

CHAPTER 102**HISTORIC PRESERVATION REVOLVING
LOAN PROGRAM****Authority**

N.J.S.A. 13:1B-15.111.

Source and Effective Date

R.2005 d.136, effective April 4, 2005.
See: 37 N.J.R. 170(a), 37 N.J.R. 1514(a).

Chapter Expiration Date

Chapter 102, Historic Preservation Revolving Loan Program, expires on April 4, 2010.

Chapter Historical Note

Chapter 31, Historic Preservation Revolving Loan Program, was originally codified in Title 7 as Chapter 4B, Historic Preservation Revolving Loan Program. Chapter 4B was adopted as R.1993 d.637, effective December 6, 1993. See: 25 N.J.R. 748(a), 25 N.J.R. 5694(a).

Pursuant to Reorganization Plan 004-1998, Chapter 4B, Historic Preservation Revolving Loan Program, was recodified as N.J.A.C. 15:31, effective November 10, 1998. See: 30 N.J.R. 1351(a), 30 N.J.R. 4252(a).

Pursuant to Executive Order No. 66(1978), Chapter 31, Historic Preservation Revolving Loan Program, expired on December 6, 1998.

Chapter 31, Historic Preservation Revolving Loan Program, was adopted as new rules by R.2000 d.109, effective April 3, 2000. See: 31 N.J.R. 3541(a), 32 N.J.R. 1249(b).

Pursuant to Reorganization Plan 001-2002, Chapter 31 of Title 15, Historic Preservation Revolving Loan Program, was recodified as N.J.A.C. 5:102, effective August 30, 2004. See: 34 N.J.R. 3565(a), 36 N.J.R. 4298(b).

Chapter 102, Historic Preservation Revolving Loan Program, was readopted as R.2005 d.136, effective April 4, 2005. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS**5:102-1.1 Purpose**

This chapter shall constitute the rules of the New Jersey Historic Trust in but not of the Department of Community Affairs for the Historic Preservation Bond Program providing for the award of loans on a competitive basis for historic preservation projects, for the preservation, improvement, restoration, rehabilitation or acquisition of historic properties owned by county and municipal governments and by tax-exempt nonprofit organizations in accord with the P.L. 1987, c.265 and P.L. 1991, c.41.

5:102-1.2 Definitions

The following words and terms, when used in this chapter, shall have these meanings, unless the context clearly indicates otherwise:

“Acquisition” means the process of obtaining an interest in real property for the purpose of preserving or enhancing the historic, cultural or architectural significance of the property. Acquisition may include purchase of title, development rights, life estates, remainder interests, easements or other interests in real property which would result in the preservation of a historic property.

“Act” means the “New Jersey Green Acres, Cultural Centers and Historic Preservation Bond Act of 1987,” P.L. 1987, c.265.

“Applicant” means the county or municipal government or nonprofit organization that submits an application for a historic preservation loan.

“Approved project period” means the amount of time prescribed in the project agreement during which the loan recipient must complete the approved historic preservation project.

“County and municipal government” includes all legal subunits and coequal units of county and municipal government.

"Deputy State Historic Preservation Officer" means the Administrator, Historic Preservation Office, Department of Environmental Protection, designated by the Commissioner of the Department of Environmental Protection to administer the State Historic Preservation Program to identify and nominate eligible properties to the National Register of Historic Places.

"Historic" as applied to any property, structure, facility or site means any area, site, structure or object approved for listing or which has been certified by as meeting the criteria for listing in the New Jersey or National Register of Historic Places as set forth at N.J.A.C. 7:4. The State Historic Preservation Officer is responsible for identifying and nominating eligible properties to the National Register of Historic Places.

"Historic preservation cost" means the expenses incurred in connection with the historic preservation project for which loan assistance is provided.

"Historic preservation loan" means moneys approved by the New Jersey Historic Trust for funding of a historic preservation project and subject to the terms of an agreement between the Trust and the recipient.

"Historic preservation project" means work directly related to the acquisition, improvement, restoration, stabilization, and/or rehabilitation of a historic property, structure, facility or site and shall include: any work related to providing access thereto for handicapped or disabled persons in accord with the Americans with Disabilities Act, 42 U.S.C. §§ 12101 to 12213 and the State Barrier Free Subcode, N.J.A.C. 5:23-7.

"Improvement" means the act of upgrading the basic physical condition of a property in a manner consistent with the Standards for the Treatment of Historic Properties (Revised 1992) adopted by the Secretary of the United States Department of the Interior now in effect and as may subsequently be modified, changed or amended. This type of activity includes upgrading mechanical systems, providing appropriate barrier-free access for handicapped persons, and bringing a property into conformance with building costs.

"Loan agreement" means a document executed by the New Jersey Historic Trust and a loan recipient which provides loan assistance of a specified amount for a historic preservation project approved by the Trust.

"Loan recipient" means the county or municipal government or nonprofit organization named in an agreement executed with the Trust to receive loan funds for a historic preservation project.

"National Register of Historic Places," means the list of districts, sites, buildings, structures and objects significant in American history, architecture, archaeology, engineering or culture maintained by the Secretary of the United States Department of the Interior under authority of the National Historic Preservation Act, as amended (16 U.S.C §§ 470 et seq.).

"Nonprofit organization" means a corporation organized under the New Jersey Nonprofit Corporation Act, N.J.S.A. 15A:1-1 et seq. and qualified for tax-exempt status under the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)).

"Preservation" means the act or process of applying measures to sustain the existing form, integrity, and material of a historic property.

"Reconstruction" is defined as the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period and in its historic location.

"Rehabilitation" is defined as the act or process of making possible an efficient compatible use for a property through repair, alterations, and additions while preserving those portions of features which convey its historical, cultural, or architectural values.

"Restoration" is defined as the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period.

"Secretary of the Interior's Standards" or "Standards" means the Standards for the Treatment of Historic Properties, 36 C.F.R. Part 68 and the Guidelines for Implementation of the Standards adopted by the Secretary of the United States Department of the Interior now in effect and as may subsequently be modified, changed or amended, incorporated herein by reference.

"Site" means 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 historic or archaeological value regardless of the value of any existing structure.

"State Historic Preservation Officer" means the Commissioner of the Department of Environmental Protection designated by the Governor to administer the State Historic Preservation Program and to identify and nominate eligible properties to the National Register of Historic Places. The State Historic Preservation Officer establishes the procedures and criteria located at N.J.A.C. 7:4 for receiving and processing nominations and approval of areas, sites, structures and objects both publicly and privately owned, for listing in the State Register of Historic Places.