

**CHAPTER 101**

**GARDEN STATE HISTORIC PRESERVATION TRUST  
FUND GRANTS PROGRAM**

**Authority**

N.J.S.A. 13:1B-15.114(c) and 13:8C-42.

**Source and Effective Date**

R.2005 d.423, effective November 2, 2005.  
See: 37 N.J.R. 2598(a), 37 N.J.R. 4534(a).

**Chapter Expiration Date**

Chapter 101, Garden State Historic Preservation Trust Fund Grants Program, expires on November 2, 2010.

**Chapter Historical Note**

Chapter 34, Garden State Historic Preservation Trust Fund Grants Program, was adopted as R.2000 d.264, effective July 3, 2000. See: 31 N.J.R. 3917(a), 32 N.J.R. 2457(a).

Pursuant to Reorganization Plan No. 001-2002, Chapter 34 of Title 15, Garden State Historic Preservation Trust Fund Grants Program, was recodified as Chapter 101 of Title 5, effective November 18, 2002. See: 34 N.J.R. 3565(a), 35 N.J.R. 1558(b).

Chapter 101, Garden State Historic Preservation Trust Fund Grants Program, was readopted by R.2005 d.423, effective November 2, 2005. See: Source and Effective Date. See, also, section annotations.

**CHAPTER TABLE OF CONTENTS**

**SUBCHAPTER 1. GENERAL PROVISIONS**

- 5:101-1.1 Purpose
- 5:101-1.2 Severability
- 5:101-1.3 Definitions

**SUBCHAPTER 2. APPLICATION PROCEDURE AND  
ELIGIBILITY FOR HISTORIC PRESERVATION  
GRANTS**

- 5:101-2.1 Eligible applicants
- 5:101-2.2 Eligible properties: construction grants
- 5:101-2.3 Eligible properties: planning grants
- 5:101-2.4 Activities eligible for funding: construction grants
- 5:101-2.5 Activities eligible for funding: historic site management grants
- 5:101-2.6 Ineligible costs
- 5:101-2.7 Procedures
- 5:101-2.8 Matching funds: construction grants
- 5:101-2.9 Matching funds: historic site management grants

**SUBCHAPTER 3. ALLOCATION OF HISTORIC  
PRESERVATION GRANT FUNDS**

- 5:101-3.1 Allocation of historic preservation grant funds
- 5:101-3.2 Criteria for review and ranking of applications for historic preservation grants
- 5:101-3.3 Proposed action by New Jersey Historic Trust if a recommended project is deleted by the Garden State Preservation Trust
- 5:101-3.4 Commencement of project and payment: construction grants
- 5:101-3.5 Commencement of project and payment: historic site management grants
- 5:101-3.6 Grant amount: construction grant
- 5:101-3.7 Grant amount: historic site management grant
- 5:101-3.8 Reallocation of lapsed grant funds

**SUBCHAPTER 4. EASEMENT (COVENANTS)**

- 5:101-4.1 Easement on the historic property

**SUBCHAPTER 5. ACKNOWLEDGMENT OF PUBLIC  
SUPPORT: PROJECT SIGNS AND PUBLIC  
INFORMATION MATERIALS**

- 5:101-5.1 Project signs and public information materials

**SUBCHAPTER 1. GENERAL PROVISIONS**

**5:101-1.1 Purpose**

This chapter constitutes the rules of the New Jersey Historic Trust “in but not of” the Department of Community Affairs for the Garden State Historic Preservation Trust Fund Program for the award of grants on a competitive basis for the preservation, restoration or rehabilitation of historic properties in accord with the Garden State Trust Fund Act, N.J.S.A. 13:8C-1 et seq.

**5:101-1.2 Severability**

If a court of competent jurisdiction declares any portion of this chapter invalid, the remainder of this chapter is not to be affected.

**5:101-1.3 Definitions**

The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Act” means the Garden State Trust Fund Act, N.J.S.A. 13:8C-1 et seq.

“Applicant” means the local government unit or nonprofit organization that submits an application for a historic preservation grant.

“Approved project period” means the amount of time prescribed in the project agreement in which the grant recipient must complete satisfactorily the approved historic preservation project to be eligible for the full funding authorized for the project.

“Construction grant” means the matching funds appropriated from the Garden State Historic Preservation Trust Fund for the purpose of planning and/or undertaking the preservation, restoration or rehabilitation of a historic property.

“Deputy Historic Preservation Officer” means the person designated in writing by the Commissioner of the Department of Environmental Protection to administer the State Historic Preservation Program to identify and nominate eligible properties to the State and National Registers of Historic Places.

“Fund” means the Garden State Historic Preservation Trust Fund.

“Garden State Preservation Trust” means a public body corporate and politic, with corporate succession, established in but not of the Department of the Treasury.

“Grant agreement” means a document executed by the New Jersey Historic Trust and a grant recipient which provides a specified amount of grant assistance for a historic preservation project approved by the Trust and subject to conditions to assure benefit to the public, compliance with public laws, and continued preservation of the property, structure or site.

“Grant recipient” means the applying local government unit or nonprofit organization named in a project agreement executed with the Trust that has been selected to receive grant funds for a historic preservation project.

“Historic” as applied to any property, structure, facility or site means any area, site, structure, or object approved for inclusion, or which meets the criteria for inclusion, in the New Jersey Register of Historic Places pursuant to P.L. 1970, c.268 (N.J.S.A. 13:1B-15.128 et seq.).

“Historic preservation grant” means monies approved by the New Jersey Historic Trust to fund a historic preservation project.

“Historic preservation project” means work directly related to the restoration, preservation 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.A. § 12101 to § 12213 and the State Barrier Free Subcode, N.J.A.C. 5:23-7; and work directly related to the planning for future preservation activities at a historic property, structure, facility or site; and site management activities at a historic property, structure, facility or site.

“Historic preservation project cost” means the expenses incurred in connection with:

1. All things deemed necessary or useful and convenient in connection with historic preservation projects;
2. The execution of any agreements or franchises as determined by the New Jersey Historic Trust to be necessary or useful and convenient in connection with any project funded in whole or in part using constitutionally dedicated moneys;
3. The procurement or provision of appraisal, archaeological, architectural, conservation, design, engineering, financial, geological, historic research, hydrological, inspection, legal, planning, relocation, surveying, or other professional advice, estimates, reports, services, or studies;

4. Management related to the funded project;

5. The undertaking of feasibility studies; and

6. Reimbursement to any fund of the State of moneys that may have been transferred or advanced therefrom to any fund established by the act, or any moneys that may have been expended therefrom for, or in connection with, the Act.

“Historic site management grant” means the matching funds appropriated from the Garden State Historic Preservation Trust Fund for the purpose of planning for the preservation, restoration or rehabilitation of a historic property, determining the feasibility of proceeding with a capital historic preservation project, or activities that aid in strengthening the local government unit or nonprofit organization’s capabilities to operate and sustain a historic site and enhance their ability to serve the public and further their mission.

“Improvement” means the act of upgrading the basic physical condition of a property in a manner consistent with the Secretary of the Interior’s Standards. This type of activity includes upgrading mechanical systems, providing appropriate barrier-free access for handicapped persons, and bringing a property into conformance with building codes.

“Local government unit” means, with respect to historic preservation projects, a county, municipality, or any agency thereof, which owns or leases on a long-term basis a historic property, or intends to own or lease on a long-term basis a historic property.

“Master Planning” is the term used to describe any of the following activities: preparation of historic preservation plan, historic structure report, site master plan, landscape plan, and feasibility study.

“National Register of Historic Places” means the national 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.)

“New construction” means the act or process of constructing new forms, features, and/or details that did not exist before.

“New Jersey Register of Historic Places” consists of areas, sites, structures and objects significant in American history, architecture, archaeology and culture which the Commissioner of the Department of Environmental Protection is authorized to maintain and expand under the New Jersey Register of Historic Places Act, N.J.S.A. 13:1B-15.128 et seq.

“Nonprofit organization” means a corporation organized under the New Jersey Nonprofit Corporation Act, N.J.S.A. 15A:1-1 et seq., qualified for tax-exempt status under the