

**PROGRAMMATIC AGREEMENT
AMONG THE CITY OF HARTFORD,
THE CONNECTICUT SHPO, AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION
FOR THE CITY'S ADMINISTRATION OF
HUD-ASSISTED PROGRAMS**

WHEREAS, The City of Hartford ("City"), Connecticut, proposes to administer its Community Development Block Grant Program, Façade Program, HOME Program, Housing Preservation Loan Fund, Appraisal Gap Financing Program, Lead Paint Abatement Program (All hereinafter referred to as "Programs") utilizing funds provided by the Department of Housing and Urban Development.

WHEREAS, The City has determined that the administration of these Programs may have an effect on properties included in or eligible for inclusion in the National Register of Historic Places and has consulted with the Connecticut State Historic Preservation Officer ("SHPO") and the Advisory Council on Historic Preservation ("ACHP") pursuant to 36 CFR Section 800.14 of the regulations implementing Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.A. 470f)

WHEREAS, in response to the principles set forth in the Advisory Council on Historic Preservation's Policy Statement on Affordable Housing and Historic Preservation (Policy Statement), the City, the SHPO and the ACHP have determined that the City can more effectively carry out its Section 106 review responsibilities for the above-listed HUD Programs if a Programmatic Agreement is used to streamline the administrative process and permit greater flexibility when addressing historic properties, which have special physical or financial feasibility problems; and

WHEREAS, the principles set forth in the ACHP's Policy Statement on Affordable Housing and Historic Preservation (Policy Statement), which is attached as Appendix A and incorporated herein, will be taken into consideration by all parties when carrying out the stipulations of this Programmatic Agreement; and

NOW, THEREFORE, the City, SHPO, and the ACHP agree that these Programs shall be implemented in accordance with the following stipulations in order to take into account the effects of the undertakings on historic properties.

STIPULATIONS

The City of Hartford will ensure that the following measures are carried out.

I. ADMINISTRATION

- A. The City shall retain a Historic Preservation Officer (Professional) meeting the professional qualifications for architectural historian set forth in 36 CFR 61, Appendix A, with a minimum of 5 years experience in historic preservation and approved by the Connecticut SHPO, to

administer all undertakings covered by the Memorandum. The City will ensure that its Professional attends the ACHP's Section 106 training course.

- B. The City's Professional shall provide assistance to the City regarding historic resources. The Professional shall make his determinations in accordance with requirements set forth in Section 106 of the (NHPA).

II. IDENTIFICATION

- A. The City will continue to update its Historic Resources Survey. All properties over fifty (50) years old, which will be affected by program activities and that are not listed in the City's Historic Resources Index of 1997 will be evaluated against the National Register criteria. The City's Professional will confer with the SHPO in making the City's determination of National Register eligibility.
- B. If the City and the SHPO disagree on eligibility, the City will seek a formal determination of eligibility from the Keeper of the National Register pursuant to 36 CFR Part 63.

III. TREATMENT

Properties that are determined eligible for the National Register of Historic Places, nominated to the National Register, or listed on the National Register, and properties listed in the city's Historic Resources Index of 1997 will be treated in the following manner.

- A. Properties that are to be rehabilitated will be rehabilitated in accordance with the recommended approaches in "The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" (Standards).
- B. The City will maintain project files for each project, including work write-ups, photographs taken before and after project implementation, and an explanation of why the project meets the Standards. These files will be open to the Connecticut SHPO for inspection.
- C. If the Standards cannot be met or the proposed treatment of the property is not rehabilitation, or if demolition is proposed, or if the proposed activity may have an indirect effect on historic properties, prior to taking any action, the City will consult with the Connecticut SHPO and obtain the ACHP's comments in accordance with 36 CFR Section 800.6 of the ACHP's regulations.
- D. The City will provide the Connecticut SHPO with timely notice of all properties proposed to be acquired with CDBG funding.

IV. STANDARD MITIGATION MEASURES

- A. If the City and the Connecticut SHPO agree to the implementation of the standard mitigation measures set forth in Appendix B, no further consultation to resolve adverse effects is required.

V. RENEWAL

This Programmatic Agreement will continue in force through Fiscal Year 2010. At the end of fiscal 2010, or when the activities funded by the Programs are completed, this Agreement will be reviewed for possible modifications, termination, or extension. At the request of any of the consulting parties, this Agreement may be reviewed for possible modifications or termination at any time.

Execution of this Programmatic Agreement evidence afforded the ACHP a reasonable opportunity to comment on the City HUD-funded Programs and that the City has taken into account the effects of these Programs on historic properties.

CITY OF HARTFORD, CONNECTICUT

BY: _____ **DATE:** _____

Director, Development Services Department

CONNECTICUT HISTORIC PRESERVATION OFFICER

BY: _____ **DATE:** _____

Deputy State Historic Preservation Officer

ADVISORY COUNCIL OF HISTORIC PRESERVATION

BY: _____ **DATE:** 10/20/05

for John M. Fowler, Executive Director

APPENDIX A

ACHP'S POLICY STATEMENT ON AFFORDABLE HOUSING and HISTORIC PRESERAVATION

(Adopted June 26, 1995)

The National Historic Preservation Act of 1966 (NHPA) mandates preservation of the historical and cultural foundations of the Nation as a living part of community life and development in order to provide the American people with a sense of orientation.

It further states that increased knowledge about historic resources, establishment of a better means to identify and administer them, and encouragement of their preservation will not only improve planning and execution of Federal and federally assisted projects and but also assist economic growth and development.

Toward that end, NHPA directs the Federal Government to foster conditions under which modern society and prehistoric and historic resources can exist in productive harmony and "fulfill the social, economic, and other requirements of present and future generations."

Federal agencies that assist in the construction and rehabilitation of housing, most notably the Department of Housing and Urban Development (HUD) and the Department of Agriculture, are tasked with meeting Americans basic needs for safe, decent and affordable housing. Historic properties have played a vital role in fulfilling this objective; this must continue.

It is, however, important that Federal and State agencies, local governments, housing providers, and the preservation community in general actively seek ways to reconcile national historic preservation goals with the special economic and social needs associated with affordable housing, given that this is now one of the Nation's most pressing challenges.

In issuing this policy statement, ACHP seeks to promote a new, flexible approach toward affordable housing and historic preservation, which is embodied in the following Implementation Principles. State Historic Preservation Officers (SHPOs), Federal and State agencies, and local governments involved in the administration of the Section 106 review process for affordable housing projects funded or assisted by Federal agencies are encouraged to use these principles as a framework for Section 106 consultation and local historic preservation planning.

ACHP also encourages HUD, in consultation with the national preservation community, including the National Conference of State Historic Preservation Officers, the National Park Service, and the National Trust for Historic Preservation, to develop comprehensive historic preservation training programs for HUD staff, State, county, and local officials, and housing providers who implement affordable housing projects.

Such training should advance the Implementation Principles and the initiatives outlined in the Secretary of HUD's May 5, 1995, Historic Preservation Directive, focusing on:

- 1) improving coordination of Section 106 reviews;
- 2) evaluating the National Register eligibility of historic properties;
- 3) applying the Secretary's Standards;
- 4) providing technical assistance for routine maintenance and repairs to historic buildings;
- 5) developing financial packages for affordable housing projects; and
- 6) integrating historic preservation into Consolidated Plan Documents and local comprehensive plans.

Implementation Principles

- I. Section 106 reviews for affordable housing projects should place principal emphasis on broad-based consensus reflecting the interests, desires, and values of affected communities, neighborhoods, and residents. Consensus-building should be facilitated through training, education, and consultation focused on historic preservation values, collaborative planning, and dispute resolution.
- II. Identification of historic properties and evaluation of their eligibility for the National Register for Historic Places should include discussions with the local community and neighborhood residents to ensure that their views concerning architectural and historic significance and traditional and cultural values receive full consideration by the Federal agency, State, county, or local government, and the SHPO.
- III. When assessing the effects of affordable housing projects on historic properties, consultation should focus not just on individual buildings which may contribute to a historic district but on the overall historic preservation potentials of the broader community, neighborhood, or "target area." This practice will ensure proper consideration is given to the cumulative impacts of projects within a designated area. Historic preservation issues should be related to social and economic development, housing, safety, and programmatic issues integral to community viability.
- IV. Plans and specifications for rehabilitation, new construction, and abatement of hazardous conditions associated with affordable housing projects should adhere to the recommended approaches in *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, when feasible. When economic or design constraints preclude application of the Standards, consulting parties may develop alternative design guidelines tailored to the district or neighborhood to preserve historic materials and spaces to the maximum extent feasible. Alternative guidelines shall be incorporated into executed Memoranda of Agreement or Programmatic Agreements.
- V. Proposals for non-emergency demolitions of historic properties should include adequate background documentation to demonstrate to the SHPO and/or ACHP that rehabilitation is not economically or structurally feasible, or that retention of

such properties would jeopardize the implementation of an affordable housing project.

- VI. The Section 106 review process for affordable housing rehabilitation projects and abatement of hazardous conditions should emphasize treatment of exteriors and be limited to significant interior features and spaces that contribute to the property's eligibility for the National Register, unless otherwise agreed to by all consulting parties.
- VII. Where appropriate, Section 106 reviews for affordable housing projects should be conducted in conjunction with the Historic Rehabilitation Tax Credits and other State and local administrative reviews to ensure consistency of reviews and to minimize delays. When Section 106 reviews for affordable housing projects precede other related reviews, applicants who are seeking Historic Tax Credits are encouraged to seek the advice of the SHPO and to obtain early review by the National Park Service to assure final eligibility for the Historic Rehabilitation Tax Credit.
- VIII. Archeological investigations should not be required for affordable housing projects which are limited to rehabilitation and require minimal ground disturbance activities.
- IX. State, county, and local governments are encouraged to develop Programmatic Agreements that promote creative solutions to implement affordable housing projects and to streamline Section 106 reviews through the exemption of categories of routine activities; the adoption of "treatment and design protocols" for rehabilitation and infill new construction; and the delegation of Section 106 reviews to qualified preservation professionals employed by the local community.
- X. Certified local governments and/or communities that employ qualified preservation professionals, as set forth in The Secretary of the Interior's Professional Qualification Standards should be allowed to conduct Section 106 reviews on behalf of ACHP and/or the SHPO for affordable housing projects when the local government and/or community has executed a Programmatic Agreement with ACHP and the SHPO.

APPENDIX B—STANDARD MITIGATION MEASURES FOR RESOLVING ADVERSE EFFECTS

The City and the SHPO may develop and execute an agreement that includes one or more of the following Standard Measures, as modified by SHPO, for activities covered under Stipulation III C when the SHPO deems it appropriate. The ACHP will not be a party to these agreements.

A. Recordation of the Historic Property

The city shall ensure that the historic property is documented prior to its alternation, relocation, or demolition. Subject to the evaluation of the property by the Connecticut SHPO, one of the following methodologies shall be selected.

1. Contribution Structure in an Eligible or listed Historic District. The City shall prepare documentation in accordance with SHPO standards. Documentation shall consist of original unmounted 35mm black and white photographs (5-inch x 7-inch), narrative text which describes the historic and architectural character of the structure, a photographic site plan, and an index to the photographs. Final documentation shall be provided to the SHPO for permanent archiving.
2. Buildings Listed Individually or Eligible for Individual Listing on the National Register of Historic Places.

The City shall document the historic property in accordance with the Historic American Buildings Survey (HABS) standards or other acceptable recordation method agreed to by the SHPO. Copies of all HABS documentation shall also be provided to the SHPO.

B. New Construction within Eligible or Listed Historic Districts.

The City shall ensure that new construction in an eligible or listed historic district shall be carried out in a manner that is compatible with the architecture of other buildings within the surrounding district in terms of set backs, size, scale, massing, design, color, features, and materials. All plans for new construction shall be approved by the SHPO prior to the initiation of project activities.