incentives. Disproportionately affected by the housing shortage, these communities also often lack management and decision-making authority that would help them determine where and how investments in the reuse of historic buildings for housing are made, or address any negative impacts of such determinations.

Projects to rehabilitate historic buildings for housing or build new housing may be subject to historic preservation review at the federal, state, and/or local levels. The existence of these processes sometimes gives rise to an assumption that historic preservation reviews will complicate or be a barrier to housing development, particularly of affordable housing. This need not be the case, and when fully integrated into regular project planning and scheduling, such reviews can benefit project development without causing delay or increasing project costs. However, such reviews do need to be grounded in a flexible yet consistent approach to ensure that housing can be developed expeditiously while still preserving the historic qualities of affected historic properties. One intent of this policy statement is to encourage such flexibility.

## **ROLE OF THE FEDERAL GOVERNMENT**

The National Historic Preservation Act (NHPA) states that it is the policy of the federal government “to foster conditions under which our modern society and our historic property can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations.”<sup>1</sup> Consistent with this, the federal government plays a role in establishing and implementing both historic preservation and housing policy. It also directly funds both historic preservation projects and housing projects, undertaken by public and private actors alike. And finally, it sets forth standards for the treatment of historic properties that are, in turn, interpreted and applied by state, Tribal, and local governments and private parties. Thus, the federal government has a significant role to play in the way that buildings are updated or repurposed for housing.

A key player regarding historic preservation is the ACHP, an independent federal agency created by the NHPA. It works to promote the preservation, enhancement, and sustainable use of our nation’s diverse historic resources. It is the ACHP’s responsibility to “advise the President and Congress on matters relating to historic preservation, recommend measures to coordinate activities of federal, state, and local agencies and private institutions and individuals related to historic preservation, and advise on the dissemination of information pertaining to those activities.”<sup>2</sup> The ACHP has developed this policy statement in keeping with this mandate.

Across the federal government, agencies are responsible for directly managing and caring for historic properties under their control, and for fostering both nonfederal, governmental, and private preservation activities. Section 110 of the NHPA sets out these broad historic preservation responsibilities of federal agencies and is intended to ensure that historic preservation is fully integrated into their ongoing

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<sup>1</sup> 54 U.S.C. § 300101.

<sup>2</sup> 54 U.S.C. § 304102.

programs.<sup>3</sup> Federal agencies with responsibilities regarding housing must consider historic properties as part of their program planning, addressing the role historic buildings can play in providing housing and the potential impacts of housing projects and programs on historic properties of all types.

Federal agencies also must consider the effects of projects – including housing projects – they carry out, approve, or fund on historic properties. This requirement has been enshrined in Section 106 of the NHPA and in corresponding regulations issued by the ACHP.<sup>4</sup> Section 106 applies both to housing built directly by federal agencies and to housing funded by federal agencies. Many federal agencies, including the Departments of Defense, Interior, and Agriculture build housing for their staff and for other purposes. In addition, some federal agencies, notably the Departments of Housing and Urban Development (HUD), Agriculture, and Veterans Affairs, provide funding to and/or partner with public housing authorities, state and local governments, and private entities for the creation of housing. These federal agencies (and funding recipients that have assumed HUD’s environmental review requirements by statute) must comply with Section 106.<sup>5</sup>

Influencing the physical nature and form of both public and private projects, whether subject to the Section 106 review process or not, are standards for the treatment of historic properties set forth by the Department of the Interior, including the Secretary of the Interior’s Standards for Rehabilitation (Secretary’s Standards). These standards have been adopted by state and local governments and also influence private action.

It is within this context of the federal government’s role at the intersection of housing and historic preservation that this policy statement has been developed.

## **INTENDED AUDIENCE**

Given the leadership role of the federal government in addressing both housing and historic preservation, the following policy principles seek to promote informed policy making, decision making, and responsible stewardship of historic properties by the federal government. The ACHP also has designed this policy statement to assist Tribal, state, and local governments; community groups; and nonprofit organizations (collectively, along with federal agencies, “public-serving institutions”); developers, and others in the private sector as they seek to reuse historic buildings for housing as a strategy to address the housing crisis.

It is important to note that a wide variety of nonprofit organizations can play a role in rehabilitation of historic buildings for housing. Among these are nonprofit housing corporations, community development corporations, land banks, and heritage conservancies. Similarly, for-profit developers are central to maximizing housing creation through historic building rehabilitation, frequently creating affordable housing through the use of local, state, or federal tax credits or subsidies. The ACHP encourages both the nonprofit and the for-profit private sectors to explore the opportunities inherent in reusing historic buildings for housing.

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<sup>3</sup> 54 U.S.C. §§ 306101-306107; 306109-306114.

<sup>4</sup> 54 U.S.C § 306108; 36 C.F.R Part 800.

<sup>5</sup> This statement incorporates provisions of a 2006 ACHP Policy Statement on Affordable Housing and Historic Preservation (a replacement for a previous 1995 policy statement), which was designed to serve as a guide for federal agencies and other stakeholders when making decisions about affordable housing projects during Section 106 review. In recognition that the federal government engages in undertakings triggering Section 106 review for both affordable housing and other types of housing, this policy statement removes the word “affordable” from text that previously appeared in the 2006 policy statement.



## POLICY PRINCIPLES

It is the policy of the ACHP to encourage and accelerate rehabilitation of historic buildings for housing and to assist in harmonizing historic preservation and housing goals. The ACHP has developed the following principles to guide its own actions and to advise public-serving institutions and other public and private entities on these issues. The ACHP will integrate these principles into its oversight of the federal Section 106 review process and into the advice it provides to federal agencies, Tribal, state, and local governments, and the general public.

### *Reuse Historic Buildings*

1. **The federal government and state governments should develop additional historic tax incentives and easier ways to pair those incentives with housing and energy tax incentives.** The existing federal historic tax credit provides a 20 percent income tax credit for the rehabilitation of historic, income-producing buildings. As of June 2023, 39 states also have adopted state historic tax credits. Retaining and enhancing these credits and developing new historic tax incentives is vitally important to scaling up rehabilitation of historic buildings for housing. Policymakers should consider increasing historic tax credit percentages for rehabilitation projects that create housing, particularly affordable housing, as well as setting aside a portion of tax credit benefits for housing creation in states where the state historic tax credit has a monetary program cap.

Tax credits for rehabilitation of older buildings that are not formally designated as historic also would contribute to housing creation while complementing and supporting efforts to rehabilitate nearby historic buildings in historic neighborhoods. Also, expanding homeowner historic tax credits should be considered. Rehabilitation of owner-occupied historic housing does not qualify for all state credits or the federal historic tax credit. Homeowner rehabilitation tax credits would encourage preservation of existing historic housing by helping to support maintenance, rehabilitation, weatherization, and energy retrofits of historic homes.

The effectiveness of federal and state historic tax credits could be further leveraged if it were easier to couple them with housing and energy tax incentives, notably the Low-Income Housing Tax Credit (LIHTC). Legislative and/or administrative fixes should be explored to reconcile conflicts. It is particularly important to address disconnects that are making pairing of the federal historic tax credit and LIHTC increasingly difficult, including both tax policy and application-based challenges. More states should consider giving preference points for historic preservation projects in their allocation of LIHTCs, as some already do.

2. **Public-serving institutions should support existing programs and develop new programs that assist homeowners (particularly lower- and middle-income homeowners) and small-scale landlords in maintaining, repairing, and weatherizing their historic homes, and reducing their energy costs through renewable energy installation.** While historic tax credits for homeowners and small-scale landlords are one vehicle to help preserve historic homes, other forms of assistance are needed. Support is particularly critical in the case of low- and middle-income housing and can help assist in discouraging displacement of long-term residents in established neighborhoods. Financial constraints of owners can lead to a spiral of deferred maintenance and an inability to lower utility costs through weatherization and energy retrofitting, potentially leading to eventual vacancy and demolition of buildings. Types of assistance – with an emphasis on retention and repair of historic materials – that should be considered include the following: grants and low-cost loans for repairs and hazard mitigation (remediation of lead-based paint, asbestos, mold, etc.); do-it-yourself support through materials warehouses, tool sharing programs, and training workshops; free or low-cost energy audits; and job training programs focused on historic home repair.

3. **Public-serving institutions should support zoning code changes that encourage greater density and availability of housing in tandem with preserving historic buildings, that allow for mixed uses, and that allow housing in historic buildings in areas where it is now prohibited.** Increasing density and expanding housing options in existing neighborhoods—including historic neighborhoods and historic districts—are potential solutions to help address the shortfall in housing supply. This and other changes to zoning to better balance competing factors—such as through the use of form-based codes—should be seriously explored.

Taking into account the unique conditions of each community, consideration should be given to allowing and incentivizing “density without demolition” through: conversion of historic single-family dwellings to multi-family dwellings; creation of accessory dwelling units, either in rehabilitated historic structures or through compatible new construction; removal or reduction of minimum parking requirements in historic neighborhoods; enabling transfer of development rights to incentivize rehabilitation of historic buildings while allowing new development in alternative locations; adoption of procedures and permitting incentives to facilitate the reuse of existing buildings for housing; and compatible infill construction of multi-family housing on vacant parcels in historic districts. More guidelines, pattern books, best practices, and other resources are needed to help assist local governments and developers in implementing additional density in a manner most compatible with a community’s historic buildings. Proactive efforts should be made, however, to ensure “density without demolition” also means “density without displacement,” so that long-term residents are not priced out of living in their historic homes and neighborhoods.

Many zoning codes prohibit historic buildings in certain areas from being converted into housing. There is a significant need to rezone neighborhoods filled with office and commercial buildings for residential use. In addition, large-scale historic industrial buildings, like New England mill buildings, are often zoned for industrial purposes, even in locations where manufacturing seems unlikely to return. And finally, public-serving institutions should consider zoning for historic Main Streets, which organically developed with housing mixed with (and usually above) shops but which are too often now subject to prohibitions on residential uses enacted through ever-stricter zoning codes. Upper stories can be returned to residential use and, in some instances, first-floor commercial space could be converted to housing. This mix of uses that proved to enrich small towns and larger cities alike should be allowed again through zoning.

Local historic preservation commissions can play a pivotal role in advising on zoning changes to address the issues raised above. They, as well as the planners responsible for zoning code development and revision, should have the training and resources they need to understand the options and opportunities for enabling and promoting rehabilitation of historic buildings for housing and development of compatible new infill construction.

4. **Public-serving institutions should advocate for changes in building codes and interpretations of the Americans with Disabilities Act to create more flexible standards (especially for small-scale housing of four units or fewer) to facilitate conversion of nonresidential historic buildings to residential use and to prioritize design solutions for historic housing that ensure access and inclusion of disabled residents and visitors.** Traditional building codes tend to focus on new construction to the detriment of rehabilitation of historic buildings, particularly for affordable housing. Property owners wishing to undertake renovations, regardless of their scope, are often confronted with requirements to bring a historic building into full compliance with the building code requirements for new construction. Cities and states should consider adoption of performance-based rehabilitation building codes (such as the International Existing Building Code) or other building code changes to provide needed flexibility and better relate building code requirements to the scale of projects. This also would facilitate new approaches to housing development, such as conversion of underused office and retail buildings—including those that are historic—for use as housing.

The American with Disabilities Act prohibits public-serving institutions from discriminating on the basis of disability in providing or making available housing. Public-serving institutions should give full consideration of all that is needed to ensure accessibility for users of housing, including historic properties used for housing. Interpretations of the Americans with Disabilities Act by public officials should prioritize the need to provide accessible environments to all users of housing in historic buildings. Collecting successful examples of projects that promote both preservation ideals and accessibility could be useful to many different actors. It also is imperative that planners, local historic preservation commission members and staff, and building inspectors have the training and resources they need to understand the code enforcement options available for the rehabilitation of historic buildings for housing and development of compatible new infill construction.

5. **Public-serving institutions should seek to promote thoughtful energy retrofitting during rehabilitation of historic buildings for housing.** Most states have adopted energy conservation codes to enhance creation and operation of energy efficient buildings. Widely used codes and standards often include options for exempting historic buildings in situations where full compliance would damage their historic design and materials. However, as the climate crisis becomes more acute, use of such waivers may increasingly be seen as problematic, discourage reuse of historic buildings for housing, and cause disproportionate and adverse health or environmental impacts on already overburdened communities with environmental justice concerns. More guidelines, best practices, and other resources are needed to help promote energy retrofitting of historic buildings used for housing in a manner most compatible with their historic character.
6. **Federal, state, Tribal, and local governments should lead by example through disposition or outleasing of excess or underutilized historic government buildings for housing development.** Government building inventories often include structures that are no longer needed to facilitate agency missions and that are vacant or underutilized. Enhanced use of telework and remote work, sparked by the COVID-19 pandemic, has further increased the amount of government office space that is underused. Governments at all levels should examine the opportunities inherent in excess and underutilized government buildings—including those that are historic—to create housing through office-to-housing conversions and other adaptive use. Strategic disposal (with protective covenants) and leasing to nongovernmental partners should be considered. Section 111 of the NHPA and other agency-specific authorities allow federal property-managing agencies to outlease historic buildings (or portions thereof) to nonfederal parties. Federal agencies should identify and remove impediments to outleasing their historic buildings, with consideration given to the recommendations of the ACHP's 2021 report, *Leveraging Federal Historic Buildings*.
7. **The federal government should expand upon its guidance regarding reuse and rehabilitation of historic properties for housing and should encourage flexible yet consistent application of such guidance.** Federal standards and guidelines significantly influence the rehabilitation of historic properties, public and private alike, because they are often adopted or adapted by state and local governments, as has been the case with the Secretary's Standards. The federal government should add to and flexibly apply its guidance on the treatment of historic properties in ways that will incentivize housing development, particularly of affordable housing, and facilitate adapting nonresidential buildings to housing. Likewise, additional guidance is needed on remediating environmental, health, and safety hazards when rehabilitating historic buildings and providing access for persons with disabilities. The federal government, particularly agencies that fund housing development, also should accelerate the development of guidance on the benefits of rehabilitating historic housing (including historic public housing) and of adapting historic commercial buildings for use as housing. Enhanced recommendations and training are needed to encourage reuse of historic buildings and promote project planning and review that are adaptable yet consistent.

### *Accelerate Project Permitting and Environmental Review*

8. **Federal, state, Tribal, and local governments should expedite development of housing projects through efficient and effective permitting processes and environmental reviews while still ensuring full consideration of potential impacts to historic properties.** Addressing the problem of insufficient housing supply will require widespread large-scale and small-scale projects, both for new construction and for rehabilitation of historic and other existing buildings. Environmental reviews and permitting processes for such projects, especially small-scale projects with limited impacts, should be managed in such a way as to proceed expeditiously. However, potential adverse effects to historic properties must be carefully addressed, whether they be physical or visual impacts to historic properties from new housing construction or effects to the historic qualities of historic buildings that are being rehabilitated. It also is important that actions not be taken that result in the damage or destruction of historic properties prior to applicants seeking tax credits and government funding, and prior to agencies completing environmental review.

Efficient permitting and environmental review depends in large part upon the funding and staffing capacity of the government agencies at all levels participating in the reviews. It is vitally important to build capacity for historic preservation review within federal agencies, State and Tribal Historic Preservation Offices, and local historic preservation commissions, and to provide robust training for staff. Public-serving institutions also should seek to educate communities and project sponsors on environmental review requirements; their roles in those review processes; the need to initiate environmental review early in planning; and the importance of flexible consideration of project alternatives.

Current housing needs pose complex challenges that need to be addressed on an increasingly accelerated timeline, and it is important that environmental reviews be rooted in flexibility and creativity. The Section 106 regulations provide for development of program alternatives to tailor and expedite the review process while at the same time ensuring the consultation process is accessible, meaningful, and transparent to the wide variety of consulting parties and stakeholders.<sup>6</sup> Program alternatives already are in use for a variety of housing-related projects and programs. The ACHP will explore further opportunities to use program alternatives to expedite housing development, as should other federal agencies. Federal agencies also should explore how best to integrate Section 106 review with review under the National Environmental Policy Act, based on options available in the Section 106 regulations and advice in *NEPA and NHPA: A Handbook for Integrating NEPA and Section 106*, issued by the ACHP and the Council on Environmental Quality in 2013. Policy Principle #9 offers further recommendations on flexibly proceeding through Section 106 review specifically for housing projects.

9. **All participants in Section 106 review of housing projects should approach the review flexibly in keeping with the following principles and any applicable implementing guidance from the ACHP.** In keeping with Section 110(f) of the NHPA,<sup>7</sup> which requires federal agencies to minimize harm to National Historic Landmarks to the maximum extent possible, the following provisions should not apply to National Historic Landmarks. The ACHP plans to issue implementing guidance on effect determinations under Section 106, including addressing the potential adverse effects of housing projects to the interiors of historic buildings.

- a. *Review of effects on historic districts made up of buildings should focus on effects to exterior features.* Section 106 review of effects focuses on potential alterations to the characteristics that qualify a property for listing in the National Register. The significance

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<sup>6</sup> 36 C.F.R. § 800.14.

<sup>7</sup> 54 U.S.C § 306107.

of a historic district comprised of buildings is typically associated in large part with the exterior features of the buildings, which cumulatively convey the significance of the overall district and qualify it for inclusion in the National Register. Accordingly, unless a building in a district is listed or considered eligible for listing in the National Register as an individual property or specific interior elements contribute to maintaining a historic district's character, review under Section 106 should focus on proposed changes to the exteriors of the district's buildings.

- b. *Consultation should consider the overall preservation and housing goals of the community.* When assessing, and negotiating the resolution of, the effects of housing projects on historic properties, consultation should focus not simply on individual buildings but on the historic preservation goals of the broader neighborhood or community. If the affected historic property is a historic district, the agency official should assess effects on the historic district as a whole.
- c. *When possible, plans and specifications should adhere to the Secretary's Standards, taking into account the economic and technical feasibility of the project.* The Secretary's Standards outline a consistent national approach to the treatment of historic properties that can be applied flexibly in a way that relates to local character and needs and project requirements. Plans and specifications for rehabilitation, new construction, and abatement of hazardous conditions in housing projects associated with historic properties should strive to adhere to the recommended approaches in the Secretary's Standards when possible. However, the ACHP recognizes that there are mission-related, economic, or other circumstances when the Secretary's Standards cannot be followed and that Section 106 allows for the negotiation of other outcomes.

When assessing effects during Section 106 review and seeking to avoid adverse effects for housing projects, priority should be given to consistency with the Secretary's Standards for the exterior of buildings. Adverse effects to historic interior spaces and features may more frequently need to be accepted and resolved to facilitate reuse of the buildings for housing. This especially is the case for conversions of commercial or institutional buildings to housing and to address issues such as energy retrofitting, providing access for persons with disabilities, and hazard remediation. Projects taking advantage of the federal historic tax credit must be reviewed by the National Park Service for adherence to the Secretary's Standards in a separate and distinct process that benefits from early coordination.

- d. *Section 106 consultation should emphasize consensus building.* Section 106 review strives to build consensus with affected communities in all phases of the process. Consultation with affected communities should be on a scale appropriate to that of the undertaking. Various stakeholders, including community members and neighborhood residents, should be included in the Section 106 review process as consulting parties so that the full range of issues can be addressed in developing a balance between historic preservation and housing goals. See Policy Principle #10 regarding the importance on consultation with Indian Tribes and Native Hawaiian organizations, and engagement with disadvantaged and underserved communities, and communities with environmental justice concerns, including people with disabilities.
- e. *The ACHP encourages streamlining the Section 106 process to respond to local conditions.* The ACHP encourages participants to seek innovative and practical ways to streamline the Section 106 process that respond to unique local conditions related to the delivery of housing. Programmatic Agreements are one approach to enhance efficiency in

Section 106 reviews. Some such agreements delegate the Section 106 review role of the State Historic Preservation Officer to local governments, particularly where local preservation ordinances exist and/or where qualified preservation professionals are employed to improve the efficiency of historic preservation reviews. Such agreements may also target the Section 106 review process to local circumstances that warrant the creation of exempt categories for routine activities, the adoption of “treatment and design protocols” for rehabilitation and new infill construction, and the development of design guidelines tailored to a specific historic district and/or neighborhood.

- f. *Archaeological investigations should be avoided or minimized for rehabilitation projects with minimal ground disturbance.* No archaeological investigations should be carried out for housing projects limited to rehabilitation or energy retrofitting that require no ground disturbance. In those circumstances where minimal ground disturbance may be necessary to carry out rehabilitations, archaeological investigations should be minimized and proportional to the potential effects of such disturbance. Guidance on archaeological investigations in this context can be found in the ACHP’s *Section 106 Archaeology Guidance*. For all other projects, archaeological investigation may be needed, to be determined and carried out in consultation with State and/or Tribal Historic Preservation Officers. Inadvertent discoveries related to any housing project once construction has begun should be addressed in accordance with the Section 106 regulations, the ACHP’s Policy Statement on Burial Sites, Human Remains, and Funerary Objects, applicable state burial laws, and the Native American Graves Protection and Repatriation Act (if applicable).
10. **During planning, permitting, and environmental reviews (including Section 106 reviews) for housing projects, federal, state, and local governments should consult and engage—beginning early in the process—with Indian Tribes, Native Hawaiian organizations (NHOs), disadvantaged and underserved communities, and communities with environmental justice concerns, including people with disabilities, and should explore capacity building options for supporting their participation in consultation.** The Section 106 process under the NHPA already requires federal agency consultation with Indian Tribes, NHOs, and other consulting parties regarding the impact of projects on historic properties. Here, the ACHP would like to emphasize the importance of consultation and engagement—whether or not Section 106 applies—with Indian Tribes, NHOs, disadvantaged and underserved communities, and communities with environmental justice concerns, including people with disabilities, all of whom are disproportionately impacted by the housing supply shortfall. Soliciting and considering their views on reuse of historic buildings for housing and the impacts of housing projects on historic properties should be done proactively, early in planning, and throughout environmental reviews and permitting processes.

In some cases, limited resources may constrain the active participation of disadvantaged and underserved communities and communities with environmental justice concerns in consultation. Federal, state, and local government entities should consider options for strategic financial investments or other assistance to help with needed capacity development. The ACHP previously has recommended capacity-building support for consulting parties pursuant to the agency’s “Guidance on Assistance to Consulting Parties in the Section 106 Review Process.” Since many Indian Tribes have been incorporating consideration of housing issues into their environmental reviews and permitting processes for decades, housing-related project planning should seek to adopt or align with existing practices and standards, where feasible. On trust land, Tribes should control how housing is developed and its location, whether as new construction or rehabilitation.

## *Gather Information*

**11. Public-serving institutions should work collaboratively to research and share information with each other, policymakers, the private sector, and the public about the costs, benefits, incentives, and disincentives associated with rehabilitating historic buildings for housing.** To maximize reuse of historic buildings, ongoing research and study are needed in order to identify opportunities, document benefits, shape guidance development, and disseminate best practices. Public-serving institutions should undertake such research; recommended areas for study and dissemination of information include those below. Consistent with their missions and authorities, federal agencies should provide funding and technical assistance to support state, Tribal, local, and nongovernmental research efforts.

- Existing Government Programs
  - Survey laws and financial incentives at the federal, state, Tribal, and local levels that address rehabilitation of historic buildings for housing and assess the impact of such laws and incentives on housing supply, housing affordability, mixed-use development (including housing above ground-floor commercial), and equitably distributed development; and determine if such policies should be updated, modified, or expanded to ensure they are applied and interpreted in a flexible manner allowing for housing production.
  - Study how well federal programs are helping to meet the housing needs of Indian Tribes and disadvantaged and underserved communities, as well as communities with environmental justice concerns, while encouraging the reuse and protection of historic properties, and what changes may be needed to make the application process for federal assistance more inclusive and easier to navigate.
- Historic Properties and Neighborhoods
  - Assemble information about the location, size, condition, quality of features, and occupancy of historic buildings in localities and assess those against local housing needs.
  - Evaluate any links between historic designation and housing affordability, and between historic designation and displacement of residents in disadvantaged and underserved communities, and in communities with environmental justice concerns.
  - Explore impacts of institutional real estate investment in owner-occupied housing for rental use and (in some communities) an increase in short-term rentals, seasonally occupied homes, and second homes in historic neighborhoods.
- Rehabilitation of Existing Properties for Housing
  - Study the costs of rehabilitating historic buildings for housing relative to new construction, considering intangible and environmental costs and benefits in addition to monetary cost.<sup>8</sup>
  - Study the climate impacts of rehabilitating historic buildings for housing, including decarbonization; improved operational energy efficiency; climate resilience; decreased

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<sup>8</sup> Studies should not conflate rehabilitation and adaptive use with restoration (defined as accurately restoring a building to its appearance at a particular point in time). The latter generally is more expensive and is not necessary for effective reuse of historic buildings for housing.

emissions through reduced urban sprawl; and responding to housing needs following disasters.

- Preservation Workforce
  - Survey the current and anticipated future state of the public sector preservation workforce and its expertise and capacity to handle environmental reviews, including Section 106 reviews, of housing projects in a timely manner.
  - Survey the current and anticipated future state of the private sector preservation workforce, including its ability to rehabilitate existing buildings for housing and conduct energy efficiency retrofits.

### *Educate*

12. **Public-serving institutions should educate policymakers, housing advocates, developers, the media, and the public about the benefits of reusing historic buildings in housing development and debunk misperceptions regarding historic preservation as a barrier to addressing the housing supply shortfall.** With increasing attention being paid to reusing existing buildings to help address the housing shortage, consciousness raising efforts are needed regarding the role historic buildings can play. Outreach is needed to explain: why historic building rehabilitation for housing is a sound financial investment and what incentives are available; how modern housing needs (including accessibility for people with disabilities) can be accommodated in historic buildings without sacrificing their historic qualities; and how rehabilitation of historic buildings for housing also has intangible and environmental benefits for communities.

Countering misperceptions of historic preservation review as a barrier to addressing the housing shortage also is critical. Preservation regulations that require review of housing projects affecting historic properties help to preserve what makes the properties historically significant and give local citizens a voice in project planning. However, such review can be—and should be—approached flexibly, consistently, and expeditiously, taking into consideration the economic and technical feasibility of each project. Public-serving institutions overseeing preservation reviews should embrace this imperative and actively work to educate all stakeholders, the media, and the public on how the historic preservation review process balances consideration of housing needs and preservation of the community's historic places.

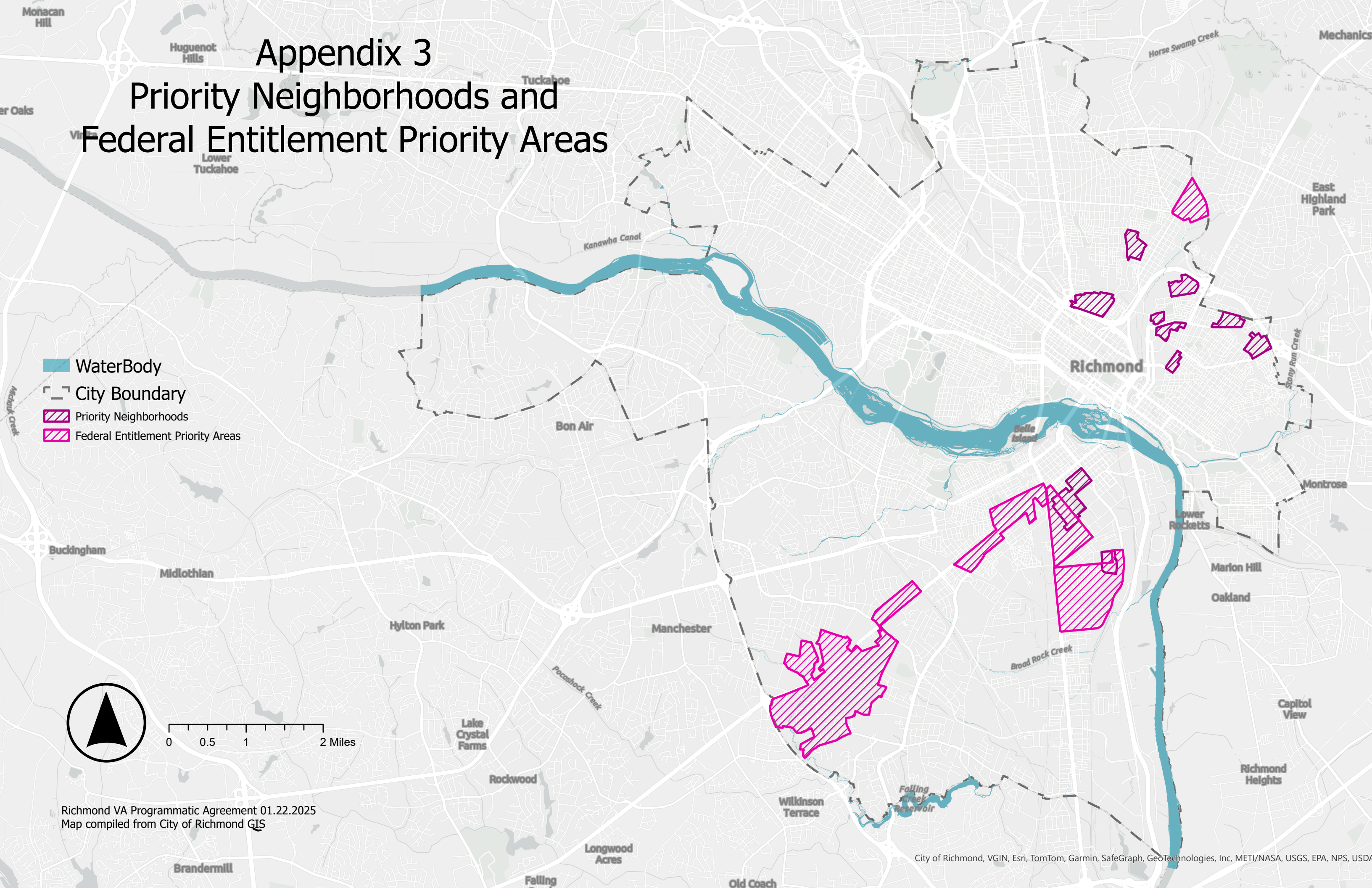
### *Collaborate*

13. **Public-serving institutions and the private sector should cooperate and form partnerships across agencies, between levels of government, and within communities to enhance the implementation of each of the principles discussed above.** The impacts of America's housing supply shortfall are so wide-ranging that collaboration among public-serving institutions, developers, financial institutions, philanthropic organizations, and others in the private sector is essential. Cooperation and forging of partnerships will enhance implementation of each of the principles discussed above. Federal agencies can take a leadership role in this regard through their own collaborative work and by encouraging such work through funding and technical assistance.



# Appendix 3

## Priority Neighborhoods and Federal Entitlement Priority Areas

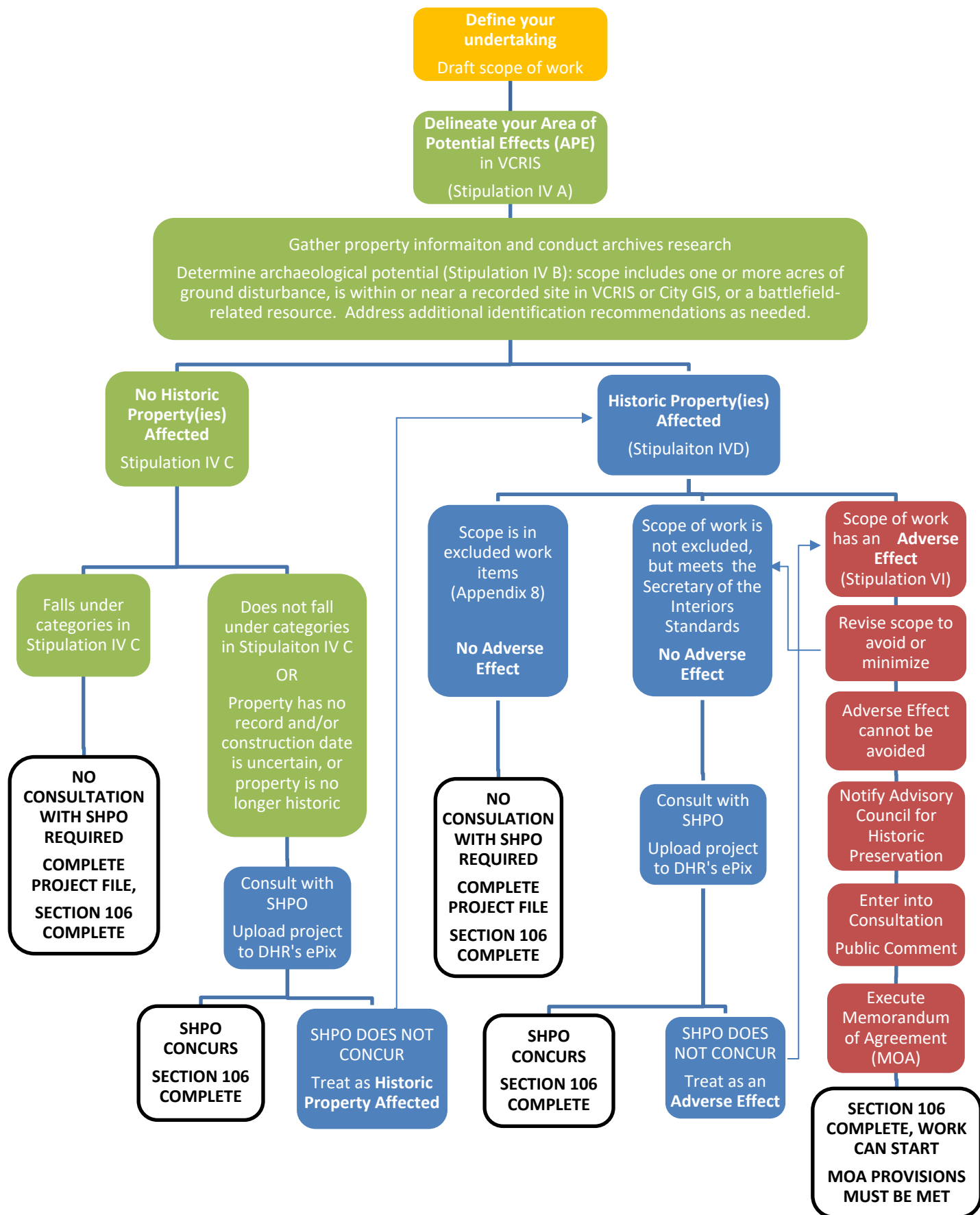




**APPENDIX 4  
STANDARD OPERATING PROCEDURES**

**I. SECTION 106 PROJECT REVIEW PROCESS 4 STEP FLOWCHART**

<b>1   INITIATE</b>	<b>36 CFR §800.3</b>	<b>Define Undertaking.</b> Determine if you have an undertaking subject to Section 106 review. Draft <u>preliminary project scope</u> .
<b>2   IDENTIFY</b>	<b>36 CFR §800.4</b>	<b>Delineate APE in VCRIS. Identify historic properties.</b> Gather information about the property and determine if it is in a historic district or if the property is over 50 years of age. Is work in a local HD or NRHP-listed or eligible HD? If so, evaluate significance and identify original material and character defining features with help of preservation planner and/or SHPO staff.
<b>3   ASSESS</b>	<b>36 CFR §800.5</b>	<b>Assess Adverse Effects for Historic Properties.</b> Gather detailed information for any proposed new materials and determine if the work meets Lead Based Paint Protocol and Exempted Work Items. Work is not exempt? Prepare a review packet and send to consulting parties and SHPO for review. Make effect determination: No adverse Effect or Adverse Effect.
<b>4   RESOLVE</b>	<b>36 CFR §800.6</b>	<b>Resolve Adverse Effects.</b> Avoid, minimize, or mitigate Adverse Effects. Notify ACHP and involve the public per the PA.



## **I. DETERMINING IF THE PROJECT IS A FEDERAL UNDERTAKING**

An undertaking for the purposes of this Programmatic Agreement refers to a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of the Federal Department of Housing and Urban Development (HUD). This includes projects carried out by or on behalf of HUD; those carried out with HUD financial assistance; or those requiring a HUD permit, license, or approval.

## **II. DEFINING YOUR AREA OF POTENTIAL EFFECTS**

The Area of Potential Effects (APE) is defined in the regulations implementing the Section 106 review process as "The geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking." [36 CFR Part 800.16(d)].

The APE will vary with the type of project. To determine the APE, you must know the nature and full extent of your project. You need to consider not only the physical effects of your project, such as grading or demolition, but the full range of effects that might occur. In addition to direct effects, you will also need to consider indirect effects, those that may occur later, be further removed in distance or be cumulative. The APE does not need to be a contiguous area. It can include multiple alternative project areas or multiple areas where possible effects can reasonably be anticipated.

## **III. RESOURCE INVENTORY**

The City will work to maintain an inventory of archeological and architectural resources in the City of Richmond for which evaluation is needed or that are listed on, eligible for, potentially eligible for, or ineligible for the NRHP, including districts, buildings, structures, sites, and objects. The city has developed sensitivity maps for both architectural and archaeological resources within the City's jurisdiction. These maps will serve as a preliminary identification of listed, eligible, and ineligible resources and as a basis for future inventories. Two (2) electronic data tools to be used to manage the inventory are as follows:

### **A. The SHPO's Virginia Cultural Resource Information System (VCRIS)**

VCRIS is a database housing the inventory records of previously identified archeological and architectural resources throughout Virginia. The data from VCRIS shall be used by the City are as follows:

1. The City will use VCRIS to submit data on districts and individual properties to the SHPO identified as a part of the City inventory. In the preparation of individual survey records for VCRIS, the City will comply with the documentation requirements of the SHPO and submit all necessary supporting documentation.

Using the SHPO's standard data distribution procedures, the SHPO will export the geospatial data for previously identified archeological and architectural resources defined within the City as ESRI shapefiles. The boundary provided by the City will be used to extract the features. Files extracted will be transmitted to the City in January, April, July, and October. The City will incorporate this information into its Resource Inventory. The archeological resource information provided in these updates will only be used by staff

administering the Section 106 process for Section 106 purposes. Archaeological resource locations are exempt from the Freedom of Information Act (FOIA) as part of the Code of Virginia, §2.2-3705.7 (10), as outlined in the DHR Geospatial Data Agreement.

## **B. Richmond Geographic Information System (GIS)**

The City will use GIS, a data mapping tool, to locate and map historic properties as follows:

1. The City will on an on-going basis identify eligible historic districts and individual properties and will document the location of these properties in GIS. All such City-identified architectural resources will be reviewed for eligibility by the SHPO prior to submission in VCRIS.
2. In compiling individual property and district inventory records in VCRIS for consideration by the SHPO, the City shall use GIS to document the boundaries of the inventoried resources in reference to the United States Geological Survey 1:24,000-scale topographic map series.

## **IV. ELEMENTS OF A COMPLETE PROJECT REVIEW FILE**

The City shall compile an individual, electronic, project file for each undertaking reviewed under the stipulations of this Agreement, including exempt work items and undertakings that do not affect historic properties. The project review file shall be cataloged by the address of affected property. Unless otherwise noted in various stipulations of this Agreement, such a record shall include the following:

- A. Area of Potential Effect Documentation.** For each undertaking the City will prepare a base map to document the APE for both direct and indirect effects. Each map, generated in VCRIS, will clearly indicate the location of real estate parcels, rights-of-way, and building footprints of both the affected property and immediately adjacent properties. The APE base map will also show the relationship of the undertaking to all archeological or architectural resources adjacent to and in the APE.
- B. Archival Research.** For each undertaking the City will consult the DHR VCRIS database and prepare a map showing all properties contained in VCRIS that are within or adjacent to the APE. Where applicable the file will contain copies of the survey files for previously documented properties found VCRIS.
- C. Photographs.** On site visits, the City shall prepare digital photographs of the proposed undertaking adequate to document the scope of the undertaking and to support the finding of effect made by the City. Each photograph shall be labeled to indicate address of the affected property, the vantage point from which the photograph was taken, and the date of the photograph.
- D. Correspondence.** Correspondence documenting the review of the undertaking, maintained as part of the City's internal file, includes:
  1. All formal correspondence sent and received by the City that pertains to the undertaking; and
  2. Electronic messages that supplement or clarify the formal correspondence; and

3. A written notice prepared at the completion of the Section 106 review of an undertaking that states the undertaking may be implemented and includes the following information: the finding of effect, the reason for the finding, and any conditions or mitigation measures that pertain to the finding.

**E. Scope of Work/Specifications/Architectural Plans.** A scope of the work that details how the materials, spaces, and features of the building will be retained, altered, or replaced. The scope of work may come in the form of specifications, a detailed written description, and architectural plans where required.

## **V. DOCUMENTATION STANDARDS FOR DEMOLITION MITIGATION**

At a minimum, the intensive level documentation shall include its entry in the Virginia Cultural Resource Information System (VCRIS); detailed exterior and interior architectural descriptions; exterior (all elevations and significant architectural details) and interior (each room and significant architectural details) photographs; background research into the history of the property including but not limited to deeds, City directories, US census data, Sanborn maps, and historic photographs; and floor plans (not to scale). In the case of demolition of an unsafe structure, documentation will be completed to greatest extent possible without risking the safety of the qualified professional. Documentation shall be prepared in accordance with DHR's Guidelines for Conducting Historic Resources Survey in Virginia (revised 2017) or any subsequent iterations/revisions.

## **VI. PUBLIC PARTICIPATION**

The City must provide the public with information about an undertaking and its effects on historic properties and seek public comment and input. The City of Richmond will make a reasonable and good faith effort to seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties. To meet these goals the City shall:

- A. Post a list of all complete and active projects on its website on a quarterly basis. The posted information will include the address of the undertaking, action dates, activity description, finding, DHR project number, VCRIS number, neighborhood, estimated year built, acreage, and name of sub-recipient agency. Copies of related documentation will be provided upon written request.
- B. For all undertakings submitted to the SHPO, under the terms of the Programmatic Agreement, an email will be sent to all civic associations surrounding or adjacent to the proposed undertaking with a copy of the documentation submitted to the SHPO. The civic associations will be given 15 days to respond with comments. These projects are typically related to determinations of eligibility and findings of no adverse effect.
- C. The following steps will be taken for undertakings with a potential to adversely affect historic properties:
  1. A Notice of Adverse Effect will be sent by first class mail to:
    - a. all property owners within 150 feet of the proposed undertaking;
    - b. all civic associations surrounding or adjacent to the proposed undertaking; and

- c. Historic Richmond Foundation, and/or other organizations with a particular interest in historic preservation, history or cultural affiliation specific to the undertaking.
2. The Notice of Adverse Effect will include a map, a description of the proposed undertaking, efforts made to identify historic resources, and a description of potential effects.
3. Recipients will be given thirty (30) calendar days to submit their comments in writing to the City of Richmond.

A member of the public or an organization, especially if they have a legal or economic interest in the undertaking or affected properties, or an interest in the effects of the undertaking may request consulting party status in writing. The written request should clearly state the applicant's interest in the project. An organization should identify an individual to represent their interests. The City will consider all written requests for participation as a consulting party and, in consultation with the SHPO, determine which requests should be granted. Such determinations will be based on the scale of the undertaking and the applicant's interest in the project.

Consulting party status entitles participants to receive information about projects, and to consult with other parties throughout the Section 106 process. This includes identifying historic properties that may be affected, providing input regarding the effects the project may have, and on occasion, assisting in the development of appropriate mitigation measures to resolve any adverse effects. Consulting parties are not decision makers – they provide information that should be considered where feasible and prudent.

## VII. CONSULTATION

Required consulting parties include the State Historic Preservation Officer (SHPO), Tribal Representatives, and the Advisory Council on Historic Preservation (ACHP). Other individuals and organizations with a demonstrated interest in the undertaking may be involved as invited consulting parties as described above.

### A. SHPO as described in PA

**B. Tribal Representatives** will be consulted when a project is in a high priority area as identified on the Archaeological Sensitivity Map (Appendix 6) that may affect a historic property of religious and cultural significance to the tribe. Historic properties of religious and cultural significance include: archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places, traditional cultural landscapes, plant and animal communities, and buildings and structures with significant tribal association. The types of activities that may affect historic properties of religious and cultural significance include:

1. ground disturbance (digging);
2. new construction in undeveloped natural areas;
3. introduction of incongruent visual, audible, or atmospheric changes;
4. work on a building with significant tribal association; and
5. transfer, lease or sale of a property of religious and cultural significance, as described above.

**C. ACHP** will be notified for all undertakings determined to have an adverse effect and will be asked to participate when dispute resolution is required.

## **APPENDIX 5 DEFINITIONS**

The following definitions shall be used in the implementation and interpretation of this Agreement:

**(ACHP) ADVISORY COUNCIL ON HISTORIC PRESERVATION** - An agency of the Federal government that maintains the regulations (36 CFR Part 800) for implementation of Section 106 review and has oversight of the Section 106 review process.

**ADVERSE EFFECTS** – Adverse effects can be direct or indirect and include the following; physical destruction or damage; alteration inconsistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties; relocation of the property; change in the character of the property’s use or setting; introduction of incompatible visual, atmospheric, or audible elements; neglect and deterioration; or transfer, lease, or sale of a historic property out of federal control without adequate preservation restrictions.

**AFFECTED PROPERTY** - A parcel of land that is directly affected by an undertaking, being the location of an undertaking. An affected property contains the building, structure, object, site, and/or district affected by the undertaking. The address assigned by the City is the geographic reference used to catalog an affected property.

**ARCHITECTURAL RESOURCE** – A district, building, structure, object, site, or related resource(s), primarily of a historic and architectural nature, that is listed on, eligible for, potentially eligible for, or ineligible for the NRHP, or that has not been evaluated.

**ARCHAEOLOGICAL RESOURCE** – A district, object, site, structure, or related resources that contains archaeological information and materials of a prehistoric or historic nature, that has not been evaluated for eligibility or that is listed on, eligible for, potentially eligible for, or ineligible for the NRHP.

**ARCHAEOLOGY HIGH PRIORITY** areas were identified along major rivers and creeks that have a high probability of association with indigenous peoples and early settlement and transportation resources

**ARCHAEOLOGY MODERATE PRIORITY** areas are located within the 1867 corporate boundary for the City of Richmond and represent the areas of earliest concentrated settlement.

**AGREEMENT** - This document, the most recent adopted version of the Richmond Programmatic Agreement.

**(APE) AREA OF POTENTIAL EFFECT** - The geographic area affected by an undertaking as specified in Stipulation IV (B).

**CEMETERY** – cemeteries include both active and inactive sites for the burial of human remains that are currently owned or operated by the City, or were identified in the records of the Chesterfield County Historical Society or shown on various historic maps of the City and its environs

**CERTIFIED LOCAL GOVERNMENT** – A local government whose historic preservation program has been certified pursuant to Section 101(c) (1) of the National Historic Preservation Act.



**(CITY) CITY OF RICHMOND** – The government of the City of Richmond, Commonwealth of Virginia; specifically, the staff assigned to administer the Agreement.

**CIVIL WAR FEATURES** – Were mapped from features shown on the 1865 Michie Map of the City

**CONCURRENCE** – A response from the SHPO or consulting party provided as a result of consultation, in which the SHPO or consulting party agrees with the City’s recommended finding of effect and concurs with or adds to conditions and or mitigation measures proposed the City.

**CONCURRING PARTY** – Any of the concerned group of stakeholders who participated in the development of this Agreement, who were afforded an opportunity to sign the Agreement, and who participate in consultations on specific undertakings as stipulated in the Agreement.

**CONSULTATION** – The process by which the City works with the SHPO and consulting parties to assess effects on historic properties, consider alternatives for the treatment of historic properties, and mitigate or avoid findings of adverse effect.

**CONSULTING PARTY** – may include individuals or organizations with a demonstrated interest in the undertaking, including a legal or economic interest, or who are concerned with the undertaking’s effects on historic properties. These parties may include property owners, local preservation organizations, and neighborhood associations. Members of the general public are typically not considered consulting parties.

**(VCRIS) DATA SHARING SYSTEM** – An electronic database that is maintained by the SHPO. VCRIS is used by the City to locate previously identified archaeological and architectural resources, used to record newly identified resources, and used in conjunction with GIS to map historic properties in an undertaking’s APE.

**DIRECT EFFECT** – If the effect comes from the undertaking at the same time and place with no intervening cause, it is considered “direct” regardless of its specific type (e.g., whether it is visual, physical, auditory, etc.)

**EFFECT** – A finding made by the City and SHPO as to how an undertaking will affect historic properties that falls into one of the following categories:

**No Historic Properties Affected.** There are no historic properties that will be directly or indirectly affected by the undertaking.

**No Adverse Effect.** The undertaking affects the historic properties in the APE in such a way that the historic character is left intact.

**Adverse Effect.** The undertaking results in degradation and/or loss of those characteristics of a property that make it eligible for the NRHP. Demolition of a historic property will always constitute an adverse effect.

**FEASIBLE** – The degree to which a historic property, or any features of that property, affected by an undertaking, can be successfully preserved. Whether or not something is feasible is essential in the consideration of an adverse effect and application of the *Secretary’s Standards*. One or more of the following criteria shall be used in determining whether or not something is feasible:

The physical condition of and design constraints related to a building, building features, or structure; and/or

The scope and budget of the undertaking; and/or

The significance and integrity of a building, building features, or structure; and/or

The location and setting of the affected property; and/or

Economic constraints including rehabilitation costs, market value for resale of a completed undertaking, and other pertinent data.

**(GIS) GEOGRAPHIC INFORMATION SYSTEM** – The electronic mapping system maintained by the City, which maps DSS and other pertinent data, documents an APE, and creates a record of the relationship of an undertaking to historic properties and ineligible properties in the APE.

**HISTORIC PROPERTY** – Any property containing archeological and/or architectural resources that falls into one of the following categories:

It is a contributing property in a district eligible for listing in the NRHP; or

It is a contributing property in a district listed in the NRHP; or

It is individually eligible for listing on the NRHP; or

It is individually listed on the NRHP.

**(HUD) THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT** – The federal agency that provides funding for the undertakings covered by this Agreement.

**IMMEDIATELY ADJACENT** – Within 150 feet of an undertaking as documented on a GIS APE map.

**INDIRECT EFFECT** – Indirect effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.

**IN-KIND REPLACEMENT** – The installation of a new building feature or material to replace historic (i.e. over 50 years old) features or materials that are either missing or too deteriorated to repair. An in-kind replacement exactly matches the original in all respects, including design, material, dimensions, configuration, and detailing.

**INVENTORY** – The on-going inventory of historic properties maintained and prepared by the City and the SHPO using both GIS and VCRIS that documents historic and non-historic properties throughout the City.

**MANUFACTURED (MOBILE) HOME** -- means any structure subject to federal regulation and which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on a site; is built on a permanent chassis; is designed to be used for dwelling purposes by one family, with or without a permanent foundation, when connected to the required utilities; and which includes the plumbing, heating, air-conditioning, and electrical systems to be utilized in the structure.

**NEIGHBORHOOD** – One of the various sections of Richmond, Virginia as delineated and named by the City of Richmond in the neighborhoods layer in GIS.

**NON-HISTORIC PROPERTY** - Any property that has been determined by the SHPO to be ineligible for listing on the NRHP, individually or as a part of an ineligible district or that has been designated a non-contributing property in a district listed on or eligible for listing on the NRHP.

**OBJECTION** - A disagreement by the SHPO, a consulting party, or a member of the public with the City's review of an individual undertaking or its administration of this Agreement.

**MITIGATION** - An action to minimize, ameliorate, or compensate for the degradation and/or loss of those characteristics of a property that make it eligible for the NRHP as a result of an adverse effect on historic properties.

**(NRHP) NATIONAL REGISTER OF HISTORIC PLACES** - The Federal government's official listing of historic resources maintained by the Keeper of the National Register.

**NRHP CRITERIA FOR EVALUATION** - The most recent version of the criteria established by the Secretary of the Interior for use in evaluating the eligibility of properties for the NRHP (36 CFR Part 60). These criteria are used by the City, SHPO, and Keeper of the National Register to evaluate properties for the NRHP.

**PART 58** - The Federal Regulations, 24 CFR, Part 58.1, 58.2 and 58.4, by which HUD delegates environmental and Section 106 responsibilities to the City of Richmond.

**PRESERVATION BRIEFS** - A series of leaflets about working on historic properties compiled by the National Park Service, which provide technical information that may be used in the implementation of this Agreement. Preservation Briefs can be found on the internet and downloaded from the Technical Preservation Services Division of the National Park Service website.

**SECRETARY** - The Secretary of the United States Department of the Interior.

**(SECRETARY'S CHECKLIST) THE SECRETARY OF THE INTERIOR'S CHECKLIST FOR REHABILITATION AND NEW CONSTRUCTION** - The most recent paper or electronic version of a checklist developed by the SHPO to document rehabilitation and new construction undertakings having an effect on historic properties.

**SECRETARY'S STANDARDS** - The most recent version of the *Secretary of the Interior's Standards for the Treatment of Historic Properties*, maintained by the National Park Service.

**(SECTION 106 FORM) THE SECTION 106 PROJECT REVIEW FORM** - The most recent paper or electronic version of a form developed by the SHPO to provide a summation of individual undertakings.

**(SHPO) STATE HISTORIC PRESERVATION OFFICER** - The official appointed or designated pursuant to Section 101 (b) (1) of the National Historic Preservation Act to administer the State Historic Preservation program, or such representative designated to act for the State Historic Preservation Officer. For purposes of this Agreement, the State Historic Preservation Officer shall refer to the Director and staff of the Virginia Department of Historic Resources.

**STIPULATION** - A specific portion of this Agreement. A Stipulation is identified by a Roman numeral and subdivided by a sequence of capital letters, Arabic numerals, and lower case letters.

**STREETSCAPE** - The architectural character of a block face or group of block faces in an APE that might be affected by an undertaking. The components of a streetscape include scale, massing, form, materials, and other architectural characteristics that visually unite a block face.

**SUBRECIPIENT OR SUBGRANTEE** - Any non-profit community development corporation or organization, for-profit developer, or public agency that receives Title I funds in any of three ways: through a contract with the City of Richmond, through a contract directly from HUD, or through a combination of City and HUD-administered contracts.

**SURVEY** - The process by which historic properties are documented according to the requirements of the SHPO, either for recordation of an individual property or to compile data for the City's inventory of archaeological or architectural resources.

**UNDERTAKING** - An activity or activities for the development of an affected property; that receives total or partial funding from HUD, or for which there is a reasonable expectation of HUD funding being used in the future. There may be multiple stages of undertakings for the development of a single affected property. Undertakings that can be reviewed under the stipulations of this Agreement include:

**Acquisition.** The purchase of an affected property all or in part with federal funds for future undertakings.

**Demolition.** The removal of all or a portion an existing building.

**Disposition.** The sale or transfer of a property purchased and/or improved with federal funds, for future development.

**New Construction.** The construction of a new building that is a new building on a vacant lot, the replacement or reconstruction of an existing building, or a substantial addition to an existing building.

**Rehabilitation.** Rehabilitation is the most widely used *Secretary's Standard*. It is defined as "the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values."



# Appendix 6

## Archaeologically Sensitive Areas

Archaeology Survey

No Longer Extant

Civil War Features

Cemetery

Archaeology High Priority

Archaeology Moderate Priority



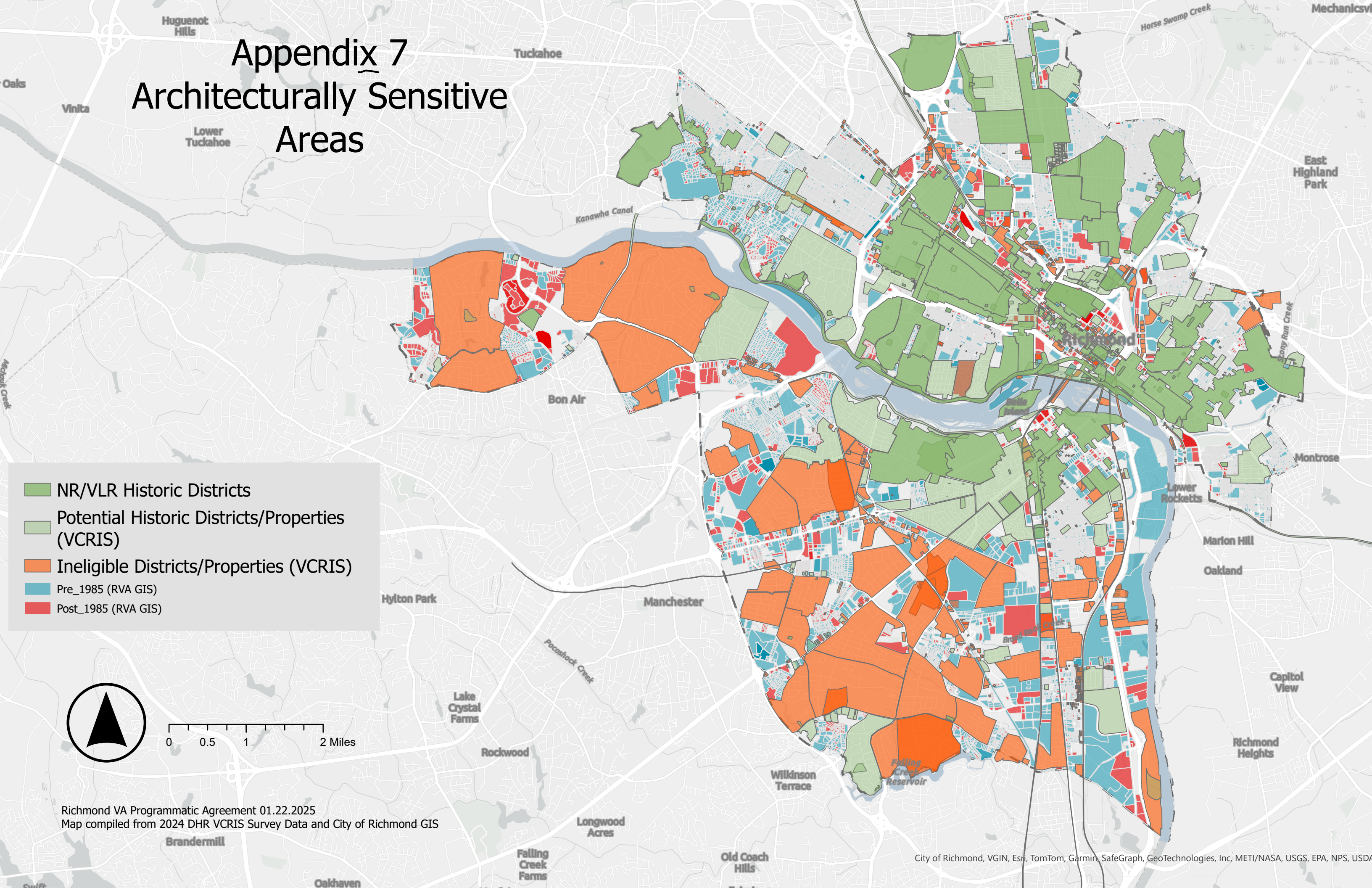
0 0.5 1 2 Miles

Richmond VA Programmatic Agreement 01.22.2025  
Map compiled from 2024 DHR VCRIS Survey Data and City of Richmond GIS



# Appendix 7

## Architecturally Sensitive Areas



0 0.5 1 2 Miles

Richmond VA Programmatic Agreement 01.22.2025  
Map compiled from 2024 DHR VCRIS Survey Data and City of Richmond GIS



## APPENDIX 8 UNDERTAKING WORK ITEMS EXCLUDED FROM SHPO REVIEW

**Introduction.** The following work items have limited potential to affect historic properties. Section 106 Review of these work items may be completed in accordance with Stipulation IV (D) (2) of this Agreement.

### **I. General Exclusions**

**A. Real Estate.** Mortgages, leases, or loan guarantees of real property, that are not linked to rehabilitation, new construction, demolitions or other treatments that could be considered undertakings.

**B. Architecture and Engineering.** The preparation of architectural, engineering, site plans, or other planning documents related to an undertaking.

**C. Motor Vehicles.** The rental or purchase of vehicles or other motorized equipment.

**D. Grants and Loans for Economic Development.** Economic Development loans or grants, that are not linked to rehabilitation, new construction, demolitions or other treatments that could be considered undertakings, used for working capital, equipment, furniture, fixtures, debt refinancing or other purposes.

### **II. Specific Excluded Undertaking Activities**

#### **A. Site and Utility Work in Low or Medium Probability Areas as shown on Appendix 6**

**1. Utility Replacement or Installation within existing corridors.** The installation of utilities, such as sewer, storm, electrical, gas, steam, compressed air, leach lines, or septic tanks in road rights-of-way, existing utility corridors, or other areas previously disturbed by these activities.

**2. Streets, Driveways, Alleys, and Parking Areas.** The maintenance, repair, relining, or replacement in-kind of existing curbing, sidewalks, or paving surfaces that does not result in a change in width, historical surface material, vertical alignment, or drainage.

**3. Site Improvements.** The maintenance, repair, or in-kind replacement of existing structural landscape features including: steps, driveways, walls, retaining walls, pavements, fences, walkways, and statuary. The in-kind extension of residential sidewalks on private property.

**4. Traffic Signage and Signals.** The maintenance, repair, or in-kind replacement of street lights, traffic signals, and traffic signs, that does not involve the installation of new street lights, traffic signals, or traffic signs.

**5. Park and Playground Equipment.** The repair or comparable replacement of existing park and playground equipment providing that repair or comparable replacement does not include the demolition, construction, or installation of new (additional) playground structures or buildings.

**6. Construction-related improvements.** The installation of temporary construction-related improvements, including: scaffolding, barriers, screening, fences, protective walkways, signage, office trailers, restrooms, temporary walks, drives and access roads,

construction easements, equipment storage areas, staging areas, or below ground utilities that are to be left in place for two years or less.

**7. Changes to Vegetation.** The pruning of overgrown trees and shrubs, the removal of dead trees, the removal of vines, trees, or shrubs that are covering or damaging buildings, or the installation of new plant materials.

## **B. Exterior Rehabilitation**

**1. Foundations.** The repair of brick, cement, or stone foundations below grade, as well all other types of in-kind repairs to other foundation materials. For the underpinning of piers and foundations on the street façade(s) of a building, the underpinning material must be placed at least two (2) inches behind the outer face of the piers or walls that are exposed to view.

**2. Windows and Doors.** The repair of windows or doors, including caulking and weather stripping of existing window or door frames. The installation of new clear glass in existing sashes or doors, including retrofitting for double and triple glazing or the replacement of glazing putty. The installation of exterior storm windows or storm doors, provided they conform to the shape and size of the historic windows and doors, and that the meeting rails of storm windows coincide with that of the existing sash, and that installation will not permanently damage historic elements. The installation of door/window locks, or electronic security devices, on windows and doors, provided that surviving historic lock mechanisms are retained. The replacement of non-historic doors and windows with doors and windows of similar materials and design and that do not alter the size and location of replaced doors and windows. The limited installation of new aluminum or PVC-clad wood window sash with true or simulated divided lights that match the size, location, and light configuration of the sash being replaced. The installation of vinyl sash, on non-visible elevations only, with true or simulated divided lights that match the size, location, and light configuration of the sash being replaced.

**3. Walls and Siding.** The in-kind repair of exterior masonry walls, or the in-kind replacement of deteriorated siding, stucco, or trim. Vinyl or aluminum siding or deteriorated lap wood siding may be replaced with smooth unbeaded fiber cement siding. Deteriorated novelty wood siding must be repaired or replaced in-kind.

**4. Paint.** The removal of exterior paint by non-destructive means that is limited to hand scraping, low pressure water wash (less than 200 p.s.i.), or paint-removal chemicals. The application of paint to previously painted surfaces. Painting that would cover unpainted surfaces or historic decorative paint schemes, such as graining, stenciling, marbling, etc., shall not be considered exempt work items. All exterior paint treatment shall conform to the guidance for lead paint removal in Stipulation I (C)(5).

**5. Porches.** The repair or in-kind replacement of existing porch features, such as columns, flooring, floor joists, ceilings, railing, balusters, balustrades, or lattice. Simple painted wood or aluminum handrails may be added at steps or landings where none exist. Composite tongue and groove decking material may be installed.

**6. Roofing.** The repair or in-kind replacement of roof features, including cladding, sheathing, flashing, gutters, soffits, and downspouts, as long as this work does not result in a change in roof pitch or configuration. The repair or re-framing of structural roof features 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 and from other prominent, visible points (for



example, the exposed side elevation on a corner lot) is not affected. New installation of gutters and down spouts, as long as this does not damage historic materials or require removal of historic features.

**7. Wheelchair Ramps.** The repair of existing wheelchair ramps, unless the ramps are to be replaced with new materials or substantially modified. The installation of new wheelchair ramps that meet the following criteria: the ramp will not be a permanent addition to the property; no historic fabric will be permanently damaged in the installation or use of the ramp; and every reasonable effort will be made to construct and finish the ramp in a manner that will result in a minimal amount of visual and physical effects on the property, through design considerations, use of materials, and painting of wooden ramps, whenever possible.

**8. Repointing.** The repair or repointing of chimneys or other masonry features with the design, size, shape, materials, and repointing to match the original in color, texture, and tooling, and, for historic properties, following the recommended approaches in the most recent edition of Preservation Brief No. 2 *Repointing Mortar Joints in Historic Brick Buildings*.

**9. Signs and Awnings.** The repair, re-lettering, or in-kind replacement of wall signs, hanging signs, cloth awnings, or metal awnings.

**10. Mechanical Systems.** The installing of exterior HVAC mechanical units and vents that are not located on street facades of a building, and that will not permanently damage historic fabric.

**11. Basement bulkhead doors.** The replacement or in-kind repair of basement bulkhead doors. The installation of new basement bulkhead doors not located on the street facades of a building.

**12. Lighting.** The repair or in-kind replacement of existing exterior light fixtures.

**13. Securing a Building or Structure.** Securing, stabilizing, or mothballing a building or structure by boarding over window and door openings, making temporary roof, masonry, or siding repairs, bracing walls or other building features, or ventilating the building. The removal and storage of materials and features (porches, trim, windows, doors, etc.) in order to secure or mothball a building for future rehabilitation, as long as the materials and features are properly documented in situ by the City and stored on site for future rehabilitation. For historic buildings, mothballing procedures should follow Preservation Brief No. 31 *Mothballing Historic Buildings*.

### **C. Interior Rehabilitation (for properties individually eligible or listed in the NRHP)**

**1. Mechanical systems.** The installation, replacement or repair of plumbing, HVAC systems and units, electrical wiring and fire protection systems, provided no structural alterations or damage to historic material are involved. Restroom improvements for handicapped access are included, provided the work is contained within the existing restroom walls. For historic properties, work must be done according to the latest versions of the National Park Service *Preservation Briefs*, and there shall be no intrusion into the primary spaces of the building.

**2. Interior Surfaces.** The repair or in-kind replacement of interior surface treatments, including: floors, walls, ceilings, plaster or woodwork, that will not result in changes to historic features.

**3. Carpeting and Flooring.** The installation of carpeting or flooring (linoleum or vinyl), in such a way that historic flooring will not be damaged or removed.

**4. Paint.** The removal of interior paint by non-destructive means that is limited to hand scraping, or paint-removal chemicals or the application of paint to previously painted surfaces. Interior painting that would cover unpainted surfaces or historic decorative paint schemes (graining, stenciling, marbling, etc.) shall not be considered exempt work items. All interior paint treatment shall conform to the guidance for lead paint removal in Stipulation I (C) (5).

**5. Kitchens.** Repair or replacement of kitchen cabinets, counters, or appliances -- provided the work is contained in the existing kitchen and significant historic fabric will not be damaged or removed.

**6. Bathrooms.** Replacement of bathroom facilities and fixtures -- provided the work is contained within the existing bathroom and will not involve damage to or removal of significant historic fabric.

**7. Insulation.** The installation of non-spray insulation in walls, ceilings, and attic spaces.

**8. Basement.** The installation or repair of concrete basement floors in an existing basement, provided no historic materials are damaged or concealed.

**9. Radon Abatement.** Treatment to prevent the entry of radon gas into the building through the basement floor, which does not damage or conceal any historic material.

**10. Asbestos Abatement.** Treatment to abate asbestos, as long as it does not involve removal or alteration of significant historic features.