

**CHAPTER 100****HISTORIC PRESERVATION GRANT PROGRAM****Authority**

N.J.S.A. 13:1B-15.114(c) and 13:8C-42; and P.L. 1987, c. 265;  
P.L. 1992, c. 88; P.L. 1995, c. 204; and P.L. 1999, c. 152.

**Source and Effective Date**

R.2009 d.23, effective December 10, 2008.  
See: 40 N.J.R. 4271(a), 41 N.J.R. 127(b).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 100, Historic Preservation Grant Program, expires on December 10, 2015. See: 43 N.J.R. 1203(a).

**Chapter Historical Note**

Chapter 100, Ombudsman Practice and Procedure and Public Notice Requirements, was adopted as R.1979 d.166, effective May 1, 1979. See: 11 N.J.R. 164(b), 11 N.J.R. 274(a). Chapter 100 was amended by R.1979 d.386, effective September 28, 1979. See: 11 N.J.R. 431(a), 11 N.J.R. 536(a).

Pursuant to Executive Order No. 66(1978), Chapter 100 was re-adopted as R.1989 d.295, effective May 5, 1989. See: 21 N.J.R. 368(a), 21 N.J.R. 1516(b).

Chapter 100, Ombudsman Practice and Procedure and Public Notice Requirements, was repealed, and a new Chapter 100, Office of the Ombudsman for the Institutionalized Elderly Practice and Procedure Rules, was adopted as R.1990 d.316, effective June 18, 1990. See: 22 N.J.R. 1016(c), 22 N.J.R. 1926(a).

Pursuant to Executive Order No. 66(1978), Chapter 100 was re-adopted as R.1995 d.336, effective May 26, 1995. See: 27 N.J.R. 1348(a), 27 N.J.R. 2388(a).

Pursuant to Reorganization Plan No. 001-1996, Chapter 100, Office of the Ombudsman for the Institutionalized Elderly Practice and Procedure Rules, was recodified to N.J.A.C. 8:90, effective October 15, 1997. See: 29 N.J.R. 4679(a).

Chapter 100, Historic Preservation Grant Program, was codified in Title 15 as Chapter 33, Historic Grant Preservation Program. See: 30 N.J.R. 1351(a), 30 N.J.R. 4252(a). Chapter 33, Historic Grant Preservation Program, expired February 18, 2002.

Chapter 100, Historic Preservation Grant Program, was adopted as new rules by R.2004 d.46, effective February 2, 2004. See: 35 N.J.R. 1178(a), 36 N.J.R. 650(a).

Chapter 100, Historic Preservation Grant Program, was readopted as R.2009 d.23, effective December 10, 2008. See: Source and Effective Date.

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**SUBCHAPTER 1. GENERAL PROVISIONS****5:100-1.1 Purpose**

This chapter constitutes the rules of the New Jersey Historic Trust "in but not of" the Department of Community Affairs for the Historic Preservation Grant Program for the award of grants on a competitive basis for the preservation, restoration or rehabilitation of historic properties owned by county and municipal government agencies or entities, and by tax-exempt nonprofit organizations. Terminated or lapsed grants under P.L. 1987, c.265, P.L. 1992, c.88 and P.L. 1995, c.204 which are to be redistributed shall be subjected to this chapter.

**5:100-1.2 Severability**

If any portion of this chapter is declared invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

**5:100-1.3 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 New Jersey Green Acres, Cultural Center and Historic Preservation Bond Act of 1987, P.L. 1987, c.265, the Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992, P.L. 1992, c.88, the Green Acres, Clean Water, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995, P.L. 1995, c.204 and the Garden State Trust Fund Act, N.J.S.A. 13:8C-1 et seq.

"Applicant" means the county or municipal government entity or agency, 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 during 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 understanding the preservation or rehabilitation of a historic property.

"Deputy State Historic Preservation Officer" means the person(s) 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 National Register of Historic Places.

"Garden State Preservation Trust Fund" means a public body corporate and politic, with corporate succession, established in but not of the Department of Treasury created by the Garden State Trust Fund Act, N.J.S.A. 13:8C-1 et seq.

"Grant recipient" means the applying county or municipal government entity or agency or nonprofit organization named in a project agreement executed with the Trust which 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.) and N.J.A.C. 7:4.

"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 the historic property, structure, facility or site, and shall include any work related to provide access thereto for handicapped or disabled persons in accord with the Americans with Disabilities Act, 42 U.S.C. §§ 12101 through 12213 and the State Barrier Free Subcode, N.J.A.C. 5:23-7, and work directly related to planning for future preservation activities at a historic 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: all things deemed necessary or useful and convenient in connection with historic preservation projects; the execution of any agreements and franchises deemed by the Trustees of the New Jersey Historic Trust to be necessary or useful and convenient in connection with any historic preservation project; the procurement or provision of engineering, architectural, design, inspection, relocation, legal, financial, planning, archaeological, historic research, geological, hydrological, or other professional services, estimates, studies, reports, or advice; and feasibility studies and administrative costs incurred by the New Jersey Historic Trust to administer these grants.

"Historic site management grant" means the funds appropriated 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 codes.

"Local government unit" means, with respect to historic preservation projects, a county, municipality or other political subdivision of this State, or any agency thereof, which owns or leases on a long-term basis a historic property, structure, facility or site.

"Master planning" is the term used to describe any of the following activities: preparation of a 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.).

"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 1986 (26 U.S.C. § 501(c)).

"Planning" means the act or process of developing procedures or designs for the management, preservation, restoration, rehabilitation, interpretation or access to a historic property.