**RULES**

**OF**

**GEORGIA DEPARTMENT OF**

**COMMUNITY AFFAIRS**

**CHAPTER 110-37-2**

**EVALUATION OF PROPERTIES FOR THE**

**GEORGIA REGISTER OF HISTORIC PLACES**

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**110-37-2-.01 Definitions**

(1) "Building". A building is a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn.

(2) "Department" means the Department of Community Affairs.

(3) "Georgia Register of Historic Places" or "Georgia Register" means the Georgia Register of districts, sites, buildings, structures, and objects significant in Georgia history, architecture, engineering, and culture.

(4) "Historic District" means a geographically definable area, urban or rural, that possesses a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.

(5) "Historic Property" is defined in O.C.G.A. §12-3-50.2 and means districts, sites, buildings, structures, or objects which possess integrity of location, design, setting, materials, workmanship, feeling, and association and which are determined to meet the criteria for listing in the Georgia Register of Historic Places according to the criteria outlined in these regulations.

(6) "National Historic Preservation Act" means the Act of Congress codified at 16 U.S.C.

Section 470 et seq., as amended (Public Law 89-665, as amended).

(7) "National Register of Historic Places" 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 the National Historic Preservation Act.

(8) "Site". A site is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure.

(9) "State Historic Preservation Office" means the office within state government which carries out the function of the state historic preservation program under the National Historic Preservation Act. In Georgia, this is the Historic Preservation Division, Department of Community Affairs.

(10) "State Historic Preservation Officer" means the official designated by the Governor of Georgia to administer the state's historic preservation program under the National Historic Preservation Act and O.C.G.A §12-3-50.1(c)(13).

(11) "State Historic Preservation Review Board". The State Historic Preservation Review

Board means a board designated by the State Historic Preservation Officer and consisting of members representing the professional fields of Georgia history, architectural history, historical architecture, prehistoric and historic archaeology, and other professional disciplines which may include citizen members.

(12) "Structure". A structure is a work made up of interdependent and interrelated parts in a definite pattern of organization. Constructed by man, it is often an engineering project large in scale.

**Authority** O.C.G.A. §12-3-50.2.

**History.** Original Rule entitled "Definitions" adopted. F. Jun. 12, 1990; eff. Aug. 1, 1990.

**Amended:** F. Apr. 15, 1991; eff. May 5, 1991.

**Amended:** F. Aug. 27, 1998; eff. Sept. 16, 1998.

**110-37-2-.02 Criteria for Evaluation of Properties for the Georgia Register**

(1) The following criteria will be used for evaluation of property for the Georgia

Register.

(2) The quality of significance in Georgia history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and

(a) that are associated with events that have made a significant contribution to the broad patterns of our history; or

(b) that are associated with the lives of persons significant in our past; or

(c) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

(d) that have yielded, or may be likely to yield, information important in prehistory or history.

(3) Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the Georgia Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

(a) A religious property deriving primary significance from architectural or artistic distinction or historical importance; or

(b) A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or

(c) A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with the historical figure's productive life.

(d) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or

(e) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or

(f) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or

(g) A property achieving significance within the past 50 years if of exceptional importance.

**Authority** O.C.G.A. §12-3-50.1.

**History.** Original Rule entitled "Criteria for Evaluation of Properties for the Georgia Register" adopted. F. Jul. 12, 1990; eff. Aug. 1, 1990.

**Amended:** F. Apr. 15, 1991; eff. May 5, 1991.

**110-37-2-.03 Application Procedures**

(1) Designation application forms may be obtained from, and completed applications should be submitted to: Historic Preservation, Division, Georgia Department of Community Affairs, 60 Executive Park South, Atlanta, GA 30329.

(2) Designation shall be made by the State Historic Preservation Officer only upon receipt of a completed designation application and such accompanying documentation as is necessary or called for.

(3) Applicants shall submit documentation on forms or in a format approved by the Department for this use. At a minimum the application shall include name of property, location, property description, property history, significance, sources of information used to document the property, property ownership and other such information as shall be needed by the Department to determine eligibility and process the application.

(4) Submissions to the Review Board and the State Historic Preservation Officer shall be prepared using the documentation provided by the applicant and on forms developed by the Section.

(5) The State Historic Preservation Review Board shall (1) determine the adequacy of documentation of the application and (2) consider the eligibility for listing of properties submitted for its review by the State Historic Preservation Office. In its consideration, the State Historic Preservation Review Board shall review the State Historic Preservation Office recommendations as well as any comments concerning the property's significance. The State Historic Preservation Review Board shall determine (1) whether or not the property meets the Georgia Register criteria for evaluation and (2) if the documentation is adequate. The State Historic Preservation Review Board shall make a recommendation to the State Historic Preservation Officer Review to approve or disapprove the application.

(6) The State Historic Preservation Officer shall make the final determination of listing a property in the Georgia Register of Historic Places. The State Historic Preservation Review Officer's decision to list such property constitutes a listing in the Georgia Register of Historic Places.

(7) A boundary alteration shall be considered as a new property. An application for eligibility must be submitted and the process for listing followed as stated in (1) through (6) above. Only those owners affected by the boundary change need to be notified.

(a) Four justifications exist for altering a boundary:

1. professional error in the initial application;

2. loss of historic integrity;

3. recognition of additional significance;

4. additional research documenting that a larger or smaller area should be listed.

(b) No enlargement of a boundary should be recommended unless the additional area possesses previously unrecognized significance in Georgia history, architecture, archaeology, engineering or culture. No diminution of a boundary should be recommended unless the area being removed does not meet the Georgia Register criteria for evaluation.

(8) Properties listed in the Georgia Register should be moved only when there is no feasible alternative for preservation. When a property is moved, every effort should be made to reestablish its historic orientation, immediate setting, and general environment. Property should be moved in a manner which retains the historic integrity of the property.

(a) If it is proposed that a property listed in the Georgia Register be moved and the interested party wishes the property to remain in the Georgia Register during and after the move, the applicant shall submit documentation to the State Historic Preservation Office prior to the move. The State Historic Preservation Office shall respond to a properly documented submittal with the final decision on whether the property will remain in the Georgia Register. Any such application submitted will be considered a new property for listing and must follow the same procedures as discussed in (3) and (4) above. The documentation shall discuss and provide:

1. the reasons for the move;

2. the effect on the property's historical integrity;

3. the new setting and general environment of the proposed site, including evidence that

the proposed site does not possess historical or archaeological significance that would be

adversely affected by the intrusion of the property;

4. photographs and maps showing the proposed location; and

5. the methods to be used to move the property.

(b) The State Historic Preservation Office shall review this documentation and prepare a recommendation to the State Historic Preservation Officer on whether or not the property will continue to meet Georgia criteria of eligibility after the move. Then the State Historic Preservation Office shall make a decision on whether or not the property may continue to meet Georgia criteria of eligibility after the move. Required notification procedures will be followed.

(c) Once the property is moved, the applicant shall submit to the State Historic Preservation Office:

1. a letter stating the date the property was moved;

2. photographs of the property on its new location; and

3. maps showing the new location of the property and current ownership of the property.

(d) In the event that a property is moved, deletion from the Georgia Register will be automatic unless the above procedures are followed prior to the move. If the property has already been moved, it is the responsibility of the applicant to notify the State Historic Preservation Office. If an applicant wishes to have the structure reentered in the Georgia Register, application must be made again on new forms which discuss:

1. the reasons the property was moved;

2. the effect on the property's historical integrity;

3. the new setting and general environment of the proposed site, including evidence that

the proposed site does not possess historical or archaeological significance that would be

adversely affected by the intrusion of the property;

4. photographs and maps showing the new location; and

5. the methods used to move the property.

(9) Properties are removed from the Georgia Register only under the following circumstances:

(a) Grounds for removing properties from the Georgia Register are as follows:

1. the property has ceased to meet the criteria for listing in the Georgia Register because

the qualities which caused it to be originally listed have been lost or destroyed, or such

qualities were lost subsequent to application and prior to listing;

2. additional information shows that the property does not meet the Georgia Register

criteria for evaluation;

3. error in professional judgment as to whether the property meets the criteria or evaluation; or

4. prejudicial procedural error in the application or listing process.

(b) Properties removed from the Georgia Register for procedural error shall be reconsidered for listing by the State Historic Preservation Officer after correction of the error or errors by the State Historic Preservation Officer, the Historic Preservation Division, the State Historic Preservation Office, the Review Board, or the applicant, as appropriate.

(c) Any person or organization may request in writing for removal of a property from the

Georgia Register by setting forth the reasons the property should be removed on the grounds established above. Petitions for removal are submitted to the State Historic Preservation Office. The State Historic Preservation Office reviews these petitions for removal and submits its recommendations to the State Historic Preservation Officer for a final decision.

(d) The State Historic Preservation Officer may elect to have a property considered for removal according to the State's application procedures for a new listing unless the petition is on procedural grounds.

(e) The State Historic Preservation Officer may remove a property from the Georgia Register on his/her own motion on the grounds established above. In such cases, the State Historic Preservation Office will notify the affected owner(s) and the applicable chief elected local official and provide them an opportunity to comment. Upon removal, the State Historic Preservation Office will notify the applicant of the basis for the removal.

**Authority** O.C.G.A. §12-3-50.2.

**History.** Original Rule entitled "Application Procedures" adopted. F. Jul. 12, 1990; eff. Aug. 1, 1990.

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**110-37-2-.04 Relationship of Georgia Register to National Register**

(1) All properties currently listed in the National Register shall be listed in the Georgia Register. Any subsequent listings in the National Register shall be listed in the Georgia Register. However, listing in the Georgia Register does not mean listing in the National Register.

(2) For purpose of state actions associated with the Georgia Register, properties listed as contributing to a National Register or Georgia Register historic district as well as those properties individually listed in the National Register and Georgia Register are considered as listed in the Georgia Register.

**Authority** O.C.G.A. §12-3-50.2.

**History.** Original Rule entitled "Relationship of Georgia Register to National Register" adopted. F. Jul. 12, 1990; eff. Aug. 1, 1990.

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