

530-RICR-20-00-1

TITLE 530 – HISTORIC PRESERVATION

CHAPTER 20 – GRANTS AND LOANS

SUBCHAPTER 00 – N/A

PART 1 – Rules and Regulations for the State Preservation Grants

1.1 Purpose

These rules and regulations establish the operating procedures for the State Preservation Grants and the State Preservation Grants Review Panel.

1.2 Authority

R.I. Gen. Laws § 42-45-5 authorizes the Historical Preservation & Heritage Commission to "grant or loan funds... made available therefore by the state or federal government, for the purpose of acquiring, restoring, relocating or otherwise preserving land or buildings designated in the state register."

1.3 Definitions

- A. For the Purposes of These Regulations, the Following Terms Shall Have the Following Meanings:
1. "APPLICANT" means A private non-profit organization that has non-profit 501(c)(3) status with the IRS, an agency of local or state government, or an Indian tribe recognized by the Secretary of the Interior.
 2. "CAPITAL IMPROVEMENTS" means Preservation, restoration, or rehabilitation expenditures that permanently improve or significantly extend the useful life of the historic property.
 3. "COMMISSION" means The Rhode Island Historical Preservation & Heritage Commission an agency of the state government as described in Chapter 42-45 of the General Laws of Rhode Island that is authorized to administer the State Preservation Grants.
 4. "CREATIVE AND CULTURAL ECONOMY BONDS" means approved 2014 state ballot question that authorizes the State of Rhode Island to issue general obligation bonds, refunding bonds, and temporary notes in an amount not to exceed thirty-five million dollars (\$35,000,000) to fund capital improvement, preservation and renovation projects for public and nonprofit artistic, performance centers, historic sites, museums and cultural art centers located throughout the State of Rhode Island.

- ~~5.~~ 5. "DIRECTOR" means The Executive Director of the Rhode Island Historical Preservation & Heritage Commission as described in R.I. Gen. Laws Chapter 42-45.
- ~~6.~~ 6. "EMERGENCY" means an unforeseen and critical building failure to which an urgent response is required.
- ~~5-7.~~ 5-7. "FEDERAL AGENCY" means an administrative division within the federal government that serves specifically assigned purposes for the legislative, judicial, or executive branches of the federal government.
- ~~6-8.~~ 6-8. "GENERAL MAINTENANCE" means The ongoing process of maintaining existing facilities and structures.
- ~~7-9.~~ 7-9. "HISTORIC STRUCTURE" means Any building or other structure listed in the State Register in accordance with R.I. Gen. Laws § 42-45, or a structure that is documented to be eligible for listing in the State Register.
- ~~8-10.~~ 8-10. "HISTORICALLY APPROPRIATE" means Consistent with the U.S. Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (current edition) as interpreted by the Commission.
- ~~9-11.~~ 9-11. "IN-KIND SERVICES" means Non-cash contributions provided by the grantee. In-kind contributions consist of the value of materials and/or services directly benefiting and specifically identifiable to the project.
- ~~10-12.~~ 10-12. "LOCAL COMPREHENSIVE PLAN" means The plan adopted by each municipality and approved pursuant to R.I. Gen. Laws Chapter 45- 22.2, including the approved affordable housing plan.
- ~~11-13.~~ 11-13. "MAINTENANCE PLAN" means A written plan approved by the grantee's board of directors or governing authority that specifically outlines the proposed uses, operation, and continuing maintenance of the historic structure.
- ~~12-14.~~ 12-14. "MUNICIPAL AGENCY" means One or more units of local government whose purpose includes the stewardship and operation of a public historic site, museum, or cultural arts center; said unit(s) having the operational capability and legal authority to effectuate this purpose.
- ~~13-15.~~ 13-15. "MUSEUM OR CULTURAL ARTS CENTER" means A historic structure open to the public that is used principally to house artifacts and exhibits of historical, artistic, cultural, or educational value; or a historic structure open to the public that is used principally to present cultural events such as performances of music, dance, or theater. At a minimum, the museum or cultural arts center must be open to the public twelve (12) days per year.

- ~~14-16.~~ "NAMED RECIPIENTS" names The nine Rhode Island non-profit arts and cultural organizations that are specifically identified in 2014 R.I. Pub. Laws 145 as being recipients of designated amounts of the Creative and Cultural Economy Bonds funds: specifically, Trinity Repertory Company (\$4,647,750); Rhode Island Philharmonic (\$2,390,250); Newport Performing Arts Center (\$4,216,800); United Theatre/Westerly Land Trust (\$2,369,440); The Chorus of Westerly (\$1,054,200); The Stadium Theatre Conservatory in Woonsocket (\$2,108,400); 2nd Story Theater (\$1,054,200); AS220 (\$2,108,400); and Waterfire Providence (\$3,162,600).
- ~~15-17.~~ "NON-PROFIT AGENCY" means A group or organization formed pursuant to R.I. Gen. Laws § 7-6-1 et. seq. or which otherwise has qualified as a tax exempt public charity under Section 501(c)(3) of the Internal Revenue Code whose purpose is the stewardship and operation of a public historic site, museum, or cultural art center as defined in its articles of incorporation.
- ~~16-18.~~ "PUBLIC HISTORIC SITE" means A historic structure open to the general public that is used for events or activities of broad community interest and that is widely recognized as being representative of the community's heritage. At a minimum, the public historic site must be open to the public twelve (12) days per year.
- ~~17-19.~~ "REVIEW PANEL" means A committee to advise the Historical Preservation & Heritage Commission on grant applications.
- ~~18-20.~~ "STATE AGENCY" means A unit of Rhode Island state government among whose purposes includes the stewardship and operation of a public historic site, museum, or cultural arts center; said unit(s) having the operational capability and legal authority to effectuate this purpose.
- ~~19-21.~~ "STATE CULTURAL FACILITIES GRANTS" means Competitive grants administered by the Rhode Island State Council on the Arts (RISCA) for capital improvements at buildings used primarily for arts and cultural purposes.
- ~~20-22.~~ "STATE REGISTER OF HISTORIC PLACES" means A list of properties kept by the Commission in accordance with R.I. Gen. Laws § 42-45-5(b) which meet certain established criteria of historical, architectural, archeological, and/or cultural significance and physical integrity.
- ~~21-23.~~ "WAIVER OF RETROACTIVITY" means Approval by the Commission of costs incurred prior to a grant award as eligible for match. Waivers of Retroactivity must be requested by the applicant in writing and must document that waived costs are directly related to the grant project. Costs incurred prior to the approval of a project are at the applicant's risk and

approval of retroactive matches is not assured. The granting of a waiver of retroactivity does not constitute assurance that the project will be approved.

1.4 Application Procedures

A. Application Form:

1. The form that shall qualify an applicant for consideration shall be the form designated "Application" and approved by the Commission.

B. Availability of Application Forms:

1. Application forms and instructions shall be available to applicants upon request and available online at www.preservation.ri.gov.

C. Filing of Applications:

1. Applications shall be filed with the Rhode Island Historical Preservation & Heritage Commission, 150 Benefit St., Providence, RI 02903, or such other address as the Commission designates in the application form instructions. Applications shall be accepted by the Commission any business day during regular working hours and shall be date-stamped and signed upon receipt.

D. Application Contents:

1. The application shall contain:
 - a. Application Summary: a concise identification of the applicant and a summary of the project.
 - b. Property Information: information about of the historic and cultural significance, planning status, and general condition of the property.
 - c. Project Information: information about the project including a schedule and budget.
 - d. Applicant Information/ Project Impact: information about the Public Historic Site, Museum, or Cultural Arts Center and how the project will impact the use of the historic structure as a Public Historic Site, Museum, or Cultural Arts Center.
 - e. Assurances: consent forms signed by the property owner and applicant
 - f. Additional Information: any additional information that the Commission may require.

E. Application Submission:

1. Applications for State Preservation Grants must be filed within the prescribed period established by the Rhode Island Historical Preservation & Heritage Commission.

1.5 Allocation of Funds

The Commission shall by majority vote of the full Commission, schedule the number, frequency and duration of local grant funding rounds consistent with the "State Capital Budget Plan." The Commission may establish a maximum per project funding level for any given grant round. This amount may be increased or decreased during each year by a majority vote of the Commission.

1.6 State Preservation Grants Review Panel

A. Appointment of Review Panel:

1. The Commission shall appoint a panel of experts to review applications.
2. Members of the Review Panel may be selected from among Commissioners, National Register Review Board members, or other experts. In making appointments to the Review Panel, the Commission shall endeavor to include a historian, an architect, and a representative of the arts community.
3. The Commission will ensure that members come from different parts of the state.
4. In order to represent the evaluations of the Commission's professional staff, the RIHPHC Executive Director shall be a voting member of the Review Panel.

1.7 Application Review & Project Selection

A. Preliminary Review:

1. After the closing date, the applications will be reviewed by Commission staff, and incomplete applications will be returned to the applicant within 30 days of receipt. Applicants will have up to 5 business days to resubmit a complete application before the application is deemed ineligible. The Review Panel will evaluate all of the timely and complete applications according to the scoring criteria. The Review Panel may request additional information about any application.

B. Minimum Eligibility Requirements:

1. An application shall be deemed eligible for evaluation only if it satisfies all of the following criteria:
 - a. The applicant is a 501(c)(3) nonprofit agency; a municipal agency; a state agency; or an Indian tribe recognized by the Secretary of the Interior. Applicants must demonstrate the capacity to successfully carry out the project. Applications will not be accepted from private individuals, for-profit organizations or corporations. Applications will not be accepted from municipal agencies in any city or town that does not have an approved local comprehensive plan. The Rhode Island Historical Preservation & Heritage Commission shall be responsible for determining eligibility status to participate in the State Preservation Grants program.
 - b. The applicant owns or operates the property for which the grant is sought. Applicants who have a lease or written agreement of at least 20 years from the date of the application are eligible. Applicants with less than a 20-year lease or written agreement will be considered on a case-by-case basis.
 - c. The property for which the grant is sought is used as a Public Historic Site, Museum, or Cultural Art Center.
 - d. The property for which the grant is sought is listed or is eligible for listing on the State Register of Historic Places. Properties which are part of or eligible to be part of a historic district must contribute to the significance of the district in order to be eligible for a grant.
 - e. The grant is sought for historically appropriate capital improvements to the property.
 - f. The applicant certifies that any property rehabilitated with funds made available by the Commission will be preserved without alteration for a term of years except as approved in writing by the Commission.
 - g. The application contains all information and supporting documentation specified or requested in the application package.
 - h. An eligible applicant may only submit one application in each State Preservation Grant application round. Applications for projects that include some activities to be funded by the State Preservation Grant program and other activities to be funded by the State Cultural Facilities Grant program will be considered.
 - i. The following activities are not eligible for grant funding:

- (1) Mitigation activities performed as a condition or precondition for obtaining a local, state, or federal permit, license, or other approval.
 - (2) New construction.
 - (3) Reconstruction such as recreating a building.
 - (4) Projects whose entire scope of work consists solely of general maintenance.
 - (5) Landscaping or site work as part of non-historic improvements such as parking lots, sidewalks, etc.
 - (6) Projects that consist only of predevelopment or planning, such as historic structure reports, master plans, and architectural studies.
 - (7) Acquisition of property or collections.
 - (8) Restoration of historical artifacts or collections.
- j. The following activities are not allowed on State Preservation Grant projects:
- (1) Any type of abrasive cleaning of exterior surfaces (including but not limited to sandblasting, wet grit blasting, high pressure water washing).
 - (2) Application of aluminum or vinyl siding
 - (3) Use of mortar which does not match original in composition, color, strength, and appearance
 - (4) Scrubcoating masonry surfaces
 - (5) Installation of insulation without a proper vapor barrier, or where the installation will result in inappropriate changes to the interior or exterior of the building
 - (6) Replacement of original historic windows; if original historic windows are beyond repair, as determined in consultation with RIHPHC architects, replacement-in-kind will be allowed.
- k. If the applicant received a previous State Preservation Grant, that project has been completed and closed out.

- l. If the applicant was a “named recipient” of the Creative and Cultural Economy Bonds funds, the project for which those funds were designated has been completed and closed out.
- m. If the applicant received a previous State Cultural Facilities Grant, the applicant must have completed and closed out or made substantial progress towards completion of the project in order to be eligible for a State Preservation Grant.

C. Evaluation:

- 1. The following evaluation criteria, detailed further in the “Evaluation of Applications for State Preservation Grants” on the RIHPHC website, shall be used to rank applications (40 points total):
 - a. HISTORICAL/ARCHITECTURAL SIGNIFICANCE (10 points): 1-10 points will rate the property’s historical and architectural significance.
 - b. PROJECT NEED (10 points): 1-10 points will rate the project’s physical preservation needs.
 - c. PROJECT IMPACT (10 points): 1-10 points will rate the project’s ability to serve the public and to attract support.
 - d. GEOGRAPHIC DISTRIBUTION (5 points): 1-5 points will rate the project’s ability to address the needs of significantly underserved populations and/or recognize the project as the best in its town or region.
 - e. PLANNING (5 points): 1-5 points will rate the project’s compatibility with a local comprehensive plan or development plan.

D. Selection of Grants

- 1. The Review Panel shall submit its recommendations to the Commission within forty-five (45) days of its final meeting. The Commission will review the recommendations of the Review Panel within forty-five (45) days of receiving the recommendations. The Commission shall vote to accept, not accept, or modify the recommendations. The date of the Commission’s vote shall be the date of grant award.

1.8 Grant Terms

A. Grant Amount:

- 1. Grants will be available in two categories: Small Project Grants of \$8,000 to \$30,000 and Large Project Grants up to \$150,000.

B. Matching Fund Requirements

1. Small Project Grants are for projects that cost between \$12,000 and \$45,000. The minimum grant is \$8,000, and the maximum grant is \$30,000. Small Project Grants shall be matched at a ratio of \$2 in grant funds matched by \$1 from grantee funds. The following "in-kind" contributions will be accepted for Small Projects Grants:
 - a. building materials approved by the RIHPHC
 - b. professional design and construction services approved by the RIHPHC, such as work performed by an architect or engineer or a licensed contractor

The donated work of volunteers who are not construction professionals is not eligible as match. No grant funds may be used to pay a member of the grantee organization to manage the project, and grantee staff time devoted to the project is not considered match.
2. Large Project Grants are for projects that cost more than \$45,000. The maximum grant is \$150,000. Large Project Grants shall be matched in cash on a dollar for dollar basis. No "in-kind" matches will be accepted. No grant funds may be used to pay a member of the grantee organization to manage the project, and grantee staff time devoted to the project is not considered match.
3. Funds awarded through the State Cultural Facilities Grants program, including funds to the Named Recipients of the Creative and Cultural Economy Bonds, will not be considered match.

C. Maintenance Plan:

1. It shall be an explicit condition of the receipt of a grant that any properties to which grant funds are applied are maintained in their historic condition and in accordance with an approved plan. The plan shall be periodically reviewed and updated to reflect changing circumstances and/or new opportunities for preservation, access and/or use. The plan shall identify sources of funds for routine and periodic maintenance. A maintenance plan must be submitted and approved prior to the release of grant funds.

D. Restrictive Covenants:

1. It shall be an explicit condition of the receipt of a grant that the owner of the property for which the grant is provided ~~each recipient~~ shall execute a historic preservation easement held by the Commission or the State of Rhode Island. Properties shall be preserved without alteration except as approved in writing by the Commission. This restriction shall apply to the

entire exterior of the historic structure where the project is located, significant interior features that were improved by the project, and the land area surrounding the structure in consultation with the RIHPHC. If the grantee's historic property has more than one structure, only structures affected by the project will be subject to the easement. Properties will be subject to a historic preservation easement for a term as follows:

- a. Small projects: 10-year covenant.
- b. Large projects: 25-year covenant.

E. Exceptions to §1.8(D) of this Part:

1. If the property for which the grant is provided is owned by the state, in lieu of an easement the Commission may require that the state agency with jurisdiction over the property or an authorized designee enter into a Memorandum of Agreement with the Commission that includes the same substantive terms included in a standard Commission historic preservation easement. The duration requirements for such memoranda shall be the same as those described in §1.8(D) of this Part.
2. If the property for which the grant is provided is owned by the federal government, listed in or eligible for listing in the National Register of Historic Places, and thus subject to the provisions of Section 106 (54 U.S.C. 306108) and Section 110 (54 U.S.C. 306101-306114) of the National Historic Preservation Act, no preservation easement is required.

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F. Timing

1. The beginning date of a project period will normally be the date on which the RIHPHC votes to approve a grant for the project (date of approval). Funds spent on the project after the date of approval shall be eligible for reimbursement or eligible to be considered matching funds, if the work is approved by the RIHPHC. Funds spent prior to the date of approval are not eligible for reimbursement. Funds spent prior to the date of approval are not eligible to be considered match unless the Commission issues a waiver of retroactivity. Project construction must begin within one year of the date of the signed grant agreement and must be completed within two years of the date of the signed grant agreement. At its discretion, the Commission may grant a 12-month extension.

F.G. Notice

1. Notice of an award shall be by mail via the United States Postal Service.

G.H. Terms and Conditions:

1. The grant agreement will set forth all grant terms, schedules and conditions, including most particularly those relating to record keeping, procurement of goods and services, verification of expenditures, and disbursement of grant funds.

H.I. Public Access:

1. Any property assisted with funds from this grant program shall be open to the public for a minimum of twelve (12) days per year, subject to reasonable limits on the type and extent of use of properties supported by this grant program when such a limitation is necessary for maintenance or preservation of the property and subject to reasonable fees.

H.J. Public Works

1. Any municipal agency or state agency that owns a property assisted with funds from this grant program shall comply with R.I. Gen. Laws Chapter 37-13.

1.9 Additional Administration or Fiscal Requirements

The Commission, the Department of Administration, or other authorized representatives of the State of Rhode Island may establish from time to time additional administrative or fiscal requirements, not inconsistent with these regulations, to assure the effective operation of the State Preservation Grants. Additional administrative or fiscal requirements may include procedures to encourage an open and competitive process of awarding contracts for rehabilitation work. Information about all requirements of the Grants shall be available through the Commission.

1.10 Emergency Grants

In the event of an emergency, the Commission may award a State Preservation Grant outside of the standard timeframe for grant applications described in §1.4(E) of this Part. Applications for an emergency grant must include justification of the basis for the emergency. Inadequate anticipation of need shall not be considered justification for an emergency grant. Deferred maintenance resulting in building or systems failures shall not be considered justification for an emergency grant. Emergency grants may only be considered by the Commission if State Preservation Grant funds meeting or exceeding the amount of the proposed emergency grant are unobligated and available.

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1.10.11 Commission's Authorized Representative

The executive director of the RIHPHC is authorized to act on behalf of the Commission to implement and carry out a grants program in accordance with

these regulations. Decisions of the executive director may be appealed to the Commission in accordance with the Commission's procedures.

4.11.12 Severability

If any provision of these Rules and Regulations, or the application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.