



Pennsylvania State Historic Preservation Office  
PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

## **Certified Local Government Program**

## **Guidelines and Procedures for Pennsylvania Communities**

**DRAFT FOR PUBLIC COMMENT**

**October 2017**

The activity that is the subject of this document has been financed in part with Federal funds from the National Park Service, U.S. Department of the Interior. However, the contents and opinions do not necessarily reflect the views or policies of the Department of the Interior, nor does the mention of trade names or commercial products constitute endorsement or recommendation by the Department of the Interior.

This program receives Federal financial assistance for identification and protection of historic properties. Under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, as amended, the U.S. Department of the Interior prohibits discrimination on the basis of race, color, national origin, disability or age in its federally assisted programs. If you believe you have been discriminated against in any program, activity, or facility as described above, or if you desire further information, please write to:

Office of Equal Opportunity  
National Park Service  
1849 C Street, N.W.  
Washington, D.C. 20240

## Contents

I.	Introduction .....	5
A.	What is the Certified Local Government Program? .....	5
B.	The CLG Program in Pennsylvania .....	6
II.	Overview of CLG Program Benefits to Participating Communities.....	7
III.	Becoming a Certified Local Government .....	8
A.	Requirements for Certification.....	8
B.	Application Process .....	16
IV.	Post-Certification Performance Standards, Annual Reporting, and Evaluation .....	18
A.	Annual Reporting.....	18
B.	Periodic Program Evaluation .....	18
C.	CLG Performance Standards.....	20
D.	Decertification .....	23
V.	Training and Continuing Education.....	24
VI.	Participation in the National Register of Historic Places Nomination Process.....	24
A.	The National Register Nomination Process.....	24
B.	The Certified Local Government’s Role in National Register Nominations.....	25
C.	CLG Review Policies and Procedures.....	25
VII.	The Certified Local Government Grant Program.....	28
A.	Purpose.....	28
B.	Eligible Applicants.....	28
C.	Grant Amounts and Funding Cycles .....	28
D.	Match Requirements.....	29
E.	Eligible Uses of Grant Funds.....	29
F.	Project Evaluation Process and Criteria .....	30
G.	Pooling CLG Grants.....	30
H.	Third-Party Administration.....	31
I.	Use of CLG Grants Outside of CLG Boundaries.....	31
J.	Grantee Requirements .....	32
VIII.	Technical Assistance Programs for Certified Local Governments .....	34

IX. Guideline Amendment Procedures and Document Revision History..... 35

A. Amendments to CLG Guidelines and Procedures ..... 35

B. Revision History ..... 36

**Appendix A** Training and Continuing Education Guidelines for Municipal Historic Preservation Programs in Pennsylvania

**Appendix B** CLG Evaluation Worksheet

**Appendix C** National Register Recommendation Form

Text that appears ***underlined italics*** indicates policies that are new or substantially revised from the 2009 version of the CLG Procedures Manual.

DRAFT

## I. Introduction

### A. What is the Certified Local Government Program?

The Certified Local Government program is a Federal program intended to forge strong partnerships between local, State, and Federal governments in their efforts to preserve and enhance historic places and communities across the country. The CLG program was created in 1980 and is a central component of the National Historic Preservation Act. Jointly administered by the National Park Service (NPS) and the State Historic Preservation Offices (SHPOs), each local community works through a certification process to become recognized as a Certified Local Government (CLG). Once certified CLGs become an active partner in the Federal Historic Preservation Program, each community gains access to benefits of the program and agrees to follow required Federal and State requirements. Community certification opens doors to funding, technical assistance, and other preservation successes.

**Funding:** States receive annual appropriations from the Federal Historic Preservation Fund. Each year, States are required to allocate at least 10% of their funding to CLGs as subgrants. These grants can fund a wide variety of projects including: surveys, National Register nominations, design guidelines, educational programs, training, structural assessments, and feasibility studies, to name a few.

**Technical Assistance:** As a CLG, communities have direct access to PA SHPO staff for assistance with their local preservation program, building assessments, surveys and nominations, and general preservation assistance. State staff and NPS offer regular training for CLGs as well, an added benefit of the partnership.

**Sustainability:** Historic preservation has proven economic, environmental, and social benefits. Studies show that historic districts maintain higher property values, less population decline, more walkability and greater sense of community.

Being a CLG demonstrates your community's commitment to saving what is important from the past for future generations. As a certified community, it becomes easy to demonstrate a readiness to take on successful preservation projects, making your community able to compete for new opportunities!

## **B. The CLG Program in Pennsylvania**

The Commonwealth of Pennsylvania is rich with history and historic places that make our communities and landscapes unique and desirable places to live. There are 2,562 municipalities ranging in size from .03 square miles to 162 square miles and with populations as small as 10 to as large as 1.5 million. And while Pennsylvania is home to two of the nation's largest cities, 48 of the State's 67 counties are classified as rural by the Center for Rural Pennsylvania. With this geographic diversity come differences in demographics, socio-economics, and the nature and style of the built environment. No two communities are the same, though each shares a role as the collective stewards of Pennsylvania's architectural, archaeological, and cultural legacies.

The CLG program in Pennsylvania is intended to acknowledge the unique physical, political, and demographic characteristics of the Commonwealth's communities while promoting technical, legal, and procedural best practices that are common to all participating communities.

### **Purpose and Intent**

*The Certified Local Government Program promotes and supports holistic historic preservation programs and policies in Pennsylvania municipalities.*

### **The CLG program in Pennsylvania:**

- 1. Establishes standards and distributes guidance for best practices in municipal historic preservation programs;*
- 2. Engages CLGs in the implementation of State and Federal historic preservation programs;*
- 3. Provides technical and financial support for projects that increase local capacity and implement best practices related to historic resources;*
- 4. Facilitates networking and the exchange of ideas among CLGs; and*
- 5. Facilitates training opportunities for municipal leaders.*

### **CLGs in Pennsylvania:**

- 1. Demonstrate a commitment to historic preservation as a vital and integral component of community and economic development;*
- 2. Implement and enforce laws, policies, and procedures that advance preservation goals and uphold the public interest in a proactive and lawful manner;*
- 3. Engage the public in historic preservation issues;*
- 4. Understand and maintain current, relevant information about historic resources in their community;*
- 5. Appropriately manage and maintain historic resources in their ownership; and*
- 6. Provide adequate human and financial resources to implement historic preservation programs effectively.*

## II. Overview of CLG Program Benefits to Participating Communities

The CLG program includes various benefits for participating communities, including the ability to apply for grant funding, specialized technical assistance, and participation in the National Register of Historic Places nomination process.

### **CLG Grant Program**

The CLG Grant Program provides financial support to participating communities to develop the tools, products, programs, and services they need to administer their local preservation programs effectively and in accordance with the CLG Guidelines and Procedures. Examples of eligible projects include design guidelines, revitalization and preservation plans, comprehensive plan elements, historic resource surveys, National Register nominations, and training programs. Grant funds may be used to create standalone products or be leveraged to contribute to larger efforts such as a community's comprehensive planning process or Main Street program. CLG grants require matching funds, which can be provided either as cash or in-kind contributions, consistent with the published guidelines for that grant round.

### **Technical Assistance**

CLGs are eligible to receive technical assistance from PA SHPO staff to plan, prioritize, and evaluate preservation needs and projects in their communities. While the PA SHPO works with communities of all types across the Commonwealth, including non-CLGs, CLGs will be eligible to receive enhanced and in-depth assistance not available to other places. The specific type and nature of this assistance may change from time to time based on the needs of participating communities, the details of which will be provided in separate guidelines and promotional materials.

### **National Register of Historic Places Nominations**

CLGs are important participants in the process of listing properties in their community in the National Register of Historic Places. During the listing process, the Review Board/Commission and the Chief Elected Official (CEO) of the municipality are notified of the pending nomination and are invited to provide comments and a recommendation as to whether the property should be listed in the National Register to the Pennsylvania State Historic Preservation Officer. The PA SHPO and the Historic Preservation Board will consider the recommendation of the CLG in the processing of the nomination according to the procedures described elsewhere in these guidelines.

### **Other Benefits**

CLGs may also receive other benefits including prioritization for other funding and technical assistance programs offered by PA SHPO.

### III. Becoming a Certified Local Government

#### A. Requirements for Certification

In order to become a Certified Local Government, the applicant municipality must demonstrate that, at the time of application, it satisfies all of the requirements specified below.

**1. Demonstrate a commitment to historic preservation as a vital and integral component of community and economic development**

*Historic preservation is both a discrete activity as well as an approach to planning, development, and resource management. Municipalities wishing to participate in the CLG program must demonstrate that they have made efforts to integrate historic preservation principles and historic resources into other essential municipal functions, plans, programs, and activities.*

**Required for Certification**

- A. Thoughtful consideration is given to historic resources in the municipality's most recently adopted comprehensive plan, including goals and objectives for preserving those resources.
- 1) The Municipalities Planning Code requires all municipal, multi-municipal, and county comprehensive plans to include a plan for protecting historic resources [§301(a)(6)].
  - 2) The comprehensive plan must be consistent with guidance provided by the State Historic Preservation Office and the goals and objectives of the Statewide Historic Preservation Plan. This may take the form of a standalone chapter/element, appendix/addendum, or be demonstrated through integration in other chapters in the plan.
- B. The municipality has adopted and implements the International Existing Building Code (IEBC).
- 1) Effective December 31, 2012, the Pennsylvania Department of Labor and Industry enacted the Uniform Construction Code Administration and Enforcement Regulation, which allows Pennsylvania Municipalities to adopt the IEBC.
  - 2) The IEBC provides the most flexible means for historic buildings to meet necessary health and safety requirements while retaining their integrity and providing opportunities for continued or new uses.

**Recommended Best Practices**

- C. Align land use policies, including zoning classifications, with the form and characteristics of historic resources and ensure zoning supports uses that are compatible with the existing buildings.



- D. Establish a Main Street, Elm Street, revitalization program, and/or business improvement district in historic areas.
- E. Provide financial incentives (i.e. façade grants, loans, revolving fund, etc.) for historic properties and consider the effects of such programs on historic properties.
- F. Provide non-monetary incentives for historic properties, such as transferrable development rights, density bonus, conditional use/special exception opportunities, or relief from setback, parking ratios, or lot coverage.

## **2. Implement and enforce laws, policies, and procedures that advance preservation goals, uphold the public interest, and respect individual rights in a lawful and proactive manner;**

Local historic preservation ordinances are chief among the tools available to municipalities for designating and protecting historic resources in their communities. In Pennsylvania these ordinances may take the form of a local historic district where exterior alterations to buildings require a Certificate of Appropriateness from the governing body or a zoning overlay designation that discourages demolition and incompatible new construction. The certification requirements and recommended best practices in this section are intended to ensure that municipalities have enacted laws and policies that are consistent with State and Federal laws and have developed the tools and administrative procedures necessary to implement and enforce the local ordinances effectively. These requirements attempt to balance the local government's interests in preserving the character of historic places with a property owner's rights and responsibilities.

Some municipalities employ multiple preservation strategies targeting different types of resources or communities. In these circumstances, all municipal ordinances and related policies and procedures that regulate properties based on a property's historical significance must satisfy the requirements below.

### **Required for Certification**

- A. Local governments must have adopted an ordinance under the Historic District Act (of 1961) or under the Municipalities Planning Code (MPC) or, in the case of 1st and 2nd class cities and home rule municipalities, appropriate local legislation which includes, at a minimum:
  - 1) Statement of authority and legislative purpose. The statement of authority should reference the appropriate state enabling legislation from which the municipality derives its power to enact the ordinance (i.e. Historic District Act, MPC, or Home Rule Charter). The statement of purpose should articulate the legislative intent and public purposes being served by this ordinance. Municipalities may wish to reference the purposes included in the respective enabling legislation and/or comprehensive planning goals and objectives.

- 2) Roles and responsibilities. The ordinance must articulate the powers, duties, and roles of the review board or commission responsible for implementing the preservation ordinance (I.e. HARB, historical commission).
- 3) *Process for the designation of historic properties. The ordinance must articulate criteria for determining whether a resource is significant and describe the process for evaluation and designation of such resources. The ordinance shall not include the National Register listing or eligibility status of a property as a criterion for designation or classification. The ordinance may not require the express consent of the property owner, or a prescribed percentage of owners in a proposed district, to designate the property as an historic resource.*
- 4) Delineation of designated resources. The ordinance, or where appropriate, an inventory adopted pursuant to the ordinance, which designates resources for protection must clearly delineate the boundaries of those resources.
- 5) Review process and criteria for decision-making. The ordinance must clearly articulate the procedural steps and timelines to be followed in the review and issuance/denial of a Certificate of Appropriateness or other permit/approval required by the preservation ordinance. The ordinance must also clearly state the criteria against which applications for Certificates of Appropriateness or other recommendations and approvals are reviewed and decisions rendered.
- 6) Review of demolition and relocation. The local government, through the designated review board or commission, must a) review and render decisions on all proposals to demolish or relocate properties, in whole or in part, within the boundaries of historic districts or landmarks designated by the ordinance and b) must have authority under the ordinance to deny requisite permits or approvals where appropriate.
- 7) Review of new construction. The local government, through the designated review board or commission, must have jurisdiction to review and make recommendations on all proposed new construction within the boundaries designated by the ordinance.
- 8) No categorical exclusions. The provisions of the ordinance must be applied to all designated properties. No categorical exclusion can be made for any type of building, structure, site, or applicant (e.g. churches or local government facilities).
- 9) *Economic hardship criteria and procedure. The ordinance must allow for relief from the regulatory requirements in circumstances where the denial of a COA or similar approval would result in unreasonable economic hardship. The ordinance must include criteria for determining whether a hardship exists that are consistent with State and Federal statutes and applicable case law and articulate a procedure for the consideration of hardship claims.*
- 10) Decisions must be binding. Decisions made by the governing body or administrative official pursuant to the review process in the ordinance must be binding on the applicants.

- 11) Enforcement and Penalties. The ordinance must include provisions for enforcement of decisions and specify penalties and remedies to be imposed in the event of a violation.
  - 12) Appeal process. The ordinance must provide for the appeal of decisions made pursuant to the ordinance.
  - 13) General consistency with enabling legislation. Notwithstanding the specific requirements above, all ordinances must be consistent with the procedural and technical requirements of the relevant enabling legislation.
- B. Each Board of Historical Architectural Review or commission and its local governing body shall have rules of procedure or by-laws pertaining to official duties and functions. At a minimum, the rules or by-laws must:
- 1) Establish a process for the election and removal of officers and specify the duties and responsibility of each office;
  - 2) Specify the quorum required for the conduct of business;
  - 3) Establish attendance and training requirements for Board/Commission members;
  - 4) Establish guidelines for determining and resolving conflicts-of-interest among members;
  - 5) Establish the standard order of proceedings for all meetings where Certificates of Appropriateness, other approvals/recommendations, or appeals will be considered.
  - 6) Be consistent with all other applicable municipal, State, and Federal laws.
  - 7) Be available for public inspection upon request.
- C. *The local government must have adopted design guidelines that illustrate how the review standards and criteria in the ordinance should be applied to designated properties in a manner that will result in the granting of a COA or other approval as required by the ordinance. These guidelines must be generally consistent with the Secretary of the Interior's Standards for Rehabilitation.*

#### **Recommended Best Practices**

- A. *Incorporate a list of the type of work that will be covered by the ordinance (or conversely – specify the type of work that will not be covered; e.g. satellite equipment, flower boxes, etc).*
  - B. *Incorporate a list of any work that only needs to be reviewed by the staff and does not require approval from the governing body.*
  - C. *Include a provision in the ordinance that requires the municipality to first approve the new construction or development for the site of a proposed demolition before granting the demolition permit.*
  - D. *Require a performance bond for new development on the site of a demolished building.*
  - E. *Implement a minimum property maintenance code or Demolition by Neglect provision in the preservation ordinance.*
  - F. *Develop policies and procedures for archaeological investigation that are consistent with state and federal guidelines and procedures.*
-

### 3. Engage the public in historic preservation issues

*It is critical that the public be engaged in the programs, procedures, and resources available to preserve all historic resources as community assets. Effective public education and engagement may take many forms and involve many public and private partners. Certified Local Governments, at a minimum, ensure that government related programs, including review and approval processes, are conducted in an open and transparent manner.*

#### Required for Certification

- A. All meetings of the Board of Historical Architectural Review or historic preservation commission, including special meetings, must be publicly announced and be open to the public in accordance with the Pennsylvania Sunshine Act, 65 Pa.C.S. §§ 701-716. The agenda must be available to the public for review prior to the meeting. Commission meetings must occur at regular intervals at least four times a year.
- B. Careful minutes of all decisions and actions of the Board of Historical Architectural Review or preservation commission and the governing body, including the reasons for making these decisions, must be kept on file and available for public inspection.
- C. All decisions by the Board of Historical Architectural Review, preservation commission or governing body related to enforcement of local legislation or Certified Local Government responsibilities shall be made in a public forum, and applicants shall be given written notification by mail of decisions or recommendations of the Board of Historical Architectural Review or preservation commission. (This notification may be in the form of a copy of the recommendation made to or by the local governing body.)

#### Recommended Best Practices

- A. Coordinate and hold public meetings and workshops to educate property owners about the review process and preservation practices.
- B. Post meeting notices, agendas, and minutes in an easily accessible portion of the municipality's website.

### 4. Maintain current, relevant information about historic resources in the community

*Managing historic resources and implementing effective historic preservation programs requires good information about those resources. To be useful, survey data needs to be timely, consistent, and sufficiently detailed to provide the public, property owners, and decision makers with information that is*

---

relevant to their needs. While the level of detail about individual properties will vary according to the specific purpose of the survey and the ways in which it is likely to be used, there are some commonly accepted minimum standards and formats that should be employed. In addition, as a local partner in implementing State and Federal preservation programs, CLGs play a critical role in gathering, updating, and sharing information about resources in their communities with partner agencies at the local, State, and Federal levels.

### Required for Certification

- A. The municipality must maintain a detailed inventory of designated historic districts, buildings, sites, objects, and/or structures regulated under the municipality's preservation ordinance. The survey information must:
  - 1) Have been gathered or updated within the past 10 years;
  - 2) Contain property-level information that is consistent with the minimum record guidelines established by PA SHPO;
  - 3) Be in a format that allows for integrating the information into the databases and file systems maintained by PA SHPO.
- B. The municipality must have a program/procedure to carry out a comprehensive reconnaissance-level survey for further identifying historic districts, buildings, sites, objects, and structures within the municipality or have a written plan that describes how such a program will be implemented.
- C. All survey information must be accessible to the public, except for restrictions on the location of archaeological sites when deemed necessary by the PA SHPO or local government.

### Recommended Best Practices

- A. Integrate survey data into other municipal planning efforts, including comprehensive, revitalization, and recreation/conservation plans.
- B. Make survey data available online through municipal or county GIS.
- C. Share survey data with county and regional planning agencies.

### **5. Appropriately maintain historic resources owned by the municipality**

In some communities, the government owns and cares for some of the most significant and iconic historic resources in the municipality. These resources may range from town halls and courthouses to libraries and recreation centers to office buildings and museums. Because one facet of a holistic local preservation program is the enactment of review and approval programs for privately owned historic properties, it is important that local governments be seen by their constituents as credible and responsible stewards themselves. Certified Local Governments in Pennsylvania set a positive example for

*their communities by caring for the historic resources under their stewardship in a manner that preserves the integrity of these places, promotes their value, and ensures appropriate continued use.*

#### **Required for Certification**

- A. *The municipality must have evaluated and, where applicable, designated municipally-owned properties as historic resources under the provisions of the appropriate preservation ordinances, or have a plan in place for doing so.*

#### **Recommended Best Practices**

- B. *Perform routine, cyclical maintenance on historic properties or partner with local public or private entities to maintain and utilize the properties.*
- C. *Educate the public about the history and significance of historic properties through interpretive signage, pamphlets, websites, or other programs.*
- D. *Utilize historic properties for municipal offices and services wherever possible.*
- E. *Ensure that historic properties that are deaccessioned from municipal ownership are transferred with adequate preservation protections and controls.*
- F. *Evaluate and, where applicable, designate other publicly owned properties.*

#### **6. Provide adequate human and financial resources to implement historic preservation programs effectively.**

While sound public policies may be the cornerstones of a holistic local preservation program, implementing these policies is critical to their success and effectiveness. Both the government and the public are best served when the municipality commits the human and financial resources necessary to administer ordinances and make fair and efficient decisions in an informed and timely manner. This requires the participation of knowledgeable individuals that inspire confidence in the preservation program, and the provision of financial resources to provide decision-makers with the adequate support and tools necessary to fulfill their responsibilities. Volunteers, staff, and elected officials in Certified Local Government should understand their unique roles in the process and continually seek to enhance their knowledge of historic preservation practice through ongoing education and training.

#### **Required for Certification**

- A. The municipality must have a Board of Historical Architectural Review, preservation commission, or similar review body with a minimum of five (5) members. All members shall have a demonstrated interest, competence or knowledge in historic preservation.
- 1) The review body shall include at least two (2) members from the following fields to the extent such professionals are available in the community:
- Architecture or landscape architecture

- History or architectural history
  - Planning
  - Prehistoric and historic archaeology
  - Folklore or cultural anthropology
  - Curation or conservation
- a. For municipalities with ordinances established under the Historic District Act, one member of the board shall be a registered architect, one member shall be a licensed real estate broker, and one member shall be a building inspector.
  - b. A municipality may be certified if the board/commission does not include the disciplines listed in A(1) provided that it can demonstrate that there has been a reasonable good faith effort to recruit individual members in those fields. However, professional expertise in unrepresented disciplines must be sought when considering National Register nominations and other actions that will impact properties normally evaluated by a professional in such disciplines. The professional requirements for Historic District Act ordinances may not be substituted, as they are mandated by Pennsylvania law.
- 2) Information on the credentials of the Board of Historical Architectural Review or commission members must be kept on file and made available to the public and the State Historic Preservation Officer upon request.
  - 3) The members of the board/commission shall be appointed by the chief elected official or governing body, as provided for in the ordinance.
  - 4) The appointing authority shall act within 90 working days to fill any vacancy.
- B. The municipality must employ, on a full, part-time, or contractual basis, one or more individuals to provide staff support to the board/commission in the fulfillment of its responsibilities under the ordinance. The nature of the staffing depends on the particular needs and capacity of the municipality, but shall, at a minimum, include:
- 1) Receiving and processing Certificate of Appropriateness/permit applications;
  - 2) Preparing and distributing meeting agendas;
  - 3) Distributing meeting minutes and records of decision;
  - 4) Organizing and retaining files and documents in accordance with State and local laws and the procedures outlined in the CLG Program Guidelines;
  - 5) Providing members of the public with basic information on the requirements, procedures, and application processes associated with the designation and project review functions of the board/commission.

### Recommended Best Practices

- C. Assigning a member of the governing body to act as a non-voting liaison to the board/commission.



- D. Including a member of the municipality's planning board/commission as a member of the board/commission.
- E. Hiring professional preservation staff, on full time, part time or contractual basis or through shared services with other municipalities to provide technical support and leadership on preservation issues in the community.
- F. Encouraging revitalization/community development organizations, agricultural associations, chambers of commerce, or other relevant interest groups in the community to nominate qualified individuals for appointment to the board/commission. All final appointments must be made by the chief elected official or governing body, but such cross-pollination helps to integrate preservation into allied interests and ensure more holistic decision-making.

## B. Application Process

Municipalities that meet the certification requirements may apply to become a Certified Local Government at any time. Certification applications are accepted and reviewed on a rolling basis following the process and timeline described below.

1. The chief elected official of the appropriate local governing body shall request certification from the State Historic Preservation Officer. The request for certification shall include:
  - a. A completed application form as provided by the PA SHPO and written assurance by the chief elected official and evidence that the local government has fulfilled all the standards for certification outlined in these guidelines and,
  - b. A copy of the local historic preservation ordinance and by-laws or procedures; and,
  - c. A list and accompanying maps of the areas designated as historic districts or individual landmarks; and,
  - d. Résumés for members and staff of the Board of Historical Architectural Review or the historic preservation commission including credentials of expertise in fields related to historic preservation.
2. Requests for certification will be reviewed in accordance with the requirements for certification described previously in Section II. When a local government certification request is approved by the State Historic Preservation Officer, PA SHPO will prepare a written agreement stating the specific responsibilities of the local government when certified. The PA SHPO will forward the approved request and signed certification agreement to the National Park Service, as well as a signed "review checklist" that shows the application is complete and meets the requirements for Certified Local Government status.



3. The PA SHPO will respond to the chief elected official within 45 days of the receipt of an adequately documented written request and advise him/her of the recommendation made to the National Park Service. The State Historic Preservation Officer's certification of the local government to participate in the National Historic Preservation Program will constitute certification by the National Park Service unless exception is taken by the National Park Service within 15 working days of receipt of the State Historic Preservation Officer's approved certification.

DRAFT

## **IV. Post-Certification Performance Standards, Annual Reporting, and Evaluation**

*The Certified Local Government Program (CLG) in Pennsylvania assists communities in developing and implementing effective historic preservation programs that are sustainable and adaptive to changing needs within the municipality. Periodic reflection on outcomes and critical evaluation of laws, policies, and practices is an important part of this process and a requirement for continued participation in the CLG program. This process can help to identify areas of strength, opportunities for improvement, and helps demonstrate accountability for historic preservation programs to decision-makers, property owners, and the public.*

*Following certification, participating municipalities will be expected to meet the performance standards described further in this section. These standards are intended to ensure that the municipality continues to conform to the legal and technical requirements of the program and is implementing preservation programs effectively. A municipality's adherence to these standards will be evaluated at various time intervals and using a number of methods.*

### **A. Annual Reporting**

CLGs must submit an annual report on the municipality's preservation program during the previous calendar year on or before March 1. The report will follow the format established by the PA SHPO. Annual reports are an opportunity for a CLG to share items of concern or celebration as well as communicate technical assistance needs to PA SHPO. PA SHPO staff will review these reports regularly and contact the municipality if there are issues that may affect the CLG's participation in the program. These reports fulfill Federal reporting requirements and provide the PA SHPO with data that is useful in the development of policy, training, and public outreach programs that address the needs of municipal governments throughout the Commonwealth. CLGs are encouraged to share this information with elected officials and the general public.

### **B. Periodic Program Evaluation**

*The PA SHPO will conduct a program evaluation for each CLG every four years. These evaluations are broader in scope and are intended to:*

- *Assess a municipality's consistency with the CLG Program performance standards*
- *Facilitate collaboration and communication amongst the various stakeholders of a municipality's preservation program*

- Give PA SHPO staff an opportunity to provide meaningful feedback and recommendations for sustaining and improving local preservation programs
- Orient and familiarize key stakeholders with the local preservation program and the CLG program
- Collect and organize important information, identify trends, and provide technical assistance.

### Evaluation Process

Program evaluations are undertaken through a collaborative process that involves municipal officials, members of the preservation board/commission, staff, and other stakeholders. The specific process and schedule for each CLG is developed by the PA SHPO in response to the unique nature, size, capacity, and complexity of that community, but may include the following components:

- Document Review – review of recent annual reports, ordinances, bylaws and procedures, guidelines, and plans.
- Self-Assessment – the opportunity for a municipality to reflect on its successes and challenges during the time period covered by the evaluation and provide those comments in writing
- Observation – PA SHPO staff may attend one or more meetings of the review board, commission, and/or governing body as an observer.
- Dialogue – the opportunity for discussion of important preservation trends, issues, or needs amongst PA SHPO staff, the review board/commission, and municipal staff. Such conversations may occur in group settings or as individual interviews.
- Stakeholder Input – PA SHPO may solicit written comments and observations on the municipality’s preservation program from community organizations that include, but are not necessarily limited to those groups that have a demonstrated interest in preservation, planning, architecture, and community development.

### Notification

The PA SHPO will notify the Chief Elected Official and relevant staff contacts in writing at least 10 working days prior to initiating a Periodic Evaluation. The notification will describe the specific process to be followed and identify the scheduling needs for various meetings.

### Basic Level Evaluations

There are two levels of evaluations, Basic and Intensive. Each evaluation process begins as Basic level with the goals of assessing whether the CLG is meeting the performance standards (See section IV[C]) and determining needs and goals for the future. The performance standards are divided into two groups, Level 1 and Level 2 and each standard will be evaluated on a three-tier scale – Exceeds Standards, Meets Standards, Needs Improvement.

Upon conclusion of the basic evaluation process, PA SHPO staff will provide the CLG contact with a draft written report for review and comment. The report will synthesize information gathered from all sources throughout the process, describe how the community is meeting the CLG performance standards, and provide recommendations for improving policies or practices that will increase the effectiveness of the municipality's preservation programs and adherence to the certification agreement. Following the comment period, the final report will be provided to the Chief Elected Official, Chairs of the appropriate boards and commissions, and relevant municipal staff. The PA SHPO will consider all comments from the CLG in preparation of the final evaluation report. Copies of evaluation reports may be made available to the public upon request or in accordance with the Pennsylvania Right To Know Law.

### Intensive Level Evaluations

Intensive level evaluations are initiated in response to issues identified during the Basic evaluation that require more in-depth discussion or require short-term remedial action. This may include receiving a rating of *Needs Improvement* on one or more Level 1 standard or the need to resolve critical legal, procedural, or administrative issues. Intensive Level evaluations may include corrective actions the municipality must undertake to remain an active participant in the CLG program; such recommendations will be specific and include timeframes for action. In such instances the CLG will have up to 120 days to implement the necessary changes. If the PA SHPO determines that sufficient improvement has not occurred within the specified timeframe, the State Historic Preservation Officer may recommend to the National Park Service that the local government be decertified, citing specific reasons for the recommendation.

## C. CLG Performance Standards

*Pennsylvania's communities are diverse and distinct in terms of size, location, demographics, socio-economics, and types of historic resources. The preservation policies and programs enacted in these communities reflect these distinctive qualities, and the municipality should seek to maximize its effectiveness and adhere to commonly-accepted best practices. The CLG Performance Standards are intended to be responsive to the unique nature of participating communities while acknowledging that there are legal, technical, and procedural practices that are common to all municipal preservation programs.*

*CLGs will be evaluated for their overall performance as well as in each of the areas listed below for the period between the most recent evaluation and the present, or during a reasonable time period defined by PA SHPO. Overall performance and each standard will be assigned one of three ratings:*

- **Exceeds Standards** – Exceeds the required level of performance and expected results for implementation of local preservation programs and CLG program requirements. Quality of performance is high.
- **Meets Standards** – Meets the minimum requirements and expected results for implementation of local preservation programs and CLG program requirements in a timely manner. Quality of performance is satisfactory.
- **Needs Improvement** – Partially meets the minimum requirements and expected results for implementation of local preservation programs and CLG program requirements in a timely manner. Quality of performance needs improvement.

The following statements describe the minimum level of effort required to “meet standards”. Actions and activities that are over and above these minimum efforts will be considered to be “exceeding standards”, while failure to meet these requirements may result in a “needs improvement” rating.

### **Level 1 Standards**

Level 1 performance standards focus on the policy, legal, and procedural foundations of a community’s preservation program. These standards address how closely a CLG is following relevant enabling legislation, providing applicants with timely decisions, allowing public participation, and administering grant funds appropriately. Meeting these standards is considered essential to fulfilling a community’s legal and ethical responsibilities.

- A. Has enacted a preservation ordinance that meets the minimum requirements described in Chapter III(a)[2] of the CLG Guidelines and Procedures for Pennsylvania Communities.
- B. Reviews and renders decisions on all applications required by its preservation ordinance in a timely fashion, follows published procedures, and allows for adequate public participation.  
Public participation includes:
  1. conducting all business in open meetings according to published procedures
  2. making meeting minutes publicly accessible, and
  3. following all Federal and State laws relevant to the conduct of official business.
- C. Implements a survey program that routinely gathers, updates, and shares information about historic resources within its boundaries in a manner that is consistent with PA SHPO requirements and data-sharing procedures.
- D. Maintains a review board/commission whose members meet relevant qualification standards.
- E. Ensures that each review board/commission members and relevant staff participate in at least 4 hours of training and/or educational programs on topics relevant to administering the community’s preservation program annually.
- F. Provides adequate staff and funding to administer the preservation program effectively and efficiently.
- G. Manages CLG grant funds, when awarded, effectively and according to the terms of the grant agreement.

**Level 2 Standards**

Level 2 performance standards address how CLGs integrate historic preservation and historic resources into other programs and policies, and how they fulfill other responsibilities of the CLG program.

- A. Consistently demonstrates through its policies, programs, and actions a commitment to historic preservation as a vital and integral component of community and economic development.
- B. Gives thoughtful consideration to historic resources and preservation policies in the most recently adopted comprehensive plan.
- C. Has adopted and implements the International Existing Building Code.
- D. Reviews and comments on National Register of Historic Places nominations within its jurisdiction in a manner that provides reasonable opportunity for public comment.
- E. Demonstrates leadership in the care and maintenance of historic buildings owned by the municipality.
- F. Satisfactorily performs the duties and responsibilities delegated to it by PA SHPO, including cooperative and programmatic agreements, in accordance with the terms of those agreements.
- G. Fulfills all annual reporting requirements in a timely manner.

## D. Decertification

Participation in the CLG program is voluntary and intended to support a municipality's efforts to preserve its historic resources. In the event that a CLG chooses to withdraw from the program or ceases to meet the minimum performance requirements, the municipality may be decertified. Once a CLG has been decertified, it will no longer be eligible to receive CLG grant funds, participate formally in the National Register nomination process, or benefit from other program incentives reserved for CLGs in good standing.

### Voluntary Decertification

If a municipality wishes to terminate its participation in the CLG program, it must notify the State Historic Preservation Officer, in writing, of its request for decertification. The PA SHPO will forward the request to the NPS for processing and concurrence. Upon receipt of the NPS's written determination of the CLG's date of decertification, the PA SHPO will notify the CLG in writing within 30 working days of the official date of decertification.

### Involuntary Decertification

The PA SHPO may recommend to NPS that a CLG be decertified if it has determined that the municipality does not meet the minimum performance standards described in the certification agreement. Prior to recommending decertification, PA SHPO staff will undertake a Periodic Evaluation and provide the CLG with written recommendations and timeframes for corrective action. If the PA SHPO determines that the CLG has failed to make sufficient progress on the corrective actions within the specified timeframes, it may recommend to NPS that the CLG be decertified and request the agency's concurrence. The PA SHPO shall notify the CLG, in writing, that the decertification process has begun and will cite specific reasons for the decertification.

The CLG is decertified if NPS does not object within 30 working days of receipt of the PA SHPO's recommendation to decertify the CLG. Upon receipt of NPS concurrence or following 30 working days, the State Historic Preservation Officer will inform the CLG, in writing, of the decertification.

### Recertification

If the decertified local government wishes to become recertified at a point in the future, it must reapply for certification through the regular certification process.

## V. Training and Continuing Education

*Individuals who participate in preservation programs, both as volunteers and staff, are often tasked with making important decisions about projects and properties in their communities. Given the significance of these responsibilities and the impacts they can have on property owners and the community, it is important for decision-makers to be knowledgeable about best practices and current issues in preservation, design, and community development. To remain a CLG in good standing, members of review board/commissions and relevant staff must participate in at least 4 hours of training and/or educational programs on topics relevant to administering the community's preservation program annually. Elected officials and members of planning commissions and zoning hearing boards are also encouraged to attend training programs on historic preservation issues.*

*Individual communities may determine how best to meet these training requirements each year. Options include organizing a lecture or workshop for your community, partnering with neighboring/nearby communities to host a regional training program, attending state or national conferences, or attending programs affiliated with allied organizations such as the Pennsylvania Chapters of the American Planning Association or American Institute of Architects. CLG grant funds may be available to help defray the costs of hosting speakers in the community or attending conferences or training programs elsewhere. Participation in training programs will be reported on the CLG's annual report submitted to PA SHPO each year.*

*Programs that satisfy annual training requirements will follow the Training and Continuing Education Guidelines for Municipal Historic Preservation Program in Pennsylvania (Appendix A)*

## VI. Participation in the National Register of Historic Places Nomination Process

Certified Local Governments are important participants in the process of listing properties in their community in the National Register of Historic Places. During the listing process, the Review Board/Commission and the Chief Elected Official (CEO) of the municipality are notified of the pending nomination and are invited to provide comments and a recommendation to the Pennsylvania State Historic Preservation Officer as to whether the property should be listed in the Register. The PA SHPO and the Historic Preservation Board will consider the recommendation of the CLG in the processing of the nomination according to the procedures described in this section.

### A. The National Register Nomination Process



The National Register nomination process generally begins when a Historic Resource Survey Form or National Register nomination form is submitted to the Pennsylvania SHPO. Eligible resources for listing include buildings, structures, objects, sites, and districts, and survey forms/nominations may be submitted by a property owner, community organization, municipality, State or Federal agency, or interested individual. PA SHPO staff review the submitted materials to determine if the resource meets the National Register criteria for significance and integrity and is considered eligible for listing. Following a determination that the property meets the listing criteria, the nominator will complete or revise a National Register nomination form for an in-depth staff review. When all editing has been finished and a complete nomination package has been submitted, the nomination will be scheduled for review by the Pennsylvania Historic Preservation Board at one of its regularly scheduled meetings. Prior to the Preservation Board meeting, PA SHPO staff will notify the affected property owners of the nomination and will forward a copy of the nomination to the CLG for comment and recommendation. If the Preservation Board recommends that the property be listed, the nomination will be forwarded to the National Park Service for final review and official listing.

## **B. The Certified Local Government's Role in National Register Nominations**

CLGs are afforded a special role in the process of listing a property in the National Register of Historic Places. Two entities, the appointed Preservation Commission/Review Board and the Chief Elected Official (CEO), are each tasked with reviewing and making an official recommendation as to whether the property should be listed in the National Register.

The local review process is coordinated by a municipal staff person or designated contact person and results in recommendations for or against listing by both the commission/review board and CEO. *The review is reported to PA SHPO in writing using the PA SHPO CLG National Register Recommendation Form (see Appendix C) and is accompanied by any written comments or evaluation of the merits/deficiencies of the nomination.*

## **C. CLG Review Policies and Procedures**

The local review process is carried out within 60 days of receipt of the nomination from the PA SHPO, according to the following procedures and policies. These procedures are effective immediately following certification and apply to all nominations within the municipality for which the State has not begun official owner notification procedures as of the date of certification, except as noted below.<sup>1</sup>

---

<sup>1</sup> HPF Manual, Chapter 9, Section J(1)[a].

1. PA SHPO will provide the CLG with a copy of the nomination materials at least 60, but not more than 120 calendar days, prior to the Historic Preservation Board meeting where the nomination will be considered.
  - a. CLG notification procedures do not apply when the nomination is being prepared and submitted by the municipality.
  - b. Nor do CLG notification procedures apply when the nomination has been prepared and submitted by a Federal agency for a property under its ownership/control. Federal agencies are, however, encouraged to consult the CLG during the nomination process.
2. The PA SHPO and CLG may agree to expedite the CLG's participation in the nomination process for individual properties, or programmatically for particular types or groups of properties, by shortening the 60-day commenting period, provided that the owner notification procedures, and applicable Federal and State regulations have been met. The PA SHPO shall maintain a written record of the agreement to expedite the CLG process in accordance with Federal guidelines.<sup>2</sup>
3. The PA SHPO may authorize the review board/commission of a CLG to act for the Historic Preservation Board for the purpose of considering National Register nominations within the CLG's jurisdiction, provided the review board/commission meets the professional qualification standards required for the Historic Preservation Board, employs staff that meet the Secretary of the Interior's Professional Qualification Standards, and has a demonstrated record of providing substantive comments on previous nominations. Any such delegation will result in an amendment to the certification agreement between the PA SHPO and CLG.<sup>3</sup>
  - a. The PA SHPO may not delegate authority to nominate properties directly to the National Register.<sup>4</sup>
4. In municipalities where there are multiple review boards or commissions performing similar functions related to historic resources, the governing body may:
  - a. designate one board or commission to provide review and recommendations for all nominations in the municipality; or
  - b. select the appropriate board or commission to review the nomination based on the location or nature of the resource or the expertise of the respective members; or
  - c. appoint a special committee made up of members of the various boards/commissions to review and render a recommendation on the nomination. The governing body shall identify a chairperson for the committee.
5. The CLG must allow for adequate opportunity for public comment on the nomination before rendering an official recommendation. This may include, but not be limited to, discussion of the

---

<sup>2</sup> HPF Manual, Chapter 9, Section J(1)[d](2).

<sup>3</sup> HPF Manual, Chapter 9, Section J(1).

<sup>4</sup> 36 CFR 61.6(f)[1].

---

*nomination at a regularly scheduled review board/commission meeting or conducting a special public meeting. All public meetings must follow standard public notification procedures.*

6. The comments provided to the PA SHPO by the CLG shall include a statement as to whether, in its opinion, the property meets the National Register criteria for listing.
7. In the event that a nomination involves a resource type whose evaluation requires professional expertise in a specific discipline, such as archaeology, and that discipline is not represented on the review board/commission's membership or professional staff, the CLG will seek appropriate professional expertise before rendering a recommendation. Such expertise could include PA SHPO staff or a hired consultant that meets the Secretary of the Interior's Professional Qualification Standards for the relevant discipline. The written comments provided by the CLG shall include the name and professional qualifications of all outside experts consulted.<sup>5</sup>
8. *The CLG shall transmit its comments and recommendation on a nomination to PA SHPO at least 24 hours prior to the Pennsylvania Historic Preservation Board meeting. The PA SHPO will share all comments with the Preservation Board during its public meeting.*
9. If both the review board/commission and the CEO of a municipality recommend AGAINST listing a nominated property in the National Register, the nomination process stops. The PA SHPO will not present the nomination to the Pennsylvania Historic Preservation Board or continue processing the nomination unless an appeal is filed in accordance with 36 CFR 61, 36 CFR 60, and PA SHPO procedures. If either the review board/commission or CEO recommends listing, the nomination process will continue.<sup>6</sup>
10. If the CLG chooses not to review the nomination or fails to provide comments and a recommendation within the required timeframe prior to the Pennsylvania Historic Preservation Board meeting, the PA SHPO will proceed with the nomination process.<sup>7</sup>

---

<sup>5</sup> HPF Manual, Chapter 9, Section J(1)[c](3).

<sup>6</sup> 16 U.S.C. 470, Section 101(c)(2); HPF Manual, Chapter 9, Section J(1)[d].

<sup>7</sup> HPF Manual, Chapter 9, Section J(1)[c](1).

---

## VII. The Certified Local Government Grant Program

One benefit of participation in the CLG program is a local government's eligibility to compete annually for CLG grant funds. Each year, the Commonwealth of Pennsylvania makes at least 10% of its annual apportionment of the Historic Preservation Fund available to Certified Local Governments meeting minimum requirements in the form of competitive grants. The PA SHPO publishes annual guidelines and application materials that contain detailed information about the process, program priorities, and grant terms and conditions. These annual guidelines are based upon the policies and procedures described in this section as well as applicable Federal and State guidelines and regulations.

### A. Purpose

The CLG Grant Program provides financial support to participating communities to develop the tools, products, programs, and services they need to administer their local preservation programs effectively and in accordance with the CLG Guidelines and Procedures.

Typically, a successful grant application will clearly demonstrate that the project will make a significant contribution to meeting the goals of the PA SHPO and local preservation community, result in specific products or impacts, and be managed in a professional manner.

### B. Eligible Applicants

1. All CLGs within the Commonwealth of Pennsylvania are eligible to compete for CLG grant funds if they have continued to comply with the conditions of their Certification Agreement and State performance standards, including submission of CLG Annual Reports.
  - a. The PA SHPO is not obligated to award funds to all CLGs eligible to receive them.
  - b. No CLG may receive more than 30% of the subgrant funds available in any funding cycle unless such a limitation would result in the PA SHPO awarding less than the required 10% of the HPF allocation for the relevant Federal Fiscal Year.
2. Local governments receiving CLG grant funding become grantees of the Commonwealth and will sign a grant agreement drafted by the PA SHPO staff after the awards are announced. During the grant period, all grantees must be provided with, or have access to, appropriate technical and financial management assistance in order to meet and maintain standards outlined in the grant agreement.

### C. Grant Amounts and Funding Cycles

1. PA SHPO will award grants through one or more open and competitive funding rounds annually, including cycles that focus on specific initiatives, priorities, or program areas.
2. PA SHPO may establish minimum and maximum amounts for specific project types and will indicate such amounts in the guidelines and application materials distributed for each funding cycle. Individual grants will generally not exceed \$25,000. The PA SHPO may, at its discretion and in consultation with NPS, award grants larger than \$25,000 for projects that have a demonstrable need and significant impact on preservation activities in that community, region, or throughout the Commonwealth. The PA SHPO may make grant awards that are more or less than the amount requested by the applicant.

#### **D. Match Requirements**

1. CLGs receiving grant funds will be required to provide matching funds for the project from cash and/or in-kind sources as established in the guidelines for the relevant funding cycle.
2. CLGs will not be required to provide more than 50% of the total project cost as matching funds. The PA SHPO may establish lower match requirements for funding cycles and may require different match amounts for different project types based on local needs, capacity, and priorities. Match requirements will be clearly identified in the guidelines for the funding cycle.
3. Federal funds, with the exception of Community Development Block Grants, are not considered eligible match for CLG grants. Likewise, CLG grants may not be used as match for other Federal funds.

#### **E. Eligible Uses of Grant Funds**

1. CLG Grant funds may be used for non-construction projects to develop the tools, products, programs, and services needed to administer local preservation programs effectively and in accordance with the CLG Guidelines and Procedures.
2. Grant supported projects must produce specific products.
3. Grant funds may be used to support training and continuing education programs for CLGs, provided such programs are on topics related to local preservation issues and programs, as determined by the PA SHPO.
4. Grant funds may not be used to support the survey, evaluation, or recordation of resources conducted in anticipation of a project requiring a State or Federal permit, license, or funding (i.e. projects that will undergo a Section 106 or State History Code review). Similarly, CLG funds may

not be used to undertake mitigation activities performed as a condition or precondition for obtaining a state or federal permit or license.

5. All CLG activities supported by grant funds or matching funds must meet the applicable Secretary of the Interior's Standards for Archaeology and Historic Preservation.<sup>8</sup>

## **F. Project Evaluation Process and Criteria**

1. All applications received within a given funding cycle will be reviewed and evaluated by PA SHPO staff. Projects selected for funding will be chosen based on the criteria described in this section.
  - a. The PA SHPO may not consider applications submitted after the published deadline or that are missing required information as specified in the application guidelines for the funding cycle.
2. The PA SHPO will consider the following criteria in its evaluation of grant applications and award of grant funds. The specific criteria used in the review of applications during a given funding cycle may change to reflect particular and relevant aspects of the funding cycle (i.e. scholarships).
  - a. Local resources and preservation program
  - b. Relationship of the proposed project to the Statewide Historic Preservation Plan
  - c. Project methodology and readiness
  - d. Project timetable and work products
  - e. Project impact and educational value
  - f. Matching funds
  - g. Budget
  - h. Professional capability
  - i. Administrative capability
  - j. Funding priority
3. The applicable criteria for a given funding cycle will be assigned point values to reflect their relative importance in the review of grant applications. The point values may change from cycle to cycle and will be described in the published guidelines for the funding cycle.

## **G. Pooling CLG Grants**

---

<sup>8</sup> HPF Manual, Chapter 9, Section K(2)[c].

Grants may be pooled by CLGs for specific purposes. For example, several CLGs could pool a grant to share the services of a preservation professional that could travel among the CLGs as a “circuit rider.” Pooling is permissible when the following conditions are met:

1. All local governments involved in the pooling are certified;
2. One CLG is designated as the administrator of the grant and identifies itself as such in its request for CLG funding;
3. The CLG designated as the administrator of the grant has consented and demonstrates such agreement by submitting a letter with the following information to PA SHPO in conjunction with its CLG grant application:
  - a. Names of all CLGs involved in the pooling of CLG grants and signatures of each CLG’s chief elected local official or designee;
  - b. The amount of CLG grant funds requested to be used in the pool;
  - c. The donor, source, kind, and amount of each CLG matching share commitment to the total grant; and
  - d. The proposed products or services provided by the grant.<sup>9</sup>

## H. Third-Party Administration

CLG grants may be administered by a designated third-party if the CLG indicates in its funding application to PHMC that it wants any grant awarded to it to be administered by a specific organization. Designation of a third-party to administer a grant is not a procurement action. Such delegate agency may be another unit of local government, a commercial firm, a nonprofit entity, or an educational institution as long as it has appropriate administrative capability. This provision is intended to facilitate projects such as workshops for multiple CLGs, or hiring a consultant to perform services for several CLGs.<sup>10</sup>

The grant agreement will be executed between PHMC and the CLG’s designated administrative agent provided that the CLG’s grant application designates a third party to administer the grant. The third party will be reimbursed for project expenses as the work is completed in compliance with all conditions of the grant agreement. Any CLG receiving grant assistance under this provision must continue to satisfactorily comply with the conditions and requirements of its certification agreement with PHMC.

## I. Use of CLG Grants Outside of CLG Boundaries

---

<sup>9</sup> HPF Manual, Chapter 9, Section K(11).

<sup>10</sup> HPF Manual, Chapter 9, Section K(12).

---



A CLG may use CLG grant funds for activities involving historic or archaeological resources outside of its geographic boundaries if:

1. Such activity is not prohibited by State law or local ordinances or the procedures and policies in this manual; and,
2. The activity conducted and proposed costs are allowable according to the applicable grant guidelines and the Historic Preservation Fund Grants Manual; and,
3. Activities which will occur outside the jurisdiction of the CLG clearly demonstrate a direct benefit to identifying, evaluating, and protecting the historic and archaeological resources of the CLG; and,
4. Both the CLG and the other local government(s) or Indian tribe(s) with jurisdiction agree.<sup>11</sup>

## J. Grantee Requirements

Successful grantees must adhere to all Federal and State administrative requirements described in this section as well as the terms and conditions of the grant agreement. Failure to comply with these requirements may result in the recapture of grant funds, debarment, or other appropriate actions as determined by the PA SHPO and NPS.

1. Grant recipients are required to comply with all applicable statutes, ordinances, executive orders, regulations and Commonwealth requirements and policies, including Contractor Responsibility and Integrity provisions, the Pennsylvania Right-to-Know Law and laws regarding drug, alcohol, and smoke-free workplaces, disabled access, equal opportunity in employment, housing, and credit practices, and prohibiting sexual harassment or discrimination on the basis of race, color, creed, religion, national origin, gender, sexual orientation, marital status, familial status, or physical and/or mental disabilities in any aspect of the grant. Additional information about these compliance requirements is available through the CLG Grant program staff.
2. Grantees, contractors, and subcontractors must maintain their books, accounts, and records, using normally accepted accounting procedures, and must file with the PA Historical and Museum Commission (the Commission) those financial and other reports, as required under the grant contract. All of these books, accounts and records must be open to inspection by representatives of the Commission or other agencies of the Commonwealth during reasonable working hours before, during, and after the period of time during which grant proceeds are

---

<sup>11</sup> HPF Manual, Chapter 9, Section K(10).



expended. Grantees must make their administrative offices and personnel – whether full-time, part-time, consultants, or volunteers – available to the Commission upon request. Books, accounts, and records of contractors and subcontractors must be maintained and made available for inspection for **up to three (3) years** after either the date of grantee's final expenditure of grant proceeds or the termination of the contractual relationship between the Commission and the grantee, whichever is later. Grantees must submit a final report, as well as any interim reports required by the Commission, documenting project progress and evaluating project effectiveness. Grantees will be expected to include as part of these reports documentation of all expenses related to the Grant.

3. CLGs must continue to comply with the terms and conditions of the Certification Agreement and *CLG Program Guidelines and Procedures for Pennsylvania Communities*.
4. Grantees agree to include in any material based on or developed under the grant a statement acknowledging support from the U.S. Department of the Interior and the Pennsylvania Historical & Museum Commission in a format provided to the grantee by the PA SHPO.
5. If it is determined by the PA SHPO that the grantee is not complying with any of the requirements of the program or the grant contract, the Executive Director of the Commission may terminate the grant, refuse to make additional grant disbursements, or suspend or debar a grantee from further program participation. Each grantee shall agree to abide by the project scope of services and budget approved by the program. A grantee shall request in writing permission from Commission staff for any deviation from the approved project scope of services and/or budget.

## VIII. Technical Assistance Programs for Certified Local Governments

DRAFT

## IX. Guideline Amendment Procedures and Document Revision History

The CLG Guidelines and Procedures for Pennsylvania Communities were prepared in accordance with requirements of the Historic Preservation Fund Grant Manual, National Historic Preservation Act, and applicable state and federal regulations. At any time, the PA SHPO may amend the procedures described in this document according to the process and approvals described below.

### A. Amendments to CLG Guidelines and Procedures

1. For proposed amendments affecting the major requirements for becoming a CLG or operating a CLG program, or the policy for allocating CLG grants, the PA SHPO will consult with local governments, review boards/commissions, and all other parties likely to be interested in the CLG program and CLG issues.
2. In formulating proposed amendments, the PA SHPO will consider local preservation needs and capabilities, and invite comments on the proposed amendments from local government, review boards/commissions, and other interested parties. The PA SHPO will maintain a record of consultation with interested parties and will make such materials available to NPS and other individuals and organizations upon request.
3. The PA SHPO will accept public comment on the proposed amendments for a period of no less than 60 calendar days before submitting the proposed amendments to NPS for final approval. The PA SHPO will maintain a record of all comments received and provide responses to all comments not adopted in the final amendment.
  - a. Minor technical corrections and changes required by NPS policy directives do not require public comment prior to adoption. In such instances, the PA SHPO will provide a written notification to all CLGs.<sup>12</sup>
4. Following the public comment period, the PA SHPO will submit all proposed amendments to NPS along with comments received from CLGs for final approval. The NPS will respond to the PA SHPO within 45 working days of receipt of a sufficiently documented amendment.<sup>13</sup>
5. If the NPS approves the amendments, the PA SHPO will:<sup>14</sup>
  - a. Notify all CLGs in writing
  - b. Provide CLGs with amended certification agreements for approval and execution

---

<sup>12</sup> HPF Manual, Chapter 9, Section F(1)[b].

<sup>13</sup> HPF Manual, Chapter 9, Section F(2).

<sup>14</sup> HPF Manual, Chapter 9, Section F(3).

---

- c. Send executed amended certification agreements to NPS within 120 calendar days*

## **B. Revision History**

Approved by NPS – August 29, 1985

Corrected – February 1, 1987

Revised – October 23, 1992

Corrected – January 15, 1993

Corrected – December 1, 1997

Corrected – July 2, 2001

Revised – June 17, 2002

Revised – May 1, 2009

DRAFT