

950 CMR 73.00: STANDARDS FOR THE AWARDING OF A MATCHING GRANT PURSUANT TO THE MASSACHUSETTS PRESERVATION PROJECTS FUND

Section

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73.01: Purpose

The Massachusetts Preservation Projects Fund provides matching funds and emergency funds for the preservation of historic properties, landscapes and sites listed or eligible to be listed in the State Register of Historic Places. The Massachusetts Historical Commission will award grant matching funds to those projects that best meet the selection criteria and can accomplish the scope of work within the time schedule for project completion. The Secretary is authorized to distribute emergency funds.

73.02: Administration

The Massachusetts Historical Commission is under the supervision of the Secretary of the Commonwealth. The Secretary may make, amend and rescind such rules, forms, applications, and orders as are contemplated by the provisions of the General Law and 950 CMR 73.00. Where good cause appears and waiver is not contrary to statute, and/or if applicable, the Secretary of the Interiors Standards For Historic Preservation Projects, the Secretary may permit deviation from 950 CMR 73.00.

73.03: Definitions

Allowable Costs shall mean the applicant's costs associated with pre-development, construction, and acquisition activities, where historic fabric is directly involved. The computation of these costs will be the basis of the grant request.

Application shall be the form provided by the Massachusetts Historical Commission, from which final selections are made for finding. The application sets forth the scope of the proposed project, as well as conditions of funding, and will provide details of the project and its implementation. The Massachusetts Historical Commission will provide the applicant with published guidelines and instructions relative to the completion and evaluation of an application.

Eligible Applicants shall include any non-profit organization and municipality which owns or has an interest in property, a landscape or a site and which is listed or eligible to be listed as further defined in application guidelines in the State Register of Historic Places.

Eligible Projects shall consist of pre-development, which may include the conducting of studies necessary to enable future development or protection of a State Register property, such as historic structures report, feasibility studies and certain archaeological investigations; development, which may include preservation, stabilization, protection, rehabilitation and restoration of endangered historic properties; and, acquisition which encompasses a request to acquire State Register properties that are imminently threatened with inappropriate treatment, alteration or destruction.

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Endowment Option is available for development projects only. The applicant may request that 75% of the total project cost be funded by a Massachusetts Preservation Projects Fund grant. The recipient agrees to set aside an additional amount equivalent to 25% of the total project cost in an endowment fund, the interest from which would be limited to use for maintenance of the grant assisted property. Endowment funds must be established with new cash only.

Grant shall include matching share and endowment option monies awarded by vote of the MHC to eligible applicants in accordance with procedures described herein. This shall not include emergency funds, which are to be distributed solely by the Secretary.

Ineligible Costs shall mean that projects consisting primarily of routine maintenance, replacement of mechanical systems, renovation of non-historic spaces, or construction of additions, will generally not be considered. Architectural/engineering fees are not eligible for funding.

MHC shall mean, unless the context otherwise requires, the Massachusetts Historical Commission, a division within the Office of the Secretary of the Commonwealth, and its staff, as established pursuant to M.G. L. c. 9, § 26. Notices of MHC meetings are posted as required by M.G. L. c. 30A, § 11A½ and are open to the public.

MPPF shall mean the Massachusetts Preservation Projects Fund established and funded pursuant to St. 1994, c. 85, § 2.

Matching Share unless otherwise defined, shall mean that each applicant must provide a 50% dollar to dollar match to the amount of the grant. Other state funds may not be used as part of the matching share.

Preservation Restriction shall mean the instrument executed by or on behalf of the owner of the property which mandates maintenance of the property and disallows or limits acts or uses detrimental to appropriate preservation of the structure or site as described in M.G.L. c. 184, § 31. Said preservation restriction, which will be defined by the MHC, must be recorded at the appropriate Registry of Deeds before any funds will be released to a recipient. In the case of emergency funds, preservation restrictions must be filed with the appropriate Registry of Deeds and recorded within year, before the release of funds.

Secretary shall mean the Secretary of the Commonwealth, who, pursuant to M.G.L. c. 9, § 26 is the designated chairman of the MHC.

Secretary of the Interior's Standards shall mean the United States Secretary of the Interior's Standards for Historic Preservation Projects, as set forth in 36 C.F.R Part 68. This reference is available for inspection and copying at the offices of the MHC.

State Register shall mean the State Register of Historic Places which is maintained pursuant to M.G.L. c. 9, § 26C. The State Register shall contain the following properties:

- (a) all districts, sites, buildings, or objects determined eligible for listing or listed in the National Register of Historic Places. These include properties listed in the National Register under provisions outlined in 36 C.F.R. Part 60, or properties formally determined eligible for listing in the National Register by the Secretary of the Interior under provisions outlined in 36 C.F.R. Part 63;
- (b) all local historic districts established pursuant to M.G.L. c. 40C, or special legislation;
- (c) all landmarks designated under local ordinances or by-laws;
- (d) all structures and sites subject to preservation easements approved or held by the MHC pursuant to M.G.L. c. 184, §§ 31 and 32;
- (e) all historical or archaeological landmarks certified pursuant to M.G.L. c. 9, § 27; and,
- (f) all properties listed by the MHC pursuant to M.G.L. c. 9, § 26D.

73.04: Disbursement of Funds

- (1) Grants will be awarded by the MHC in cycles established by the MHC staff. Said grant cycles will be published in the Central Register and press releases will be distributed to newspapers of general and regional circulation, as well as being sent to all local historical commissions, local historic district commissions and interested parties, and will be available for inspection and copying at the offices of the MHC.
- (2) Consistent with the number of applications and qualified projects, the MHC may, at its discretion, limit the maximum amount of money which may be made available for any one project or project type. This amount shall be published with the grants cycle.
- (3) Funds will be released by the MHC once a grant recipient has expended the total project costs associated with the project and has submitted the required documentation, including evidence of a recorded preservation restriction.

73.05: Application Process

- (1) The grant program will be extremely competitive and each eligible applicant applying for a matching grant from the MPPF for allowable costs associated with eligible activities must successfully complete the following two part application process:

Applicant will submit to the MHC an application with supporting documentation, as described in guidelines published by the MHC staff, by a date specified in the published grant cycle. Applications will be reviewed, using the selection criteria set forth in 950 CMR 73.05, by the MHC staff and an ad-hoc subcommittee, to be formed from the full Commission.
- (2) The MHC staff and ad-hoc subcommittee will present those projects with the highest overall ratings to the MHC for consideration and discussion during a scheduled public meeting of the MHC.
- (3) The MHC will make the final decision on whether a matching or endowment grant will be made, with consideration given to the funding level of the MPPF and scope of the proposed work.
- (4) The MHC will decide, by a majority vote in open session, which qualified applicants will be awarded a grant.

73.06: Selection Criteria

- (1) The application will be reviewed by the MHC staff and assigned a numerical value for satisfying the following criteria:
 - (a) Level of Significance, with preference given to those projects with state and national significance;
 - (b) Potential for Loss or Destruction of the property, or a significant portion thereof. Priority will be given to those properties which are under immediate threat of loss or partial or complete destruction;
 - (c) Administrative and Financial Management Capabilities evidenced through a clearly articulated and organized application including commitment letters, compliance and authorization forms and willingness to enter into a preservation restriction with the MHC;
 - (d) Appropriateness of Proposed Work consisting of technical information, including a project description, budgetary breakdown, clearly established set of priorities and compliance with Secretary of the Interior's Standards shall be demonstrated in all applications. The application shall also require outline plans and specifications;
 - (e) Statement of Need encompassing an explanation of financial circumstances including extent of financial hardship, fund-raising efforts and demonstration of the importance of receipt of grant to the successful completion of the project;
 - (f) Extent and Nature of Public Support including support from appropriate users and community leaders as well as evidence that the applicant has approached the local historical commission for comment and consideration;
 - (g) Consistency with Preservation and Revitalization Plans and priorities for development and protection on the state and local levels;
 - (h) Use of Traditional Materials and historically appropriate building techniques;

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- (i) Compliance with Relevant State Laws and Executive Orders, including Local Housing Policies and State Development Assistance (E.O. 215) and Affirmative Action (E.O. 227) when awarding funds to cities and towns;
- (j) Geographic distribution with consideration given to the size of the project, as well as the city or town; and,
- (k) First Time Grants in a community will be given additional consideration.

73.07: Project Agreements

- (1) Each grant recipient shall enter into a project agreement with the MHC for the funding of the project. Such project agreement shall contain provisions which shall include, but not be limited to, the following:
 - (a) MHC approved scope of work;
 - (b) a preservation project schedule with targeted deadlines for the completion of various stages of the project;
 - (c) an agreement that the grant recipient will erect a sign prescribed by the MHC, at the project site indicating that it has received matching state funds for the project;
 - (d) scheduled periodic site visits by MHC to inspect the progress of the project, including final inspection upon completion of the work;
 - (e) for any total project cost in excess of \$100,000, non-profit organizations may only award construction contracts to those contractors and subcontractors that make payments to hospitalization and medical benefits for all their employees employed on the project, make contributions to a retirement plan, and supplementary unemployment benefit plans for their employees; ; however, this requirement shall not apply where the service being contracted for is of such a specialized nature that only a limited number of sources for the service exist, and the non-profit organization has provided documentation to MHC that sources of such services is extremely limited and MHC has made the determination that the services are of a specialized nature; and
 - (f) an assurance that required documentation will be submitted upon completion of the work.
 - (g) Where no bids have been received from contractors that satisfy both the requirements of 950 CMR 73.07(1)(e) and the historic preservation quality assurance requirements, the Secretary of the Commonwealth may waive the requirements of 950 CMR 73.07(1)(e) where it has been demonstrated to his satisfaction that no qualified bids have been received.
- (2) Failure to comply with the terms established in the project contract may result in loss of the grant award.
 - (a) The project agreement will set forth the notice requirements which must be met prior to loss of an award.
 - (b) A grant award may only be revoked upon majority vote of the MHC at a scheduled public meeting.

73.08: Emergency Funds

- (1) The Secretary, as Chairman of MHC, will set aside a separate pool of emergency funds of a minimum of \$200,000.00 for each grant cycle, to be distributed by the Secretary. Any money not used in a given cycle will remain in the emergency fund, until the last year of the grant cycle, at which time all funds must be expended.
- (2) The pool of funds will be maintained for distribution by the Secretary to applicants seeking money immediately to stabilize listed properties, or properties evaluated eligible for listing, which are considered by the Secretary to be in imminent danger. Money will not be released from the emergency fund for properties which are partially destroyed through fault of the owner, because of improper maintenance of the property.
- (3) Applicants must demonstrate the ability to match the grant award within three years of receipt of the emergency grant.

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(4) When the total amount of emergency funds has been expended in a grant cycle, the Secretary in his/her discretion may utilize funds available in the next grant cycle.

REGULATORY AUTHORITY

950 CMR 73.00: St. 1994, c. 85, § 2; M.G.L. c. 9, § 2.