

**The New Hampshire Certified Local Government Program**

**Certified Local Government  
Program Manual**

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New Hampshire Department of Cultural Resources  
Division of Historical Resources

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THE CERTIFIED LOCAL GOVERNMENT PROGRAM FOR NEW HAMPSHIRE - SEPTEMBER 2002

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## THE CERTIFIED LOCAL GOVERNMENT PROGRAM FOR NEW HAMPSHIRE – SEPTEMBER 2002

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### I. INTRODUCTION

Since it was first enacted in 1966 and through several amendments, the National Historic Preservation Act, as amended (16 U.S.C. 470 et seq.) has provided the statutory framework for the national historic preservation partnership. Federal, State, Tribal, and local governments have well-defined and significant roles in the identification, evaluation, designation and protection of historic and prehistoric properties. The Certified Local Government (CLG) program is the primary way through which qualified and interested local governments participate in the national historic preservation partnership. This document outlines how the partnership is formally implemented in New Hampshire.

### II. DESCRIPTION AND STATEMENT OF PURPOSE

A. The Certified Local Government program in New Hampshire is designed to promote the preservation of prehistoric and historic sites, structures, objects, buildings, and districts by establishing a partnership between local governments and the New Hampshire Division of Historical Resources (DHR), also known as the New Hampshire State Historic Preservation Office (NH SHPO) or as the DHR/SHPO, which seeks to encourage and expand local involvement in preservation issues. This partnership will help to assure that:

1. historic preservation issues are understood and addressed at the local level and are integrated into the local planning and decision making processes at the earliest possible opportunity;
2. local interests and concerns are integrated into the identification, evaluation, nomination and protection processes of the New Hampshire state historic preservation program;
3. information about local historic preservation concerns is shared with the Division of Historical Resources and the public;
4. historic district and heritage commissions are established in communities where they do not already exist, and are assisted where they do exist; and,
5. existing New Hampshire State Historical Resources Survey data are made available to the local communities, to use in identifying and defining community and neighborhood development and conservation areas.

B. By participating in the Certified Local Government program, Certified Local Governments (CLGs) will:

1. assume a leadership role in the preservation of the entire community's historical resources;
2. have a formal role in the National Register of Historic Places nomination review process for all properties within the community;
3. participate in establishing regional and state historic preservation goals; and,
4. be eligible to apply for subgrants from a designated CLG fund established annually by the DHR/SHPO whenever such funds are available.

### III. DEFINITIONS

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- A. "Approved State Program" means a state historic preservation program that has been approved by the Secretary of the Interior in accordance with Section 101(b) of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.).
- B. "Certified Local Government" (CLG) means a local government that has been certified to carry out the purposes of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.), in accordance with Section 101(c) of the act.
- C. "Chief Elected Local Official" means the elected head of a local government.
- D. "CLG Share" means the funding authorized for transfer to local governments in accordance with Section 103(c) of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.).
- E. "Comprehensive Historic Preservation Planning" means an ongoing process for resource management that is consistent with technical standards issued by the United States Department of the Interior; and which produces reliable, understandable, and up-to-date information for decision-making related to the identification, evaluation, and protection/treatment of historical resources.
- F. "Historic Preservation Fund" (HPF) means the program of matching grants-in-aid to the states for historic preservation programs, as authorized by Section 101(d)(1) of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.).
- G. "*Historic Preservation Fund Grants Manual*" means the manual that sets forth NPS administrative policies, procedures, and guidelines for HPF grants-in-aid, and which serves as a basic reference for administrative and financial management of HPF grants.
- H. "Historic Preservation Review Commission" means a board, council, commission, or other similar collegial body which is established in accordance with these rules.
- I. "Local Government" means a city, county, parish, township, municipality, or borough, or any other general purpose political subdivision of the state.
- J. "National Park Service" (NPS) means the bureau of the United States Department of the Interior to which the Secretary of the Interior has delegated the authority and responsibility for administering the national historic preservation program.
- K. "National Register of Historic Places" (NRHP and/or NR) means the national list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture, maintained by the Secretary of the Interior under authority of Section 101(a)(1)(A) of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.).
- L. "State Historic Preservation Officer" (SHPO) is the official within each state who has been designated and appointed by the governor to administer the state historic preservation program.
- N. "State Program" means the state's official historic preservation program.
- O. "Subgrantee" means the agency, institution, organization or individual that has been awarded HPF funds and is accountable to the state for use of the funds provided.

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IV. ELIGIBILITY

- A. Any general purpose political subdivision of the state of New Hampshire, such as a city, town, village, or county, which meets the criteria set forth in this document, is eligible to apply for certification.
- B. Each state is required to see that certified local governments satisfy these minimum requirements, and it may specify additional requirements. The minimum requirements for certification of local governments in New Hampshire are defined and amplified below.

V. REQUIREMENTS FOR CERTIFICATION OF LOCAL GOVERNMENT PROGRAMS IN NEW HAMPSHIRE

- A. The National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.) contains five broad standards which must be met by a local government seeking certification. These standards, implemented by regulations in 36 CFR 61.6, require that the local government must:

- 1. "enforce appropriate state or local legislation for the designation and protection of historic properties";
- 2. "establish an adequate and qualified historic preservation review commission by state or local legislation";
- 3. "maintain a system for the survey and inventory of historic properties";
- 4. "provide for adequate public participation in the local historic preservation program, including the process of recommending properties for the National Register"; and,
- 5. "satisfactorily perform the responsibilities delegated to it under the Act."

- B. Definition and amplification of the five federal standards:

- 1. Local government must "enforce appropriate state or local legislation for the designation and protection of historic properties." The minimum requirements for local legislation for designation and protection of historical properties by certified local governments in New Hampshire are:
  - a. A statement of purpose (which should be clearly expressed, and should be substantially similar to the language of the purpose clause of the state enabling legislation, RSA 674:45);
  - b. Specific membership and duties of the local review body which is responsible for administering and enforcing the ordinance, pursuant to RSA 673, RSA 676, and RSA 677, and in conformance with RSA 91-A and paragraph 2, below;
  - c. Criteria for designation of local historic districts (which may include a large area with many historic properties, or a limited area with only one historical property);
  - d. Procedures for designation of local historic districts, in conformance with RSA 674:46 and other applicable statutory requirements;

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- e. Provisions for public notification and public hearings of the review body's actions, in conformance with RSA 91-A and other applicable statutory requirements;
  - f. A clear delineation of the boundaries of the officially designated local historic district/s;
  - g. A requirement for mandatory review and rendering of a decision by the local review body upon all new construction, and all alteration, repair, moving, demolition or use of structures and places within officially designated historic districts, as provided by RSA 674:46; and,
  - h. Enforcement procedures, penalties and remedies for non-compliance, in conformance with RSA 676.
2. Local government shall "have established an adequate and qualified historic preservation review commission by state or local legislation":
- a. Each certified local government shall have a historic preservation review commission, generally known as a historic district commission, as specified in RSA 672:7, RSA 673:4, RSA 674:45-50, RSA 676:8-10; and RSA 677:17-18, et al.;
  - b. The historic district commission shall consist of either five (5) or seven (7) members, and up to five (5) alternates. Each member shall be a resident of the city or town which establishes the district. As required by RSA 673:4, one commission member shall be a member of the board of selectmen or the mayor of the municipality, and one commission member may be a member of the planning board. All members shall be appointed in a manner as prescribed by the local legislative body and in conformance with RSA 673:4;
  - c. In determining each member's qualifications, the appointing authority shall, pursuant to RSA 673:4, take into consideration the appointee's demonstrated interest and ability to understand, appreciate, and promote the purposes of the historic district commission. All members, including the representatives of the selectmen/mayor and the planning board, shall have interest, knowledge, or competence in historic preservation (e.g., history, architecture, architectural history, historical archaeology, prehistoric archaeology, planning, or related fields such as urban planning, American studies, American civilization, cultural geography, or cultural anthropology);
  - d. To the extent that professionals in the disciplines enumerated in V.B.2.c., above, are available in the community, commission members should be appointed from among those professionals. The certified local government must demonstrate to the DHR/SHPO that it has made a reasonable effort to identify such professionals within the community, and to include representatives of the various professional historic preservation disciplines in its commission;
  - e. Information on the credentials of the commission members (including resumes which adequately demonstrate that the professional members meet the criteria of 36 CFR 61.4), must be kept on file and available to the public, and must also be submitted to the DHR/SHPO;

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- f. Each commission member should attend at least one DHR/SHPO-approved informational or educational meeting per year, pertaining to the work and functions of certified local governments, historic district commissions, or to other historic preservation topics. The DHR/SHPO will provide orientation and training materials for local commissions, and will work with local commissions and other interested agencies and organizations to develop a coordinated program of information, education and training for CLGs and potential CLGs;
- g. As provided by RSA 673:5, terms of office of commission members shall be staggered and of three (3) years' duration, except as provided by law for the initiation of a commission (there is no statutory limit on the number of consecutive terms that any one member may serve, but local governments may limit the number of consecutive terms allowed);
- h. The local appointing authority shall act within sixty (60) calendar days to fill a vacancy, including expired terms; vacancies shall be filled as provided by RSA 673:12. Members may be removed for cause in a manner as provided by RSA 673:13;
- i. The commission shall adopt rules of procedure, in conformance with RSA 673, RSA 676, and RSA 677, and in accordance with RSA 91-A; the rules should include specific steps and time frames for receiving applications, conducting reviews, considering alternatives, rendering decisions, and acting on requests for rehearings and appeals. The rules must also include a code of conduct, in conformance with RSA 673:14 and DHR/SHPO requirements, to prevent real and apparent conflicts of interest in the performance of the commission's responsibilities;
- j. The commission shall adopt and publish specific criteria and guidelines for reviewing and rendering opinions upon proposed changes in designated historic districts, and shall also adopt provisions for making these materials available to the public on request (a fee for copying or for publications is permissible);
- k. All actions, meetings, and records of the commission shall conform to RSA 91-A, "The Right-to-Know Law";
- l. The commission shall hold at least four (4) meetings per year, at regular intervals, advertised in advance, held in a public place and open to the public. Applicants and abutters shall be notified in advance, in accordance with statutory requirements;
- m. Pursuant to RSA 91-A, decisions of the commission shall be made in a public forum, and written minutes of the commission's proceedings, meetings, and actions shall be available for public inspection and transcription, except as otherwise prohibited by statute; applicants shall be advised of the commission's decisions as provided by RSA 676:9;
- n. An annual report of the commission's activities shall be available to the public and submitted to the DHR/SHPO by October 15 of each year. The report shall include, but not be limited to, a summary of the year's activities covering the period October 1 -- September 30, and the objectives for the coming year; numbers and types of cases reviewed and their disposition; new designations of historic districts; changes in the local preservation ordinances, the commission's regulations and its rules of procedure; revised resumes of commission members, and resumes of

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new members; attendance records; copies of all minutes relating to National Register activities; recommendations/requests for technical assistance from the DHR/SHPO, and suggestions for improving the effectiveness of the CLG program at the local, state, and national levels;

- o. In addition to the statutory responsibilities described above, the commission shall review all proposed National Register nominations for the properties within the local government's jurisdiction (i.e., within the geographic boundaries of the entire community). When a commission reviews a National Register nomination or is involved with other activities for a specific resource type (e.g., an archaeological site) that is normally evaluated by a professional in a specific discipline (e.g., an archaeologist), and that discipline is not represented in the commission's membership, the commission shall seek expertise in this discipline before rendering its decision. When archaeological resources, issues or nominations are being reviewed, the commission shall contact the State Archaeologist of the DHR/SHPO for assistance in determining the types and levels of professional expertise needed. The DHR/SHPO suggests that local governments which are unable to find interested individuals with specialized professional expertise to serve as commission members should explore the possibility of sharing expertise among several communities. Similar arrangements should be adopted for other commission activities requiring specialized professional expertise;
  
- p. At a minimum, the duties of a certified local government's historic preservation commission include:
  - 1. Reviewing and rendering an opinion on all new construction, and on all alteration, repair, moving and demolition of structures and places within officially designated local historic districts;
  - 2. Enforcing its decisions through appropriate procedural or judicial means;
  - 3. Preparing community-wide historical overviews, in conformance with the State Historical Resources Survey (SHRS) criteria, that compile bibliographical, documentary, pictorial, graphic and oral data as the basis for depicting the development of the community (and its residents, buildings, infrastructure, land use, economy, culture and society) over time, as related to regional, state, and national events and trends;
  - 4. Conducting (or insuring the conduct of) a comprehensive community-wide survey of historical resources, in conformance with the SHRS criteria;
  - 5. Making recommendations for designation of local districts (including one, or many, properties) to the appropriate local governing body;
  - 6. Establishing and using written guidelines for the conservation of formally designated historic districts;
  - 7. Acting in an advisory role to other officials, agencies, departments, boards, commissions, and committees of the local government, regarding the identification, protection and preservation of local historical resources;



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8. Acting as a liaison on behalf of the local government to individuals and organizations concerned with historic preservation;
  9. Working toward continuing education of citizens within the CLGs jurisdiction, regarding historic preservation issues and concerns;
  10. Providing general technical assistance, and specialized education and training services, for commission members and staff, other municipal officials, property owners, tenants, managers, and the public, to foster appreciation and appropriate treatment of historical resources within the community;
  11. Participating in statewide, regional, and local informational or educational meetings, pertaining to the work and functions of CLGs, historic district commissions, or historic preservation issues;
  12. Preparing, or overseeing the preparation of, historical resources components of local master plans; and assisting the planning board, zoning board of adjustment, conservation commission, and other local land use boards and/or commissions to insure that historical resources are taken into account at every level of decision-making; and,
  13. Reviewing all proposed National Register nominations within its jurisdiction (i.e., within the geographic boundaries of the community), in accordance with Section XIII., below.
  14. [reserved]
3. Local government must "maintain a system for the survey and inventory of historic properties":
- a. The certified local government shall begin or continue a process, coordinated with and complementary to the procedures and requirements of the State Historical Resources Survey, and approved by the DHR/SHPO (refer to V.B.2.p., above), to comprehensively identify and document historical resources within its jurisdiction;
  - b. The survey (identification) effort shall be consistent with the statewide comprehensive historic preservation planning process, and integrated with the local--and, as appropriate, regional--planning processes;
  - c. a detailed inventory (documentation) of the designated historical resources under the jurisdiction of the commission must be maintained, and all inventory material shall be:
    1. Maintained safely and securely, and accessible to the public, except that access to archaeological site locations may be restricted; and,
    2. Updated periodically, to reflect changes, alterations, and demolitions.

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- d. Survey data (forms, maps, photographs, negatives, and other components), *either as originals or as exact duplicates of originals*, shall be housed permanently at the DHR/SHPO as part of the State Historical resources survey data; a duplicate set shall be available locally for reference, except that archaeological data may be restricted.
4. Local governments shall "provide for adequate public participation in the local historic preservation programs, including the process of recommending properties for nomination to the National Register":
  - a. The certified local government, through its historic district commission, shall encourage public participation, reaction and comment on the CLG's historic preservation activities;
  - b. All proceedings, meetings, and actions of the commission shall adhere to the requirements of RSA 91-A, "The Right-to-Know Law";
  - c. The commission shall develop specific mechanisms and/or procedures to insure adequate public participation, including but not limited to those enumerated in V.B.1. and V.B.2., above; and,
  - d. Procedures for reviewing proposed National Register nominations shall be in accordance with Section XIII., below.
5. A certified local government shall "satisfactorily perform the responsibilities delegated to it under the [National Historic Preservation] Act, by fulfilling those enumerated in items V.B.1., V.B.2., V.B.3., and V.B.4., above, in addition to any others that may be delegated to it pursuant to a written agreement between the DHR/SHPO and the CLG. Performance shall be evaluated by quantitative, qualitative, and timely conformance of the CLG to the requirements specified above, as demonstrated by annual reports to the DHR/SHPO, the submission of required materials to the DHR/SHPO, and in on-site reviews by the DHR/SHPO, using items V.B.1., V.B.2., V.B.3., and V.B.4. as a checklist for compliance. Evaluation procedures and time frames shall be as specified in Section VIII. and Appendix III., below.

VI. STAFFING

- A. In order to adequately undertake the requirements for certification and to carry out the duties delegated to it, it is desirable--but it is *NOT* mandatory--for the certified local government to employ, or have regular access to, by contract or letter of agreement, the equivalent of one full-time professional staff person with expertise in historic preservation.
- B. If a community hires a staff person for the CLG program, his/her qualifications must be approved (in advance of hiring, if for new positions) by the DHR/SHPO, to insure that s/he has the necessary skills to carry out the specific responsibilities of that CLG. Staff requirements will vary according to the types of programs which the CLG undertakes, and the duties delegated to it by the DHR/SHPO. However, *all* CLG professional staff members must meet the Historic Preservation Fund professional qualification requirements of 36 CFR 61.4.

VII. PROCESS FOR CERTIFICATION OF LOCAL GOVERNMENTS IN NEW HAMPSHIRE

- A. The chief elected official of the local government shall request certification from the New Hampshire State Historic Preservation Officer, using the forms and formats specified in Appendix I and Appendix II of this document.

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- B. The DHR/SHPO shall respond to the chief elected local official within sixty (60) calendar days of its receipt of the written request and documentation.
1. If a request is incomplete or inadequately documented, the DHR/SHPO shall so inform the chief elected official, together with an annotated listing of the deficiencies and recommendations for bringing the documentation up to the required standards;
  2. If the DHR/SHPO determines that a request is adequately documented, and that the local government fulfills the requirements for certification, subject to any conditions specified by the DHR/SHPO, the DHR/SHPO will enter into a written agreement with the local government, to specify the responsibilities delegated to the municipality. The DHR/SHPO shall forward its decision and a copy of the certification agreement to the Secretary of the Interior, or the Secretary's designee, and shall notify the local government of the Secretary's response within fifteen (15) calendar days of the Secretary's reply;
  3. The local government shall be certified to participate in the national historic preservation program when it has been certified by both the New Hampshire State Historic Preservation Officer and the Secretary of the Interior;
  4. If the DHR/SHPO determines that the local government does not appear to fulfill the requirements for certification, the DHR/SHPO shall so inform the chief elected official, together with an annotated listing of the actions required for the community to meet the certification standards;
  5. Resubmissions or amended requests for certification shall be acted on by the DHR/SHPO as provided in VII.B., 1-4, above;
  6. Once a local government is certified, it remains certified without further action unless, after substantive review (as provided in Section VIII., below) the DHR/SHPO recommends and proceeds with the decertification process, or if the local government notifies the DHR/SHPO that it no longer wishes to be certified.

VIII. PROCESS FOR MONITORING & DECERTIFICATION OF NEW HAMPSHIRE CERTIFIED LOCAL GOVERNMENTS

- A. The DHR/SHPO shall conduct periodic review and monitoring of certified local governments (not less often than every four years) to assure that each government is fulfilling the required performance standards.
1. The certified local government shall make pertinent records available to the DHR/SHPO;
  2. As provided in V.B.5., above, the DHR/SHPO shall review the CLG's annual reports, its quantitative, qualitative, and timely conformance to the CLG requirements of Section V., above, and shall perform an on-site review of the CLG's performance, using the Section V. requirements and Appendix III ("Performance Standards Checklist"), below, as a checklist for compliance. If a CLG is also a HPF subgrantee, the DHR/SHPO will review the performance data and documentation for fiscal and programmatic compliance with the terms and conditions of the HPF grant assistance.
  3. The DHR/SHPO shall maintain written records for all CLG evaluations, and shall promptly notify the relevant CLG in writing of the results of the evaluation.
- B. If the DHR/SHPO evaluation indicates that the CLG's performance is inadequate, the DHR/SHPO shall document that assessment in writing and recommend steps that the CLG may take to bring its performance up to an acceptable level. The DHR/SHPO will provide advice and assistance to the CLG to aid it in improving its performance.

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- C. The CLG shall have a period of not less than thirty (30) calendar days, nor more than one hundred twenty (120) calendar days, to implement improvements. If, after this period has expired, the DHR/SHPO determines that sufficient improvement has not occurred, the DHR/SHPO will notify the chief elected local official and will recommend decertification to the Secretary of the Interior, citing specific reasons for the decertification request.
- D. Certified Local Governments may petition the DHR/SHPO to be decertified voluntarily and without prejudice.
- E. Upon decertification, CLG grant funding to the local government may be terminated, as provided by *OMB Circular A-102, Revised, Attachment L*.

IX. TRANSFER OF FUNDS TO CERTIFIED LOCAL GOVERNMENTS

- A. In order to be eligible to receive a portion of the local share of the Historic Preservation Fund (HPF) allocation to New Hampshire, the United States Department of the Interior requires that each certified local government:
  - 1. Shall have adequate financial management systems which:
    - a. Meet federal standards of the *Office of Management and Budget (OMB) Circular A-102, Revised, Attachment G, "Standards for Grantee Financial Management Systems"*;
    - b. Are auditable in accordance with federal General Accounting Office *"Standards for Audits of Governmental Agencies, Programs, Activities and Functions"*;
    - c. Are periodically evaluated by the DHR/SHPO;
  - 2. Shall adhere to all requirements of the *"Historic Preservation Fund Grants Manual,"* and,
  - 3. Shall adhere to any requirements mandated by the U.S. Congress, pertaining to the Historic Preservation Fund.
- B. A share of the HPF allocation to New Hampshire shall be available to certified local governments on a matching basis for historic preservation activities and projects. (At present, federal law provides that at least 10% of the HPF allocation to each state be set aside for transfer to certified local governments. At such time as Congress may appropriate more than \$65. million to the Historic Preservation Fund, a different distribution formula would be in effect, resulting in a proportionately larger share to certified local governments.)

The intent of the subgrants is to use HPF assistance to augment rather than to replace existing local commitment, and financial support, for historic preservation activities. Certified local governments must participate in the review of National Register nominations whether or not they elect to apply for HPF subgrants.

- 2. All funds will be awarded on a competitive basis. All local governments which have been certified are eligible to apply for funds, but *no community will automatically receive funds*. Grants made from the Historic Preservation Fund cannot be matched by, or used as matching share for, other federal grants, except in certain cases that are permitted by federal statutes. At present, only the HUD Community Development Block Grants (CDBG), HUD Urban Development

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- Action Grants (UDAG), some types of EDA "Coastal Zone" (CZM) grants, and the (now-defunct) General Revenue Sharing program can be used as match for HPF and CLG grants. Funds from the National Endowment for the Arts, and the National Endowment for the Humanities, are *not eligible* as HPF costs or matching share.
3. Detailed requests for proposals, project application forms, annual priorities, yearly product requirements, and selection criteria will be available each year from the DHR/SHPO. The priorities, products, and selection criteria will be coordinated with those used to select survey and planning projects during the same fiscal year. Project schedules and deadlines may vary from year to year because they are dependent upon the time frame in which the Secretary of the Interior notifies the state of its annual apportionment from the Historic Preservation Fund. Project proposals must be submitted and funds applied for annually. No advance commitment for funding in future years can be made; nor does funding in any prior year guarantee or promise continued funding, even to complete a phased project.
  4. The DHR/SHPO will make every effort to distribute the funds set aside for CLGs to the maximum number of jurisdictions, to the extent such distribution is consistent with 36 CFR 61.7, which states that no CLG shall receive a disproportionate share of the allocation. The amount awarded to any applicant must be sufficient to produce a specific impact. Under normal circumstances, no CLG will receive more than 30% of the total amount of funds available from the CLG set-aside grant monies. The DHR/SHPO will also seek a reasonable distribution of funding between urban and rural areas. The DHR/SHPO will make available, upon request, the rationale for the projects selected and the amounts awarded.
  5. All funded projects must be eligible for assistance in accordance with the requirements of the *"Historic Preservation Fund Grants Manual,"* and must be consistent with the New Hampshire State Historical Resources Survey and the state comprehensive historic preservation planning process. Any specific uses of the HPF grant funds that are required by the DHR/SHPO from its CLG subgrantees shall be for activities that are eligible for HPF assistance and are consistent with the state historic preservation planning process.
  6. All CLGs which receive funding are considered subgrantees of the DHR/SHPO. The Division of Historical Resources is administratively responsible for its subgrantees' compliance with federal program regulations; and it is also responsible, through financial audit, for the proper accounting of HPF funds to the CLG program in accordance with *OMB Circular A-102, Revised, Attachment P, "Audit Requirements."*
  7. Funds will be allocated to subgrantee municipalities under a written grant agreement which includes both the CLG requirements and the HPF grant project requirements. The agreement shall be executed by the State Historic Preservation Officer and the subgrantee municipality, and the project shall be reviewed and approved by the Governor and Executive Council before project work may begin.
  8. Allowable project costs and non-federal matching share may consist of direct cash expenditures, or contributed property, goods, or services. Any donated cash, property, goods, or services must be *essential* for accomplishing the project; such non-cash contributions must be reviewed and verified by the DHR/SHPO and the National Park Service, and must be carefully and precisely documented in accordance with stringent federal requirements. Indirect costs are *not eligible*

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as cash expenses or as matching share, unless the CLG has a current indirect cost rate negotiation agreement approved by its cognizant federal agency.

X. THE APPLICATION TIMETABLE

- A. Annually in October, the DHR/SHPO will notify local governments of the estimated amount of CLG funding available for the coming fiscal year, and will solicit notices of intent to apply for these funds from certified local governments;
- B. Annually in November, the DHR/SHPO will distribute detailed requests for proposals, information on annual priorities, and application forms, to CLGs;
- C. CLGs will have a sixty (60) calendar day period in which to submit proposals to the DHR/SHPO;
- D. No more than thirty (30) calendar days after the closing of the application period, applicants will be notified of DHR/SHPO action on their projects; the DHR/SHPO will then forward project notification/application forms to the National Park Service, for the projects which it intends to fund;
- E. Approximately thirty (30) calendar days after submission of the notifications to NPS, the applicants will be notified of NPS action on their projects.

XI. FUNDING PRIORITY

- A. The DHR/SHPO shall award funds on a competitive basis to certified local governments, based on the following priority ranking (as amplified and explained in detail in the annual request for proposals):
  - 1. Maintenance of certified status; and,
    - a. Completion of community-wide historical overview, in conformance with State Historical Resources survey (SHRS) criteria;
    - b. Completion and periodic updating of community-wide survey of historical resources, in conformance with SHRS criteria;
    - c. Technical assistance to foster appreciation and appropriate treatment of historical resources within the community; and,
  - 2. Preparation of historical resources components of the local comprehensive plan, in conformance with SHRS criteria.
- B. [reserved]

XII. CRITERIA FOR SELECTION

- A. All proposals will be evaluated and selected by the DHR/SHPO based on the following criteria:
  - 1. Numerical priority ranking, based on an objective rating and ranking system explained in the annual request for proposals and derived from Section XI, above;
  - 2. Clearly stated and specific goals that are realistically attainable within the funding period;

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3. Demonstration of an understanding of state and local preservation priorities, including efforts to advance the identification, evaluation, and protection of historical and prehistoric resources significant in New Hampshire's history, architecture, archaeology, engineering and culture; and efforts to ensure preservation of these properties;
4. Assurance of acceptable matching share; and,
5. Assurance of compliance with federal financial management standards as specified in IX., above.

XIII. CERTIFIED LOCAL GOVERNMENT PARTICIPATION IN THE NEW HAMPSHIRE NATIONAL REGISTER NOMINATION PROCESS

- A. In accordance with the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.), the certified local government shall submit a report to the DHR/SHPO regarding the eligibility of each property, district, thematic or multiple resource grouping within its jurisdiction (i.e., within its corporate boundaries) which is proposed for nomination to the National Register of Historic Places. This report shall include the recommendations of the local historic district commission *and* the chief elected local official. A copy of the report prepared by the CLG for the DHR/SHPO shall be made available for public inspection within the local municipality.
- B. The certified local government will be involved in the National Register process in the following manner:
  1. The historic district commission will develop or receive the documentation necessary to nominate a property to the National Register. (Should the DHR/SHPO receive directly, from another source, a *complete* form, maps, and photographs for a property to be considered for nomination to the National Register, within thirty (30) calendar days the DHR/SHPO shall forward a copy of the nomination materials to the CLG's historic district commission. The DHR/SHPO will inform the owner of the property and the preparer of the nomination of the transmittal to the certified local government.)
  2. The commission, after reasonable opportunity for public comments, shall prepare a report as to whether or not such property, in its opinion, meets the criteria of the National Register. Within sixty (60) calendar days of the CLG's receipt of the nomination materials, the chief elected local official shall transmit the report of the commission and his or her recommendation to the DHR/SHPO. S/he shall also inform the property owner/s of his/her and the commission's recommendations.
  3. If *both* the chief elected local official and the commission determine that the property appears to meet the National Register criteria, and if the nomination form and documentation are adequate and complete, the DHR/SHPO will schedule the nomination for consideration by the State Historical Resources Council, and will notify the owner/s, between seventy-five (75) and thirty (30) calendar days prior to the council meeting at which the nomination will be considered.
  4. If *either* the chief elected local official, or the commission, determine that the property appears to meet the National Register criteria, and if the nomination form and documentation are adequate and complete, the DHR/SHPO will schedule the nomination for consideration by the State Historical Resources Council, and will notify the owner/s, between seventy-five (75) and thirty (30)

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calendar days prior to the council meeting at which the nomination will be considered.

5. If *both* the chief elected local official and the commission determine that the property does *not* appear to meet the National Register criteria, the DHR/SHPO will so inform the property owner/s and the State Historical Resources Council, and the property will not be scheduled for council consideration unless an appeal is filed with the New Hampshire State Historic Preservation Officer (SHPO) under the appeals process specified in 36 CFR 60.
6. The State Historical Resources Council shall consider opinions about a property's eligibility that are submitted to it in accordance with 36 CFR 60, and after evaluating the property with respect to the National Register criteria, shall make its recommendation to the State Historic Preservation Officer. As provided by 36 CFR 60.12, any person (including the chief elected local official, the historic district commission, or the owner/s) may appeal the final decision of the SHPO regarding the nomination of the property.
7. The local veto provisions specified in XIII.B.5., above, do *not* apply to determinations of National Register eligibility for the purpose of reviewing federally assisted, funded, or licensed undertakings as required by Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.), and 36 CFR 800. Although certified local governments may be consulted during the process, responsibility for conducting the Section 106 review procedures rests with the DHR/SHPO, the federal lead agency, and the (federal) Advisory Council on Historic Preservation (ACHP).

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APPENDIX I -- APPLICATION FOR CERTIFIED LOCAL GOVERNMENT STATUS

Official Name of Government Requesting Certification: \_\_\_\_\_

Name of Chief Elected Official: \_\_\_\_\_

Address: \_\_\_\_\_

Name of Contact Persons: \_\_\_\_\_

Contact Persons' Telephone & FAX: Telephone \_\_\_\_\_  
FAX \_\_\_\_\_

Name of Historic District or Heritage Commission: \_\_\_\_\_

Name of Commission Chair: \_\_\_\_\_

Address of Commission Chair: \_\_\_\_\_

Chair's Telephone & FAX: Telephone \_\_\_\_\_  
FAX \_\_\_\_\_

Time and Place of Regular Commission Meetings: \_\_\_\_\_

APPLICATION MATERIALS CHECKLIST

To complete the Application for Certification, please attach the following items and submit the assembled materials to the Division of Historical Resources / New Hampshire State Historic Preservation Office:

- 1. Letter of request for certification from chief elected local official  
(refer to Appendix II for model format)
- 2. A copy of the local historic preservation ordinance, as adopted by local legislative body
- 3. A copy of the rules of procedure of the historic district or heritage commission
- 4. A copy of the criteria and guidelines for the commission's actions
- 5. A map of the community, showing officially-adopted boundaries of the locally-designated historic district/s
- 6. A sample public notice of a historic district or heritage commission meeting
- 7. A sample copy of agenda and minutes of a historic district or heritage commission meeting
- 8. A sample notice to an applicant of a historic district or heritage commission decision
- 9. A list of the members of the historic district or heritage commission, their terms of office, and a resume for each, which demonstrates the member's interest, knowledge, or competence in historic preservation, and whether or not the member's qualifications meet the professional standards of 36 CFR Part 61.4.

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APPENDIX I-A -- APPLICATION MATERIALS CHECKLIST: ITEMS SUBMITTED

- 1. Letter of request for certification from chief elected local official
- 2. A copy of the local historic preservation ordinance, as adopted by the local legislative body
- 3. A copy of the rules of procedure of the historic district or heritage commission
- 4. A copy of the criteria and guidelines for the commission's actions
- 5. A map of the community, showing officially-adopted boundaries of the locally-designed historic district(s)
- 6. A sample public notice of a historic district or heritage commission meeting
- 7. A sample copy of agenda and minutes of a historic district or heritage commission meeting
- 8. A sample notice to an applicant of a historic district or heritage commission decision
- 9. A list of the members of the historic district or heritage commission, along with:
  - their terms of office
  - a resume for each member, demonstrating the member's interest, knowledge, or competence in historic preservation, and whether or not the member's qualifications meet the standards of 36 CFR 61.4.
- COMMENTS:

CONTENT CHECKLIST

(based on the CERTIFIED LOCAL GOVERNMENT PROGRAM FOR NEW HAMPSHIRE -- March 1995)

- V.B.1. "enforce appropriate state or local legislation for the designation and protection of historic properties." The minimum requirements for local legislation for designation and protection of historical properties by certified local governments in New Hampshire are:
  - a. A statement of purpose substantially similar to RSA 674:45.

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THE CERTIFIED LOCAL GOVERNMENT PROGRAM FOR NEW HAMPSHIRE - SEPTEMBER 2002

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- b. Membership and duties of the local review body that administers and enforces the ordinance (pursuant to RSA 673, RSA 676, RSA 677, and 91-A); refer to V.B.2.
- c. Criteria for designation of local historic districts.
- d. Procedures for designation of local historic districts (in conformance with RSA 674:46, et al.).
- e. Provisions for public notification and public hearings (in conformance with RSA 91-A, et al.).
- f. Clear delineation of the boundaries of the officially designated historic district/s.
- g. Requirement for mandatory review and rendering of a decision by the local review body upon all new construction, and all alteration, repair, moving, demolition or -- if authorized by the municipality -- use of structures and places within officially designated historic districts (pursuant to RSA 674:46).
- h. Enforcement procedures, penalties and remedies for non-compliance, in conformance with RSA 676.
- COMMENTS:
- V.B.2. "establishing an adequate and qualified historic preservation review commission by state or local legislation."
  - a. Review commission (a/k/a historic district or heritage commission) per RSA 672:7, RSA 673:4, RSA 674:45-50, RSA 676:8-10; and RSA 677:17-18, et al.
  - b. Commission to have either 5 or 7 members, and up to 5 alternates; each member shall be a resident of the municipality.. One member shall be a member of the board of selectmen, or the mayor of the municipality, and one member may be a member of the planning board; all to be appointed as prescribed by the local legislative body and in conformance with RSA 673:1 and RSA 673:4.
  - c. All members, including the representatives of the selectmen/mayor and the planning board, shall have interest, knowledge, or competence in historic preservation (RSA 673:4).

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- d. Commission members should be appointed from qualified professionals to the extent possible; the CLG must demonstrate that it has made a reasonable effort to identify such professionals and to include representatives of the various professional historic preservation disciplines in the commission membership.
- e. Commission shall maintain information on the credentials of its members (including resumes which adequately demonstrate that the professional members meet 36 CFR 61.4 criteria); the information must be available to the public and must also be submitted to the DHR/SHPO.
- f. [Not Applicable: Post-Certification Requirement] Each commission member should attend at least one DHR/SHPO-approved informational or educational meeting per year (this requirement may be met through a work session sponsored by the local commission, and developed or presented with DHR/SHPO assistance).
- g. Commission members' terms of office shall conform to RSA 673:5 (staggered, and of three years' duration, except at the initiation of the commission).
- h. The local appointing authority shall act within sixty calendar days to fill vacancies and expired terms, as provided by RSA 673:12. Members may be removed, for cause, in conformance with RSA 673:13.
- i. The commission shall adopt rules of procedure (in conformance with RSA 673, RSA 676, and RSA 677, and RSA 91-A), including specific steps and time frames for receiving applications, conducting reviews, considering alternatives, rendering decisions, and acting on requests for rehearings and appeals; the rules must also include a code of conduct in conformance with RSA 673:14, to prevent real and apparent conflicts of interest in the performance of the commission's responsibilities.
- j. The commission shall adopt and publish specific criteria and guidelines for reviewing and rendering opinions upon proposed changes in designated historic districts, and shall also adopt provisions for making these materials available to the public on request.
- k. All commission actions, meetings, and records shall conform to RSA 91-A, "The Right-to-Know Law."
- l. The commission shall hold at least four meetings per year, at regular intervals, advertised in advance, held in a public place and open to the public; applicants and abutters shall be notified in advance, in accordance with statutory requirements.

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- m. Pursuant to RSA 91-A, decisions of the commission shall be made in a public forum, and written minutes of the commission's proceedings, meetings, and actions shall be available for public inspection; applicants shall be advised of the commission's decisions as provided by RSA 676:9.
  
- n. [Not Applicable: Post-Certification Requirement] An annual report of the commission's activities, in a format specified by the DHR/SHPO, shall be available to the public and shall be submitted to the DHR/SHPO by October 15 of each year.
  
- o. [Not Applicable: Post-Certification Requirement] The commission shall review all proposed National Register nominations for the properties within the local government's jurisdiction [i.e., within the geographic boundaries of the entire community, not just within the local historic district/s]. When a commission reviews a National Register nomination it must seek expertise in the relevant professional disciplines before rendering its decision, and must contact the State Archaeologist for assistance in determining the types and levels of professional expertise needed to evaluate archaeological resources.
  
- p. Duties of a certified local government's historic preservation commission must include:
  - 1. Reviewing and rendering an opinion on all new construction, and on all alteration, repair, moving and demolition of structures and places within officially designated local historic district/s;
  
  - 2. Enforcing its decisions through appropriate procedural or judicial means;
  
  - 3. Preparing community-wide historical overviews, in conformance with DHR/SHPO requirements for the State Historical Resources Survey;
  
  - 4. Conducting a comprehensive community-wide survey of historical resources, in conformance with DHR/SHPO criteria;
  
  - 5. Making recommendations for designation of local districts to the appropriate local governing body;
  
  - 6. Establishing and using written guidelines for the conservation of formally designated historic districts;
  
  - 7. Acting in an advisory role to other elements of local government, regarding the identification, protection and preservation of local historical resources;

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- 8. Acting as a liaison between local government to individuals and organizations concerned with historic preservation;
- 9. Working toward continuing education about historic preservation issues and concerns for the community and its citizens;
- 10. Providing technical assistance, education and training services, for commission members, municipal officials, and the public;
- 11. [Not Applicable: Post-Certification Requirement] Participating in informational/ educational meetings about CLGs, historic district and heritage commissions, and historic preservation issues;
- 12. Preparing historical resources components of local master plans; and insuring that historical resources are taken into account at every level of local decision-making; and,
- 13. [Not Applicable: Post-Certification Requirement] Reviewing all proposed National Register nominations within the geographic boundaries of the community.

COMMENTS:

V.B.3. "a system for the survey and inventory of historic properties."

- a. The CLG shall begin or continue a process, approved by the DHR/SHPO, to comprehensively identify and document historical resources within its jurisdiction.
- b. The survey effort shall be consistent with the statewide comprehensive historic preservation planning process, and integrated with the local --and, as appropriate, regional -- planning processes;
- c. The commission shall maintain an inventory of the designated historical resources under its jurisdiction, and all inventory material shall be:
  - 1. Maintained securely, and accessible to the public (except for archaeological site locations, which may be restricted; and

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2. Updated periodically, to reflect changes, alterations, and demolitions.
- d. Originals (or exact duplicates of originals) of survey data shall be housed permanently at the DHR/SHPO, as part of the State Historical resources survey data; a duplicate set (or sets) shall be available locally for reference, except that archaeological data may be restricted.
- COMMENTS
- V.B.4. "Provide for adequate public participation in the local historic preservation programs, including the process of recommending properties for nomination to the National Register":
- a. [Not Applicable: Post-Certification Requirement] The Certified Local Government, through its historic district or heritage commission, shall encourage public participation, reaction and comment on the CLG's historic preservation activities.
- b. All proceedings, meetings, and actions of the commission shall adhere to the requirements of RSA 91-A, "The Right-to-Know Law."
- c. The commission shall develop specific mechanisms and/or procedures to insure adequate public participation.
- d. [Not Applicable: Post-Certification Requirement] Procedures for reviewing proposed National Register nominations shall be in accordance with DHR/SHPO requirements for the CLG program in New Hampshire.
- COMMENTS:
- V.B.5. "Satisfactorily perform the responsibilities delegated to it under the [National Historic Preservation Act of 1966, as amended] by fulfilling those enumerated in items V.B.1., V.B.2., V.B.3., and V.B.4., in addition to any others that may be delegated to it pursuant to a written agreement between the DHR/SHPO and the Certified Local Government.
- a. [Not Applicable: Post-Certification Requirement] The local government shall enter into a certification agreement which specifies the terms of its participation in the "Certified Local Government" program, with the DHR/SHPO.

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b. [Not Applicable: Post-Certification Requirement] Once the local government has been formally certified, it shall remain certified without further action unless, after substantive review, the DHR/SHPO recommends and proceeds with the de-certification process, or if the local government notifies the DHR/SHPO that it no longer wishes to remain certified.

COMMENTS:

SUBMISSIONS TO THE DHR/SHPO

DATE SUBMITTED

DATE APPROVED

APPLICATION MATERIALS

ADDITIONAL INFORMATION

APPROVED FOR CERTIFICATION

\_\_\_\_\_  
CLG Program Coordinator

\_\_\_\_\_  
Director, Division of Historical Resources  
NH State Historic Preservation Officer



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APPENDIX II -- SAMPLE LETTER OF REQUEST FOR CERTIFICATION  
FROM THE CHIEF ELECTED LOCAL OFFICIAL

[date]

Elizabeth Muzzey, Director  
NH State Historic Preservation Officer  
Division of Historical Resources  
NH Department of Cultural Resources  
19 Pillsbury Street  
Concord, NH 03302-2043

Dear Ms. Muzzey:

The [Town of, or City of] Graniteville hereby submits its request to become a Certified Local Government as provided by the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), as amended.

As the fully constituted chief elected official of the local government, I certify that Graniteville fulfills the minimum standards necessary for certification. Accompanying this letter are all of the documents as requested in the application for certification. Should you need any additional materials, or have any questions, please call Mary Staffmember at 603-123-4567.

Sincerely,

Danielle Webster  
Chair, Board of Selectmen [or]  
Mayor, City of Graniteville

enclosures

cc:

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APPENDIX III -- PERFORMANCE STANDARDS CHECKLIST

The Certified Local Government (CLG) shall maintain the following standards of performance, which shall be evaluated by the New Hampshire Division of Historical Resources / State Historic Preservation Office in its biennial review of the CLG. The review procedures and the provisions for DHR/SHPO assistance to the CLG to help it meet and maintain these performance standards are described in *THE CERTIFIED LOCAL GOVERNMENT PROGRAM FOR NEW HAMPSHIRE*, March 1995.

GENERAL STANDARDS

PERFORMANCE IS:

ADEQUATE

INADEQUATE

- |       |       |    |  |
|-------|-------|----|--|
| _____ | _____ | 1. | The local government enforces appropriate state or local legislation for the designation and protection of historic properties, through a local ordinance which meets the requirements of <i>THE CERTIFIED LOCAL GOVERNMENT PROGRAM FOR NEW HAMPSHIRE</i> , March 1995 (CLG/NH) V.B.1.                       |
| _____ | _____ | 2. | The local government has established an adequate and qualified historic preservation review commission, by state or local legislation, in conformance with provisions of <i>CLG/NH</i> , V.B.2.  |
| _____ | _____ | 3. | The local government maintains a system for the survey and inventory of historic properties in conformance with the requirements of <i>CLG/NH</i> , V.B.3.   |
| _____ | _____ | 4. | The local government provides for adequate public participation in the local historic preservation programs, including the process of recommending properties for nominations to the National Register; and its public participation procedures meet the criteria of <i>CLG/NH</i> , V.B.4.                  |
| _____ | _____ | 5. | The local government participates in the New Hampshire National Register nomination process, and follows the procedures outlined in <i>CLG/NH</i> , XIII.  |
| _____ | _____ | 6. | The local government satisfactorily performs the responsibilities delegated to it under the National Historic Preservation Act, in addition to any others that may be delegated to it pursuant to a written agreement between the DHR/SHPO and the Certified Local Government.                               |
| _____ | _____ | 7. | The local government annually prepares a report for the period October 1 through September 30 (the federal fiscal year), in accordance with the standards specified in <i>CLG/NH</i> , V.B.2.n.; the report shall be available to the public, and shall be forwarded to the DHR/SHPO annually by October 15. |

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APPENDIX III -- PERFORMANCE STANDARDS CHECKLIST

1. LEGISLATION

V.B.1. Local preservation ordinance conforms to CLG/NH V.B.1.a. through V.b.1.i., and requires mandatory review of construction, alteration, repair, moving, and demolition within designated historic district/s. Y [yes]  N [no]

2. COMMISSION

V.B.2.b. Historic district commission to consist of 5 or 7 members and 3 alternates [up to 5 alternates allowed by RSA 673:6, 1986] each member a resident of the municipality; one shall be a selectman or the mayor; one may be a planning board member; all members appointed as prescribed by the local legislative body and in conformance with RSA 673:1. Y  N

V.B.2.c. All members including the representatives of the selectmen / mayor and planning board) to have interest, knowledge or competence in historic preservation. Y  N

V.B.2.d. Commission members to meet National Park Service professional criteria (36 CFR 61) to the extent that such professionals are available in the community; the local government must demonstrate to the DHR/SHPO that it has made a reasonable effort to identify such professionals in the community and include them in historic district commission membership. Y  N

V.B.2.e. Information on credentials of commission members adequately demonstrating which ones meet the 36 CFR 61 criteria, to be kept on file, to be available to the public, and to be submitted to the DHR/SHPO. Y  N

V.B.2.f. Each commission member must attend at least one DHR/SHPO-approved informational or educational meeting per year. Y  N

V.B.2.g. Members' terms to be staggered and of three years' duration. Y  N

V.B.2.h. Vacancies, including expired terms, to be filled within 60 days; members may be removed for cause as provided by RSA 673:13. Y  N

V.B.2.i. Commission to adopt rules of procedure conforming to RSA 91-A, RSA 673, RSA 676, and RSA 677, including specific criteria, steps, and time frames for receiving applications, conducting reviews, considering alternatives, rendering decisions, and acting on requests for rehearings and appeals. The rules must also include a code of conduct conforming to RSA 673:14 and to National Park Service standards. Y  N

V.B.2.k. All commission actions, meetings, and records shall conform to RSA 91-A, "The Right-to-Know Law." Y  N

V.B.2.l. Commission to hold at least four (4) meetings per year, at regular intervals, advertised in advance, held in a public place and open to the public; applicants and abutters to be notified in advance, in accordance with statutory requirements. Y  N

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APPENDIX III -- PERFORMANCE STANDARDS CHECKLIST

V.B.2.m. Pursuant to RSA 91-A, commission decisions shall be made in a public forum; written minutes of the commission's proceedings, meetings, and actions shall be available for public inspection and transcription, except as otherwise prohibited by statute; applicants shall be advised of the commission's decisions as provided by RSA 676:9. Y  N

3. SURVEY & INVENTORY

V.B.3.a. The certified local government shall continue a process, approved by the DHR/SHPO to comprehensively identify and document historical resources within its jurisdiction. Y  N

V.B.3.b. The survey effort shall be consistent with the statewide comprehensive historic preservation planning process and integrated with local and regional planning processes. Y  N

V.B.3.c. A detailed inventory of the designated historical resources under the commission's jurisdiction must be maintained securely, accessible to the public (except for restricted information), and periodically updated. Y  N

V.B.3.d. Survey data shall be housed permanently at the DHR/SHPO, and a duplicate set shall be available locally for reference, except that archaeological data may be restricted. Y  N

4. PUBLIC PARTICIPATION

V.B.4.a. The certified local government, through its historic district commission, shall encourage public participation, reaction and comment on the CLG/s historic preservation activities. Y  N

V.B.4.c. The historic district commission shall develop specific mechanisms and/or procedures to insure adequate public participation. Y  N

5. NOMINATION PROCESS

V.B.2.p. The certified local government shall review all proposed National Register nominations within its jurisdiction (i.e., within the geographic borders of the entire municipality, not limited to the area of the locally-designated historic district/s). Y  N

V.B.2.o. When the historic district commission reviews a National Register nomination or is involved with other activities for a specific resource type (e.g., an archaeological site) that is normally evaluated by a professional in a specific discipline (e.g., an archaeologist), and that discipline is not represented in the commission's membership, the commission shall seek expertise in the required discipline before rendering its decision. When archaeological resources, issues, or nominations are being reviewed, the commission shall contact the State Archaeologist of the DHR/SHPO for assistance in determining the types and levels of professional expertise needed. Y  N

THE CERTIFIED LOCAL GOVERNMENT PROGRAM FOR NEW HAMPSHIRE – SEPTEMBER 2002

APPENDIX III – PERFORMANCE STANDARDS CHECKLIST

- XIII.A. The certified local government shall submit a report to the DHR/SHPO regarding the eligibility of each property, district, thematic or multiple resource grouping within its jurisdiction (8.e., within its corporate boundaries) that is proposed for nomination to the National Register of Historic Places. this report shall include the recommendations of the local historic district commission and the chief elected local official. A copy of the report prepared by the CLG for the DHR/SHPO shall be made available for public inspection within the municipality. Y  N
- XIII.B.1. The historic district commission will develop or receive the documentation necessary to nominate a property to the National Register. Y  N
- XIII.B.2. The commission, after reasonable opportunity for public comments, shall prepare a report as to whether or not such property, in its opinion, meets the National Register criteria. [The report shall include an impartial assessment of the integrity and significance of the property as evaluated against the national Register criteria.] Within sixty (60) days of the CLG's receipt of the nomination materials, the chief elected local official shall transmit the report of the commission and his/her recommendation to the DHR/SHPO, and shall also inform the property owner/s of his/her and the commission's recommendations. Y  N
- XIII.B.3. If either or both the chief local elected official and the commission determine that the property appears to meet the National Register criteria, and if the nomination form and documentation are adequate and complete, the nomination will be scheduled for consideration by the State Historical Resources Council (SHRC). Y  N
- XIII.B.5. If both the chief elected official and the commission determine that the property does not appear to meet the National Register criteria, the DHR/SHPO will notify the property owner/s and the SHRC, and the property will not be scheduled for SHRC consideration unless an appeal is filed pursuant to 36 CFR 60. Y  N

6. RESPONSIBILITIES

- V.B.2.p. At a minimum, the duties of a certified local government's historic district commission must include:
1. reviewing and rendering an opinion on all new construction and all alteration, repair, moving and demolition of structures and places within officially designated local historic district (refer also to items under Performance Standards 1 and 2); Y  N
  2. enforcing its decision through appropriate procedural or judicial means (refer also to items under Performance Standards 1 and 2); Y  N
  3. preparing community-wide historical overviews, in conformance with the DHR/SHPO State Historical Resources Survey criteria; Y  N
  4. conducting a comprehensive community-wide survey of historical resources, in conformance with the State Historical Resources Survey criteria (refer also to items under Performance Standard 3); Y  N

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APPENDIX III -- PERFORMANCE STANDARDS CHECKLIST

5. making recommendations for designation of local districts to the appropriate local governing body; Y  N
6. establishing and using written guidelines for the conservation of formally designated historic district/s (refer also to items under Performance Standard 2); Y  N
7. acting in an advisory role to other officials, agencies, department, boards, commissions, and committees of the local government with regard to the identification, protection, and preservation of local historical resources; Y  N
8. acting as a liaison on behalf of the local government to individuals and organizations concerned with historic preservation (refer also to items under Performance Standard 4); Y  N
9. working toward continuing education of citizens within the CLG's jurisdiction, regarding historic preservation issues and concerns (refer also to items under Performance Standard 4); Y  N
10. providing general technical assistance, and specialized education and training services, for commission members and staff, other municipal officials, property owners, tenants, managers, and the public, to foster appreciation and appropriate treatment of historical resources within the community (refer also to items under Performance Standards 2, 3 and 4); Y  N
11. participating in statewide / regional / local informational or educational meetings, pertaining to the work and functions of CLGs and historic district commissions, or historic preservation issues (refer also to items under Performance Standards 2 and 4); Y  N
12. preparing, or overseeing the preparation of, historical resources components of local master plans; and assisting the planning board, zoning board of adjustment, conservation commission, and other local land use boards and/or commissions to insure that historical resources are taken into account at every level of decision-making (refer also to items under Performance Standard 3); Y  N
13. reviewing all proposed National Register nominations within its jurisdiction (i.e., within the geographic boundaries of the entire municipality, not limited to the area of the historic district/s), in conformance with the procedures specified in CLG/NH, XIII. (refer also to items under Performance Standard 5). Y  N

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APPENDIX III -- PERFORMANCE STANDARDS CHECKLIST

7. REPORT

V.B.2.n. The Certified Local Government, by and through its Historic District Commission, shall prepare an annual report of the commission's activities, and the local government's historic preservation efforts. The report shall include, but not be limited to:

- a summary of the year's activities for the period October 1 through September 30
- objectives for the coming year
- numbers and types of cases reviewed, and their disposition
- new designations of historic districts
- changes in the local preservation ordinances, the commissions' regulations, or its rules of procedure
- revised resumes of commission members
- resumes of new members
- attendance records for commission members
- copies of all commission minutes relating to National Register activities
- recommendations / requests for technical assistance from the DHR/SHPO
- suggestions for improving the effectiveness of the CLG program at the local, state, and national levels.

The annual CLG report shall be made available to the public, and shall be submitted to the Division of Historical Resources by October 15 of each year. Y  N

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THE CERTIFIED LOCAL GOVERNMENT PROGRAM FOR NEW HAMPSHIRE – SEPTEMBER 2002

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APPENDIX IV – MODEL CODE OF CONDUCT

CODE OF CONDUCT PROVISIONS FOR CERTIFIED LOCAL GOVERNMENT  
HISTORIC DISTRICT [HERITAGE] COMMISSION PROCEDURES OR REGULATIONS IN NEW HAMPSHIRE

*These provisions have been reviewed by the NH Association of Historic District Commissions, and approved  
by the NH Office of Attorney General and the  
New Hampshire Division of Historical Resources / State Historic Preservation Office.  
They are consistent with the requirements of RSA 673:14.*

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1. \_\_\_\_\_ Historic District [Heritage] Commission members (and staff, if any) shall not use their position for a purpose that is, or gives the appearance of being, motivated by a desire for personal benefit or private gain for themselves or others, particularly those with whom they have family, business, organizational, or other ties.
2. \_\_\_\_\_ Historic District [Heritage] Commission members (and staff, if any) who have a financial interest in a property, shall not participate in any discussion, hearing, or other commission consideration of that property, whether as part of local review procedures pursuant to New Hampshire RSA 674 and RSA 676, or as part of actions (such as National Register nomination review procedures) pursuant to the responsibilities of a “Certified Local Government” under the National Historic Preservation Act, or under the associated requirements established by the National Park Service and the State of New Hampshire for participation in the Certified Local Government program.
3. \_\_\_\_\_ Historic District [Heritage] Commission members (and staff, if any) shall not participate in the preparation of administration, monitoring, approval, or payment of any grants or contracts made to, or by, the commission, if a real or apparent conflict of interest would be involved.
4. In conformance with New Hampshire RSA 673:14, no member of the \_\_\_\_\_ Historic District [Heritage] Commission shall sit upon the hearing of any question which the commission is to decide, if that member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizens, or would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law.
5. When uncertainty arises as to the application of these provisions to a commission member in particular circumstances, the commission shall, upon the request of that member or another member of the board, vote on the question of whether that member should be disqualified. Any such request and vote shall be made prior to or at the commencement of any required public hearing. Such a vote shall be advisory and non-binding, and may not be requested by persons other than board members, except as provided by local ordinance or by procedure rule adopted under RSA 676:1.
6. If a member of the \_\_\_\_\_ Historic District [Heritage] Commission is disqualified or unable to act, in any particular case before the commission, the chairperson shall designate an alternate to act in place of the disqualified member, as specified in New Hampshire RSA 673:11.
7. Any member of the \_\_\_\_\_ Historic District [Heritage] Commission who may have an apparent, potential, or actual conflict of interest with respect to any deliberations or matters before the commission, shall absent himself or herself from the commission’s meeting while such matters are being considered or acted upon.
8. \_\_\_\_\_ Historic District [Heritage] Commission members (and staff, if any) who are in office (or employed) at the time these code of conduct provisions are adopted shall be exempted for a period not to exceed one year from the date of adoption, pursuant to RSA 31:39-a.

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