

## GLOSSARY FOR THE HISTORIC PROPERTIES REAL ESTATE COURSE

**AFFIRMATIVE MAINTENANCE** - Requirement in historic preservation ordinances that a building's structural components are maintained or legal action may be taken by the community.

**ALTERED** - Includes the words rebuilt, reconstructed, restored, removed or demolished; used in reference to "any alterations to exterior physical appearance or exterior architectural feature visible from a public way."

**AMERICAN WITH DISABILITIES ACT (ADA)** - Law prohibiting discrimination to persons with disabilities, by requiring, among other provisions, that places generally open to the public, such as restaurants and hotels, be made accessible. Special rules apply to historic buildings and facilities.

**CERTIFICATE OF APPROPRIATENESS (C of A)** - Written approval from the historic preservation commission for work to be completed on a property in a historic district. The work to be done has been submitted in the form of an application for a Certificate of Appropriateness, heard at a public hearing after proper notification, had complete plans for the work submitted to the commission for review, and has been subject to an accepting vote of the commission. The Certificate is presented to the building department prior to obtaining a valid building permit or dropping a stop-work order.

**CERTIFICATE OF HARDSHIP (C of H)** - Written approval from the historic preservation commission for work to be completed as stated in the process for the Certificate of Appropriateness, but the applicant cannot complete the work as the commission would recommend since it would create a substantial hardship for the applicant (property owner) or if the commission has not made a determination within 45 days of the filing of the application. The Certificate is presented to the building department prior to obtaining a valid building permit or dropping a stop-work order.

**CERTIFICATE OF NON-APPLICABILITY (C of NA)** - Written notice by the historic preservation commission that work to be completed on a property in a historic district is considered ordinary maintenance, repair, or replacement of any exterior feature that does not involve change of design, material, color or outward appearance and is therefore not subject to the review of the commission and a public hearing process. The Certificate is presented to the building department prior to obtaining a valid building permit or dropping a stop-work order.

**CERTIFIED LOCAL GOVERNMENT (CLG)** - A city or town that has met specific standards enabling its participation in certain programs established by the National Historic Preservation Act.

**COMMUNITY PRESERVATION ACT (CPA in MA)**- (CPA) is statewide enabling legislation to allow cities and towns to exercise control over local planning decisions and provides new funding sources which can be used to address three core community concerns - Acquisition and preservation of open space; Creation and support of affordable housing; Acquisition and preservation of historic buildings and landscapes. Communities that adopt CPA elect to raise taxes, which are then matched at some level by the state. This funding pool has enabled over 140 communities to secure valuable open space, preserve historic buildings and support quality affordable housing. CPA has proven to be a tremendously useful tool for historic preservation projects from Lenox to Wareham. For more information, visit the Community Preservation Coalition website- <http://www.communitypreservation.org/index.cfm>

## **GLOSSARY FOR THE HISTORIC PROPERTIES RE COURSE**

**CONTRIBUTING STRUCTURE** - Building or structure in a historic district that generally has historic, architectural, cultural or archeological significance.

**DESIGNATION** - Act of identifying historic structures and districts subject to regulation in historic preservation ordinances or other preservation laws.

**EASEMENT (PRESERVATION OR CONSERVATION)** – A partial interest in a property that can be transferred to a non-profit organization or government entity by gift or sale to ensure the protection of a historic resource and/or land area in perpetuity.

**ECONOMIC HARDSHIP** - Extreme economic impact on an individual property owner that results from the application of a historic preservation law.

**ELIGIBLE PROPERTY** - Property that meets the criteria for inclusion in the National Register of Historic Places but is not formally listed. Eligibility status is sufficient for initiation of tax credit application at both State and Federal levels.

**ENABLING LAW** - Law enacted by a state setting forth the legal parameters by which local governments may operate. The source of authority that allows for a local preservation ordinance to be enacted.

**EXISTENCE OF A QUORUM** - A valid number of commission members present for voting purposes so that the action taken by members present and voting are binding on those members who did not attend the meeting.

**HISTORIC DISTRICT** - Also known as a Local Historic District (LHD) in Massachusetts. One or more designated properties or lots of land subject to the review of the local historic preservation commission due to its historical, social, cultural, architectural or aesthetic significance at the local, regional or national level.

**LANDMARK** - A site or structure designated pursuant to a local preservation ordinance or other laws that is worthy of preservation because of its particular historic, architectural, archeological, or cultural significance.

**LOCAL HISTORIC PRESERVATION COMMISSION** - Created by the city or town government and governed by Massachusetts General Law Chapter 40C. Body must have at least 3 members and no more than 7 regular members who are appointed by the Selectmen or Mayor. Alternate members are also commonly appointed. Its role is to identify, evaluate, and protect local historic resources. It must conduct posted open meetings and keep minutes.

Other responsibilities may include: conducting a survey of a community's local historic resources in consultation with the Massachusetts Historical Commission; preparing nominations to the National Register of Historic Places for submission to the State's Historic Preservation Office (SHPO); administering a demolition delay by-law or ordinance; and advising the local planning board about preservation planning issues.

**NATIONAL HISTORIC LANDMARK** - Property included in the National Register of Historic Places that has been judged by the Secretary of the Interior to have "national significance in American history, archeology, architecture, engineering and culture." Landmarks may receive a higher level of protection from Federal actions.

## **GLOSSARY FOR THE HISTORIC PROPERTIES RE COURSE**

**NATIONAL HISTORIC PRESERVATION ACT** - This federal law encourages the preservation of historic and cultural resources in the United States. Adopted in 1966 and amended in 1980 and 1992, the law establishes a national preservation program and a system of procedural protections for historic resources. It created specific roles for State and local governments.

**NATIONAL REGISTER OF HISTORIC PLACES** - Official inventory of “districts, sites, buildings, structures and objects significant in American history, architecture, archeology, engineering and culture.” Established under the Historic Sites Act of 1935 and expanded by the National Historic Preservation Act of 1966. Initially designed as a planning tool for Federal agencies, its primary purpose is to identify the historical and cultural resources of our country. Listing on the National Register enables a property owner to qualify for Federal tax credits and, in some cases, a listing may also be used as a basis for listing on a state or local level.

**STATE REGISTER OF HISTORIC PLACES** - Similar to the National Register, listings tend to be honorary, and in some cases may result in regulatory protection or determine whether a property owner may qualify for favorable tax treatment. The State Historic Preservation Office (SHPO) is the State agency responsible for historic preservation issues. In the Commonwealth the SHPO is the Massachusetts Historical Commission (MHC)

**TAX BENEFITS** - Federally, only a property listed in the National Register for Historic Places and is a commercial, industrial or income-producing (rental) residential building is eligible for tax benefits. If the proposed rehabilitation work exceeds the “adjusted basis” of the historic property, you may qualify for an Investment Tax Credit (known as an ITC) on your federal income tax statement. The federal government refers to this as “substantial rehabilitation” of the property. The “adjusted basis” is generally the value of the building minus the value of the land at the time of the rehabilitation. For current information, go to [http://www.nps.gov/history/hps/tps/tax/download/HPTI\\_brochure.pdf](http://www.nps.gov/history/hps/tps/tax/download/HPTI_brochure.pdf)

The Commonwealth created a Massachusetts Historic Investment Tax Credit (MAHITC) in 2003 as part of an economic stimulus package. The program has an annual cap, so there are selection criteria to ensure the funds are distributed to projects with the most public benefit. The MHC certifies the projects and allocates available credits. For current information, go to [www.sec.state.ma.us/MHC/mhctax/taxidx.htm](http://www.sec.state.ma.us/MHC/mhctax/taxidx.htm)

**VIOLATION NOTICE** - Written notice from the historic preservation commission that work completed on a historic district property was done without a proper Certificate approved by the commission or is not in compliance with the Certificate issued by the commission. Property owner is instructed to correct the violation within a certain timeframe or potentially face legal action by the commission.