

Architecture Committee

January 31, 2023



TEXAS HISTORICAL COMMISSION

AGENDA
ARCHITECTURE COMMITTEE

DoubleTree by Hilton Hotel
Phoenix Ballroom South
6505 N IH 35
Austin, TX 78752
January 31, 2023
9:30 a.m.

(or upon adjournment of the 9 a.m. Archeology Committee, whichever occurs later)

This meeting of the THC Architecture Committee has been properly posted with the Secretary of State's Office according to the provisions of the Texas Open Meetings Act, Chapter 551, Texas Government Code. The members may discuss and/or take action on any of the items listed in the agenda.

1. Call to Order — *Committee Chair Limbacher*
 - A. Committee member introductions
 - B. Establish quorum
 - C. Recognize and/or excuse absences
2. Consider approval of the October 17, 2022 Architecture Committee meeting minutes — *Limbacher*
3. Division of Architecture update and Committee discussion, including updates on staffing, federal and state architectural reviews, courthouse preservation, disaster assistance, trust fund grants, and historic preservation tax credit projects — *Brummett* (Item 9.1)
4. Consider adoption of amendments to the Texas Administrative Code, Title 13, Part 2, Chapter 13, sections 13.1–13.3, 13.6, and 13.7 related to the Texas Historic Preservation Tax Credit Program with changes to the text as published in the August 19, 2022 issue of the *Texas Register* (47 TexReg 4899) – *Brummett* (Item 7.4A)
5. Consider approval of appointments to a Courthouse Preservation Program Advisory Committee — *Tietz* (Item 9.2)
6. Adjournment — *Limbacher*

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS: Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact Esther Brickley at (512) 463-5768 at least four (4) business days prior to the meeting so that appropriate arrangements can be made.

TEXAS HISTORICAL COMMISSION

**MINUTES
ARCHITECTURE COMMITTEE**

The Stella Hotel
Celeste Ballroom
4100 Lake Atlas Dr.
Bryan, Tx 77807
October 17, 2022
9:30am.

Note: For the full text of action items, please contact the Texas Historical Commission at P.O. Box 12276, Austin, Tx 78711 or call 512-463-6100

Committee members in attendance: Chair Laurie Limbacher, and Commissioners Tom Perini, Lilia Garcia, David Gravelle, Garrett Donnelly, and Monica Zárate Burdette.

Committee members absent: Commissioner Broussard

1. Call to Order

The meeting was called to order at 9:30a.m. on October 17th, 2022, by Committee Chair Laurie Limbacher. She 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 the notice was properly posted with the Secretary of State's Office as required.

A. Committee member introductions

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

B. Establish quorum

Chair Limbacher reported a quorum was present and declared the meeting open.

C. Recognize and/or excuse absences

Commissioner Tom Perini moved to approve the absence of Commissioner Broussard. Commissioner Gravelle seconded the motion, and the motion passed unanimously.

2. Consider approval of the July 25, 2022 Architecture Committee meeting minutes

Chair Limbacher called for a motion to approve the minutes of the July 25, 2022, meeting. Commissioner Gravelle motioned, Commissioner Garcia seconded the motion which passed unanimously.

3. Division of Architecture update and Committee discussion

Architecture Division Director Elizabeth Brummett provided an update on the Historic Tax Credit program; she indicated the program prepared a limited number of project pages due to most certified projects being a smaller phase of ongoing work. Ms. Brummett presented a certified project, Alden B. Dow Office and Lake Jackson City Hall in Lake Jackson. She provided the background of Alden B. Dow and the building's architectural significance related to the town of Lake Jackson. Ms. Brummett proceeded to give an update on the Texas Historic Courthouse Preservation Program. She discussed the construction updates on Callahan, Duval, and Mason County courthouses. Ms. Brummett provided an update on staffing for the Texas Preservation Trust Fund (TPTF), introducing Ashley Salie as the new program coordinator to the commissioners. She discussed the cultural landscape report on the Bassett Farms Conservancy, a recipient of a TPTF grant in fiscal year 2020. The report included a history of the site, analysis, evaluation of landscape characteristics, and preservation treatment recommendations. Ms.

Brummett discussed the Federal and State Review program's current projects including work at Camp Mabry, the Dr Pepper Museum, and the Elizabet Ney Studio and Museum. Ms. Brummett discussed the Buffalo Soldiers Museum, which received Hurricanes Harvey, Irma, and Maria Emergency Supplemental Historic Preservation Fund grant funding. She provided information on the scope of work and mentioned that the building was in the process of pursuing tax credits for extensive work on the building.

4. Consider adoptions to the Texas Administrative Code, Title 13, Part 2

A. Rule review, Chapter 13, related to the Texas Historic preservation Tax Credit Program, as Published in the August 19,2022 issue of the *Texas Register* (47TexReg 5005)

Ms. Brummett described that rule review as an administrative periodic review. She stated that there was no public comment on the suggested rule review. Commissioner Limbacher moved to forward to the commission and recommended adoption of the review of Chapter 13 of the Texas Administrative Code, Title 13, Part 2, related to the Texas Historic Tax Credit Program as Published on the August 19, 2022, issue of the *Texas Register* (47 TexReg 5005), Commissioner Burdette seconded the motion, and it was passed unanimously.

B. Amendments, Chapter 13, Sections 13.1, 13.2, 13.3, 13.6, and 13.7 related to the Texas Historic Preservation Tax Credit Program without changes to the text as published in the August 19, 2022, issue of the *Texas Register* (47 TexReg 4899-4906)

Ms. Brummett clarified to the commission that the changes were meant to better align the State Tax Credit Program with the Federal Rehabilitation Tax credit. She conveyed that these changes were administrative in nature and made the instructions easier for applicants to understand. Commissioner Donnelly moved to send forward to the Commission and recommend adoption of amendments to the Texas Administrative Code, Title 13, Part 2, Chapter 13, Sections 13.1, 13.2, 13.3, 13.6, and 13.7 related to the Texas Historic Tax Credit Program, without changes as published in the August 19, 2022, issue of the *Texas Register* (47 Tex Reg 4899-4906), Commissioner Perini seconded the motion which passed unanimously.

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

Ms. Brummett stated that Menard County received a Round X construction grant in 2018. The Project was completed in August 2021 and was under budget by \$107,764.15. Ms. Brummett indicated that THC had paid all reimbursements requests. The staff recommended that the remaining balance be recaptured, to which Menard County agreed. Commissioner Burdette approved the recapture of funds from Menard County of \$107,764.15, Commissioner Garcia second the motion which passed unanimously.

6. Adjournment

Committee Chair Laurie Limbacher called the meeting to adjournment at 9:48 a.m.

Quarterly Report

Division of Architecture
October–December 2022

FEDERAL AND STATE REVIEW

During this quarter, Division of Architecture (DOA) staff completed 124 reviews under Section 106 of the National Historic Preservation Act of 1966, issued 9 permits for State Antiquities Landmark properties, reviewed 68 Recorded Texas Historic Landmark properties, and provided oversight and guidance to 19 active Texas Preservation Trust Fund architecture grant projects.

State Antiquities and Recorded Texas Historic Landmarks

In December, Elizabeth Brummett represented the agency at the rededication of two historic sites in Gonzales: the Gonzales Memorial Museum and the Eggleston House. The museum, built to honor the centennial of Texas independence, is a State Antiquities Landmark. The City of Gonzales received a Texas Preservation Trust Fund grant in Fiscal Year (FY) 2020 for replacement of the building's roof, and the reflecting pool was recently refurbished. At the ca. 1848 Eggleston House, a Recorded Texas Historic Landmark (RTHL), work included replacement of the wood shingle roof and repairs to structural framing.

National Historic Preservation Act, Section 106

During the past quarter, the Federal and State Review Program has ardently worked toward finalizing several agreement documents to resolve the effects of federal undertakings on above ground cultural resources across the state. Those projects include: U.S. Army Corps of Engineers (USACE)-permitted functional alterations to the historic Lake McQueeney and Lake Placid Dams and Spillways by Guadalupe-Blanco River Authority; USACE-permitted widening of Namaan School Road by the City of Garland; U.S. Department of Housing and Urban Development (HUD) Section 22 disposition of the historic African American public housing known as Butler Place by Fort Worth Housing Solutions; HUD-funded redevelopment of Rosewood Courts in Austin, the country's first purpose-built African American public housing; and several planned Great American Outdoors Act-funded projects by the National Park Service (NPS) at the Lyndon B. Johnson National Historical Park. The successful Section 106 consultation on these projects allowed for compromise solutions that resulted in the preservation of cultural resources while allowing much

needed federally funded and permitted improvements to the associated sites.

TEXAS PRESERVATION TRUST FUND GRANTS

Grant recipients for the FY 2023 round of the Texas Preservation Trust Fund grant program include two archeology curatorial projects, one heritage education project, and nine architectural projects. These recipients are currently finalizing their funding agreements and easements, where required, to begin their projects. The FY 2024 grant cycle, which features earmarked funding opportunities in the City of Dallas and the TxDOT Amarillo District, was announced on December 1. Initial applications for this grant cycle are due February 6.

PRESERVATION TAX CREDITS

During this quarter, the **Texas Historic Preservation Tax Credit** (THPTC) program received 26 Part A, 16 Part B, 11 Part B amendment, and 14 Part C applications.

Since the date of the last quarterly narrative, **Certificates of Eligibility** were issued for five completed projects in Castroville, Dallas, Galveston, Marfa, and San Antonio. (See highlights for newly certified projects.) Qualified expenses for these projects total over \$15.9 million. A total of 362 projects have now been certified since the beginning of the program in 2015, with \$3.1 billion in qualified expenses.

The **Federal Rehabilitation Tax Credit** program received 12 Part 1, four Part 2, 14 Part 2 amendment, eight Part 3, and two Part 3 amendment applications. One project was certified by the NPS this quarter.

Tax credit staff made site visits to potential and completed projects in Fredericksburg, Dallas, El Paso, Houston, and San Antonio.

Caroline Wright delivered a presentation at the Texas Society of Architects conference in El Paso in October. The session was planned with a preservation consultant and design architect who worked on the rehabilitation of the Plaza Hotel, now known as the Plaza Hotel Pioneer Park. The Plaza features significant new design interventions, which were highlighted as part of the presentation and brief tour.

COURTHOUSE PRESERVATION PROGRAM THCPP-Funded Construction Projects

Masonry and interior marble restoration is nearly complete at the **Callahan County Courthouse** in Baird. Judge Kniffen's term ends with the calendar year. Replacement of corroded lintels continues as part of the emergency work at the **Duval County Courthouse** in San Diego. Emergency foundation work on the **Lee County Courthouse** in Giddings continues as the remaining structural concrete piers are drilled and poured. The concrete basement floor will be repoured once the pier installation is complete. Roof reconstruction is complete, and window installation and interior work has begun at the **Mason County Courthouse** in Mason, with anticipated completion in late summer 2023. The window sashes have been delivered and work on the interior will begin once the roof and window installation are complete near the end of the year. Judge Bearden, who has been instrumental in championing the reconstruction, retires at the end of December. A construction contractor has been selected for the full restoration of the **Polk County Courthouse** in Livingston, and cost negotiations are underway with construction to begin in January. Construction will begin soon on the **Taylor County Courthouse** in Abilene, after Judge Bolls ends his term.

Non-Grant-Funded Projects

The **1955 Waller County Courthouse**, located in Hempstead and designed by Herbert Voelcker of renowned courthouse design team Voelcker and Dixon, will be razed sometime in 2023. Staff was unsuccessful in persuading the Commissioners' Court to reconsider the demolition. Judge Duhon will allow the Courthouse Program Reviewer and Coordinator to document the building before its demolition. The county notified the THC more than 180 days prior to the demolition as required by Courthouse Law (Texas Government Code § 442.008). No specific date has been set for the demolition.

Following unsuccessful Round XII emergency grant applications, planning for repairs are underway to the roof structure of the **1916 Blanco County Courthouse** in Blanco, the masonry of the **1891 Donley County Courthouse** in Clarendon, and the drainage systems of the **1884 Red River County Courthouse** in Clarksville and **1897 Lavaca County Courthouse** in Hallettsville.

Stewardship

The Courthouse team hosted a successful stewardship training at the **1894 Grimes County Courthouse** in Anderson on Thursday, November 17. Twelve attendees, including county judges, facility managers, and CHC members, traveled from five surrounding counties to take advantage of the training. Leslie Midgley, the executive vice president and CEO of the stewardship program's sponsor, Texas Land Title Association, welcomed guests.

STAFF UPDATES

On November 1, **Dan Valenzuela** joined the Courthouse Preservation Program team. Valenzuela is a licensed architect with over 20 years of experience in the architecture field. He has a Master of Architecture degree from Texas Tech with a focus on historic preservation. He worked for various firms, including Heimsath Architects and Jackson Galloway Associates, before founding Valenzuela Preservation Studio with his wife Beth Valenzuela. He has worked on measured drawings, condition assessments, and master planning at multiple historic sites, including the Kimble County Courthouse, Lyndon B. Johnson National Historical Park, and Eisenhower Birthplace State Historic Site.

The Federal and State Review team is fully staffed as of January 1, thanks to three new hires. **Katharine Sheldon** worked in DOA's Disaster Assistance Program since September 2019, where she supported grant recipients in project administration. Previously, she held positions with Heritage New Zealand: as a governance administrator, where she acted as a liaison to the Maori Heritage Council, and as a Crown land disposal advisor, where she advised on protections for cultural resources on land transferred out of government ownership. Sheldon has dual master's degrees, in archeology from the University of York and in historic preservation from the University of Hawaii.

Jonathan Moseley has worked as the Disaster Recovery Project Reviewer in the History Programs Division since May 2022. He previously worked for the East Tennessee Development District, where he administered state grants, conducted historic resources surveys, wrote National Register nominations, and evaluated projects pursuant to Section 106 and local design review. He held multiple internships, including for the National Register program of the Arkansas SHPO and the Corinth Civil War Interpretive Center, a NPS historical site. Moseley has a master's degree in public history from Texas State University.

Finally, **Sheena Cox** joins the agency from the Dolph Briscoe Center for American History, where as a project coordinator she worked to digitize and present the collection of former Texas Congressman Jack Brooks. She served as a program organizer for the Texas State Historical Association's annual conference and was assistant editor for the *Handbook of Texas Online*, with special projects including the *Handbook of Texas Women* and the *Handbook of Dallas-Fort Worth*. Cox has a master's degree in history from Texas A&M Corpus Christi. She is concluding her doctoral dissertation in anticipation of receiving a Ph.D. in Borderlands History from The University of Texas at Austin in December.

TEXAS HISTORIC PRESERVATION TAX CREDIT PROGRAM



Castroville News Building 1920 Castroville • Medina County • Texas

History

Built in several phases, the Castroville News Building has served numerous roles in the town since its construction, with its most significant earning its namesake as the home of the Castroville Quail and its successor, the Castroville News Bulletin. The one-story section at the front of the property was built during the district's period of significance and it considered the historic portion of the property. In the late 1980s, space was needed and a two-story addition was added at the rear to accommodate new offices and meeting rooms for the newspaper. This area also housed a small apartment once the News Bulletin was purchased and moved in the 1990s.

Rehabilitation Project

In order to reestablish the building for office use, there was a large amount of work needed to seal up the building from the elements and determine where systems, such as the non-historic vinyl siding, had failed over time. A new roof was installed to keep rainwater out, and select wood beams were replaced where they had been found to be damaged beyond repair. The front and rear, which had been cut off from one another, were reconnected to serve as a single office space for one tenant.

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

HISTORIC USE: News printer

CURRENT USE: Office

CERTIFIED: November 30, 2021

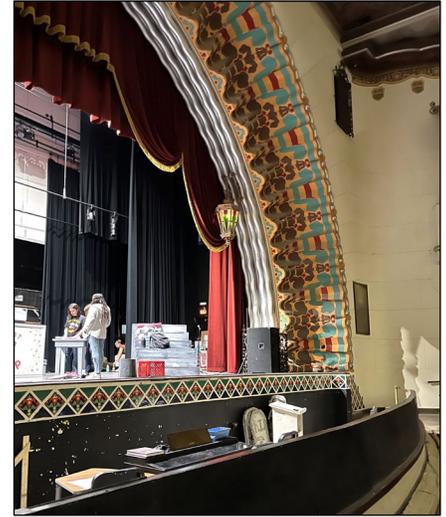
CONTACT: Oldtown Castroville Revitalization LLC, Post Oak Preservation Solutions

Also certified for federal tax credits.

For more info

www.thc.texas.gov/taxcreditprogram

TEXAS HISTORIC PRESERVATION TAX CREDIT PROGRAM



Thomas Jefferson High School 1932 San Antonio • Bexar County • Texas

History

The construction of Thomas Jefferson High School was funded by a city school bond and built in concert with the Works Progress Administration. Sitting on 30+ acres, the expansive school was designed in an elaborate Spanish-Moorish style and featured carved columns, decorative tile and wrought iron, cast stone flourishes, and a silver-domed tower. The school cost more than \$1,250,000 to build, an extravagance that was criticized at the height of the Great Depression. When it opened, Jefferson High School held standard classes in history and math, but also offered courses in manners, dancing, and radio broadcasting. In 1937 it was named the best high school in America, and is frequently recognized for its academic excellence.

Rehabilitation Project

This project is the third and final phase submitted for tax credits and is part of a larger renovation plan for the school campus. The most recent project focused on the auditorium, corridors and classrooms. The restoration of the grand historic auditorium included refurbishing of original seating, replacement of theatrical lighting and curtains, and repairs to the stage, orchestra pit, proscenium, and green room. A black box theater was also created. Corridors and classrooms were renovated with a specific focus on replacement flooring, ceilings, lighting, and modern digital A/V systems. The previous two phases consisted of extensive foundation repairs and finish improvements to the Large Gym and the Cafeteria, respectively.

DESIGNATION: Individually listed in National Register of Historic Places

HISTORIC USE: High School

CURRENT USE: High School

TOTAL COST: \$15,463,000

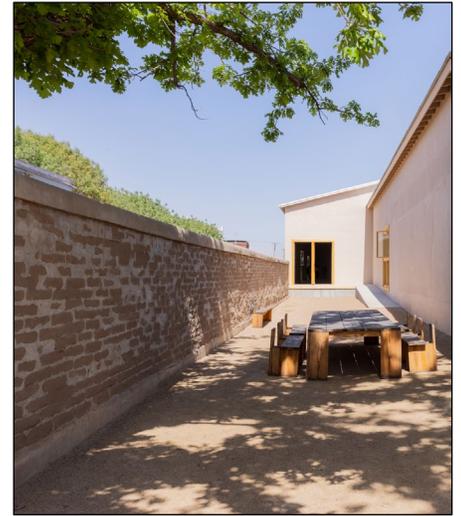
QUALIFIED EXPENSES: \$8,500,000
(\$36,473,270 over 3 phases)

CERTIFIED: December 13, 2022

CONTACT: Perkins + Will; Barlett-Cocke General Contractors; and Post Oak Preservation Solutions

For more info
www.thc.texas.gov/taxcreditprogram

TEXAS HISTORIC PRESERVATION TAX CREDIT PROGRAM



Marfa Wool and Mohair Warehouse/ Chamberlain Building 1940

Marfa • Presidio County • Texas

History

The Marfa Wool and Mohair Warehouse was constructed and used for several decades as a warehouse, feed and seed store, and hardware store, before being abandoned. The original section of the warehouse has a wood structure, with two metal-structured additions. With a group of associates that later formed the Chinati Foundation, the building was purchased in 1979 by Donald Judd to serve as a site-specific installation of sculptures by John Chamberlain. Chamberlain is best known for his sculptures created with crushed automobiles and auto parts. The Chamberlain Building houses the largest single collection of Chamberlain's work. Judd-related properties in Marfa have been listed in the National Register using special criteria for significance that is less than 50 years in age.

Rehabilitation Project

This rehabilitation project was focused on correcting structural deficiencies, water-tightening, adding accessibility under ADA guidelines, and improving some of Judd's original designs and construction methods. Early in his work in Marfa, Judd began inserting large square windows and pivoting doors with four lites. These easily denote many of his buildings in Marfa, though the earliest have sagged due to size. This project tested a new method of construction by wrapping a steel frame with wood. Additionally, an adobe wall constructed by Judd was fully repaired with appropriate materials.

DESIGNATION: Listed in the National Register as contributing to the Central Marfa Historic District

HISTORIC USE: Warehouse

CURRENT USE: Art installation

CERTIFIED: November 30, 2022

CONTACT: The Chinati Foundation; Schaum/Shieh; and Higgins, Quasebarth & Partners

Certified for state credits only.

For more info

www.thc.texas.gov/taxcreditprogram

TEXAS HISTORIC PRESERVATION TAX CREDIT PROGRAM



McIntosh Building 1913 Wichita Falls • Wichita County • Texas

History

This building located in downtown Wichita Falls was built as two commercial spaces in the early 20th century, and has served various retail spaces throughout the next century. These businesses were varied, and included a car dealership, a refinery supply store, and a refrigeration company, among other tenants. The large display windows and deep showroom space made this property ideal for selling and storing products, which remained in decent condition until the start of this rehabilitation project, which sought to update services and address deferred maintenance at the McIntosh Building.

Rehabilitation Project

Many successful projects that participate in the historic tax credit programs are listed in downtown National Register districts, and this is the case at the McIntosh Building in Wichita Falls. After sitting vacant for several years, the building was brought back into service to house two retail spaces. In addition to plaster and ceiling repair, new systems were added and ducts were installed to be minimally visible from outside. New plumbing and electrical, as well as new restrooms, brought necessary services to the property in order to be operable and comfortable all day. Finally, all original masonry and floors were repaired rather than replaced, saving on costs and ensuring they will be useful for many more years.

DESIGNATION: Listed as contributing to the Depot Square Historic District in the National Register of Historic Places

HISTORIC USE: Retail

CURRENT USE: Retail

CERTIFIED: September 12, 2022

CONTACT: Post Oak Preservation Solutions; Anchored DT, LLC

Also certified for federal tax credits.

For more info
www.thc.texas.gov/taxcreditprogram

TEXAS
HISTORICAL
COMMISSION
REAL PLACES TELLING REAL STORIES

Round 9 Construction Status Report

1/10/2023

County & Round	Reviewer	Grant Award & Balance	Pre-Construction					Construction							Post-Construction						Architect	Contractor	Status Notes		
			Ack Form	Funding Agree	Easement	Arch Contract	Construct Docs	NTP Bid	SAL Permit	Bid Period Start	Bid Tally Sheet	Const Contract	Sub List	NTP Construction	Construct Start	Work In Progress	Close Out Docs	Insurance	Completion Report	Substantial Completion				Project Completion	Rededication
Cameron 9 Emergency Construction	Tania Salgado	\$450,000.00 \$0	■	■	■	■	■	■	■	12/04/2016	■	■	■	■	7/26/2018	□	■	■	■	3/29/2019	4/29/2019	N/A	Ford, Powell & Carson, Inc.	SpawGlass	Complete
Fannin 9 Full Restoration	James Malanaphy	\$5,600,000.00 \$601,301.00	■	■	■	■	■	■	N/A	01/01/2018	■	■	■	■	4/1/2018	■	□	□	□	4/28/2022	7/28/2022	3/11/2022	ArchiTexas Dallas	Phoenix 1	The restoration is presently complete with the exception of acquisition and installation of some components of the Audio Visual systems that were on back order. The project architect is also awaiting the final inspection report from TDLR to confirm there are no outstanding deficiencies to correct.
Karnes 9 Full Restoration	Tania Salgado	\$4,093,559.00 \$0	■	■	■	■	■	■	■	10/14/2015	■	■	■	■	11/1/2015	□	■	■	■	1/29/2018	3/2/2018	4/7/2018	Fisher-Heck Architects	MJ Boyle	Complete
Kleberg 9 Emergency Construction	Tania Salgado	\$450,000.00 \$0	■	■	■	■	■	■	■	11/1/2018	□	■	■	■	1/29/2018	□	■	■	■	4/8/2019	5/8/2019		Komatsu Architecture	JC Stoddard	Complete
Lynn 9 Full Restoration	Eva Osborne	\$5,149,905.00 \$0	■	■	■	■	■	■	■	12/01/2016	■	■	■	■	5/1/2017	□	■	■	■	10/1/2019	2/1/2019	7/20/2020	Komatsu Architecture	Stoddard Construction Management	Complete
San Saba 9 Full Restoration	Eva Osborne	\$4,911,105.00 \$0	■	■	■	■	■	■	■	08/25/2017	■	■	■	■	12/8/2017	□	■	■	■	5/1/2020	11/1/2019	3/4/2020	ArchiTexas Austin	JC Stoddard	Complete
Willacy 9 Emergency Construction	Tania Salgado	\$402,970.00 \$196,197.89	■	■	■	■	■	■	■	03/01/2017	■	■	■	■	11/1/2021	■	□	□	□	TBD	estimated 1/2023	N/A	Limbacher & Godfrey	SpawGlass	Emergency Construction: MEP Engineer to finalize set up and owner training for equipment. Full Restoration Planning: Paint analysis complete. Theory about original balcony configuration being explored and general preservation philosophy being considered. Structural engineer to visit site in January.

Count:

7

Total Funds Awarded:
\$21,057,539.00

Funds Remaining:
\$967,048.00

Round 10 Construction Status Report

1/10/2023

County & Round	Pre-Construction							Construction							Post-Construction						Architect	Contractor	Status Notes		
	Reviewer	Grant Award & Balance	Ack Form	Funding Agree	Easement	Arch Contract	Construct Docs	NTP Bid	SAL Permit	Bid Period Start	Bid Tally Sheet	Const Contract	Sub List	NTP Construction	Construct Start	Work In Progress	Close Out Docs	Insurance	Completion Report	Substantial Completion				Project Completion	Rededication
Camp 10e Emergency Construction	James Malanaphy	\$417,576.00 \$0	■	■	■	■	■	■	□	12/12/2019	■	■	■	■	1/5/2020	□	■	■	■	12/15/2020	1/15/2021	N/A	Komatsu Architecture	Joe R. Jones Construction	Complete
Falls 10 Full Restoration	Susan Tietz	\$5,832,430.00 \$0	■	■	■	■	■	■	■	06/01/2019	■	■	■	■	12/9/2019	□	■	■	■	10/12/2021	10/1/2021	10/16/2021	Komatsu Architecture	Stoddard Construction Management	Complete
Goliad 10e Emergency Construction	Tania Salgado	\$205,995.00 \$0	■	■	■	■	■	■	■	10/10/2018	■	■	■	■	1/9/2019	□	■	■	■	11/22/2019	11/22/2019	N/A	Wiss Janney Elstner Associates Inc	Phoenix 1	Complete
Kimble 10e Emergency Construction	Tania Salgado	\$318,176.00 \$0	■	■	■	■	■	■	■	11/30/2018	■	■	■	■	7/1/2019	□	■	■	■	4/2/2020	5/15/2020	N/A	Hutson Gallagher	Joe R. Jones Construction	Complete
Lee 10e Emergency Planning	James Malanaphy	\$44,170.00 \$0	■	■	■	■	■	■	■	N/A	■	■	■	■	N/A	□	■	■	■	N/A	5/1/2021	N/A	Sparks Engineering	N/A	Complete
Limestone 10e Emergency Construction	James Malanaphy	\$438,854.00 \$88,422.00	■	■	■	■	■	■	■	07/15/2021	■	■	■	■	9/1/2021	□	□	□	□	1/31/2022	1/31/2022	N/A	Komatsu Architecture	MRI Builders	Awaiting Final Reimbursement Request.
Lipscomb 10 Full Restoration	Eva Osborne	\$5,050,906.00 \$0	■	■	■	■	■	■	■	09/14/2018	■	■	■	■	1/9/2020	□	■	■	■	4/30/2021	5/30/2021	7/3/2021	Arthur Weinman Architects	Premier Metalwerks	Complete
Marion 10 Full Restoration	James Malanaphy	\$4,682,610.00 \$0	■	■	■	■	■	■	■	09/01/2018	■	■	■	■	10/1/2018	□	■	■	■	1/15/2021	2/15/2021	5/22/2021	Komatsu Architecture	MRI Builders	Complete
Menard 10 Full Restoration	Eva Osborne	\$1,382,388.16 \$0	■	■	■	■	■	■	■	03/29/2019	■	■	■	■	8/1/2019	□	■	■	■	11/23/2020	11/23/2020	N/A	Stan Klein Architect, LLC	Stoddard Construction Management	Complete
Milam 10e Emergency Construction	Susan Tietz	\$60,012.00 \$0	■	■	■	■	■	■	■	04/01/2019	■	■	■	■	8/15/2019	□	■	■	■	12/1/2019	12/1/2019	N/A	ArchiTexas Austin	MRI Builders	Complete

Count

13

Total Funds Awarded

\$23,665,090.16

Funds Remaining:

\$1,489,077.00

Round 10 Master Plan Update Grants Status Report

1/10/2023

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

Count: 25

Total Funds Awarded: \$1,143,980.00

Funds Remaining: \$192,500.00

County & Round	Reviewer	Grant Award & Balance	Pre-Construction					Construction					Post-Construction					Architect	Contractor	Status Notes				
			Funding Agreement	Easement	Architect Contract	Construct Docs	NTP Bid	SAL Permit	Bid Period Start	Const Contract	Sub List	NTP Construction	Construct Start	Work In Progress	Close Out Docs	Insurance	Completion Report				Substantial Completion	Project Completion	Rededication	
Callahan 11 Full Restoration	Eva Osborne	\$4,684,891.00 \$3,261,348.00	■	■	■	■	■	■	■	6/1/2021	■	■	■	7/1/2021	■	□	□	□	12/23/2023	1/11/2023	TBD	Komatsu Architecture	Stoddard Construction Management	Entry porch will be widened in depth to accommodate the front door swing. Accessible route is being created from nearby historic hospital. Waterproofing at the basement has begun and windows are being re-evaluated for repair/painting. Elevator installation in process. Energy efficient lighting discussion underway. Geo-thermal well placement has been approved and trees have been removed. District Courtroom ceiling is being evaluated for selective replacement of tiles and asbestos testing came back negative. Work is about 30% complete.
Duval 11 Emergency Construction	Tania Salgado	\$1,400,000.00 \$938,456.00	■	■	■	■	■	N/A	6/1/2021	■	■	■	1/18/2022	■	□	□	□	1/21/2023	estimated 2/24/2023	N/A	ArchiTexas Austin	Premier Metalwerks	Roof repairs needed due to poor installation by previous roof contractor for project that predated existing emergency work. Replacement of corroded window lintels continues as part of the grant funded emergency project.	
Lee 11 Emergency Construction	Dan Valenzuela	\$1,970,149.00 \$1,231,872.00	■	■	■	■	■	□	7/15/2021	■	■	■	3/3/2022	■	□	□	□	TBD	4/1/2023	N/A	Sparks Engineering	JC Stoddard	Additional cracks in the plaster walls have been observed. The bent steel plates for retrofitting the basement arches are being installed. Mortar mock-ups under review. All structural pier construction	
Mason 11 Full Restoration	Eva Osborne	\$10,140,119.00 \$6,331,301.00	■	■	■	■	■	■	2/1/2022	■	■	■	1/15/2022	■	□	□	□	TBD	12/1/2023	TBD	ArchiTexas Dallas	Stoddard General Contractors	Ornamental sheet metal samples approved; Light gauge roof framing still underway and roof completion is anticipated for April 2023. Elevator shaft in process; Column capitol restoration and shaft realignment complete; Masonry repair complete, including reconstruction with stone quarried nearby, Wood finishes, ornamental plaster, pressed metal ceilings and mosaic tile flooring preparation is being conducted off-site.	
Newton 11 Special Appropriation	James Malanaphy	\$1,100,000.00 \$1,100,000.00	■	□	□	□	□	□			□	□		□	□	□	□	TBD	6/1/2023	N/A			Awaiting architect contract and verification of scope from the county.	
Polk 11 Full Restoration	Dan Valenzuela	\$4,744,746.00 \$4,699,369.00	■	■	■	■	■	□	12/1/2022	□	□	□		□	□	□	□	TBD	3/1/2024	TBD	Komatsu Architecture	JC Stoddard	Contractor selected. Project undergoing price negotiations. Construction anticipated to begin January 2023.	
Taylor 11 Full Restoration	Eva Osborne	\$5,980,000.00 \$5,418,928.00	■	■	■	■	■	■	1/5/2021	■	■	■	4/22/2021	■	□	□	□	TBD	8/17/2023	TBD	ArchiTexas Austin	Joe R. Jones Construction	Project on schedule. Awaiting shop drawings for restoration mortar, masonry patching, structural steel at basement and elevator, ornamental plaster, flat plaster, exterior sealants and paint. Masonry cleaning mock-up showed staining of the brick, so alternative products being explored. Brick veneer at corner piers and south entry stairs will be replaced due to structural concerns. Inventory for historic furniture is in process. Mock-ups of wood replacement windows have been approved.	

Count:
10
Total Funds Awarded:
\$23,378,984.00

Funds Remaining:
\$23,216,558.00

Round 11 Planning

1/10/2023

County	Round	Reviewer	Grant Award	Remaining	Agreement	Easement	Contract	Schematic	Design	65%	95%	Architect	Contact
Kimble	11	Tania Salgado	\$378,489.00	\$378,489.00	■	■	■	■	■	■	■	Hutson Gallagher	Chris Hutson
Washington	11	Betsy Frederick-Rothwell	\$713,130.00	\$0	■	■	■	■	■	■	■	Architexas	Susan Frocheur
Willacy	11	Tania Salgado	\$803,359.00	\$803,359.00	■	■	■	■	■	■	□	Limbacher & Godfrey	Laurie Limbacher
Wise	11	James Malanaphy	\$787,753.00	\$0	■	■	■	■	■	■	■	Komatsu Architecture	Karl Komatsu

Total Funds Awarded: \$2,682,731.00

Funds Remaining: \$1,181,848.00

Round 12 Counstruction Status Report

1/10/2023

County & Round	Reviewer	Pre-Construction					Construction									Post-Construction					Architect	Contractor	Status Notes	
		Grant Award & Balance	Ack Form	Funding Agreement	Easement	Contract	Construct Docs	NTP	SAL Permit	Bid Tally Sheet	Const Contract	Sub List	Close Out Docs	Insurance	Completion Report	Bid Period Start	Construct Start	Substantial Completion	Project Completion	Rededication				
Comanche 12 Planning	Eva Osborne	\$928,061.00 \$928,061.00	■	■	□	□	□	□	□	□	□	□	□	□	□							Komatsu Architecture		Schematic Design drawings anticipated in February 2023.
Wise 12	James Malanaphy	\$5,162,247.00 \$5,162,247.00	■	■	□	□	□	□	□	□	□	□	□	□	□							Komatsu Architecture		Notice to proceed to bid anticipated to be issued in February 2023.
Hall 12	Eva Osborne	\$5,953,345.00 \$5,953,345.00	■	□	□	□	□	□	□	□	□	□	□	□	□							Arthur Weinman Architects		Notice to proceed to construction anticipated to be issued in March 2023.
Upshur 12	James Malanaphy	\$5,218,363.00 \$5,218,363.00	■	■	□	□	□	□	□	□	□	□	□	□	□							Komatsu Architecture		Bid Documents under Review. Notice to proceed to bid is anticipated in March 2023.
Kimble 12	Tania Salgado	\$5,294,242.00 \$5,294,242.00	■	□	□	□	□	□	□	□	□	□	□	□	□							Hutson Gallagher	JC Stoddard	Notice to proceed to construction will be issued after outstanding documents are received.

TEXAS HISTORICAL COMMISSION

Item 7.4A

Texas Historical Commission
Quarterly Meeting
January 31–February 1, 2023

Consider adoption of amendments to the Texas Administrative Code, Title 13, Part 2, Chapter 13, sections 13.1–13.3, 13.6, and 13.7 related to the Texas Historic Preservation Tax Credit Program, with changes to the text as published in the in the August 19, 2022 issue of the *Texas Register* (47 TexReg 4899)

Background:

The amendments to §§13.1–13.3, 13.6, and 13.7 proposed for adoption clarify rules to better align the Texas Historic Preservation Tax Credit Program (THPTC) with the Federal Rehabilitation Tax Credit, which the Commission administers in Texas in conjunction with the National Park Service; reflect changes in legislation to the originating statute Texas Tax Code Chapter 171, Subchapter S; and delete processes that are unnecessary or in inappropriate sections of 13.3.

- 1) Section 13.1: Definitions is amended to add one phrase to better align the state tax credit program with the Federal Rehabilitation Tax Credit administered in part by the Commission. Clarifying language is added to other existing terms and phrases.
- 2) Section 13.2: Qualification Requirements is amended to reflect changes in legislation.
- 3) Section 13.3: Evaluation of Significance is amended to edit several subsections to bring them into better alignment with the Federal Rehabilitation Tax Credit and to reduce an application paperwork requirement.
- 4) Section 13.6: Application Review Process is amended to bring the THPTC into better alignment with the Federal Rehabilitation Tax Credit, clarify existing operations, and combine information from other sections in an improved manner.
- 5) Section 13.7: Inspection is amended to delete a section of text that was moved to Section 13.6.

The proposed amendments were published in the *Texas Register* on August 19, 2022. No comments were received during the thirty-day comment period. Revisions following initial publication address editorial requirements of the *Texas Register*, internal consistency in referring to the application parts, and other typographical errors.

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

Recommended motion (Committee):

Move to send forward to the Commission and recommend adoption of amendments to the Texas Administrative Code, Title 13, Part 2, Chapter 13, Sections 13.1–13.3, 13.6, and 13.7 related to the Texas Historic Preservation Tax Credit Program, with changes to the text as published in the August 19, 2022 issue of the *Texas Register* (47 TexReg 4899).

Recommended motion (Commission):

Move to adopt amendments to the Texas Administrative Code, Title 13, Part 2, Chapter 13, Sections 13.1–13.3, 13.6, and 13.7 related to the Texas Historic Preservation Tax Credit Program, with changes to the text as published in the August 19, 2022 issue of the *Texas Register* (47 TexReg 4899).

TEXAS HISTORICAL COMMISSION

Texas Administrative Code

Title 13 Cultural Resources

Part II Texas Historical Commission

Chapter 13 Texas Historic Preservation Tax Credit Program

PREAMBLE

The Texas Historical Commission (Commission) adopts amendments to the Texas Administrative Code, Title 13, Part 2, Chapter 13, §§13.1-13.3, 13.6, and 13.7 related to the Texas Historic Tax Credit Program. The rule is adopted with changes as published in the August 19, 2022, issue of the *Texas Register* (47 TexReg 4899).

The adopted amendments to §§13.1-13.3, 13.6, and 13.7 clarify rules to better align the Texas Historic Preservation Tax Credit Program (THPTC) with the Federal Rehabilitation Tax Credit, which the Commission administers in Texas in conjunction with the National Park Service; reflect changes in legislation to the originating statute Texas Tax Code Chapter 171, Subchapter S; and delete processes that are unnecessary or in inappropriate sections of §13.3.

- 1) Section 13.1: Definitions is amended to add one phrase to better align the state tax credit program with the Federal Rehabilitation Tax Credit administered in part by the Commission. Clarifying language is added to other existing terms and phrases.
- 2) Section 13.2: Qualification Requirements is amended to reflect changes in legislation.
- 3) Section 13.3: Evaluation of Significance is amended to edit several subsections to bring them into better alignment with the Federal Rehabilitation Tax Credit and to reduce an application paperwork requirement.
- 4) Section 13.6: Application Review Process is amended to bring the THPTC into better alignment with the Federal Rehabilitation Tax Credit, clarify existing operations, and combine information from other sections in an improved manner.
- 5) Section 13.7: Inspection is amended to delete a section of text that was moved to Section 13.6.

PUBLIC COMMENT

No comments pertaining to these rule revisions were received during the thirty-day period following publication on August 19, 2022, in the *Texas Register* (47 TexReg 4899). Revisions following initial publication address editorial requirements of the *Texas Register*, internal consistency in referring to the application parts, and other typographical errors.

These amendments are 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 the Texas Historic Preservation Tax Credit Program and under Texas Tax Code §171.909 which authorizes the Commission to adopt rules necessary to implement the Tax Credit for Certified Rehabilitation of Certified Historic Structures under the Texas Franchise Tax. The Commission interprets this authority as allowing for the revision of application procedures and formats.

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.

TEXAS HISTORICAL COMMISSION

Texas Administrative Code

Title 13 Cultural Resources

Part 2 Texas Historical Commission

Chapter 13 Texas Historic Preservation Tax Credit Program

13.1. Definitions.

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

(1)Applicant--The entity that has submitted an application for a building or structure it owns or for which it has a contract to purchase.

(2)Application--A fully completed Texas Historic Preservation Tax Credit Application form submitted to the Commission, which includes three parts:

(A)Part A - Evaluation of Significance, to be used by the Commission to make a determination whether the building is a certified historic structure;

(B)Part B - Description of Rehabilitation, to be used by the Commission to review proposed projects for compliance with the Standards for Rehabilitation; and

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

(3)Application fee--The fee charged by the Commission and paid by the applicant for the review of Part B and Part C of the application as follows:

Figure: 13 TAC §13.1(3) (No change.)

(4)Audited cost report--Such documentation as defined by the Comptroller in 34 TAC Chapter 3, Tax Administration.

(5)Building--Any edifice enclosing a space within its walls, and usually covered by a roof, the purpose of which is principally to shelter any form of human activity, such as shelter or housing, or to provide working, office, parking, display, or sales space. The term includes, among other examples, banks, office buildings, factories, warehouses, barns, railway or bus stations, and stores and may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn. Functional constructions made usually for purposes other than creating human shelter or activity such as bridges, windmills, and towers are not considered buildings under this definition and are not eligible to be certified historic structures.

(6)Certificate of Eligibility--A document issued by the Commission to the owner, following review and approval of a Part C application, that confirms the property to which the eligible costs and expenses relate is a certified historic structure and the rehabilitation [rehabilitations]

TEXAS HISTORICAL COMMISSION

qualifies as a certified rehabilitation; and specifies the date the certified historic structure was first placed in service after the rehabilitation.

(7) Certified historic structure--A building or buildings located on a property in Texas that is certified by the Commission as:

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

(B) designated as a Recorded Texas Historic Landmark under §442.006, Texas Government Code, or as a State Antiquities Landmark under Chapter 191, Texas Natural Resources Code; §21.6 and §26.3(~~66~~[63]) and (~~67~~[64]) of this title (relating to Recorded Texas Historic Landmark Designation and Definitions, respectively); or

(C) certified by the Commission as contributing to the historic significance of:

(i) a historic district listed in the National Register of Historic Places; or

(ii) a certified local district as per 36 CFR §67.9.

(8) Certified local district--A local historic district certified by the United States Department of the Interior in accordance with 36 CFR [C.F.R.] §67.9.

(9) Certified rehabilitation--The rehabilitation of a certified historic structure that the Commission has certified as meeting the Standards for Rehabilitation. If the project is submitted for the federal rehabilitation tax credit, it must be reviewed by the National Park Service prior to a determination that it meets the requirements for a certified rehabilitation under this rule. In the absence of a determination for the federal rehabilitation tax credit, the Commission shall have the sole responsibility for certifying the project.

(10) Commission--The Texas Historical Commission.

(11) Comptroller--The Texas Comptroller of Public Accounts.

(12) Contributing--A building in a historic district considered to be historically, culturally, or architecturally significant according to the criteria established by state or federal government, including those formally promulgated by the National Park Service and the United States [Sates] Department of the Interior at 36 CFR [C.F.R.] Part 60 and applicable National [national] Register bulletins.

(13) Credit--The tax credit for the certified rehabilitation of certified historic structures available pursuant to Chapter 171, Subchapter S of the Texas Tax Code.

(14) District--A geographically definable area, urban, or rural, possessing a significant concentration, linkage, or continuity of sites, building, structures, or objects united by past events geographically but linked by association or history.

TEXAS HISTORICAL COMMISSION

(15)Eligible costs and expenses--The qualified rehabilitation expenditures as defined by §47(c)(2), Internal Revenue Code, including rehabilitation expenses as set out in 26 [CFR \[C.F.R.\] §1.48-12\(c\)](#), incurred during the project, except as otherwise specified in Chapter 171, Subchapter S of the Texas Tax Code.

(16)Federal rehabilitation tax credit--A federal tax credit for [20% \[20 %\]](#) of qualified rehabilitation expenditures with respect to a certified historic structure, as defined in §47, Internal Revenue Code; 26 [CFR \[C.F.R.\] §1.48-12](#); and 36 [CFR \[C.F.R.\] Part 67](#).

(17)Functionally related buildings—A collection of buildings that were constructed or used to serve and support an overall single purpose during their period of significance. Examples include but are not limited to: a residence and carriage house; a multi-building apartment complex; a multi-building industrial or commercial complex; or buildings constructed as a campus. Buildings within a typical neighborhood or downtown commercial historic district, among other property types, do not count as functionally related buildings with other buildings in the district, unless there is a certain historical attachment other than community development. Functionally related buildings owned by one entity are viewed as a single property while those owned by separate entities are viewed as separate properties.

(18)National Park Service--The agency of the U.S. Department of the Interior that is responsible for certifying projects to receive the federal rehabilitation tax credit.

(19)Owner--A person, partnership, company, corporation, whether for profit or not, governmental body, an institution of higher education or university system or any other entity holding a legal or equitable interest in a Property or Structure, which can include a full or partial ownership interest. Not all of these owner entities can qualify as an applicant for the credit, based on the requirements listed in Chapter 171, Subchapter S of the Texas Tax Code. A long-term lessee of a property may be considered an owner if their current lease term is at a minimum 27.5 years for residential rental property or 39 years for nonresidential real property, as referenced by §47(c)(2), Internal Revenue Code.

(20)Phased development--A rehabilitation project which may reasonably be expected to be completed in two or more distinct states of development, as defined by United States Treasury Regulation 26 [CFR \[C.F.R.\] §1.48-12\(b\)\(2\)\(v\)](#). Each phase of a phased development can independently support an Application for a credit as though it was a stand-alone rehabilitation, as long as each phase meets the definition of a Project. If any completed phase of the rehabilitation project does not meet the requirements of a certified rehabilitation, future applications by the same owner for the same certified historic structure will not be considered.

(21)Placed in Service--A status obtained upon completion of the rehabilitation project as described in [\[the\] Part B of the](#) application, and any subsequent amendments, and documented in [\[the\] Part C of the](#) application. Evidence of the date a property is placed in service includes a certificate of occupancy issued by the local building official and/or an architect's certificate of substantial completion. Other documents will suffice when certificates of occupancy and/or substantial completion are not available for a specific project, including final contractor invoices or other verifiable statements of completion. Alternate documents

TEXAS HISTORICAL COMMISSION

should be approved by the Commission before submission. Placed in Service documentation must indicate the date that work was completed.

(22)Project--A specified scope of work, as described in a rehabilitation plan submitted with [a] Part B of the application and subsequent amendments, comprised of work items that will be fully completed and Placed in Service. Examples of a project may include, but are not limited to, a whole building rehabilitation, rehabilitation of individual floors or spaces within a building, repair of building features, or replacement of building systems (such as mechanical, electrical, and plumbing systems). Partial or incomplete scopes of work, such as project planning and design, demolition, or partial completion of spaces, features, or building systems are not included in this definition as projects. Per §13.6(f) [§13.6(d)(5)] of this title (relating to Application Review Process), the Commission's review encompasses the entire building and site even if other work items are not included in a submitted project.

(23)Property--A parcel of real property containing one or more buildings or structures that is the subject of an application for a credit.

(24)Rehabilitation--The process of returning a building or buildings to a state of utility, through repair or alteration, which makes possible an efficient use while retaining those portions and features of the building and its site and environment which are significant.

(25)Rehabilitation plan--Descriptions, drawings, construction plans, and specifications for the proposed rehabilitation of a certified historic structure in sufficient detail to enable the Commission to evaluate compliance with the Standards for Rehabilitation.

(26)Standards for Rehabilitation--The United States Secretary of the Interior's Standards for Rehabilitation as defined by the National Park Service in 36 CFR §67.7.

(27)Structure--A building; see also certified historic structure. "Structure" may be used in place of the word "building," but all tax credit projects must involve rehabilitation of a building as defined in §13.1(5) of this title.

(28)Tax Credit--A credit earned against either the state franchise tax or the insurance premium tax per Chapter 171 [§171] of the Texas Tax Code and any limitations provided therein.

13.2. Qualification Requirements.

(a)Qualification for credit.

(1)An Owner is eligible for a credit for eligible costs and expenses incurred in the certified rehabilitation of a certified historic structure if:

(A)the rehabilitated certified historic structure is placed in service on or after September 1, 2013;

TEXAS HISTORICAL COMMISSION

(B)the Owner has an ownership interest in the certified historic structure in the year during which the structure is placed in service after the rehabilitation; and

(C)the total amount of the eligible costs and expenses incurred exceeds \$5,000.

(2)A property for which eligible costs and expenses are submitted for the credit must meet Internal Revenue Code §47(c)(2) which includes:

(A)non-residential real property;

(B)residential rental property; or

(C)other property types exempted from parts of Internal Revenue Code §47(c)(2) as described in Chapter 171, Subchapter S of the Texas Tax Code.

(b)Eligible costs and expenses. Eligible costs and expenses means those costs and expenses allowed pursuant to Internal Revenue Code §47(c)(2) or as exempted by Chapter 171, Subchapter S of the Texas Tax Code. Such eligible costs and expenses, include, but are not limited to:

(1)expenditures associated with structural components as defined by United States Treasury Regulation §1.48-1(e)(2) including walls, partitions, floors, ceilings, windows and doors, stairs, elevators, escalators, sprinkler [sprinkling] systems, fire escapes, components of central air conditioning, heating, plumbing, and electrical systems, and other components related to the operation or maintenance of the building;

(2)architectural services;

(3)engineering services;

(4)construction management and labor, materials, and reasonable overhead;

(5)subcontracted services;

(6)development fees;

(7)construction period interest and taxes; and

(8)other items referenced in Internal Revenue Code §47(c)(2).

(c)Ineligible costs and expenses. Eligible costs and expenses as defined in Internal Revenue Code §47(c)(2) do not include the following:

(1)the cost of acquiring any interest in the property;

(2)the personal labor by the applicant;

TEXAS HISTORICAL COMMISSION

(3) any cost associated with the enlargement of an existing building;

(4) site work expenditures, including any landscaping, sidewalks, paving, decks, outdoor lighting remote from the building, fencing, retaining walls or similar expenditures; or

(5) any cost associated with the rehabilitation of an outbuilding or ancillary structure unless it is certified by the Commission to contribute to the historical significance of the property.

(d) Eligibility date for costs and expenses.

(1) Part A of the Texas Historic Preservation Tax Credit Certification Application must be submitted prior to the building being placed in service per §13.1(21) of this title ([relating to Definitions](#)). Projects that have been placed in service prior to submission of [\[a\] Part A of the application](#) do not qualify for the program.

(2) While the credit may be claimed for eligible costs and expenses incurred prior to the filing of an application, potential applicants are urged to file Parts A and B of the application at the earliest possible date. This will allow the Commission to review the application and provide guidance to the applicant that will increase the chances that the application will ultimately be approved and the credit received.

(e) Phased development. Part B applications for rehabilitation of the same certified historic structure may be submitted by the same owner only if they describe clearly defined phases of work that align with a cost report that separates the eligible costs and expenses by phase. Separate Part B and C applications shall be submitted for review by the Commission prior to issuance of a certificate of eligibility for each phase.

(f) Amount of credit. The total amount of credit available is twenty-five percent (25%) of the aggregate eligible costs and expenses incurred in the certified rehabilitation of the certified historic structure.

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 of the application](#) includes:

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

TEXAS HISTORICAL COMMISSION

(2) Name and address of the property;

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

(4) Current photographs 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;

(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

TEXAS HISTORICAL COMMISSION

(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

TEXAS HISTORICAL COMMISSION

(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 or her productive life; or [.]

(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 CFR [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.

TEXAS HISTORICAL COMMISSION

(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. A building must be a certified historic structure prior to the issuance of the certificate of eligibility by the Commission as required by §171.904(b)(1)(A) of the Texas Tax Code. 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 [CFR \[C.F.R.\] §67.9](#), [Commission \[THC\]](#) staff overseeing the National Register program and the Official Texas Historical Marker program (as applicable), shall prepare a notification, to be filed with the tax credit application, indicating that the designation process required by [\[the\]](#) Part A has been fulfilled.

(h) Multiple buildings. If a property owned by one entity contains more than one building and the Commission determines that the buildings have been functionally related historically, per [§13.1\(17\)](#) of this title ([relating to Definitions](#)), 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 owned by the same applicant that were not functionally related historically must be submitted as individual buildings on separate applications.

(i) Portions of buildings. Portions of buildings, such as single condominium apartment units, are not independently eligible for certification as an individual space without assessment of any work undertaken elsewhere in the building within the last 24 months, as described in [§13.6\(f\)](#) of this title ([relating to Application Review Process](#)). This rule applies even when a building has multiple owners. A full description of all work at the building must be provided with the application.

(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

TEXAS HISTORICAL COMMISSION

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 ([relating to Review of Work on Recorded Texas Historic Landmarks](#)) prior to undertaking any relocation.

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 submitted to the Commission 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.

(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 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

TEXAS HISTORICAL COMMISSION

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 ([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 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 [S\[s\]](#)tandards for [R\[r\]](#)ehabilitation, 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.

TEXAS HISTORICAL COMMISSION

(A) Applicants must submit the fee with [their] Part B of their 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 of the 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.

(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 (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 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

TEXAS HISTORICAL COMMISSION

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 **of their** 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) Scope of Review. The review encompasses the entire building's site and environment as well as any buildings that were functionally related historically per §13.1(17) and §13.3(h) of this title **(relating to Definitions and Evaluation of Significance, respectively)**. The scope of review for a project is not limited to the work that qualifies as an eligible expense. All work completed by the current applicant twenty-four (24) months before the submission of the application can be considered part of the project, as is the cumulative effect of any work in previously completed or future phases. 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. Multiple interior finish-out projects occurring at the same time, for example, whether completed by an owner, multiple owners, or tenants, must all be reviewed to ensure all work to the building meets the Standards for Rehabilitation.

(1) Eligibility for the credit. If a project, including a single phase of work or an overall rehabilitation, does not meet the Standards for Rehabilitation, future work on the building or within a set of functionally related buildings, performed by the same owner, shall not be eligible for a credit under this program. If the building is purchased by a new owner, the new owner may apply for tax credits based on a new application and existing conditions at the time of purchase.

(2) 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

TEXAS HISTORICAL COMMISSION

primary interior spaces.

(3) For these projects described in [sub] paragraph (2) of this subsection, 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.

(g) 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 ([relating to Relationship with the Federal Rehabilitation Tax Credit Program](#)) 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; supply[ing] 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 [of the](#) 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.

TEXAS HISTORICAL COMMISSION

13.7. Inspection

(a) Inspection. The Commission may conduct an inspection of a project for which an application has been submitted to review current conditions, work completed in association with the current application, or previously executed phases of work.

(b) Notice. The Commission must give reasonable notice of not less than 48 hours to the applicant of its intent to inspect the property.

TEXAS HISTORICAL COMMISSION

Item 9.2

Texas Historical Commission
Quarterly Meeting
January 31–February 1, 2023

Consider approval of appointments to the Courthouse Preservation Program Advisory Committee

Background:

The purpose of this Courthouse Preservation Program Advisory Committee (Courthouse Advisory Committee) is to advise the Commission in current matters concerning the Texas Historic Courthouse Preservation Program. In accordance with Texas Administrative Code, Title 13, Part 2, Chapter 12, Rule §12.7 (g), an advisory committee or other working groups may be appointed by the Commission. The selection of the members will be made in consideration of geographic diversity, population, area of expertise, and/or representation of the public interest. Topics for the committee to consider in 2023 and the expertise the proposed members have in these areas are described on the following pages.

Suggested Motion (Committee):

Move to send forward to the Commission and recommend approval of appointment of the listed individuals to the Courthouse Advisory Committee (see handout).

Suggested Motion (Commission):

Move to appoint the listed individuals to the Courthouse Advisory Committee (see handout).

TEXAS HISTORICAL COMMISSION

Courthouse Preservation Program Advisory Committee Proposed 2023 Members

The members below have expertise in areas related to the Texas Historic Courthouse Preservation Program (THCPP) and the Texas Courthouse Stewardship Program, Texas courthouses, historic preservation and/or grant administration, and experience relevant to the topics to be evaluated by the 2023 Courthouse Preservation Program Advisory Committee (see following pages).

Elected County Officials

These county judges and commissioners have direct relevant experience with one or more of the topics under discussion by the Committee.

1. L.D. Williamson, former County Judge, Red River County, Clarksville
2. Leward LaFleur, County Judge, Marion County, Jefferson
3. Stephanie Davis, County Judge, Comanche County, Comanche
4. Joy Fuchs, former Commissioner, Washington County, Brenham
5. Mike Braddock, County Judge, Lynn County, Tahoka

Texas Association of Counties Representative

The Texas Association of Counties understands the risks associated with counties' facilities and that quality construction and a fully restored courthouse substantially lower a county's risk.

6. Kim Halfmann, County Relations Officer, Texas Association of Counties, Austin; former County Judge, Glasscock County

Facility Managers

These facility managers have longstanding experience maintaining a fully restored courthouse, and some have experience with post-restoration issues with their buildings.

7. Rene Montalvo, Facilities Manager, Karnes County, Karnes City
8. Mike Head, former Facilities Manager, Potter County, Amarillo
9. Ricky Kerr, Facilities Manager, Cooke County, Gainesville

THC Commissioners/Former Commissioners

Commissioners have experience evaluating, scoring, and funding THCPP grant applications and observing fully restored courthouses returning for supplemental and emergency funding.

10. Laurie Limbacher, Architect, Limbacher & Godfrey Architects, Austin and Chair, Architecture Committee, Texas Historical Commission
11. Donna Carter, Architect, Carter Design Associates, Austin; Vice-Chair, Friends of the Texas Historical Commission; and former Chair, Architecture Committee, Texas Historical Commission

TEXAS HISTORICAL COMMISSION

Architects

These architects have experience working in the field of historic preservation and two have direct experience with the full restoration of courthouses through the THCPP.

12. Hugo Gardea, Preservation Architect, General Services Administration, Fort Worth
13. Karl Komatsu, Preservation Architect, Komatsu Architecture, Fort Worth and former Chair, Texas Historical Commission, 1991–1995
14. Stan Graves, Preservation Architect, Architexas, Austin and former Director of the Division of Architecture and the Texas Historic Courthouse Preservation Program

Contractors

These contractors have substantial experience as general and sub-contractors on THCPP-funded full restorations of historic courthouses.

15. Curt Stoddard, Contractor, JC Stoddard Construction, San Antonio
16. Alan Odom, Subcontractor and Contractor, Premier Metalworks, Arlington

TEXAS HISTORICAL COMMISSION

Courthouse Preservation Program Advisory Committee Proposed 2023 Topics

- 1. Returning Applicants.** The Committee will discuss when it is appropriate to award grant funds to a returning applicant and how to ensure the highest quality construction during grant-funded projects to limit the likelihood that a county will need additional funds following a full restoration. Counties with an approved preservation master plan may request emergency funding “out of cycle” by submitting a formal request to the THC via letter explaining the scope of work, its urgency, and its cost. A county with any kind of current or prior grant award may request supplemental funding from the Commission to undertake a scope of work, even if their project is complete and they already have a fully restored courthouse. Counties with fully restored courthouses may also submit a grant application for emergency funding or an application to complete a full restoration during a normal grant cycle. Emergency funding awarded after a full restoration grant must address an urgent, critical need, and the county must provide a higher local match. In Round XII, seven of the 18 grant applicants were counties with previously restored courthouses returning for emergency requests. There are still 70 participating counties that have not yet received any grants, and the program must balance full restorations and emergency needs in the allocation of funds for each grant cycle.
- 2. Current Use (Vacancy) Score.** Texas Government Code provisions for the courthouse grant program direct the commission to give preference to buildings that continue to function as courthouses. As such, if a courthouse is vacant, an applicant receives no points for current use as a courthouse in scoring, but this is balanced by full points for endangerment due to the risks of a vacant building. Circumstances that have led a county to abandon their courthouse are not currently weighed. The committee will discuss whether all vacancies should be considered equal or if changes to the scoring structure are warranted.
- 3. Longevity Score.** Dozens of counties have stopped submitting grant applications, despite continued funding needs. Participation may wane due to changes in leadership or repeated rejection over several grant cycles. Waning participation reduces the perceived need for continued program funding and impairs the overall goal of preserving historic courthouses. The committee will consider whether to establish a new point category to incentivize counties’ continued participation and reward their commitment.
- 4. Definition of a Historic Courthouse and Buildings Eligible for Grant Funding.** Texas Government Code establishes the purpose of the grant program to preserve and restore historic courthouses, which are defined in Texas Administrative Code as *the principal building(s) which houses county government offices and courts and its (their) surrounding site(s) (typically the courthouse square)*. The committee will discuss whether to clarify this definition to address the eligibility or ineligibility of courthouse annexes and other ancillary buildings that may support a courthouse’s function, with consideration to comparative dates of construction and the historic and current physical and functional relationships between the buildings.