

TEXAS HISTORICAL COMMISSION

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**AGENDA**  
**ARCHITECTURE COMMITTEE**  
Videoconference Meeting  
February 2, 2021  
1:15 p.m.

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Pursuant to the Governor's March 16, 2020 suspension of certain provisions of the Texas Open Meetings Act due to the Coronavirus (COVID-19) the February 2, 2021 meeting of the THC Architecture Committee will be held by videoconference as authorized under Texas Government Code section 551.127. Zoom meeting access link (registration required): <http://bit.ly/feb2021committees> or audio only access via telephone at 1-346-248-7799; Webinar ID: 918 0036 1390.

Agenda and meeting materials will be available at [www.thc.texas.gov/videoconferences](http://www.thc.texas.gov/videoconferences), after January 27, 2021. The members may discuss and/or take action on any of the items listed in the agenda.

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1. Call to Order — *Chairman Perini*
  - A. Committee member introductions
  - B. Establish quorum
  - C. Recognize and/or excuse absences
2. Consider approval of meeting minutes for the Architecture Committee Meeting of October 27, 2020 — *Perini*
3. Division of Architecture update and Committee discussion — *Harvell*
4. Consider approval of the recapture of funds from and/or supplemental funding to previously-awarded Texas Historic Courthouse Preservation Program projects (Item 9.2) — *Tietz*
5. Consider approval of Texas Historic Courthouse Preservation Program Round XI grant awards (Item 9.3) — *Tietz*
6. Consider adoption of amendments to the Texas Administrative Code, Title 13, Part 2, Chapter 17, State Architectural Programs, related to Review of Work on County Courthouse, §17.2 with changes to the text as published in the November 13, 2020 issue of the *Texas Register* (45 TexReg 8083-8086) (Item 6.5A) — *Tietz*
7. Consider approval of filing authorization of proposed amendments to sections 13.3 -13.6 of the Texas Administrative Code, Title 13, Part 2, Chapter 13 related to the Texas Franchise Tax Credit for Certified Rehabilitation of Certified Structures for first publication and public comment in the *Texas Register* (Item 9.4) — *Wright*
8. Adjournment — *Perini*

# MINUTES

## TEXAS HISTORICAL COMMISSION

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### MINUTES ARCHITECTURE COMMITTEE

Videoconference Meeting

October 27, 2020

10:00 a.m.

**Committee members in attendance:** Commissioners Tom Perini, Laurie Limbacher, Garrett Donnelly, Earl Broussard, and Monica Burdette.

**Committee members absent:** Commissioners Lilia Garcia and Wallace Jefferson

#### 1. Call to Order

The meeting was called to order by Chairman Tom Perini at 10:14 a.m. He announced the meeting had been posted to the *Texas Register*, was being held in conformance with the Texas Open Meetings Act, Texas Government Code, Chapter 551 and that notice was properly posted with the Secretary of State's Office as required.

#### A. Committee member introductions

Chairman Perini welcomed everyone and called on each commissioner to individually state their name and the city in which they reside.

#### B. Establish quorum

Chairman Perini reported a quorum was present and declared the meeting open.

#### C. Recognize and/or excuse absences

Chairman Perini made a motion to excuse the absence of Commissioners Lilia Garcia and Wallace Jefferson. Commissioner Monica Burdette seconded the motion, which passed unanimously.

#### 2. Consider approval of the June 16, 2020 Architecture Committee Minutes

Chairman Perini called for a motion to approve the minutes of the June 16, 2020 Architecture Committee meeting. Commissioner Broussard motioned and Commissioner Donnelly seconded the motion, which passed unanimously.

#### 3. Division of Architecture update and committee discussion

Division of Architecture director Bess Althaus Graham provided an update of the activities within the Division of Architecture. She announced that the division was fully staffed with the hiring of Christina Reith and Greta Wilhelm. Ms. Graham began her report with an overview of the division. She highlighted several projects including the Battleship Texas Macro Objects and the Battleship Texas Foam Installation, which were permitted by the Commission. Ms. Graham noted the foam installation was successful and working very well.

Ms. Graham continued by reporting on activities of the Texas Preservation Trust Fund program led by Lisa Harvell. She reported the TPTF Advisory Board met on September 23<sup>rd</sup> to discuss the project proposal round. She announced 24 project proposals were accepted and the TPTF Advisory Board selected 11 for potential funding. Ms. Graham advised the funding for awards equaled less than \$250,000. She highlighted several projects that were selected to move forward for potential funding. Ms. Graham also advised that supplemental funding to previously awarded projects was recommended for Casa Ronquillo in the amount of \$30,000 and for Mary Christian Burleson Homestead in the amount of \$24,000.

Reporting on the Disaster Assistance Program lead by Lisa Hart, funded by the National Park Service (NPS) Emergency Supplemental Historic Preservation Fund (EMSHPF), Ms. Graham noted the Subgrant Agreement and Programmatic Agreement were in place. She reported that staff were moving forward with Section 106 Reviews. She also reported NPS was conducting Tribal consultations and would be performing National Environmental Protection Act (NEPA) environmental reviews. Ms. Graham stated 7 contracts for planning grants had been signed and were currently underway. She also noted several development projects had gone through the Section 106 process and had been submitted to NPS for Tribal / NEPA review. Ms. Graham highlighted Fire Station #3 in Houston and the Ritz Theater in Corpus Christi which were both alternate projects that were being considered for proposed funding.

Ms. Graham highlighted the activities of the State and Federal Tax Credit Program led by Caroline Wright. She reported on a new agency publication, *Report on Historic Preservation Tax Credits in Texas* which showcases Certified Tax Credit projects. Ms. Graham noted the economic impact in Texas of the State Tax Credit Program added \$4 billion to the Texas gross domestic product since January 2015. She reported that currently more than 175 projects were pending at Part 2 of a 3-Part Review with \$1.6 billion in estimated qualified rehabilitation expenditures. Ms. Graham advised that the THC charged for processing tax credit applications and the maximum fee was \$9,000. She noted that \$2.71 million in total fees had been collected since January 2015 and the THC had been appropriated \$485,000 in total fees to offset program costs. Ms. Graham highlighted several completed projects for the quarter including Freear Furniture Company/Maskat Shrine Temple and Second and Main Lofts in Taylor.

Ms. Graham reported on activities of the Courthouse Preservation Program led by Susan Tietz. Ms. Graham highlighted full restoration projects for Falls County, Lipscomb County, and Marion County which would all be rededicated in the coming months.

#### **4. Consider approval of the recapture of funds and/or supplemental funding to previously awarded Texas Historic Courthouse Preservation Program projects**

Ms. Graham reported that Duval County Courthouse was awarded an emergency grant at the June 2020 committee meeting in the amount of \$580,231 with a 30% match of \$248,671. The county was unable to afford a full structural assessment until they received the award. The engineer recommended increasing the scope of work to stabilize the building. Ms. Graham reported the county was requesting supplemental funding in the amount of \$340,863 with a 30% match of \$146,084. She advised the total funding with supplemental request would be \$921,094 with a local match of \$394,755. Ms. Graham reassured the committee the THCCP program would have an unobligated funds balance of \$3,113,082.89 following supplemental award and recaptures.

Ms. Graham reported on the recommended recapture of THCCP grant award for Mason County which received a Round X Master Plan Update Grant of \$50,000 with required match of \$5,000. She advised the final reimbursement was \$45,150.20 and recommended recapturing the remaining balance of \$4,749.80. Ms. Graham noted the Mason County Master plan update was complete and the county received Round XI full restoration funding.

Ms. Graham also reported on the recommended recapture of a THCPP grant award for Refugio County. She advised the county received a Round X emergency planning grant of \$863,000, including \$413,000 in supplementary funding. She reported the county had concerns over raising the \$2,453,858 required match to complete planning work and decided to return grant funds to the THCPP grant program. Ms. Graham advised that the staff recommended a recapture award of \$863,000 from Refugio County.

Commissioner Tom Perini questioned what would happen with the Refugio County Courthouse. Ms. Graham advised that, because the county sustained significant damage from Hurricane Harvey, they had worked with FEMA and were currently working with their insurance company. Commissioner Monica Burdette questioned if Refugio County would be qualified to apply again in the future. Ms. Graham advised they would be able to reapply again, and their project would be scored without prejudice.

Commissioner Laurie Limbacher moved that the Architecture committee send forward to the Commission and recommend approval of the recapture of funds from and/or supplementary funding to previously awarded projects as follows:

- Grant supplemental funding to Duval County in the amount of \$340,863 with a required 30% match of \$146,084
- Recapture from Mason County in the amount of \$4,749.80
- Recapture from Refugio County in the amount of \$863,000

Commissioner Monica Burdette seconded the motion, which passed unanimously.

#### **5. Consider approval of filing authorization of proposed amendments to the Texas Administrative Code, Title 13, Part 2, Chapter 17, Section 17.2, related to Review of Work on County Courthouses, for first publication in the *Texas Register***

Ms. Graham reported the amendment referred to a proposed Chapter 21 rule for new processes for relocating or removing markers and monuments on courthouse squares. Ms. Graham noted this further defined a courthouse site as including courthouse squares and associated sites, including definitions of monuments and hardscapes.

Commissioners discussed “landscaping” as a monument that the THC should have authority over with regard to the State Courthouse Law. Executive Director Mark Wolfe suggested that staff look into the matter further.

Commissioner Laurie Limbacher moved that the Architecture Committee send forward to the commission and recommend approval to authorize filing of proposed amendments to the Texas Administrative Code, Title 13, Part 2, Chapter 17, Section 17.2, related to Review of Work on County Courthouses, for first publication in the *Texas Register*. Commissioner Earl Broussard seconded the motion, which passed unanimously.

#### **6. Adjournment**

Commissioner Laurie Limbacher moved to adjourn the meeting. Chairman Perini adjourned the meeting at 10:59 a.m.

## Quarterly Report

Division of Architecture  
October–December 2020

### FEDERAL AND STATE REVIEW

During the first quarter, the Division of Architecture's regional review staff completed 112 reviews under Section 106 of the National Historic Preservation Act of 1966, issued 9 permits for State Antiquities Landmark (SAL) properties, reviewed 91 Recorded Texas Historic Landmark properties, and provided oversight and guidance to 15 active Texas Preservation Trust Fund (TPTF) architecture grant projects.

### State Antiquities Landmarks

**Battleship Texas Foundation**, Valkor, and Resolve have continued prepping the ship for transport to the shipyard where extensive rehabilitation will take place. Foam installation has been completed in all 44 blister tanks and five interior tanks. This project included opening a small section in each blister tank, installing a protective lining, and filling the tank with foam. Prior to this project there were 1,500 gallons of water being pumped out of the *Texas* per minute. Now that the project is complete, there are only 5 gallons of water being pumped out per minute, dramatically reducing the need for pumps and confirming that the foam is working as expected, preventing water ingress into the vessel. Thus, around 40 pumps were removed and stored for future use, if ever necessary.

A flood alarm system has also been installed in order to alert staff, regardless of their location, of any flooding or major water accumulation on the ship. This will not only indicate that water is present but will also inform staff of how much is accumulating.

Rehabilitation of the **Old Dallas Municipal Building** for use as the University of North Texas at Dallas College of Law has been completed. The project undertook the compatible rehabilitation for use by the school of law and includes selective demolition, systems integration, reconstruction, and restoration of character-defining features of the 1914 design, and interpretation of other historic elements, in particular, the Lee Harvey Oswald holding cell. The project has also been certified for state historic tax credits, under the 2017 legislative change that temporarily opened the program to state colleges and universities.

### Section 106 of the National Historic Preservation Act

For over a year, the Division of Architecture staff has been working with the General Service Administration (GSA) to arrest spalling masonry and plaster from a historic downtown Dallas historic building. Deteriorated stucco and cast stone elements were separating and falling from the façade of the National Register-listed 1925 **Santa Fe Federal Building**. DOA staff recently determined that GSA's first phase of proposed exterior rehabilitation will have no adverse effect on this significant art deco building and can now move forward to construction. Included in the exterior rehabilitation will be stabilization of the stucco façade and replication of several character-defining features, which will signal the rebirth of this impressive historic building to its former glory.

### Texas Preservation Trust Fund

Due to significant economic uncertainty, Texas state agencies were directed to reduce their General Revenue budgets by 5 percent. Unfortunately, this action resulted in the loss of funds earmarked for the FY 2021 TPTF grant awards. While THC requested the return of this funding to the agency's budget, we will not know if that will be the case until the legislative session concludes on May 31, 2021. As a result, the TPTF funding recommendations were conditionally approved by the Commission so the grant awards may be made when and if funding becomes available.

Based on a large scope of work, the county of El Paso received supplemental funding of \$24,000 for the **Casa Ronquillo** project in San Elizaro. The county originally received a FY 2018 TPTF grant award of \$30,000 and this additional amount brings its total grant award to \$54,000. Additionally, the **Mary Christian Burleson Homestead Foundation** received supplemental funding of \$30,000 for the homestead to assist with a larger scope of work than initially funded. The foundation originally received a FY 2018 TPTF Hurricane Harvey emergency grant of \$30,000, and this brings its total grant award to \$60,000. Both projects will be near completion as result of receiving additional grant funds.

## Hurricane Harvey Emergency Supplemental Historic Preservation Fund (ESHPPF)

Environmental clearances progressed on development/construction project grants. Division of Architecture staff generated Section 106 packages and the National Park Service (NPS) initiated tribal consultation for all development projects.

Two awarded development projects dropped out of the program and funds were redirected to two alternate projects, **Fire Station #3** in Houston, and the **Ritz Theater** in Corpus Christi.

Staff is developing multiple draft subgrant funding agreements in anticipation of final environmental approvals. Completion of this paperwork will put these grant awardees one step closer to reimbursement and final close-out of these awards.

## PRESERVATION TAX CREDITS

The tax credit program remains remarkably busy as construction and design planning continues across the state. During this quarter, the **Texas Historic Preservation Tax Credit** program received 13 Part A, 8 Part B, 17 Part B amendments, and 11 Part C applications, and 2 Part C amendment applications.

**Certificates of Eligibility** were issued for 11 completed projects in Austin, Brenham, Brownwood, El Paso, Floresville, Galveston, Houston, Paris, and San Antonio. (see Highlights for newly certified projects). Qualified expenses for these projects total nearly **\$97 million**. A total of 261 projects have been certified since the beginning of the program, with qualified expenses of over \$1.9 billion.

For the **federal tax credit program**, staff received 5 Part 1, 5 Part 2, 12 Part 2 amendment, 4 Part 3, and 1 Part 3 amendment applications. One project was certified by the NPS this quarter.

Tax credit staff conducted two site visits this quarter, including a small potential project in Austin and a completion walk-through of the **First National Bank Tower/Elm Place** in Dallas. As the largest and most costly tax credit project in Texas, the project has taken years to complete and will likely be certified by the end of the next quarter.

In November, Valerie Magolan presented as part of a virtual panel at the annual National Trust for Historic Preservation conference. This panel was planned by the NPS as an offshoot of the summer tax credit training when both Caroline Wright and Valerie made presentations. NPS staff, along with Valerie and staff from

the Kansas SHPO, presented case studies on rehabilitation projects of mid-century buildings.

Caroline Wright, along with Federal and State Review staff (Hänsel Hernández and Lydia Woods-Boone), presented (virtually) to a preservation class at Texas Tech in El Paso. THC staff talked about the function of the SHPO, our specific programs, and how we coordinate with other organizations.

## COURTHOUSE PRESERVATION

### Reimbursement Request Training

In early December, THCPP staff (Susan Tietz and Olivia Hillmer) held a webinar to train county auditors on the grant reimbursement process and how to complete the new reimbursement request form.

### Texas Historic Courthouse Preservation Program Construction Projects

Interior plaster patching and other interior finish restoration work is underway in the **Falls County Courthouse** in Marlin. The mock-up for the unique finish of cerusing, or “limed finish,” has been approved for replication in the county courtroom, and mock-ups for historic light fixture replication and terrazzo flooring have also been accepted. Window rehabilitation and masonry restoration and cleaning are complete, and the scaffolding is being dismantled to reveal a fully restored exterior. The county is coordinating an early spring rededication with the THC.

Roof joists are being set for the mansard roof reconstruction at the **Fannin County Courthouse** in Bonham. Chimney reconstruction is complete, and the rest of the complex masonry restoration is ongoing. The interior walls are being prepared for plaster restoration, and replica window installation is underway. An Autumn 2021 rededication will be planned.

The interior finishes and vault doors are the final scopes of work to complete the restoration of the **Lipscomb County Courthouse**, set to be rededicated this spring.

Stenciling, millwork, and courtroom furnishings in the district courtroom of the **Marion County Courthouse** in Jefferson are all that remain to complete the restoration. An early February rededication is anticipated.

Status Report for Round IX Full Restoration and Emergency Grant Projects

1/11/2021

| Construction                             |                 |                                  |         |            |                  |                |              |                 |                  | Post-Construction |           |                   |                        |                    |              |                             |                          |  |
|--|-----------------|----------------------------------|---------|------------|------------------|----------------|--------------|-----------------|------------------|-------------------|-----------|-------------------|------------------------|--------------------|--------------|-----------------------------|--------------------------|--|
| County                                   | Reviewer        | Grant Award & Balance            | NTP Bid | SAL Permit | Bid Period Start | Const Contract | NTP Contract | Construct Start | Work In Progress | Close Out Docs    | Insurance | Completion Report | Substantial Completion | Project Completion | Rededication | Architect                   | Contractor               | Status Notes   |
| <b>Cameron</b><br>Emergency Construction | Tania Salgado   | \$450,000.00<br>\$45,000.00      | ■       | ■          | 12/04/2016       | ■              | ■            | 7/26/2018       | □                | □                 | ■         | □                 | 3/29/2019              | 5/1/2019           | N/A          | Ford, Powell & Carson, Inc. | SpawGlass                | Completion Report Draft under review in digital form.  |
| <b>Fannin</b><br>Full Restoration        | James Malanaphy | \$5,600,000.00<br>\$4,767,470.00 | ■       | □          | 01/01/2018       | ■              | ■            | 4/1/2018        | ■                | □                 | □         | □                 | 10/1/2021              | 11/1/2021          | TBD          | ArchiTexas Dallas           | Phoneix 1                | Restoration is 45% complete. Limestone is being quarried in order to replicate missing section of facade. Technicians, electricians and plumbers are beginning to route utilities and MEP systems into the building. |
| <b>Hunt</b><br>Planning                  | James Malanaphy | \$646,401.80<br>\$0.00           | N/A     | □          | N/A              | N/A            | N/A          | N/A             | □                | □                 | ■         | ■                 | N/A                    | 1/4/2018           | N/A          | ArchiTexas Dallas           | N/A                      | Complete   |
| <b>Karnes</b><br>Full Restoration        | Tanis Salgado   | \$4,093,559.00<br>\$0.00         | ■       | ■          | 10/14/2015       | ■              | ■            | 11/1/2015       | ■                | ■                 | ■         | ■                 | 1/29/2018              | 3/2/2018           | 4/7/2018     | Fisher-Heck Architects      | MJ Boyle                 | Complete.  |
| <b>Kleberg</b><br>Emergency Construction | Tania Salgado   | \$450,000.00<br>\$45,000.00      | ■       | ■          | N/A              | ■              | ■            | 1/29/2018       | □                | □                 | □         | ■                 | 4/8/2019               | 5/8/2019           | N/A          | Komatsu Architecture        | JC Stoddard Construction | Awaiting Completion Report   |
| <b>Lynn</b><br>Full Restoration          | Eva Osborne     | \$5,149,905.00<br>\$348,264.00   | ■       | ■          | 12/01/2016       | ■              | ■            | 5/1/2017        | ■                | □                 | □         | □                 | 10/1/2019              | 2/1/2019           | 7/20/2019    | Komatsu Architecture        | JC Stoddard Construction | Awaiting Completion Report   |
| <b>San Saba</b><br>Full Restoration      | Eva Osborne     | \$4,911,105.00<br>\$491,111.00   | ■       | ■          | 08/25/2017       | ■              | ■            | 12/8/2017       | ■                | □                 | □         | □                 | 10/1/2019              | 11/1/2019          | 3/4/2020     | ArchiTexas Austin           | JC Stoddard Construction | Awaiting Completion Report   |
| <b>Willacy</b><br>Emergency Construction | Tania Salgado   | \$402,970.00<br>\$402,970.00     | □       | □          | 03/01/2020       | □              | □            | TBD             | ■                | □                 | □         | □                 | 3/15/2021              | TBD                | N/A          | Limbacher & Godfrey         |                          | Newly proposed schedule approved by staff on 08/06/2020. Substantial completion by 03/15/2021.   |

Count: 8

Total Funds Awarded:  
\$21,703,940.80

Funds Remaining:  
\$6,099,815.00

Status Report for Round X Full Restoration and Emergency Grant Projects

1/11/2021

| County & Round                             | Reviewer        | Grant Award & Balance            | Pre-Construction |          |               |                | Construction |            |                  |                |              |                 |                  | Post-Construction      |                    |              | Architect                          | Contractor                       | Status Notes   |
|--|-----------------|----------------------------------|------------------|----------|---------------|----------------|--------------|------------|------------------|----------------|--------------|-----------------|------------------|------------------------|--------------------|--------------|------------------------------------|----------------------------------|--|
|  |                 |                                  | Funding Agree    | Easement | Arch Contract | Construct Docs | NTP Bid      | SAL Permit | Bid Period Start | Const Contract | NTP Contract | Construct Start | Work In Progress | Substantial Completion | Project Completion | Rededication |                                    |                                  |  |
| <b>Camp</b><br>Emergency Construction      | James Malanaphy | \$417,576.00<br>\$132,971.00     | ■                | ■        | ■             | □              | ■            | □          | 12/21/2019       | ■              | □            | TBD             | ■                | 12/15/2020             | 1/15/2021          | N/A          | Komatsu Architecture               | Out to bid                       | Received certificate of substantial completion.  |
| <b>Falls</b><br>Full Restoration           | Greta Wiehlm    | \$5,832,430.00<br>\$2,523,910.00 | ■                | ■        | ■             | ■              | ■            | ■          | 06/01/2019       | ■              | ■            | 12/9/2019       | ■                | TBD                    | 4/1/2021           | TBD          | Komatsu Architecture               | Stoddard Construction Management | Exterior scaffold removal in progress. Accessible concrete ramp has been poured. Plaster patching and restoration in progress. Interior restoration of millwork, doors and light fixtures is also in progress. |
| <b>Goliad</b><br>Emergency Construction    | Tania Salgado   | \$205,995.00<br>\$155,222.00     | ■                | □        | ■             | ■              | ■            | ■          | 10/10/2018       | ■              | ■            | 1/9/2019        | □                | 11/22/2019             | 11/22/2019         | N/A          | Wiss Janney Elstner Associates Inc | Phoenix 1                        | Completion report draft returned to architect for revisions. SAL Permit returned to architect for revisions.   |
| <b>Kimble</b><br>Emergency Construction    | Tania Salgado   | \$318,176.00<br>\$318,176.00     | ■                | ■        | ■             | □              | □            | N/A        | 11/30/2018       | ■              | ■            | 7/1/2019        | ■                | 1/31/2020              | 2/15/2020          | N/A          | Hutson Gallagher                   | Joe R. Jones Construction        | Reviewing completion report.   |
| <b>Lee</b><br>Emergency Planning           | Greta Wiehlm    | \$44,170.00<br>\$1,190.00        | ■                | N/A      | ■             | □              | N/A          | N/A        | N/A              | N/A            | N/A          | N/A             | □                | N/A                    | N/A                | N/A          | Sparks Engineering                 | N/A                              | Complete. Awaiting final reimbursement request and completion documents.   |
| <b>Limestone</b><br>Emergency Construction | Greta Wiehlm    | \$438,854.00<br>\$431,579.00     | ■                | □        | ■             | □              | □            | □          | 02/01/2020       | □              | □            | 3/15/2020       | □                |                        | 8/1/2020           | N/A          | Komatsu Architecture               |                                  | Bids due January 11, 2021.   |
| <b>Lipscomb</b><br>Full Restoration        | Eva Osborne     | \$4,937,006.00<br>\$2,469,005.00 | ■                | □        | ■             | ■              | ■            | ■          | 09/14/2018       | ■              | ■            | 1/9/2020        | □                | 1/4/2021               | 1/4/2021           | TBD          | Arthur Weinman                     | Premier Metalwerks               | Exterior elevator addition removed, façade is being restored. New elevator installed, interior finishes in process. Rededication date to be determined.  |
| <b>Marion</b><br>Full Restoration          | James Malanaphy | \$4,682,610.00<br>\$787,186.00   | ■                | ■        | ■             | ■              | ■            | ■          | 09/01/2018       | ■              | ■            | 10/1/2018       | ■                | 2/1/2021               | 3/1/2021           | 2/1/2021     | Komatsu Architecture               | Joe R. Jones Construction        | The courthouse restoration is 99% complete, awaiting final punch list inspection scheduled for mid-January 2021. Final clean up and minor repairs appear to be all that remains to be completed.               |
| <b>Menard</b><br>Full Restoration          | Eva Osborne     | \$1,382,388.16<br>\$281,024.00   | ■                | ■        | ■             | ■              | ■            | ■          | 03/29/2019       | ■              | ■            | 8/1/2019        | ■                | 11/23/2020             | 11/23/2020         | TBD          | Stan Klein Architect, LLC          | JC Stoddard Construction         | Mechanical equipment is being isolated to improve courtroom acoustics. New elevator installed, and historic jail being restored as offices with a single cell preserved. Punch list complete.                  |
| <b>Milam</b><br>Emergency Construction     | Greta Wiehlm    | \$60,012.00<br>\$60,012.00       | ■                | ■        | ■             | ■              | ■            | ■          | 04/01/2019       | ■              | ■            | 8/15/2019       | ■                | N/A                    | 12/1/2019          | N/A          | ArchITexas Austin                  | MRI Builders                     | Complete. Awaiting single easement attachment before releasing reimbursement.  |

## Status Report for Round X Planning Grant Projects

1/11/2021

| County    | Round | Reviewer        | Grant Award   | Remaining     | Agreement | Contract | Schematic Design | 65% | 95% | Architect            | Contact      |
|-----------|-------|-----------------|---------------|---------------|-----------|----------|------------------|-----|-----|----------------------|--------------|
| Callahan  | 10p   | Eva Osborne     | \$ 865,109.00 | \$ 129,766.00 | ■         | ■        | ■                | ■   | ■   | Komatsu Architecture | Rick Sacy    |
| Polk      | 10p   | Greta Wilhelm   | \$ 736,638.00 | \$ 71,073.00  | ■         | ■        | ■                | ■   | ■   | Komatsu Architecture | Karl Komatsu |
| Van Zandt | 10p   | James Malanaphy | \$ 423,572.00 | \$ 84,714.00  | ■         | ■        | ■                | ■   | ■   | Barham & Associates  | Michael      |

Count: 3

Total Funds \$2,025,319.00

Funds Remaining: \$285,553.00

## Status Report for Round X Master Planning Grant Projects

| County     | Round | Reviewer        | Grant Award  | Remaining    | Agreement | Contract | Schematic Design | 65% | 95% | Architect              | Contact           |
|------------|-------|-----------------|--------------|--------------|-----------|----------|------------------|-----|-----|------------------------|-------------------|
| Bandera    | 10MP  | Tania Salgado   | \$ 50,000.00 | \$ 50,000.00 | ■         | ■        | ■                | ■   | ■   | ArchiTexas Austin      | Stan Graves       |
| Bell       | 10MP  | James Malanaphy | \$ 22,500.00 | \$ 22,500.00 | ■         | ■        | ■                | ■   | ■   | EIKON Consulting Group | Michael Tubiolo   |
| Blanco     | 10MP  | Greta Wilhelm   | \$ 50,000.00 | \$ 50,000.00 | ■         | ■        | ■                | ■   | □   | Hutson Gallagher       | Chris Hutson      |
| Burnet     | 10MP  | Greta Wilhelm   | \$ 44,900.00 | \$ 44,900.00 | ■         | ■        | ■                | ■   | ■   | ArchiTexas Austin      | Larry Irsik       |
| Chambers   | 10MP  | Greta Wilhelm   | \$ 50,000.00 | \$ 50,000.00 | ■         | ■        | ■                | ■   | ■   | ArchiTexas Dallas      | Jay Firsching     |
| Clay       | 10MP  | Eva Osborne     | \$ 50,000.00 | \$ 50,000.00 | ■         | ■        | ■                | ■   | ■   | Harper Perkins         | Charles F. Harper |
| Coleman    | 10MP  | Eva Osborne     | \$ 50,000.00 | \$ 50,000.00 | ■         | ■        | ■                | ■   | ■   | ArchiTexas Austin      | Larry Irsik       |
| Collin     | 10MP  | James Malanaphy | \$ 44,000.00 | \$ 44,000.00 | ■         | ■        | ■                | ■   | ■   | ArchiTexas Dallas      | David Chase       |
| Duval      | 10MP  | Tania Salgado   | \$ 50,000.00 | \$ 20,000.00 | ■         | ■        | ■                | ■   | ■   | ArchiTexas Austin      | Stan Graves       |
| Frio       | 10MP  | Tania Salgado   | \$ 50,000.00 | \$ 50,000.00 | ■         | ■        | ■                | ■   | ■   | ArchiTexas Austin      | Stan Graves       |
| Grayson    | 10MP  | James Malanaphy | \$ 50,000.00 | \$ 50,000.00 | ■         | ■        | ■                | ■   | ■   | ArchiTexas Dallas      | David Chase       |
| Hall       | 10MP  | Eva Osborne     | \$ 46,655.00 | \$ -         | ■         | ■        | ■                | ■   | ■   | Arthur Weinman         | Arthur Weinman    |
| Hutchinson | 10MP  | Eva Osborne     | \$ 50,000.00 | \$ 50,000.00 | ■         | ■        | ■                | □   | □   | Barham & Associates    | Michael Barham    |
| Jefferson  | 10MP  | Greta Wilhelm   | \$ 50,000.00 | \$ -         | ■         | ■        | ■                | ■   | ■   | LaBiche Architectural  | Dohn LaBiche      |
| Kimble     | 10MP  | Tania Salgado   | \$ 45,625.00 | \$ 45,625.00 | ■         | ■        | ■                | ■   | ■   | Hutson Gallagher       | Chris Hutson      |
| Kleberg    | 10MP  | Tania Salgado   | \$ 49,500.00 | \$ 49,500.00 | ■         | ■        | □                | □   | □   | Komatsu Architecture   | Vincent Ramirez   |
| Limestone  | 10MP  | Greta Wilhelm   | \$ 43,000.00 | \$ 43,000.00 | ■         | ■        | ■                | □   | □   | Komatsu Architecture   | Charlie Kearns    |
| Mason      | 10MP  | Eva Osborne     | \$ 49,900.00 | \$ -         | ■         | ■        | ■                | ■   | ■   | ArchiTexas Austin      | Stan Graves       |
| McLennan   | 10MP  | James Malanaphy | \$ 44,900.00 | \$ 44,900.00 | ■         | ■        | ■                | ■   | □   | ArchiTexas Dallas      | David Chase       |
| Randall    | 10MP  | Eva Osborne     | \$ 50,000.00 | \$ 50,000.00 | ■         | ■        | □                | □   | □   | Hutson Gallagher       | Chris Hutson      |
| Robertson  | 10MP  | Greta Wilhelm   | \$ 40,000.00 | \$ 40,000.00 | ■         | ■        | □                | □   | □   | ArchiTexas Dallas      | Jay Firsching     |
| Taylor     | 10MP  | Eva Osborne     | \$ 20,000.00 | \$ -         | ■         | ■        | ■                | ■   | ■   | ArchiTexas Austin      | Stan Graves       |
| Upshur     | 10MP  | James Malanaphy | \$ 50,000.00 | \$ -         | ■         | ■        | ■                | ■   | ■   | Komatsu Architecture   | Gordon Marchant   |
| Willacy    | 10MP  | Tania Salgado   | \$ 50,000.00 | \$ 50,000.00 | □         | □        | □                | □   | □   | Limbacher & Godfrey    | Laurie Limbacher  |
| Wise       | 10MP  | James Malanaphy | \$ 50,000.00 | \$ -         | ■         | ■        | ■                | ■   | ■   | Komatsu Architecture   | Gordon Marchant   |

Count: 25

Total Funds \$1,144,980.00

Funds \$859,425.00

## Status Report for Round XI Full Restoration and Emergency Grant Projects

1/11/2021

| County & Round                               | Pre-Construction |                                  |                          |                                     |                                     |                                     |                                     | Construction                        |                          |                  |                          |                          |                 | Post-Construction                   |                        |                    | Architect | Contractor           | Status Notes |   |
|--|------------------|----------------------------------|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|------------------|--------------------------|--------------------------|-----------------|-------------------------------------|------------------------|--------------------|-----------|----------------------|--------------|---|
|  | Reviewer         | Grant Award & Balance            | Ack Form                 | Funding Agreement                   | Easement                            | Architect Contract                  | Construct Documents                 | NTP Bid                             | SAL Permit               | Bid Period Start | Const Contract           | NTP Contract             | Construct Start | Work In Progress                    | Substantial Completion | Project Completion |           |                      |              | Rededication  |
| <b>Callahan</b><br>11<br>Full Restoration    | Eva Osborne      | \$4,684,891.00<br>\$4,684,891.00 | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | 3/29/2020        | <input type="checkbox"/> | <input type="checkbox"/> | 4/1/2020        | <input type="checkbox"/>            | 4/1/2023               | 4/1/2023           | TBD       | Komatsu Architecture |              | Planning Grant completed. County employees preparing to evacuate courthouse prior to construction.  |
| <b>Duval</b><br>11<br>Emergency Construction | Tania Salgado    | \$921,094.00<br>\$921,094.00     | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |                  | <input type="checkbox"/> | <input type="checkbox"/> |                 | <input checked="" type="checkbox"/> |                        |                    |           | Architexas (Austin)  |              | County was awarded a Supplemental Grant for \$340,863 on October 28th 2020.   |
| <b>Lee</b><br>11<br>Emergency Construction   | Greta Wilhelm    | \$1,970,149.00<br>\$1,970,149.00 | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |                  | <input type="checkbox"/> | <input type="checkbox"/> |                 | <input type="checkbox"/>            |                        |                    |           | Hutson Gallagher     |              | Survey and geotech testing completed, formal reports to be issued. Design team is documenting existing conditions and working on DD drawings. |
| <b>Mason</b><br>11<br>Full Restoration       | Greta Wilhelm    | \$4,140,119.00<br>\$4,140,119.00 | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |                  | <input type="checkbox"/> | <input type="checkbox"/> |                 | <input type="checkbox"/>            |                        |                    |           | Architexas (Austin)  |              | Funding Agreement ready for THC signature.  |
| <b>Taylor</b><br>11<br>Full Restoration      | Eva Osborne      | \$5,980,000.00<br>\$5,980,000.00 | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1/5/2021         | <input type="checkbox"/> | <input type="checkbox"/> | 3/1/2021        | <input type="checkbox"/>            | 8/17/2023              | 8/17/2023          | TBD       | Architexas (Austin)  |              | Pre-bid Walk-through January 21, 2021 for Phase 1, Selective Demolition   |

Count: 5

Total Funds Awarded: \$17,696,253

Funds Remaining: \$17,696,253

## Status Report for Round XI Planning Grant Projects

| County                              | Reviewer        | Grant Award   | Remaining     | Funding Agreement                   | Easement                 | Contract                 | Schematic                | Design                   | 65%                      | 95%                      | Architect                      |
|-------------------------------------|-----------------|---------------|---------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------------|
| <b>Kimble</b><br>11<br>Planning     | Tania Salgado   | \$ 378,489.00 | \$ 378,489.00 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Hutson Gallagher               |
| <b>Washington</b><br>11<br>Planning | Greta Wilhelm   | \$ 713,130.00 | \$ 713,130.00 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Architexas (Austin)            |
| <b>Willacy</b><br>11<br>Planning    | Tania Salgado   | \$ 803,359.00 | \$ 803,359.00 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Limbacher & Godfrey Architects |
| <b>Wise</b><br>11<br>Planning       | James Malanaphy | \$ 787,753.00 | \$ 787,753.00 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Komatsu Architecture           |

Count: 4

Total Funds Awarded: \$2,682,731.00

Funds Remaining: \$2,682,731.00

Count:

9

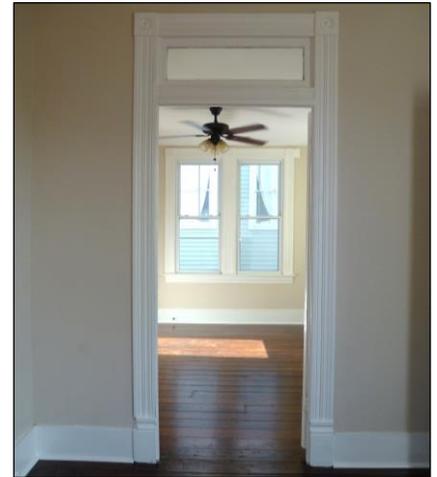
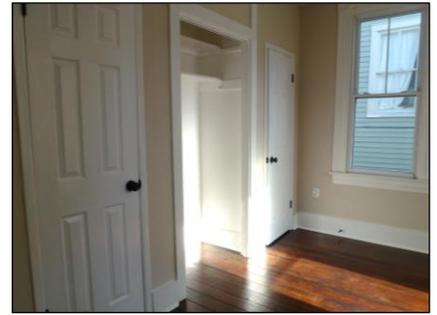
Total Funds Awarded:

\$20,038,121.00

Funds Remaining:

\$20,038,121.00

# TEXAS HISTORIC PRESERVATION TAX CREDIT PROGRAM



**1406 Moody Avenue** c.1900  
Galveston • Galveston County • Texas

## History

The Lost Bayou Historic District encompasses 23 city blocks of Galveston Island, and represents an intact neighborhood of middle-class housing from around the turn of the 20<sup>th</sup> century. Much of this land was formerly Hitchcock's Bayou, a marsh that was infilled in the 1880s (and therefore "lost") to provide more land for building. This land was considered less desirable than many of the other areas on the island such as the areas north of Broadway, and consequently the homes were more modest. The dwellings generally reflect Folk Victorian and National Folk architectural styles, which were popular at the time and achievable without an architect.

## Rehabilitation Project

This property was originally a single-family house, which was later converted into a duplex with the addition of an exterior stair and a second entrance. It also had much of its front porch enclosed. As rehabilitation projects do not require applicants to recreate an appearance of a building from before their purchase, the owner was able to retain the existing configuration of the property. The building had suffered greatly from neglect, and needed careful scraping, repair, and repainting of the flaking wood siding as well as general repairs throughout. New mechanical systems were installed, interior floors were refinished, and all new kitchen and bath fixtures were put in. This cost-efficient project provided a remarkable transformation for this rental property, and is a wonderful case study for use of the state tax credit.

DESIGNATION: Listed in the National Register of Historic Places as contributing to the Lost Bayou Historic District

HISTORIC USE: Residential

CURRENT USE: Residential

CERTIFIED: December 18, 2020

CONTACT: Gerardo Davila, Terranova Interests, LLC

Certified for state tax credits only.

## For more info

[www.thc.texas.gov/taxcreditprogram](http://www.thc.texas.gov/taxcreditprogram)

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# TEXAS HISTORIC PRESERVATION TAX CREDIT PROGRAM



## Building 13, W-K-M Company 1947 Houston • Harris County • Texas

### History

W-K-M Company, Incorporated is part of Texas's oil and gas heritage. The company is best known for their precedent-setting pipe cleaning and coating machines, rotary slips, and high-pressure valves essential for oil and gas wells. These patented designs have been in use throughout the country and worldwide. Government contracts during World War II bolstered their business, and their Houston campus expanded considerably in the 1940s. Building 13 served as the company's new office building within the complex, and its modern design was notable for the time. Its curious lack of exterior windows resulted from its early form of central air conditioning and a desire to avoid heat gain. The windowless walls only heighten the building's stripped simplicity, inspired by the postwar International Style.

### Rehabilitation Project

Although the building was in good condition, this project made significant needed repairs due to water damage, as well as upgrades to systems and finishes to enable continued use as an office building. On the exterior, the building was cleaned, non-original doors were replaced, and the leaking roof was replaced with a new bitumen roof system. The significant roof leaks had also affected the highly finished interior, much of which features original wood paneling on the walls. This paneling was repaired where possible, and replaced in some locations where salvage was not feasible. The original terrazzo floors in the front lobby were refinished and corridor floors were re-carpeted. New air handling equipment was added, a needed fire egress corridor was added, and the building also received upgrades to its lighting and restroom and kitchen facilities. This is one of many buildings within the W-K-M Historic District that have now received rehabilitations through the state tax credit program.

**DESIGNATION:** Listed in the National Register of Historic Places as contributing to the W-K-M Historic District

**HISTORIC USE:** Office

**CURRENT USE:** Office

**TOTAL COST:** \$575,214

**QUALIFIED REHABILITATION EXPENSES:** \$574,292

**CERTIFIED:** November 13, 2020

**CONTACT:** SWCA Environmental Consultants, Roberts Industrial Center, Inc.

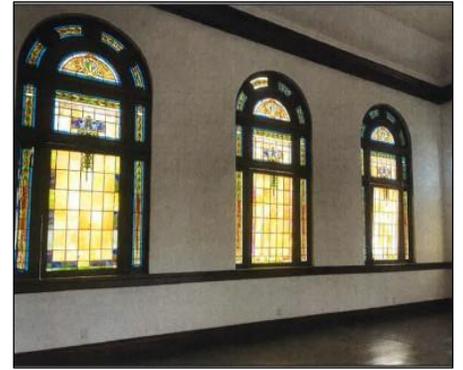
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### For more info

[www.thc.texas.gov/taxcreditprogram](http://www.thc.texas.gov/taxcreditprogram)

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# TEXAS HISTORIC PRESERVATION TAX CREDIT PROGRAM



## First Church of Christ Scientist 1917 Paris • Lamar County • Texas

### History

First Church of Christ Scientist is located in a residential neighborhood to the southwest of the commercial center of Paris. Built after the fire of 1916, which decimated downtown Paris, the brick and terra cotta church was designed by the local architecture firm of Curtis, Broad and Lightfoot in the Beau-Arts Classical style. The single-story structure features a large rectangular double-height sanctuary space with skylights to illuminate the interior. Since its construction, the property housed several different churches and was last occupied in the mid-2000s.

### Rehabilitation Project

After sitting vacant for over fifteen years, there were several structural problems around the building that were brought on by neglect. Tree roots growing too near the building unsettled areas of the foundation, and their canopies diverted rainwater to damage the exterior walls, causing cracking. These trees were removed and the foundation and walls repaired. The exterior brick and terra cotta were also cleaned through gentle means so as to not damage the materials. The roof was repaired or patched in areas where leaks had occurred. Inside, water damage was repaired and art-glass skylight panels were cleaned or replaced where missing. In order to attract a tenant, modern electrical and mechanical systems were also installed.

DESIGNATION: Individually listed in National Register of Historic Places

HISTORIC USE: Church

CURRENT USE: Commercial, office, event space

CERTIFIED: October 12, 2020

CONTACT: CTRA Property Holdings Corporation, Post Oak Preservation Solutions

Also certified for federal tax credits.

### For more info

[www.thc.texas.gov/taxcreditprogram](http://www.thc.texas.gov/taxcreditprogram)

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# TEXAS HISTORIC PRESERVATION TAX CREDIT PROGRAM



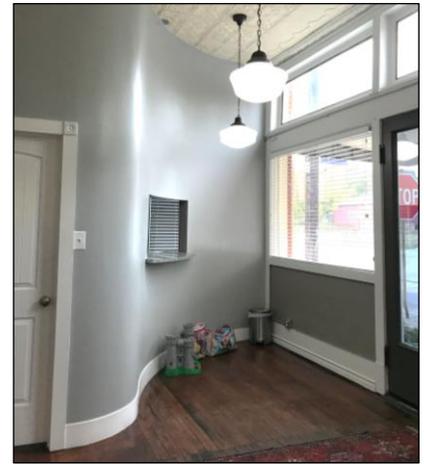
**Floresville Chronicle Journal Bldg.** 1916  
Floresville • Wilson County • Texas

## History

The Floresville Chronicle Journal newspaper was run by local legend Samuel Fore for five decades, from 1912 to 1963. Fore was an active community leader—throughout his life he had organized and served in numerous civic organizations and war support campaigns, and was elected as the city clerk, president of the local Chamber of Commerce, and a regent of the Texas College of Arts and Industries. Today he is perhaps best known as a mentor to President Lyndon Johnson. On the day they met in 1931, Fore predicted that LBJ would someday become president. Fore used his local political experience to actively guide LBJ's efforts to win over voters in his first congressional run. Fore remained a close friend through the years, earning a ride to Austin in LBJ's private helicopter to watch the returns for the 1964 presidential election. LBJ also personally attended Fore's funeral in 1966.

## Rehabilitation Project

The building historically had a small newspaper office at the front, with the rear two-thirds of the building devoted to the printing presses. Many original components of the building remain, including the historic storefront and entry door, and the historic wood floors, trim, and stamped metal ceiling throughout the interior. Some remnants of the printing equipment are also still visible. This rehabilitation kept the existing historic materials intact, while upgrading the building's services and dividing the space for a new use. The electrical, HVAC, and plumbing systems were improved. The rear printing space was subdivided into individual offices with new partition walls, and new restroom and kitchenette amenities were added.



DESIGNATION: Listed Individually in the National Register of Historic Places

HISTORIC USE: Newspaper office

CURRENT USE: Offices

TOTAL COST: \$65,271

QUALIFIED REHABILITATION EXPENSES: \$65,271

CERTIFIED: September 16, 2020

CONTACT: Don Howe (owner)

Also certified for federal tax credits.

## For more info

[www.thc.texas.gov/taxcreditprogram](http://www.thc.texas.gov/taxcreditprogram)

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# TEXAS HISTORIC PRESERVATION TAX CREDIT PROGRAM



## Hangar 1610 1939 San Antonio • Bexar County • Texas

### History

Kelly Air Force Base, established in 1916, was one of thirty-two Air Service Training camps founded after the United States entry into World War I and was the first military air base in Texas. Used as a military depot and for Air Force training, the site had its next major expansion in 1939 after Congress authorized \$300 million for the Air Corps under President Franklin D. Roosevelt. Hundreds of new planes, officers, and enlisted men made their way to Kelly. Besides money for new equipment and personnel, funds became available for construction of needed barracks, offices, classrooms, and warehouses. This included Building 1610, or the Air Corps Operations Hangar Building. The hangar provided space for airplane storage and maintenance, as well as workshops, offices, and storage. Kelly Air Force base was closed in 1995 and since then the site has been operated by Port San Antonio. This hangar has remained in use for aircraft maintenance.

### Rehabilitation Project

This project retrofits the hangar with a fire suppression system, which is necessary for life safety when undertaking aircraft maintenance because of the risk of fuel fires. The modern suppressant system can discharge water or foam. The existing steel frame arched truss roof is exposed on the underside, with existing services such as electrical conduit and plumbing running exposed, as is typical for historic utilitarian structures. The new pipes and controls for the fire suppression system were installed similarly, on the underside of the roof and fully visible. The foam concentrate storage system is located inside a former utility room, which was reconfigured slightly. The expansive exterior of the building also received a gentle cleaning and a fresh coat of paint.

DESIGNATION: Listed in the National Register of Historic Places as contributing to the Kelly Field Historic District

HISTORIC USE: Aircraft hangar

CURRENT USE: Aircraft hangar

CERTIFIED: September 11, 2020

CONTACT: Post Oak Preservation Solutions; Kelly Heritage Foundation; RVK Architects; Fire Protection Consulting Group

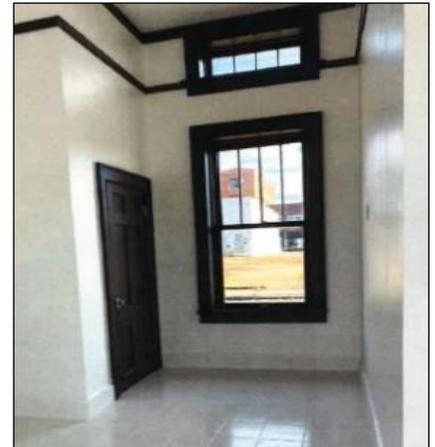
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### For more info

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# TEXAS HISTORIC PRESERVATION TAX CREDIT PROGRAM



## Hinkle Lumber Company Office 1917 Paris • Lamar County • Texas

### History

The Hinkle Lumber Company formerly had their lumber yard on this entire square block of Paris just north of downtown, and this building served as their office space. This modest, single-story office was built out of brick immediately following the 1916 Paris fire. It is set directly at the corner lot lines and served as the face of the Hinkle Lumber Company business. The front façade features elements of classical and Beaux-Arts style, giving it a high level of design relative to the former surrounding lumber yard. Once the lumber company moved to a new location, the building served different office and retail roles, including as a hearing aid retailer. Prior to rehabilitation it had been vacant for numerous years.

### Rehabilitation Project

Due to being left vacant for several years, there was work needed throughout the building to make it usable again. On the exterior, brick walls were repointed and cleaned of chipping paint. Original wood windows and doors were salvaged and repaired, making them operable once more. Afterwards they were stained and painted to increase their useful lifespan. The roof was patched and sealed to prevent rainwater from entering the building below. New mechanical systems were needed so a new condenser was placed on the roof, out of sight from the street level. Over the course of its many office uses, numerous partitions were put up to create offices. These non-historic walls were removed to create an open space on the interior for a future tenant.

DESIGNATION: Listed in the National Register of Historic Places as contributing to the Paris Commercial Historic District

HISTORIC USE: Office, retail

CURRENT USE: Commercial

CERTIFIED: December 29, 2020

CONTACT: CTRA Property Holdings Corporation, Post Oak Preservation Solutions

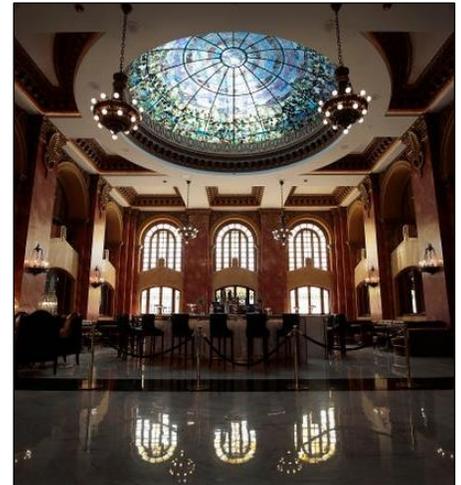
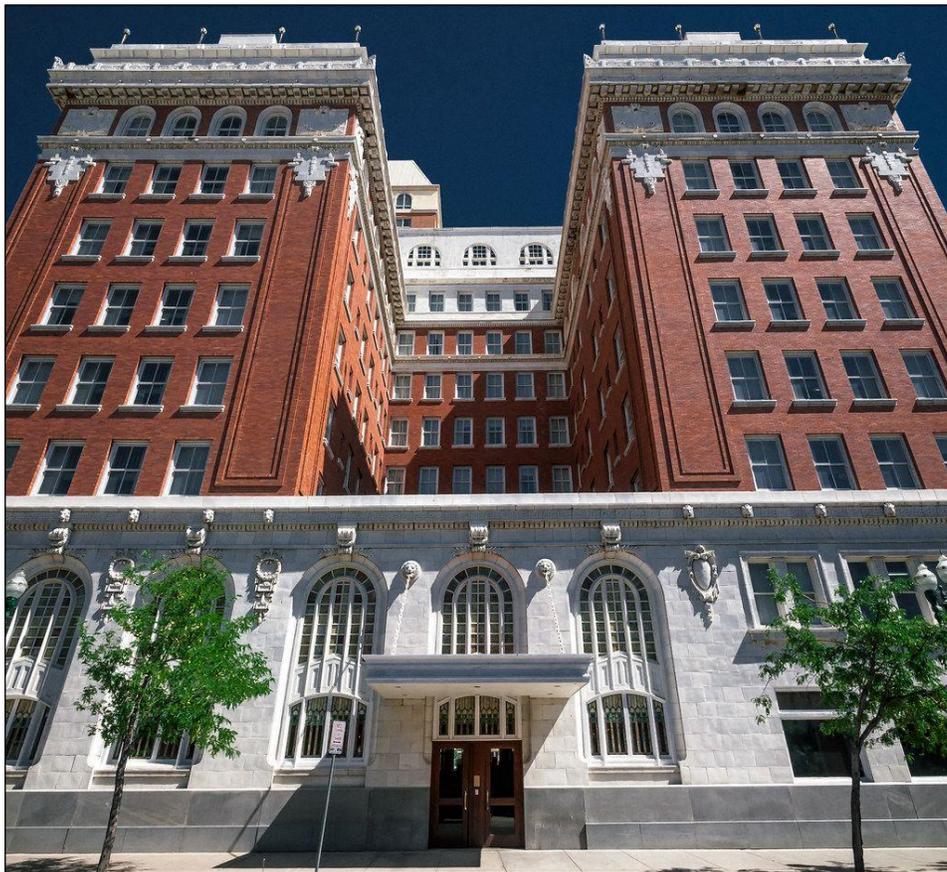
Also certified for federal tax credits.

### For more info

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# TEXAS HISTORIC PRESERVATION TAX CREDIT PROGRAM



## Hotel Paso del Norte 1912 El Paso • El Paso County • Texas

### History

The Hotel Paso del Norte has long been one of Texas's most well-known hotels and has, unlike other large tax credit projects, been an active hotel for most of its history. The hotel was built by businessman Zach T. White, working with notable El Paso architect Henry C. Trost. The hotel features many hallmarks of Trost's designs, with nods to the Chicago School style and the use of terra cotta ornamentation. It is said that locals would gather on the roof deck to watch skirmishes across the border during the Mexican Revolution. The original structure is a U-shaped tower, though a 17-story addition was added as part of a historic tax credit project in the 1980s.

### Rehabilitation Project

The Paso del Norte rehabilitation required minimal repair to the building, but included a complete overhaul of much of the interior, including all new building systems and finishes in many areas. The hotel's historic lobby remains intact, including decorative finishes like scagliola plaster work created by Italian craftsman, and a large central stained glass dome. The dome was cleaned and repaired as necessary, with new protective materials and lighting installed above it. Other spaces in the original building had been altered over time and received new finishes that are simple and allow remaining historic materials to shine. A historic ballroom that had previously been converted to a mechanical room has been reclaimed for use as a rooftop bar and lounge.

DESIGNATION: Listed in the National Register of Historic Places as part of the Commercial Structures of El Paso by Henry C. Trost nomination

HISTORIC USE: Hotel

CURRENT USE: Hotel

CERTIFIED: October 9, 2020

CONTACT: 101 El Paso St, LP;  
Interserv, LP; Kobi Karp Architecture;  
Summit Studio

Also certified for federal tax credits.

**For more info**  
[www.thc.texas.gov/taxcreditprogram](http://www.thc.texas.gov/taxcreditprogram)

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# TEXAS HISTORIC PRESERVATION TAX CREDIT PROGRAM



## McFarland House 1947 Austin • Travis County • Texas

### History

Set prominently on a corner lot overlooking Hancock Golf Course, the McFarland House is a classic example of the Streamline Moderne style. Constructed of concrete clad in stucco, the house embraces the horizontality of its style with its wide picture windows on the first floor and its curving roof overhangs. Its metal-framed windows are well preserved and retained, and the upstairs balcony is accessed by the master bedroom. At the side of the house is a connected two-car garage. Over the numerous decades since its construction, it was occupied on and off again and came under threat of demolition until Preservation Austin purchased the property to rehabilitate it.

### Rehabilitation Project

Foundation issues were discovered upon inspection when the building was most recently purchased. Flooring materials were taken up so the concrete slab could be stabilized. These shifts in the foundation over time had caused some cracking and material loss on the stucco finishes inside and out, which were filled in. At the doors and windows, some panes of glass were broken and some of the metal frames needed new finishes. The doors were also sanded and brought back into alignment with their frames. Work was needed in the kitchen to create a useful space for a future tenant, so new appliances, countertops, and light fixtures were installed. The living room fireplace was reconstructed with a historically appropriate design. Upstairs, new carpet was installed in the bedrooms and general cleaning of the walls and ceiling was performed. Finally, the second-floor balcony had suffered severe water damage over the years and had to be reconstructed.

DESIGNATION: Individually listed in the National Register of Historic Places

HISTORIC USE: Residential

CURRENT USE: Residential, office

TOTAL COST: \$257,260

QUALIFIED EXPENSES: \$150,000

CERTIFIED: December 14, 2020

CONTACT: Preservation Austin; Atech Plumbing; Brite View Window Cleaning; Cedar Park Overhead Doors; Chuck Caudli Flooring; Continental Cut Stone; Corinthian Building Maintenance; Dash Alliance Co; Greenlawn Landscaping; Guillermo Martinez; Iceteq; Irma Vasquez; Johnny Rooter Plumbing

Certified for state tax credits only.

### For more info

[www.thc.texas.gov/taxcreditprogram](http://www.thc.texas.gov/taxcreditprogram)

# TEXAS HISTORIC PRESERVATION TAX CREDIT PROGRAM



## Mission Concepción 1731-1755 San Antonio • Bexar County • Texas

### History

Founded in 1715, Mission Nuestra Señora de la Purísima Concepción de Acuña was one of Spain's original missions established in the Texas, with the goals of laying claim to Spanish territory and converting the local population to Catholicism. The mission was originally located in what is now East Texas, and was moved to its current location along the San Antonio River in 1731. The church structure was completed and dedicated in 1755. Mission Concepción was historically the residence of the Father President, a missionary elected from among the local Franciscan Brothers to act as the administrator of all of the missions along the San Antonio River. It remains the most intact of the five colonial missions.

### Rehabilitation Project

As active churches, the San Antonio missions are owned and managed by a nonprofit entity, making them eligible for participation in the state tax credit program. Two rehabilitation projects were recently completed at Mission Concepción as part of the ongoing repairs and restoration needed to preserve this significant site. The first focused on repairs to the north bell tower, which required selective reconstruction and re-sloping of the interior deck on which the church bell rests. Although replacement of the deck floor revealed that the hand-hewn joists beneath were damaged, they were gently repaired and kept in place as part of the historic fabric. The second project was a major intervention to protect the iconic sanctuary dome, which involved extensive waterproofing and installation of a hidden steel band around the circumference of the dome to stabilize the structure.

DESIGNATION: Listed Individually in the National Register of Historic Places, National Historic Landmark, and a Texas State Antiquities Landmark

HISTORIC USE: Mission

CURRENT USE: Church and museum

CERTIFIED: November 30, 2020 (Bell Tower), December 11, 2020 (Dome)

CONTACT: Ford, Powell & Carson Architects; Sparks Engineering; Pugh Constructors; James T. Rodriguez Consulting; Building and Monument Conservation; Conservation Associates

Certified for state tax credits only.

### For more info

[www.thc.texas.gov/taxcreditprogram](http://www.thc.texas.gov/taxcreditprogram)

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# TEXAS HISTORIC PRESERVATION TAX CREDIT PROGRAM



## **Petroleum Building** 1953 Longview • Gregg County • Texas

### **History**

Longview was a growing city before WWII and in the decades after, due to the rise in industry after the discovery of the East Texas oil field in the 1930s. This downtown office building was constructed as a 5-story parking garage known as Downtown Auto Park. Only three years after construction, the upper stories of the garage were converted to offices and the building was redesigned in a sleek Modern style by architecture firm Wilson, Morris & Crain of Houston. The ground floor housed a coffee shop and a jewelry store, the second level remained open parking, and the upper floors were used by office tenants including drilling companies, attorneys, accountants, and insurance agencies. It was renamed the Petroleum Building to highlight its use, and in honor of the oil boom that put Longview on the map.

### **Rehabilitation Project**

This project combined state and federal historic tax credits as well as Low-Income Housing Tax Credits to convert the former office building into mixed-income housing. The Petroleum Building had been neglected for decades, suffering loss from the elements as well as damage and destruction from vandalism. To maximize housing space, the second floor was enclosed with glass walls; these were held back from the façade keep the sense of the former use as open parking. The building was largely a shell, and required materials abatement and all new mechanical systems to be habitable. The interior was built out from the concrete structure, except for the historic elevator lobbies and tiled corridors that remained, which were carefully repaired. The salvage of this architecturally remarkable building was made possible through the financial incentives offered by the tax credit programs.



DESIGNATION: Listed Individually in the National Register of Historic Places

HISTORIC USE: Office and garage

CURRENT USE: Residential

CERTIFIED: December 21, 2020

CONTACT: Ogee Preservation; Alton Plaza LLC; Crossroads Housing Dev Corp; Rees Associates, Inc.; Saigebrook Development, LLC

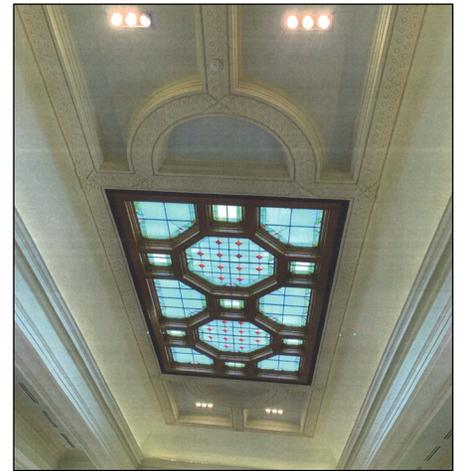
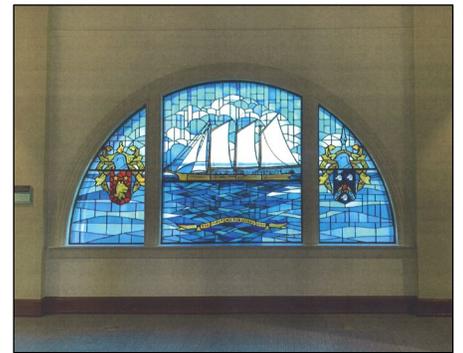
Also certified for federal tax credits.

### **For more info**

[www.thc.texas.gov/taxcreditprogram](http://www.thc.texas.gov/taxcreditprogram)

**TEXAS  
HISTORICAL  
COMMISSION**   
REAL PLACES TELLING REAL STORIES

# TEXAS HISTORIC PRESERVATION TAX CREDIT PROGRAM



## Rosenberg Library 1904 Galveston • Galveston County • Texas

### History

Though it operates as a public library, the Rosenberg Library was founded not by the City of Galveston, but a private foundation funded through the bequest of local financier and businessman Henry Rosenberg. The Rosenberg Library Association was established in 1900 and opened this building in 1904—one of the first major buildings constructed in the city after the 1900 hurricane. In 1905, the Rosenberg Library merged with the Galveston Public Library, formally becoming the public library for Galveston. The library functions are operated by the city, although the association retains ownership of the building as part of an enduring partnership for the citizens of Galveston.

### Rehabilitation Project

The imposing classical building was modified over time, as library functions and styles changed. Notably, a large addition was made to the building in the 1970s. A large lecture hall in the original building was renovated at the same time, and carved into multiple small rooms with contemporary new finishes. After Hurricane Ike in 2008, the association began a series of projects to repair hurricane damage, upgrade building systems, and restore the original building. Tax credits were used for the last phase of work, to restore the large lecture hall—added rooms were removed, ornate plasterwork was restored and reconstructed, and stained glass windows were revealed and repaired. New mechanical systems were sensitively inserted into the plaster ceilings.

**DESIGNATION:** Listed in the National Register of Historic Places as part of the Historic Resources of the Galveston Central Business District

**HISTORIC USE:** Library and community spaces

**CURRENT USE:** Library and community spaces

**CERTIFIED:** October 9, 2020

**CONTACT:** Rosenberg Library Association; David Watson, Architect and Associates; Gensler Building Solutions

Certified for state credits only.

**For more info**  
[www.thc.texas.gov/taxcreditprogram](http://www.thc.texas.gov/taxcreditprogram)

# TEXAS HISTORIC PRESERVATION TAX CREDIT PROGRAM



## Ross Carroll Bennett House 1898 Brenham • Washington County • Texas

### History

Built in the Queen Anne style, the Ross Carroll Bennett House is a well preserved example of this late-19<sup>th</sup> century architecture. It features two wrap-around porches with original stickwork and details, including paired columns and milled railings. The original cypress wood siding has not been altered since construction, and the intricate detailing of these elements remains today. However, over the course of the 20<sup>th</sup> century, mechanical systems were added wherever they could be, and aging plumbing and heating systems started to fail. Mrs. Mary Dwyer Ross built the house in 1898 on property inherited from her father, Thomas Dwyer, who was an Irish immigrant. The following owner was Mrs. Dwyer's daughter Matilda Ross Carroll, who lived there until 1970. The following owners were Mr. and Mrs. Howard Bennett, thus giving the building the name it is referred to today.

### Rehabilitation Project

While the stickwork and cypress siding remained in good condition, there were several large items that incentivized participation in the historic tax credit programs. Foundation repair was desperately needed, as the front of the house had gained a noticeable sag. Upon an engineer's inspection, it was found that there was termite damage and wood rot in several beams. These areas had replacement beams put in, which not only stabilized the building but raised the front room back to level with the rest of the first floor. Plumbing pipes and fixtures needed replacement after years of use and corrosion, so these were replaced throughout the house to improve water quality and pressure. Electrical wiring, which was original knob-and-tube for much of the house, needed to be replaced to maintain code-compliance. Finally, new heating and cooling equipment was needed to replace the former units, which were all over 20 years old.

DESIGNATION: Listed in the National Register of Historic Places as contributing of Paris Commercial Historic District

HISTORIC USE: Museum

CURRENT USE: Bed & Breakfast

CERTIFIED: October 16, 2020

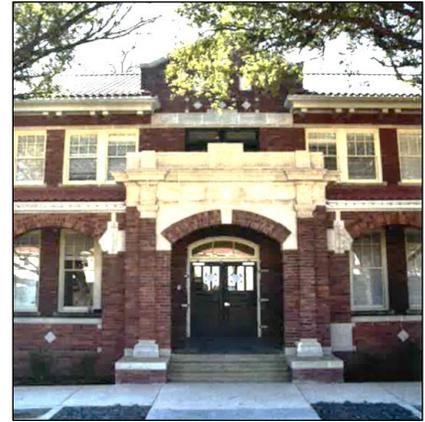
CONTACT: RCB B&B LLC, Hy-Tech Foundations

Also certified for federal tax credits.

**For more info**  
[www.thc.texas.gov/taxcreditprogram](http://www.thc.texas.gov/taxcreditprogram)

TEXAS  
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REAL PLACES TELLING REAL STORIES

# TEXAS HISTORIC PRESERVATION TAX CREDIT PROGRAM



## St. John's Seminary 1920-1947 San Antonio • Bexar County • Texas

### History

In 1874, the five Spanish missions under local control by the Diocese of San Antonio and were thus no longer under Spanish rule. Without an overseas source of priests, the diocese was lacking in religious leadership, with only one priest for every 1,000 square miles as of 1911. This spurred the 1915 founding of St. John's Seminary to provide religious education for future priests. Initially housed in what was built as a bishop's residence, the school provided only partial training and would require a scholar to transfer to a Major Seminary to complete their eleven-year course of study for the priesthood. This complex, adjacent to Mission Concepcion, opened in 1920 as the permanent home of St. John's, which was now also a Major Seminary. The first building, Drossaerts Hall, was named after the Diocese Bishop.

### Rehabilitation Project

The historic complex consists of three original brick buildings: main seminary building Drossaerts Hall (1920), Margil Hall (1935), and St. Mary's Hall (1947). All three were rehabilitated as part of a larger residential complex, which also includes extensive new construction that is outside the historic district. The three historic buildings had been vacant and unsecured for years, resulting in deterioration, damage by vagrants and a few small fires. All three buildings were fully rehabilitated, which required all new HVAC, electrical, plumbing, and fire suppression systems, as well as modern apartments and amenity spaces on the interior. Careful attention was given to the historic features that remained, including repair to brick masonry, wood floors, and hundreds of original windows; and incorporating historic staircases, corridors, doorways, and trim into the new interiors.

DESIGNATION: Listed in the National Register of Historic Places as St. John's Seminary Historic District

HISTORIC USE: Religious Education

CURRENT USE: Multi-family housing

CERTIFIED: September 24, 2020

CONTACT: MacRostie Historic Advisors; SJS Redevelopment, LLP; B&A Architects; NRP Contractors LLC; SJS Redevelopment LLP; WGI

Also certified for federal tax credits.

### For more info

[www.thc.texas.gov/taxcreditprogram](http://www.thc.texas.gov/taxcreditprogram)

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HISTORICAL  
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REAL PLACES TELLING REAL STORIES

# TEXAS HISTORIC PRESERVATION TAX CREDIT PROGRAM



## The Wedgwood 1965 San Antonio • Bexar County • Texas

### History

The Wedgwood was constructed in 1965 on a prominent site in Castle Hills, an incorporated area in suburban San Antonio. This contemporary high-rise apartment building was a stylish place to live for its older clientele, and boasted notable amenities including a garden with waterfall and swimming pool, meeting and game rooms, a restaurant, beauty salon, and even an insurance office. The building's historic significance stems primarily from its architecture, which represents an excellent example of the streamlined Mid-Century Modern style that was ubiquitous after the second world war. The building was also the last major work designed by renowned Dallas architect Walter W. Ahlschlager, Sr. before his death; in his 53-year career, Ahlschlager designed numerous buildings across the country. Unfortunately, he never got to see the Wedgwood completed, as he died in March 1965.

### Rehabilitation Project

After decades of apartment use with few updates to the apartments, the Wedgwood had lost some of its glamor. The building had sat vacant for a number of years, and a limited fire on the second and third floors made its fate uncertain. This comprehensive rehabilitation project rejuvenated the building while retaining an apartment use, which meant the floor plan needed very few changes. The building's systems and finishes, however, needed a complete overhaul. New and upgraded HVAC and plumbing were installed, along with all new flooring and ceilings throughout the public spaces, and new flooring, kitchens, and bathroom fixtures in every apartment. Where significant historic finishes remained in the public spaces—such as marble, stone, and wood walls—these were retained and incorporated into the interior design. The original amenity spaces gained new life as updated tenant amenities, including a billiards room and a library.

DESIGNATION: Individually listed in the National Register of Historic Places

HISTORIC USE: Senior apartments

CURRENT USE: Senior apartments

CERTIFIED: October 19, 2020

CONTACT: Ann Benson McGlone;  
Patrick Biernacki; Studio 8 Architects

Also certified for federal tax credits.

### For more info

[www.thc.texas.gov/taxcreditprogram](http://www.thc.texas.gov/taxcreditprogram)

TEXAS  
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Item 4

## TEXAS HISTORICAL COMMISSION

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**Item 9.2**  
Texas Historical Commission  
February Quarterly Meeting  
February 3, 2021

### **Consider approval of the recapture of funds from and/or supplemental funding to previously-awarded Texas Historic Courthouse Preservation Program projects**

#### **Background:**

Preservation projects involve a certain degree of uncertainty and unexpected conditions may arise during a project. These newly discovered or unanticipated conditions typically have an adverse impact on project budgets. The THC may discuss one or more courthouse projects that this situation applies to and consider supplemental awards to those counties. At other times, a courthouse project may not utilize all the grant funds originally awarded for the project. If this occurs, the THC will formally adjust the grant award to reflect the recapture.

This is a standing agenda item for the Commission to consider at each quarterly meeting. The Commission will consider the following supplemental funding awards and/or recapture of funds:

#### **Jefferson County Courthouse**

Jefferson County received a \$50,000 grant to update their preservation master plan in Round X. Their master plan update is complete and their architect has submitted the last invoice for payment to the county. Jefferson County has paid its architect and submitted its final reimbursement request and there is a remaining grant balance of \$5,000 that needs to be recaptured.

#### **Suggested Motion:**

Move to approve recapture of funds from and/or supplementary funding to previously awarded projects as follows:

- 1) Recapture from Jefferson County in the amount of \$5,000.

## Item 5

**Consider Approval of Texas Historic Courthouse Preservation Program  
Round XI grant awards**

**Background:**

With a \$25 million appropriation from the Texas Legislature, the Texas Historical Commission (THC) moves into Round XI of the Texas Historic Courthouse Preservation Program (THCPP). The award-winning program was established in 1999 to preserve the architectural and cultural heritage of the largest collection of historic county courthouses of any state in the nation.

The THC received 21 grant applications on May 11, 2020 and awarded three full restoration grants, four planning grants and two emergency grants totaling \$20,038,121 at the June 16-17, 2020 Quarterly Meeting. Following those awards, the current grant funds balance stands at \$3,113,083, not including a recapture proposed at the February 2021 meeting. If a \$3,000,000 award is made, it will leave a grant funds balance of \$113,083.

In order to allocate most of the remaining grant funds balance, a full restoration grant of \$3,000,000 was offered to the next highest scoring Round XI grant applicants that are shovel ready with approved 95% architectural plans & specifications, Hunt County, Van Zandt County and Polk County in that order. Hunt County and Van Zandt County both rejected the \$3 million grant offer. Polk County was then offered the grant and their commissioners' court voted unanimously to accept the grant offer. In their Round XI Grant Application, Polk County requested \$4,744,746 toward a full restoration project of \$10,103,625. Polk County voted on January 12, 2021 to accept the reduced grant if so awarded and to make up the \$1,744,746 difference to achieve a full restoration with the grant amount of \$3,000,000.

**Previous Round XI Grant Awards**

(Approved June 17, 2020)

| <b>County</b>     | <b>Score</b> | <b>Type</b>      | <b>Project Cost</b>  | <b>Request</b>       | <b>Grant Award</b>   |
|-------------------|--------------|------------------|----------------------|----------------------|----------------------|
| <b>Mason</b>      | 202          | Full Restoration | \$ 4,990,119         | \$ 4,140,119         | \$ <b>4,140,119</b>  |
| <b>Callahan</b>   | 194          | Full Restoration | \$ 9,829,904         | \$ 4,684,891         | \$ <b>4,684,891</b>  |
| <b>Taylor</b>     | 193          | Full Restoration | \$ 14,957,216        | \$ 5,980,000         | \$ <b>5,980,000</b>  |
| <b>Wise</b>       | 191          | Planning         | \$ 1,125,362         | \$ 787,753           | \$ <b>787,753</b>    |
| <b>Washington</b> | 186          | Planning         | \$ 1,018,757         | \$ 713,130           | \$ <b>713,130</b>    |
| <b>Kimble</b>     | 184          | Planning         | \$ 540,698           | \$ 378,489           | \$ <b>378,489</b>    |
| <b>Willacy</b>    | 168          | Planning         | \$ 1,147,655         | \$ 803,359           | \$ <b>803,359</b>    |
| <b>Duval</b>      | 61 E         | Emergency        | \$ 828,902           | \$ 580,231           | \$ <b>580,231</b>    |
| <b>Lee</b>        | 57 E         | Emergency        | \$ 5,070,600         | \$ 1,970,149         | \$ <b>1,970,149</b>  |
| <b>Total:</b>     |              |                  | \$ <b>39,509,213</b> | \$ <b>20,038,121</b> | \$ <b>20,038,121</b> |
| <b>Balance:</b>   |              |                  |                      |                      | \$ <b>3,113,083</b>  |

**Currently Proposed Grant to Polk County:**

A \$3,000,000 Full Restoration grant was offered first to Hunt County and then to Van Zandt County based upon their Round XI scores, and both counties' commissioners' courts voted to reject the grant offer. Finally, the \$3,000,000 grant was offered to the next highest scoring shovel ready Round XI grant applicant, Polk County. Polk County's commissioners' court voted to accept the grant offer and to make up the cost difference between their Round XI Grant Application request of \$4,744,746 and the grant award of \$3,000,000 to accomplish a full restoration of their courthouse.

| <b>County</b>    | <b>Score</b> | <b>Type</b>      | <b>Project Cost</b> | <b>Request</b> | <b>Grant Award</b>  |
|------------------|--------------|------------------|---------------------|----------------|---------------------|
| <b>Hunt</b>      | 192          | Full Restoration | \$ 19,719,498       | \$ 5,006,850   | <b>REJECTED</b>     |
| <b>Van Zandt</b> | 191          | Full Restoration | \$ 10,406,335       | \$ 5,576,427   | <b>REJECTED</b>     |
| <b>Polk</b>      | 188          | Full Restoration | \$ 10,103,625       | \$ 4,744,746   | <b>\$ 3,000,000</b> |
| <b>Balance:</b>  |              |                  |                     |                | <b>\$ 113,083</b>   |

**Suggested Motion:**

Move to approve the funding recommendations for the Round XI Texas Historic Courthouse Preservation Program grant awards as outlined below.

- 1) Grant full restoration funding to Polk County in the amount of \$3,000,000 to achieve a full restoration of the Polk County Courthouse with an estimated total project cost of \$10,103,625.



**SYDNEY MURPHY**  
COUNTY JUDGE

January 12, 2021

Susan Tietz, AIA  
Program Coordinator, Courthouse Preservation Program  
Division of Architecture  
P.O. Box 12276,  
Austin, Texas 78711-2276

Dear Susan Tietz,

Polk County is thrilled to receive this news from the Texas Historical Commission! The Polk County Commissioners Court approved to accept the offer of \$3,000,000 from the Texas Historic Commission in their regularly scheduled meeting January 12, 2021. Polk County has been preparing to restore the Courthouse and the funds are available to match the grant.

This was a great way to start 2021! We appreciate the opportunity to move forward with restoring Polk County's Historic Courthouse.

Thank you,

A handwritten signature in blue ink that reads "Sydney Murphy".

Sydney Murphy  
Polk County Judge

Item 6

## TEXAS HISTORICAL COMMISSION

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**Item 6.5A**  
Texas Historical Commission  
February Quarterly Meeting  
February 3, 2021

**Consider adoption of amendments to the Texas Administrative Code, Title 13, Part 2, Chapter 17, State Architectural Programs, Section 17.2 related to Review of Work on County Courthouses with changes to the text as published in the in the November 13, 2020 issue of *Texas Register* (45 TexReg 8083-8086)**

**Background:**

The following amendment adds a definition of monument to the rule that governs Section 442.008, Review of Work on County Courthouses, and refers to a new rule in Section 21.13 that outlines a process for relocating or removing monuments over which that the Texas Historical Commission has review authority. Currently, Section 17.2 does not include a definition of monuments or outline a process for relocation or removing monuments from courthouse squares.

Four comments were received from the public. In response, a change was made to the amendments to Section 17.2 by omitting the proposed definition of monuments in Section 17.2 and citing a reference to the definition of monuments in Section 26.3. Reference to the Capitol grounds, which received several public comments, has been removed from the Section 26.3 definition.

The final publication will take place after adoption by the Commission.

**Suggested Motion:**

Move to adopt amendments to the Texas Administrative Code, Title 13, Part 2, Chapter 17, State Architectural Programs, Section 17.2 related to Review of Work on County Courthouses with changes to the text as published in the in the November 13, 2020 issue of *Texas Register* (45 TexReg 8083-8086)

**Texas Administrative Code**

**Title 13        Cultural Resources**

**Part 2         Texas Historical Commission**

**Chapter 17     State Architectural Programs**

**Rule §17.2     Review of Work on County Courthouses, Texas Government Code, Chapter 442, §442.008, requires that the Texas Historical Commission review changes made to courthouse structures.**

**PREAMBLE**

The Texas Historical Commission (Commission) adopts amendments to Section 17.2, relating to the Review of Work on County Courthouses, Title 13, Part 2, Chapter 17 of the Texas Administrative Code. The rule is adopted with changes to the proposed text published in the November 13, 2020 issue of the *Texas Register* (45 TexReg 8083-8086).

Section 17.2 outlines the definitions and the rules related to Texas Government Code Section 442.008, Review of Work on County Courthouses. The rules detail the process for reviewing work on county courthouses but does not currently include a definition of monument or outline a process for relocating or removing monuments from the protected courthouse square.

The amendment will add a definition that clarifies what the Commission considers a monument and refers to a proposed rule Section 21.13 in Chapter 21 that details a process for relocating or removing monuments that the Commission has the authority to protect.

**PUBLIC COMMENT AND COMMISSION RESPONSE**

Four comments from Alan Holman, Tami Hurley, Robert Jones, and Anna Sheppard were received regarding the proposed changes to Section 17.2. The primary concern focused on the new definition of monuments which included a reference to monuments on the Capitol grounds. The commenters noted that inclusion of monuments on the Capitol Grounds creates confusion, in part because the Commission does not have regulatory authority over those monuments. The Commission agrees with the commenters in this regard. In response, Section 17.2 now refers to a new proposed definition of monuments in Section 26.3(42) which omits reference to the Capitol grounds.

Two of the four comments expressed concern that the process outlined in Section 21.13 gives the Commission authority to initiate the relocation or removal of monuments under Section 17.2(2)(A)(iv). By definition, Section 17.2 provides for the review of work on county courthouses, rather than the initiation of work. As a corollary, adoption of the proposed rules will have no fiscal impact, contrary to one public comment referring to the costs of relocation to be accrued by the

Commission in initiating this action. Accordingly, the Commission has not made any changes in response to these comments.

One comment questioned which monuments and markers are governed by Section 21.13 relating to the Removal of Markers and Monuments since Section 17.2 relates to courthouses and courthouse squares. Section 21.13 now clarifies the removal process for markers and monuments that reside on a courthouse square and those that reside on other public property, if those markers or monuments are administered by the Texas Historical Commission. However, this comment did not call for or necessitate a change to Section 17.2.

This amendment is adopted under the authority of Texas Government Code §442.005(q), which provides the Commission with the authority to promulgate rules to reasonably effect the purposes of the Commission, including the Commission's oversight authority regarding county courthouses as codified in Texas Government Code §442.008. The Commission interprets this authority as allowing for the establishment of definitions related to features at county courthouses.

The Commission hereby certifies that the section as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's authority.

Amendments to the Texas Administrative Code, Title 13, Part 2, Chapter 17, State Architectural Programs, Section 17.2 related to Review of Work on County Courthouses is adopted as appears below:

|                   |   |
|-------------------|---|
| <b>TITLE 13</b>   | <b>CULTURAL RESOURCES</b>   |
| <b>PART 2</b>     | <b>TEXAS HISTORICAL COMMISSION</b>  |
| <b>CHAPTER 17</b> | <b>STATE ARCHITECTURAL PROGRAMS</b>   |
| <b>RULE §17.2</b> | <b>Review of Work on County Courthouses Texas Government Code, Chapter 442, §442.008, requires that the Texas Historical Commission review changes made to courthouse structures.</b> |

(1) Definitions. The following words and terms, when used in this section, shall have the following meaning, unless the context clearly indicates otherwise.

(A) Demolish--To remove, in whole or part. Demolition of historical or architectural integrity includes removal of historic architectural materials such as, but not limited to, materials in the following categories: site work, concrete, masonry, metals, carpentry, thermal and moisture protection, doors and windows, finishes, specialties, equipment, furnishings, special construction, conveying systems, mechanical and electrical.

(B) Sell--To give up (property) to another for money or other valuable consideration; this includes giving the property to avoid maintenance, repair, etc.

(C) Lease--To let a contract by which one conveys real estate, equipment, or facilities for a specified term and for a specified rent.

(D) Damage--To alter, in whole or part. Damage to historical or architectural integrity includes alterations of structural elements, decorative details, fixtures, and other material.

(E) Integrity--Refers to the physical condition and therefore the capacity of the resource to convey a sense of time and place or historic identity. Integrity is a quality that applies to location, design, setting, materials, and workmanship. It refers to the clarity of the historic identity possessed by a resource. In terms of architectural design, to have integrity means that a building still possesses much of its mass, scale, decoration, and so on, of either the period in which it was conceived and built, or the period in which it was adapted to a later style which has validity in its own rights as an expression of historical character or development. The question of whether or not a building possesses integrity is a question of the building's retention of sufficient fabric to be identifiable as a historic resource. For a building to possess integrity, its principal features must be sufficiently intact for its historic identity to be apparent. A building that is significant because of its historic association(s) must retain sufficient physical integrity to convey such association(s).

(F) Courthouse--The principal building(s) which houses county government offices and courts and its (their) surrounding site(s), including the courthouse square and its associated site features, such as hardscape, fences, lampposts and monuments.

(G) Hardscape—Features built into a landscape made of hard materials such as wood, stone or concrete, such as but not limited to paved areas, roads, driveways, pools, fountains, concrete walkways, stairways, culverts or walls.

(H) Monuments--~~Includes markers and structures erected to commemorate or designate the importance of an event, person, or place, which may or may not be located at the sites they commemorate. Included in this category are certain markers erected by the commission and county historical commissions, and markers and statuary located on public grounds such as courthouse squares, parks, and the Capitol grounds. Refer to Chapter 26, Section 26.3, (42) of this title.~~

(I) Ordinary maintenance and repairs--Work performed to architectural or site materials which does not cause removal or alteration or concealment of that material.

(2) Procedure.

(A) Notice of alterations to county courthouse.

(i) A county may not demolish, sell, lease, or damage the historical or architectural integrity of any building that serves or has served as a county courthouse without notifying the commission of the intended action at least six months before the date on which it acts. Any alteration to the historical or architectural integrity of the exterior or interior requires notice to the commission.

(ii) If the commission determines that a courthouse has historical significance worthy of preservation, the commission shall notify the commissioners court of the county of that fact not later than the 30th day after the date on which the commission received notice from the county. A county may not demolish, sell, lease, or damage the historical or architectural integrity of a courthouse before the 180th day after the date on which it received notice from the commission. The commission shall cooperate with any interested person during the 180-day period to preserve the historical integrity of the courthouse.

(iii) A county proceeding with alterations to its courthouse in violation of Texas Government Code, §442.008 and this section may be subject to civil penalties under Texas Government Code, §442.011.

(iv) the relocation or removal of monuments from a courthouse square is governed by 13 TAC §21.13.

(B) Notice from the county to the commission. At least six months prior to the proposed work on a county courthouse, a letter from the county judge briefly describing the project should be submitted to the commission, along with construction documents, sketches or drawings which adequately describe the full scope of project work and photographs of the areas affected by the proposed changes.

(C) The commission will consider the opinions of interested parties with regard to the preservation of the courthouse per Texas Government Code, §442.008(b).

(D) Notice from the commission to the commissioner's court of the county. Written notice of the commission's determination regarding the historical significance of a courthouse for which work is proposed shall include comments pursuant to a review of the proposed work by the commission. Comments shall be made based on the Secretary of the Interior's Standards for the Treatment of Historic Properties 1992 or latest edition, which are summarized in clauses (i) - (iii) of this subparagraph:

(i) Definitions for historic preservation project treatment.

(I) Preservation is defined as the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

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

(III) 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 of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

(IV) 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 of time and in its historic location.

(ii) General standards for historic preservation projects.

(I) A property shall be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property shall be protected and, if necessary, stabilized until additional work may be undertaken.

(II) The historic character of a property shall be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.

(III) Each property shall be recognized as a physical record of its time, place and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features shall be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.

(IV) Changes to a property that have acquired historic significance in their own right shall be retained and preserved.

(V) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

(VI) The existing condition of historic features shall be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material shall match the old in composition, design, color, and texture.

(VII) Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.

(VIII) Archeological resources shall be protected and preserved in place to the extent possible. If such resources must be disturbed, mitigation measures shall be undertaken.

(iii) Specific standards for historic preservation projects. In conjunction with the eight general standards listed in clause (ii)(I) - (VIII) of this subparagraph, specific standards are to be used for each treatment type.

(I) Standards for rehabilitation.

(-a-) A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

(-b-) The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.

(-c-) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, shall not be undertaken.

(-d-) Changes to a property that have acquired historic significance in their own right shall be retained and preserved.

(-e-) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

(-f-) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and where possible, materials, replacement of missing features shall be substantiated by documentary and physical evidence.

(-g-) Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.

(-h-) Archeological resources shall be protected and preserved in place to the extent possible. If such resources must be disturbed, mitigation measures shall be undertaken.

(-i-) New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

(-j-) New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

## (II) Standards for restoration.

(-a-) A property shall be used as it was historically or be given a new use which reflects the property's restoration period.

(-b-) Materials and features from the restoration period shall be retained and preserved. The removal of materials or alteration of features, spaces, and spatial relationships that characterize the period shall not be undertaken.

(-c-) Each property shall be recognized as a physical record of its time, place and use. Work needed to stabilize, consolidate and conserve materials and features, from the restoration shall be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.

(-d-) Materials, features, spaces, and finishes that characterize other historical periods shall be documented prior to their alteration or removal.

(-e-) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the restoration period shall be preserved.

(-f-) Deteriorated features from the restoration period shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible, materials.

(-g-) Replacement of missing features from the restoration period shall be substantiated by documentary and physical evidence. A false sense of history shall not be created by adding

conjectural features, features from other properties, or by combining features that never existed together historically.

(-h-) Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.

(-i-) Archeological resources affected by a project shall be protected and preserved in place to the extent possible. If such resources must be disturbed, mitigation measures shall be undertaken.

(-j-) Designs that were never executed historically shall not be constructed.

### (III) Standards for reconstruction

(-a-) Reconstruction shall be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.

(-b-) Reconstruction of a landscape, building, structure, or object in its historic location shall be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts which are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures shall be undertaken.

(-c-) Reconstruction shall include measures to preserve any remaining historic materials, features, and spatial relationships.

(-d-) Reconstruction shall be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property shall re-create the appearance of the non-surviving historic property in materials, design, color, and texture.

(-e-) A reconstruction shall be clearly identified as a contemporary re-creation.

(-f-) Designs that were never executed historically shall not be constructed.

Item 7

## Item 9.4

Texas Historical Commission  
February Quarterly Meeting  
February 2-3, 2021

**Consider approval of filing authorization of proposed amendments to sections 13.3, 13.4, 13.5, and 13.6 of the Texas Administrative Code, Title 13, Part 2, Chapter 13 related to the Texas Franchise Tax Credit for Certified Rehabilitation of Certified Structures for first publication and public comment in the *Texas Register***

### **Background:**

The Texas Historical Commission proposes amendments to Title 13 of the Texas Administrative Code, Part 2, Chapter 13, Sections 13.3, 13.4, 13.5, and 13.6, which define requirements for applications and review of applications for the state historic tax credit program.

Collectively, these proposed amendments address sections of the tax credit program rules that require submission of applications in hard copy. The Commission is working towards future implementation of an electronic application submission process and, to enable this, the proposed amendments will remove the following explicit requirements for hard copy applications:

Section 13.3 outlines the requirements for the Part A – Evaluation of Significance application. Part A requires information and documentation to confirm that a subject property has an existing historic designation or is eligible for a historic designation that would qualify the property to participate in the tax credit program. §13.3(b)(4) requires photographic documentation of current building conditions be submitted in printed formats.

Section 13.4 outlines the requirements for the Part B – Evaluation of Significance application. Part B requires information and documentation to allow Commission staff to assess proposed architectural work. §13.4(b)(3) requires photographic documentation of proposed projects be submitted in printed formats.

Section 13.5 outlines the requirements for the Part C – Request for Certification of Completed Work application. Part C requires documentation to allow Commission staff to assess and certify completed architectural projects. §13.5(b)(4) requires photographic documentation of completed projects be submitted in printed formats.

Section 13.6 outlines the processes by which applications are submitted and reviewed by Commission staff. §13.6(b) requires that applications be delivered to the Commission in hard copy and disallows submission by electronic mail.

An implementation date for an electronic application submission system has not been established. As such, the proposed amendments will remove the existing specific requirements described above and will, instead, direct applicants to follow published Commission guidance. Guidance, including the application guide, individual application instructions, and pages on the Commission website, will be edited and re-issued once an electronic system is operational.

The first publication will take place after approval by the Commission. There is a 30-day comment period following the publication, therefore changes approved by the Commission for this meeting will come back for final approval and second publication at the April 2021 meeting.

**Suggested Motion:**

Move to approve the amendments to sections 13.3, 13.4, 13.5 and 13.6 of the Texas Administrative Code, Title 13, Part 2, Chapter 13, related to the State Franchise Tax Credit for Certified Rehabilitation of Certified Historic Structures, for first publication and public comment in the *Texas Register*.

**Texas Administrative Code**  
**Title 13 Cultural Resources**  
**Part II Texas Historical Commission**  
**Chapter 13 State Franchise Tax Credit for Certified Rehabilitation of Certified Historic Structures**

**PREAMBLE**

The Texas Historical Commission (Commission) proposes amendments to 13 Texas Administrative Code, Rules 13.3 – 13.6, concerning the State Franchise Tax Credit for Certified Rehabilitation of Certified Historic Structures.

The proposed amendments collectively support the future implementation of an electronic application submission system for the applications required by the Commission as part of the tax credit program.

Sections 13.3, 13.4, and 13.5 describe the information and submission requirements for each of the three parts of the tax credit application required by the Commission for review of proposed and completed projects. §13.3(b)(4), §13.4(b)(3), and §13.5(b)(4) specifically require printed, hard copy photographs. The proposed amendments remove these requirements and directs applicants to consult program guidance published by the Commission on its website for current submission requirements. Commission guidance materials will be revised to support an electronic submission system once one has been established. The Commission will prioritize open access through acceptance of standard format materials in the electronic submission system.

Section 13.3 outlines the requirements for the Part A – Evaluation of Significance application. Part A requires information and documentation to confirm that a subject property has an existing historic designation or is eligible for a historic designation that would qualify the property to participate in the tax credit program. §13.3(b)(4) requires photographic documentation of current building conditions be submitted in printed formats. The proposed amendment would require photographic documentation to be submitted in conformity with the Commission’s guidance materials as published on its website.

Section 13.4 outlines the requirements for the Part B – Evaluation of Significance application. Part B requires information and documentation to allow Commission staff to assess proposed architectural work. §13.4(b)(3) requires photographic documentation of proposed projects be submitted in printed formats. The proposed amendment would require photographic documentation to be submitted in conformity with the Commission’s guidance materials as published on its website.

Section 13.5 outlines the requirements for the Part C – Request for Certification of Completed Work application. Part C requires documentation to allow Commission staff to assess and certify completed architectural projects. §13.5(b)(4) requires photographic documentation of completed projects be submitted in printed formats. The proposed amendment would require photographic documentation to be submitted in conformity with the Commission’s guidance materials as published on its website.

Section 13.6 describes the process by which Commission staff review submitted applications. §13.6(b) requires submission of applications in a hard copy format and disallows submission via electronic mail. The proposed amendment removes these specific constraints from the Administrative Code and instead directs applicants to follow published program guidance on the Commission's website.

FISCAL NOTE. Mark Wolfe, Executive Director, has determined that for each of the first five-years the proposed amendments are in effect, there will not be a fiscal impact on state or local government as a result of enforcing or administering the proposed rule because the amendment only affects the form of application submission.

PUBLIC BENEFIT/COST NOTE. Mr. Wolfe has also determined that for the first five-year period the amended rules are in effect, the public benefit will be a streamlined application submission process once an electronic system is fully implemented.

ECONOMIC COSTS TO PERSONS AND IMPACT ON LOCAL EMPLOYMENT. Because the proposed amendments only affect the form of application submission, there are no anticipated economic costs to persons who are required to comply with the proposed rule. There is no effect on local economy for the first five years that the proposed new section is in effect; therefore, no local employment impact statement is required under Texas Government Code, § 2001.022 and 2001.024(a)(6).

COSTS TO REGULATED PERSONS. The proposed new section does not impose a cost on regulated persons, including another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, § 2001.0045.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS FOR SMALL BUSINESSES, MICROBUSINESSES, AND RURAL COMMUNITIES. Mr. Wolfe has also determined that there will be no impact on rural communities, small businesses, or micro-businesses as a result of implementing these amendments and therefore no regulatory flexibility analysis, as specified in Texas Government Code § 2006.002, is required.

GOVERNMENT GROWTH IMPACT STATEMENT. Commission staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking, as specific in Texas Government Code, § 2006.0221. During the first five years that the amendments would be in effect, the proposed amendments: will not create or eliminate a government program; will not result in the addition or reduction of employees; will not require an increase or decrease in future legislative appropriations; will not lead to an increase or decrease in fees paid to a state agency; will not create a new regulation; will not repeal an existing regulation; and will not result in an increase or decrease in the number of individuals subject to the rule. During the first five years that the amendments would be in effect, the proposed amendments will not positively or adversely affect the Texas economy.

TAKINGS IMPACT ASSESSMENT. The Commission has determined that no private real property interests are affected by this proposal and the proposal does not restrict or limit an owner's right to his or her property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Texas Government Code, § 2007.043.

REQUEST FOR PUBLIC COMMENT. Comments on the proposed amendments may be submitted to Mark Wolfe, Executive Director, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711. Comments will be accepted for 30 days after publication in the *Texas Register*.

STATUTORY AUTHORITY. These amendments are proposed under the authority of Texas Government Code § 442.005(q), which provides the Commission with the authority to promulgate

rules to reasonably affect the purposes of the Commission and the Texas Tax Code § 171.909, which requires the Commission to adopt rules for the implementation of the rehabilitation tax credit program.

**CROSS REFERENCE TO STATUTE.** These amendments are proposed under the authority of Texas Tax Code §171.009, which requires the Commission to adopt rules for the implementation of the Tax Credit for Certified Rehabilitation of Certified Historic Structures. The proposed amendment implements Subchapter S of the Texas Tax Code. No other statutes, articles, or codes are affected by these amendments.

The Commission hereby certifies that the amendments as proposed have been reviewed by legal counsel and found to be a valid exercise of the agency's authority.

**Title 13        Cultural Resources**  
**Part II         Texas Historical Commission**  
**Chapter 13     State Franchise Tax Credit for Certified Rehabilitation of Certified Historic Structures**

**Rule §13.3     Evaluation of Significance**

(a) Application Part A - Evaluation of Significance. Part A of the application requires information to allow the Commission to evaluate whether a building is a certified historic structure and shall be completed for all buildings to be included in the project. Part A of the application is evaluated against criteria for significance and integrity issued by the National Park Service.

(b) Application Requirements. Information to be submitted in the Part A includes:

(1) Name, mailing address, telephone number, and email address of the property owner(s) and Applicant if different from the Owner;

(2) Name and address of the property;

(3) Name of the historic district, if applicable;

(4) Current photographs ~~(not smaller than 4"x6", printed at 300 ppi if digital)~~ of the building and its site, showing exterior and interior features and spaces adequate to document the property's significance. Photographs must be formatted as directed by the Commission in published program guidance materials on the Commission's online Texas Historic Preservation Tax Credit Application Guide available by accessing [thc.texas.gov](http://thc.texas.gov);

(5) Date of construction of the property;

(6) Brief description of the appearance of the property, including alterations, characteristic features and estimated date or dates of construction and alterations;

(7) Brief statement of significance summarizing why a property is:

(A) eligible for individual listing in the National Register of Historic Places;

(B) contributes to a historic district listed in the National Register of Historic Places or a certified local district; or

(C) contributes to a potential historic district, accompanied by:

(i) a map showing the boundary of the potential historic district and the location of the property within the district;

(ii) photographs of other properties in the district; and

(iii) justification for the district's eligibility for listing in the National Register of Historic Places;

(8) A map showing the location of the historic property;

(9) Signature of the Owner, and Applicant if different from the Owner, requesting the determination; and

(10) Other information required on the application by the Commission.

(c) Consultation with Commission. Any person may informally consult with the Commission to determine whether a property is:

(1) listed individually in the National Register of Historic Places;

(2) designated as a Recorded Texas Historic Landmark or State Antiquities Landmark; or

(3) certified by the Commission as contributing to the historic significance of a historic district listed in the National Register of Historic Places or a certified local district.

(d) Automatic qualification as certified historic structure. If a property is individually listed in the National Register of Historic Places or designated as a Recorded Texas Historic Landmark or State Antiquities Landmark, then it is a certified historic structure and should be indicated as such on Part A of the application.

(e) Preliminary determination of significance. An Applicant for a property not listed in the National Register of Historic Places, neither individually nor as a contributing element to a historic district; not designated a Recorded Texas Historic Landmark nor State Antiquities Landmark; and not listed in a certified local district may obtain a preliminary determination from the Commission as to whether the property is individually eligible to become a certified historic structure or is eligible as a contributing structure in a potential historic district by submitting Part A of the application. Determination will be based on criteria for listing in the National Register of Historic Places. Applications for a preliminary determination of significance must show how the property meets one of the following criteria for listing in the National Register of Historic Places and any applicable criteria considerations from the National Park Service.

(1) National Register of Historic Places criteria. The quality of significance in American history, architecture, archeology, 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 one or more of subparagraphs (A) - (D) of this paragraph:

(A) Properties 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 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.

(2) Criteria considerations. 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 National 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 his 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 it is of exceptional importance.

(3) Issuance of a preliminary determination of significance does not bind the Commission to the designation of an individual historic structure or district. Applicants proceed with rehabilitation projects at their own risk. If a structure is ultimately not listed in the National Register of Historic Places, designated as a Recorded Texas Historic Landmark, or certified as a contributing element to a local district pursuant to 36 C.F.R. §67.9, the preliminary determination does not become final, and the owner will not be eligible for the credit. The Commission shall not issue a certificate of eligibility until or unless the designation is final.

(f) Determination of contributing structures in existing historic districts. If a property is located in a district listed in the National Register of Historic Places or in a certified local district, an Applicant or an Owner of the property shall request that the Commission determine whether the property is of historic significance contributing to the district by submitting Part A of the application. The Commission evaluates properties located within historic districts listed in the National Register of Historic Places or certified local districts to determine whether they contribute to the historic significance of the district by applying the following standards:

(1) A property contributing to the historic significance of a district is one which by location, design, setting, materials, workmanship, feeling, and association adds to the district's sense of time and place and historical development.

(2) A property does not contribute to the historic significance of a district if it does not add to the district's sense of time and place and historical development, or if its location, design, setting materials, workmanship, feeling, and association have been so altered or have so deteriorated that the overall integrity of the building has been irretrievably lost.

(3) Generally, buildings that have been built within the past 50 years shall not be considered to contribute to the significance of a district unless a strong justification concerning their historical or architectural merit is given or the historical attributes of the district are considered to be less than 50 years old at the date of application.

(4) Certification of significance will be made on the basis of the appearance and condition of the property before beginning the rehabilitation work.

(5) If a nonhistoric surface material obscures a building's façade, it may be necessary for the owner to remove a portion of the surface material so that a determination of significance can be made. After the material has been removed, if the obscured façade has retained substantial historic integrity and the property otherwise contributes to the significance of the historic district, it will be considered eligible to be a certified historic structure.

(g) Subsequent Designation. If a property is not automatically qualified as a certified historic structure, an owner of a property shall request that the Commission determine whether the property is of historic significance by submitting Part A of the application in accordance with subsections (e) and (f) of this section. Upon listing in the National Register of Historic Places, designation as a Recorded Texas Historic Landmark, or certification as a contributing element to a local district pursuant to 36 C.F.R. §67.9, a revised Part A should be submitted as stated in subsection (d) of this section. A building must be a certified historic structure prior to the issuance of the certificate by the Commission as required by §171.904(b)(1)(A) of the Texas Tax Code.

(h) Multiple buildings. If a property contains more than one building and the Commission determines that the buildings have been functionally related historically to serve an overall purpose (such as a residence and a carriage house), then the functionally related buildings will be treated as a single certified historic structure, regardless of whether one of the buildings is separately listed in the National Register of Historic Places or as a Recorded Texas Historic Landmark or is located within a historic district. Buildings that are functionally related historically are those that have functioned together to serve an overall purpose during the property's period of significance.

(i) Portions of buildings. Portions of buildings, such as single condominium apartment units, are not independently eligible for certification. Two or more buildings or structures located on a single tract or parcel of land (or contiguous tracts or parcels), which are operated as an integrated unit (as evidenced by their operation, management and financing), may be treated as a single building or structure for the purposes of certification.

(j) Relocation of historic buildings. Relocation of a historic building from its original site may disqualify the building from eligibility or result in removal of designation as a certified historic structure. Applications involving buildings that have been moved or are to be moved will be evaluated on a case-by-case basis under the applicable criteria for designation as provided in this section. For a building listed in the National Register of Historic Places, the applicant will be responsible for updating the National Register of Historic Places nomination for the property or district, or the relocated building will not be considered a certified historic structure for the purpose of this credit. For a building designated as a Recorded Texas Historic Landmark, the applicant will be responsible for notifying the Commission and otherwise complying with the requirements of §21.11 of this title prior to undertaking any relocation.

#### **Rule §13.4 Description of Rehabilitation**

(a) Application Part B - Description of Rehabilitation. Part B of the application requires information to allow the Commission to determine whether the proposed rehabilitation work is consistent with the Standards for Rehabilitation and shall be completed for all projects and phases of projects. Part B may only be submitted with Part A of the application or after the Part A of the application has been submitted to the Commission.

(b) Application Requirements. If a property is a certified historic structure or receives a preliminary determination of significance, an Applicant or Owner of the property shall request that the

Commission determine whether the rehabilitation plan is in conformance with the Standards for Rehabilitation. Information to be submitted in the Part B includes:

(1) Name, mailing address, telephone number, and email address of the Owner and Applicant if different from the Owner;

(2) Name and address of the property;

(3) Current photographs (~~not smaller than 4"x6", printed at 300 ppi if digital~~) of the building and its site, showing exterior and interior features and spaces adequate to document the property's significance. Photographs must be formatted as directed by the Commission in published program guidance materials on the Commission's online Texas Historic Preservation Tax Credit Application Guide available by accessing [thc.texas.gov](http://thc.texas.gov);

the site plan and the building floor plans showing existing conditions and all proposed work with elevation drawings if applicable to illustrate any new construction, alterations, or additions. Drawings of the existing building condition and drawings of the proposed project are required to substantiate the scope of the project. If the project is a phased development, a description of all phases of work with the associated timeline shall be provided;

(5) Additional photos as necessary to completely illustrate all areas of the building that will be affected by the rehabilitation;

(6) A timeframe by which all work included in the project will be completed with a projected starting date and completion or placed in service date;

(7) An estimate of the aggregate eligible costs and expenses;

(8) Signature of the Owner, and Applicant if different from the Owner, requesting the review; and

(9) Other information required on the application by the Commission.

(c) Determination of certified rehabilitation. Part B rehabilitation plans are reviewed by staff of the Commission for consistency with the Standards for Rehabilitation as set forth below:

(1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

(2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

(3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

(4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

(5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

(6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design,

color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

(7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

(8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

(10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

### **Rule §13.5 Request for Certification of Completed Work**

(a) Application Part C - Request for Certification of Completed Work. Part C of the application requires information to allow the Commission to certify the completed work follows the Standards for Rehabilitation and the rehabilitation plan as approved by the Commission in the Part B review. Part C may be submitted when the project is placed in service.

(b) Application requirements. Information to be submitted in the Part C includes:

(1) Name, mailing address, telephone number, and email address of the property owner(s);

(2) Tax identification number(s);

(3) Name and address of the property;

(4) Photographs (~~not smaller than 4"x6", printed at 300 ppi if digital~~) of the completed work showing similar views of the photographs provided in Parts A and B. Photographs must be formatted as directed by the Commission in published program guidance materials on the Commission's online Texas Historic Preservation Tax Credit Application Guide available by accessing [thc.texas.gov](http://thc.texas.gov);

(5) Evidence of the placed in service date, such as a certificate of occupancy issued by the local building official or a certificate of substantial completion; and

(6) Other information required on the application by the Commission.

### **Rule §13.6 Application Review Process**

(a) Application form. The Commission staff will develop the application and may modify it as needed over time. All required forms, including application Parts A, B, C, and amendment forms, are available from the Commission at no cost.

(b) Delivery. Applications will be accepted beginning on January 1, 2015 and continuously thereafter. Applications should be ~~delivered~~submitted to the Commission ~~by mail, hand delivery, or courier service. Faxed or emailed applications will not be accepted in the manner and format directed by the Commission in published program guidance materials on the Commission's online Texas Historic Preservation Tax Credit Application Guide available by accessing [thc.texas.gov](http://thc.texas.gov).~~

(c) Application Part A - Evaluation of Significance. Part A of the application will be used by the Commission to confirm historic designation or to determine if the property is eligible for qualification as a certified historic structure.

(1) If a property is individually listed in the National Register of Historic Places or designated as a Recorded Texas Historic Landmark or State Antiquities Landmark, the property is qualified as a certified historic structure.

(2) The applicant will be responsible for providing sufficient information to the Commission with which the Commission staff may make a determination. If all requested information is not provided to make a determination that a building is eligible for designation as a certified historic structure, the staff may request additional information from the applicant. If the additional information requested is not provided in a timely manner, the application will be considered incomplete and review of the application will be placed on hold until sufficient information is received.

(3) The Commission staff review of Part A of a complete application, unless otherwise provided in §13.8 of this title (relating to Relationship with the Federal Rehabilitation Tax Credit Program), and shall notify the applicant in writing of any determination it makes upon completing the review of Part A of the application.

(4) There is no fee to review Part A of the application.

(d) Application Part B - Description of Rehabilitation. Part B of the application will be used by the Commission to review proposed projects for compliance with the Standards for Rehabilitation.

(1) The applicant will be responsible for providing sufficient information, including photographs taken prior to the project, to the Commission with which the Commission staff may make a determination. If all requested information is not provided to make a determination that a project is eligible as a certified rehabilitation, staff may request additional information from the applicant, usually required to be submitted within 30 days. If the additional information requested is not provided in a timely manner, the application will be considered incomplete and review of the application will be placed on hold until sufficient information is received.

(2) The Commission staff will review Part B of a complete application, unless otherwise provided in §13.8 of this title, and shall notify the applicant in writing of any determination it makes upon completing the review of Part B of the application. In reviewing Part B of the application, the Commission shall determine if Part B is approved or not as follows:

(A) Consistent with the Standards for Rehabilitation as determined by the Commission. If all aspects of the Part B of the application meet the standards for rehabilitation, no additional information is required, and no conditions are imposed on the work, Part B is approved.

(B) Consistent with the Standards for Rehabilitation with specific conditions of work required. The Commission may determine that the work described in the plan must be performed in a specific manner or with specific materials in order to fully comply with the Standards for Rehabilitation. In such cases, the Part B may be approved with specific conditions required. For applications found to be consistent with the Standards for Rehabilitation with specific conditions required, the applicant shall

provide written acceptance to the Commission of all specific conditions required. Otherwise the application will be determined to be not consistent with the Standards for Rehabilitation; applications found to be consistent with the Standards for Rehabilitation with specific conditions required may proceed with the work but will only be eligible for the credit if the conditions listed are met as part of the rehabilitation work. Failure to follow the conditions may result in a determination by the Commission that the project is not consistent with the Standards for Rehabilitation.

(C) Not consistent with the Standards for Rehabilitation. Applications found not to be consistent with the Standards for Rehabilitation will be considered to be ineligible applications; the Commission shall make recommendations to the applicant that might bring the project into conformance with the Standards for Rehabilitation, however no warranty is made that the recommendations will bring the project into compliance with the Standards for Rehabilitation; the applicant may reapply and it will be treated as a new application and will be subject to a new application fee.

(3) An application fee is required to be received by the Commission before Commission review of Part B of the application. The fee is based on the estimated amount of eligible costs and expenses listed by the applicant on Part B of the application.

(A) Applicants must submit the fee with their Part B application or the application will be placed on hold until the fee is received. The fee is calculated according to a fee schedule approved by the Commission and included in the application.

(B) The fee is based on the estimated aggregate eligible costs and expenses indicated in the Part B application and is not refundable. Resubmission of a rejected application or under any other circumstances will require a new fee. Amendments to a pending application or approved project do not require additional fees.

(4) Amendment Sheet. Changes to the project not anticipated in the original application shall be submitted to the Commission on an amendment sheet and must be approved by the Commission as consistent with the Standards for Rehabilitation before they are included in the project. The Commission shall review the amendment sheet and issue a determination in writing regarding whether or not the proposed change in the project is consistent with the Standards for Rehabilitation.

(5) Scope of Review. The review encompasses the building's site and environment as well as any buildings that were functionally related historically. Therefore, any new construction and site improvements occurring on the historic property are considered part of the project. Individual condominiums or commercial spaces within a larger historic building are not considered individual properties apart from the whole. The scope of review for a project is not limited to the work that qualifies as an eligible expense. Likewise, all work completed by the current owner twenty-four (24) months before the submission of the application is considered part of the project, as is the cumulative effect of any work in previously completed or future phases.

(A) An applicant may elect to apply to receive the credit on only the exterior portions of a larger project that includes other work, in which case the scope of review will be limited to the exterior work. For properties that are individually listed on the National Register of Historic Places, are designated as a Recorded Texas Historic Landmark or State Antiquities Landmark, or determined to be eligible for these designations, the scope of review must also include primary interior spaces.

(B) For these projects described in subparagraph (A) of this paragraph, all work completed by the current owner twenty-four (24) months before the submission of the application, and within the same scope of review (e.g. exterior and/or primary interior) is considered part of the project, as is the cumulative effect of any work in previously completed or future phases within the same scope of review.

(e) Application Part C - Request for Certification of Completed Work. Part C of the application will be used by the Commission to review completed projects for compliance with the work approved under Part B.

(1) The applicant shall file Part C of the application after the building is placed in service.

(2) The applicant will be responsible for providing sufficient information, including photographs before and after the project, to the Commission by which the Commission staff may verify compliance with the approved Part B. If all requested information is not provided to make a determination that a project is eligible as a certified rehabilitation, the application is incomplete and review of the application will be placed on hold until sufficient information is received.

(3) The Commission staff will review Part C of a complete application, unless otherwise provided in §13.8 of this title, and shall notify the applicant in writing of any determination it makes upon completing the review of Part C of the application.

(A) If the completed project is found to be in compliance with the approved Part B and any required conditions; consistent with the Standards for Rehabilitation, and the building is a certified historic structure at the time of the application, the Commission shall approve the project. The Commission then shall issue to the applicant a certificate of eligibility that confirms the property to which the eligible costs and expenses relate is a certified historic structure and the rehabilitation qualifies as a certified rehabilitation and specifies the date the certified historic structure was first placed in service after the rehabilitation.

(B) If the completed project is not consistent with the Standards for Rehabilitation, with the approved Part B, and/or the specific conditions required, and the project cannot, in the opinion of the Commission, be brought into compliance, or if the building is not a certified historic structure at the time of the application, then the Commission shall deny Part C of the application and no certificate of eligibility shall be issued.

(C) If the completed project is not consistent with the Standards for Rehabilitation, with the approved Part B, and/or the specific conditions required, and the project can, in the opinion of the Commission, be brought into compliance, the Commission may issue remedial conditions that will bring the project into compliance. The applicant shall complete the remedial work and file an amended Part C. If the remedial work, in the opinion of the Commission, brings the project into compliance, then the Commission shall issue a certificate of eligibility.

(4) An application fee is charged before Commission review of the Part C of the application based on the amount of eligible costs and expenses listed by applicant on Part C of the application.

(A) Applicants must submit the fee with their Part C application or the application will be placed on hold until the fee is received. The fee is calculated according to a fee schedule approved by the Commission and included in the application.

(B) The fee is based on the eligible costs and expenses as indicated in the audited cost report and is not refundable. Resubmission of a rejected application or under any other circumstances will require a new fee. Amendments do not require additional fees.

(f) Closure of Inactive Applications. The Commission staff may close applications that have been deemed inactive. Closed applications do not qualify as certified rehabilitations and are not eligible for the Texas Historic Preservation Tax Credit unless reopened per paragraph (6) of this subsection.

(1) Applications may be deemed inactive and closed under any of the following circumstances: Part B and Part C application fees have not been received within sixty (60) days of receipt of the application parts; written requests for information necessary to complete the application and provide sufficient documentation to fully review the application are not responded to within sixty (60) days; or, approved application Parts have not progressed to subsequent Parts (for example: a Part B has not been submitted following approval of a Part A, etc.) and there has been no communication from the applicant to the Commission for a period of twenty-four (24) months or greater.

(2) Applications for projects that are simultaneously applying for federal historic tax credits, per §13.8 of this title may also be closed upon closure of the federal application by the National Park Service.

(3) Applicants will be notified in writing of the potential closure and given sixty (60) days to respond, in writing, with a request for the application to remain open; supplying missing or requested information; or to request an extension allowing additional time to compile missing or requested information. If no response is received, the application will be closed. Such requests shall not be unreasonably denied but shall not exceed an additional 60 days.

(4) Extensions will be granted, in writing, for a period of time agreed upon by the Commission and the Applicant, based on the status of the project. If an extension is not met, further extensions may be granted if the Applicant documents to the Commission that the project is progressing.

(5) Applications that have been closed will be reopened under the following conditions: the project applicant has not changed; the overall scope of work presented in the Part B application has not substantially changed; and the request to reopen the application is made in writing within twenty-four (24) months from the date the application was closed.

(6) If all conditions in paragraph (5) of this subsection are not met, a new application must be filed, including new Part B and Part C application fees.