

State of Rhode Island and Providence Plantations
Historical Preservation & Heritage Commission

Public Notice of Proposed Rule-Making

Pursuant to the provisions of Section 42-45 of the General Laws of Rhode Island, and in accordance with the Administrative Procedures Act Chapter 42-35 of the General Laws, the R.I. Historical Preservation & Heritage Commission hereby gives notice of its intent to amend Rules and Regulations for the State Preservation Grants of the State of Rhode Island Historical Preservation & Heritage Commission.

The purpose of this amendment is to revise operating procedures for the State Preservation Grants and the State Preservation Grants Review Panel.

The proposed regulations and concise summary of non-technical differences between existing and proposed new rules are available for public inspection at www.preservation.ri.gov, in person at R.I. Historical Preservation & Heritage Commission at 150 Benefit Street in Providence on weekdays from 9am to 4pm, or requested by email edward.sanderson@preservation.ri.gov or by calling the RIHPHC office at (401)222-3103.

In the development of the proposed amendment consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information. RIHPHC has determined that small businesses will not be adversely impacted by the proposed regulations. However, the public notification process is being conducted to solicit comment on the proposal and to allow public input from small businesses or any cities or towns, which may believe that they may be adversely affected.

All interested parties are invited to submit written or oral comments concerning the proposed regulations by 9am on June 12, 2015 to Edward F. Sanderson, R.I. Historical Preservation & Heritage Commission, 150 Benefit Street, Providence, RI 02903, (401)222-4130, Edward.sanderson@preservation.ri.gov.

A public hearing to consider the proposed amendment shall be held on June 12, 2015 at 1pm at R.I. Historical Preservation & Heritage Commission, 150 Benefit Street, Providence, at which time and place all persons interested therein will be heard. The place of the public hearing is accessible to the handicapped. If communication assistance (readers/ interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call (401)222-3103 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.

Posting date: May 12, 2015

State of Rhode Island and Providence Plantations
Historical Preservation & Heritage Commission
Concise Summary of Proposed Non-technical Amendments
to
Rules and Regulations for the State Preservation Grants

In accordance with the Administrative Procedures Act, Section 42-35-3(a)(1) of the General Laws of Rhode Island, following is a concise summary of proposed non-technical amendments:

1. Add definitions for “Creative and Cultural Economy Bonds,” “Named Recipients,” and “State Cultural Facilities Grants.”
2. Make applications and instructions available online.
3. Clarify timeline in which applicant can resubmit a complete application before application is deemed ineligible.
4. Explain eligibility of projects that apply for or have received State Cultural Facilities Grants or State Preservation Grants, or that are “named recipients” of Creative and Cultural Economy Bonds.
5. Explain that the evaluation criteria will be posted on the RIHPHC website.
6. Delete award of planning points to projects located in a municipality with an approved housing plan.
7. Change timing for Review Panel to submit recommendations to the Commission from Review Panel’s first meeting to its final meeting.
8. Increase minimum Small Project Grant award from \$5,000 to \$8,000 and increase minimum size of Small Project Grant project cost from \$7,500 to \$12,000.
9. Increase maximum Large Project Grant award from \$100,000 to \$150,000.
10. Clarify that funds awarded through State Cultural Facilities Grants program including funds to the “named recipients” of the Creative and Cultural Economy Bonds funds will not be considered match.
11. Define the length of an extension to a project period as 12 months.
12. Technical changes; formatting and re-numbering; clarifications to the language that promote clarity without accomplishing any substantive changes.

SMALL BUSINESS IMPACT STATEMENT

Agency submitting regulation: Rhode Island Historical Preservation & Heritage Commission

Subject matter of regulation: Amended Rules and Regulations for the operating procedures for the State Preservation Grants program and the State Preservation Grants review panel

Current ERLID No: 3619

Statutory authority: These rules and regulations are promulgated pursuant to Title 42, Chapter 45 and Public Law Chapter 145, Article 5

Other agencies affected: Rhode Island Council on the Arts, which is managing a grant program funded under the same provision as this regulation.

Other regulations that may duplicate or conflict with the regulation: Rules and Regulations for Cultural Facilities Grant Program. Even though this is a separate grant pool, and a different grant program, we have cooperated to ensure that the two programs are managed in similar ways.

Describe the scope and objectives of the regulation: this authorizes the Rhode Island Historical Preservation & Heritage Commission to administer a matching grant program "for capital improvement, preservation and renovation projects for public and nonprofit artistic, performance centers, historic sites, museums and cultural centers located throughout the State of Rhode Island."

What was the rationale for establishing this regulation? The original regulations were adopted in 2003 to establish the operating procedures for the State Preservation Grants program and the State Preservation Grants review panel. The regulations were amended in 2005. On November 4, 2014, the voters passed a bond initiative authorizing the State to support investments in cultural and historic facilities throughout Rhode Island. The Rhode Island Historical Preservation & Heritage Commission was identified as the agency to manage the distribution of \$5 million in funds for capital preservation projects at historic buildings. These regulations were amended to coordinate the program with RISCA's Cultural Facilities Grant Program (funded by the same bond initiative) and to make some minor updates to the existing State Preservation Grants program.

Does the rationale still exist? yes

Is the rationale still relevant? yes

Business industry (s) affected by the regulation: The bond initiative identifies cities, towns and non-profit organizations as the principal recipients of funds, and the businesses most directly affected by the regulation.

Types of businesses included in the industry (s) and total number of small businesses included in the regulated industry (s): RIHPHC staff attempted the SBA "Dynamic Small Business Search" search and did not come up with any relevant results. During the previous five State Preservation Grants rounds in 2003-2007, there were 75 recipients that received funds from the program. The 75 recipients included municipalities and private non-profit 501(c)(3) organizations. State agencies and Native American tribes recognized by the Secretary of the Interior are also eligible to apply. There are more than 75 potential applicants in Rhode Island.

Number of small businesses potentially subject to the proposed regulation: see above

How often do small businesses contact your agency for assistance with clarification of the regulation and/or receive assistance with compliance issues? RIHPHC will invite public comment through the public hearing process.

What is the cost to your agency of establishing and enforcing this regulation? All personnel costs are already covered in the current state budget. We estimate that approximately 5% of RIHPHC's Special Projects Coordinator's time and 2.5% of RIHPHC's Executive Director's time over the past five months has been spent on revising these regulations. This would be about \$9050. We estimate that enforcing these regulations (apart from the actual management of the granting program) would require a similar or smaller commitment of time each year for the next five years.

What would the consequences be if the regulation did not exist? If the regulations did not exist there would be no rules governing the management and distribution of funds authorized by the voters in November 2014. Oversight of this program is essential to its success, and to the judicious management of state resources.

Effective date used in cost estimate: November 5, 2014

For each question below, please answer "yes" or "no" and offer a brief explanation. Please describe any facts, data, views, arguments, or other input from small businesses, organizations or any other sources that were used to quantify the impacts outlined below.

1.	<input checked="" type="radio"/> Yes	<input type="radio"/> No	Do small businesses have to create, file, or issue additional reports? Recipients will have to provide reports on their completed projects.
2.	<input checked="" type="radio"/> Yes	<input type="radio"/> No	Do small businesses have to implement additional recordkeeping procedures? Only to document activities and spending on the project.
3.	<input checked="" type="radio"/> Yes	<input type="radio"/> No	Do small businesses have to provide additional administrative oversight? Only to administer the project.
4.	<input type="radio"/> Yes	<input checked="" type="radio"/> No	Do small businesses have to hire additional employees in order to comply with the proposed regulation?
5.	<input checked="" type="radio"/> Yes	<input type="radio"/> No	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?
6.	<input type="radio"/> Yes	<input checked="" type="radio"/> No	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?
7.	<input type="radio"/> Yes	<input checked="" type="radio"/> No	Are performance standards more appropriate than design standards? n/a
8.	<input checked="" type="radio"/> Yes	<input type="radio"/> No	Does the regulation require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities? Grant recipients must provide access to financial and programmatic records upon request of RIHPHC.
9.	<input type="radio"/> Yes	<input checked="" type="radio"/> No	Does the regulation have the effect of creating additional taxes and/or fees for small businesses?

10.	Yes	<input checked="" type="radio"/> No	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?
11.	Yes	<input checked="" type="radio"/> No	Is the regulation likely to <i>deter</i> the formation of small businesses in RI?
12.	Yes	<input checked="" type="radio"/> No	Is the regulation likely to <i>encourage</i> the formation of small businesses in RI?
13.	Yes	<input checked="" type="radio"/> No	Can the regulation provide for less stringent compliance or reporting requirements for small businesses?
14.	Yes	<input checked="" type="radio"/> No	Can the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?
15.	Yes	<input checked="" type="radio"/> No	Can the compliance or reporting requirements be consolidated or simplified for small businesses?
16.	Yes	<input checked="" type="radio"/> No	Can performance standards for small businesses replace design or operational standards?
17.	Yes	<input checked="" type="radio"/> No	Are there alternative regulatory methods that would minimize the adverse impact on small businesses?
18.	<input checked="" type="radio"/> Yes	No	Have any small businesses or small business organizations been contacted during the preparation of this document? If so, please describe. RIHPHC will solicit comment through the public hearing process.



STATE OF RHODE ISLAND
Historical Preservation & Heritage Commission
150 Benefit St.
Providence, Rhode Island 02903



RI Historical Preservation
& Heritage Commission

**RULES AND REGULATIONS FOR THE
STATE PRESERVATION GRANTS
OF THE
STATE OF RHODE ISLAND
HISTORICAL PRESERVATION &
HERITAGE COMMISSION**

Initial adoption: June 2003

Effective Date: July 2015 (proposed)

AUTHORITY: These regulations are adopted pursuant to Title 42, Chapter 42-45 and Public Law Chapter 145, Article 5, and in accordance with Chapter 42-35, Administrative Procedures Act of the Rhode Island General Laws of 1956, as amended.

RULES AND REGULATIONS FOR THE STATE PRESERVATION GRANTS

RULE 1. PURPOSE

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

RULE 2. AUTHORITY

Section 42-45-5~~(g)~~ of the Rhode Island General Laws 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."

RULE 3. DEFINITIONS

For the Purposes of These Regulations, the Following Terms Shall Have the Following Meanings:

(A) "APPLICANT" - 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.

(B) "CAPITAL IMPROVEMENTS" - Preservation, restoration, or rehabilitation expenditures that permanently improve or significantly extend the useful life of the historic property.

(C) "COMMISSION" - 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.

~~(D)~~ "CREATIVE AND CULTURAL ECONOMY BONDS" – 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.

~~(D)~~ (E) "DIRECTOR" - The Executive Director of the Rhode Island Historical Preservation & Heritage Commission as described in Section 42-45 of the General Laws of Rhode Island.

~~(E)~~ (F) "GENERAL MAINTENANCE" – The ongoing process of maintaining existing facilities and structures.

~~(F)~~ (G) "HISTORIC STRUCTURE" - Any building or other structure listed in the State Register in accordance with RIGL42-45, or a structure that is documented to be eligible for listing in the State Register.

~~(G)~~ (H) "HISTORICALLY APPROPRIATE" – 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.

~~(H)~~ (I) "IN-KIND SERVICES" – 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.

~~(H)~~ (J) "LOCAL COMPREHENSIVE PLAN" - The plan adopted by each municipality and approved pursuant to Chapter 45- 22.2 of the Rhode Island General Laws, including the approved affordable housing plan.

~~(H)~~ (K) "MAINTENANCE PLAN" - 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.

~~(K)~~ (L) "MUNICIPAL AGENCY" - 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.

~~(L)~~ (M) "MUSEUM OR CULTURAL ARTS CENTER" - 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.

~~(M)~~ (N) "NAMED RECIPIENTS" – The nine Rhode Island non-profit arts and cultural organizations that are specifically identified in Chapter 145 of the 2014 Rhode Island Public Laws 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).

~~(N)~~ (O) "NON-PROFIT AGENCY" - A group or organization formed pursuant to Section 7-6 *et. seq.* of the Rhode Island General Laws 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.

~~(O)~~ (P) "PUBLIC HISTORIC SITE" - A historic structure open to the general public that is used principally for events and 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.

~~(P)~~ (Q) "REVIEW PANEL" - A committee to advise the Historical Preservation & Heritage Commission on grant applications.

~~(Q)~~ (R) "STATE AGENCY" - 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.

~~(R)~~ (S) "STATE CULTURAL FACILITIES GRANTS" – 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.

~~(S)~~ (T) "STATE REGISTER OF HISTORIC PLACES" – A list of properties kept by the Commission accordance with Rhode Island General Laws 42-45-5(b) which meet certain established criteria of historical, architectural, archeological, and/or cultural significance and physical integrity.

~~(T)~~ (U) "WAIVER OF RETROACTIVITY" - 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.

RULE 4. APPLICATION PROCEDURES

- (A) **APPLICATION FORM:** 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:** Application forms and instructions shall be available to applicants upon request and available online at www.preservation.ri.gov.
- (C) **FILING OF APPLICATIONS:** 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:** The application shall contain:
 - (1) **APPLICATION SUMMARY:** a concise identification of the applicant and a summary of the project.
 - (2) **PROPERTY INFORMATION:** information about of the historic and cultural significance, planning status, and general condition of the property.
 - (3) **PROJECT INFORMATION:** information about the project including a schedule and budget.
 - (4) **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.

(5) **ASSURANCES:** consent forms signed by the property owner and applicant

(6) **ADDITIONAL INFORMATION:** any additional information that the Commission may require.

(E) APPLICATION SUBMISSION: Applications for State Preservation Grants must be filed within the prescribed period established by the Rhode Island Historical Preservation & Heritage Commission.

RULE 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.

RULE 6. STATE PRESERVATION GRANTS REVIEW PANEL

(A) APPOINTMENT OF REVIEW PANEL: the Commission shall appoint a panel of experts to review applications. 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. The Commission will ensure that members come from different parts of the state. 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.

(B) REGULAR MEETINGS: the Review Panel shall establish the schedule for regular meetings.

(C) CHAIRPERSON: The State Preservation Grants Review Panel shall elect a Chairperson from among its members. The Chairperson shall be elected at the first meeting.

(D) SPECIAL MEETINGS: The chairperson may call special meetings or cancel regular meetings at any time upon forty-eight (48) hours public notice.

(E) NOTICE OF MEETINGS: Notices of meetings and agendas will be posted at the administrative offices of the Historical Preservation & Heritage Commission and the Secretary of State, not less than forty-eight (48) hours prior to each meeting.

- (F) **OPEN MEETINGS:** All Review Panel meetings and records shall be consistent with the Open Meetings Law (Chapter 42-46 of the Rhode Island General Laws of 1956, as amended) and the Public Records Act (Chapter 36-1 of the Rhode Island General Laws of 1956, as amended).

RULE 7. APPLICATION REVIEW & PROJECT SELECTION

- (A) **PRELIMINARY REVIEW:** 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:** An application shall be deemed eligible for evaluation only if it satisfies all of the following criteria:
- (1) 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.
 - (2) 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.
 - (3) The property for which the grant is sought is used as a Public Historic Site, Museum, or Cultural Art Center.
 - (4) 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.

- (5) The grant is sought for historically appropriate capital improvements to the property.
- (6) 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.
- (7) The application contains all information and supporting documentation specified or requested in the application package.
- (8) An eligible applicant may only submit one application in each ~~grant~~ 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.
- (9) The following activities are not eligible for grant funding:
 - Mitigation activities performed as a condition or precondition for obtaining a local, state, or federal permit, license, or other approval.
 - New construction.
 - Reconstruction such as recreating a building.
 - Projects whose entire scope of work consists solely of general maintenance.
 - Landscaping or site work as part of non-historic improvements such as parking lots, sidewalks, etc.
 - Projects that consist only of predevelopment or planning, such as historic structure reports, master plans, and architectural studies.
 - Acquisition of property or collections.
 - Restoration of historical artifacts or collections.
- (10) The following activities are not allowed on State Preservation Grant projects:
 - Any type of abrasive cleaning of exterior surfaces (including but not limited to sandblasting, wet grit blasting, high pressure water washing).
 - Application of aluminum or vinyl siding
 - Use of mortar which does not match original in composition, color, strength, and appearance

- Scrubcoating masonry surfaces
- 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
- 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.

(11) If the applicant received a previous State Preservation Grant, that project has been completed and closed out.

(12) 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.

(13) 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: 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):

- (1) **HISTORICAL/ARCHITECTURAL SIGNIFICANCE (10 points):** 1-10 points will rate the property’s historical and architectural significance.
- (2) **PROJECT NEED (10 points):** 1-10 points will rate the project’s physical preservation needs.
- (3) **PROJECT IMPACT (10 points):** 1-10 points will rate the project’s ability to serve the public and to attract support.
- (4) **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.
- (5) **PLANNING (5 points):** 1-5 points will rate the project’s compatibility with a local comprehensive plan or development plan. ~~Projects located in a municipality with an approved housing plan shall be given priority in awarding planning points.~~

- (D) **SELECTION OF GRANTS:** The Review Panel shall submit its recommendations to the Commission within forty-five (45) days of its ~~first~~ 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.

RULE 8. GRANT TERMS

- (A) **GRANT AMOUNT:** Grants will be available in two categories: Small Project Grants of ~~\$5,000~~ \$8,000 to \$30,000 and Large Project Grants up to ~~\$100,000~~ \$150,000.

(B) MATCHING FUND REQUIREMENTS

- (1) Small Project Grants are for projects that cost between ~~\$7,500~~ \$12,000 and \$45,000. The minimum grant is ~~\$5000~~ \$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:

- building materials approved by the RIHPHC
- 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 ~~\$100,000~~ \$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:** 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:** It shall be an explicit condition of the receipt of a grant that 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:
- Small projects: 10-year covenant.
 - Large projects: 25-year covenant.
- (E) **TIMING:** 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 ~~an~~ a 12-month extension.
- (F) **NOTICE:** Notice of an award shall be by mail via the United States Postal Service.

- (G) **TERMS AND CONDITIONS:** 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) **PUBLIC ACCESS:** 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.
- (I) **PUBLIC WORKS:** Any municipal agency or state agency that owns a property assisted with funds from this grant program shall comply with RIGL 37-13.

RULE 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, in order 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.

RULE 10. COMMISSION'S AUTHORIZED REPRESENTATIVE

The executive director of the RIHPHC is authorized by these regulations 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.

RULE 11. 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.

RULE 12. EFFECTIVE DATE

The foregoing rules and regulations for the State Preservation Grants and the State Preservation Grants Review Panel, after due notice and hearing, are hereby adopted and filed with the Secretary of State this ____ day of _____, ~~2005~~2015, to become effective twenty (20) days thereafter.

Original adoption: June 2003

Amended: July 2005

2015 amendment

Notice given: [05/12/2015]

Public Hearing: [06/12/2015]

Filing date: [xx/xx/2015]

Effective date: [xx/xx/2015]

ERLID #: 8114

~~Notice given on: June 9, 2005~~

~~Hearing held on July 12, 2005~~

~~Commission approval: July 13, 2005~~

~~Filing Date:~~

~~Effective:~~