



**TABLE OF CONTENTS**  
**Policy and Legislative Affairs Committee**

Agenda

Climate Policy Statement Implementation

Housing Policy Statement Implementation

Policy-Related Equity Issues Implementation

Recent ACHP Advising on State and Local Legislation

Meet the 2024 ACHP Spring Chair's Interns

*Please see the following papers in Tab 1 for the Policy and Legislative Affairs Committee discussion:*

Climate Heritage Office Proposal

Operating Procedures Amendments



**MEETING**  
**POLICY AND LEGISLATIVE AFFAIRS COMMITTEE**  
**Monday, March 18, 2024**  
**3 p.m.–4:30 p.m. EDT**

Join ZoomGov Meeting

<https://achp.zoomgov.com/j/1611693840?pwd=SkI5WFNHTIR1WkFrRStWR2ZQd0I1UT09>

Meeting ID: 161 169 3840

Passcode: 067247

Dial-in: (646) 828-7666

**PROVISIONAL AGENDA**

- I. Introductions
- II. Climate Policy Statement Implementation
- III. Housing Policy Statement Implementation
- IV. Data/Digitization Task Force Follow-Up
- V. Policy-Related Equity Issues Implementation Discussion
- VI. Legislation
  - A. Operating Procedures Amendment–Feedback Update
  - B. Recent ACHP Advising on State and Local Legislation
- VII. Internship Program Discussion
- VIII. Other Business

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## CLIMATE POLICY STATEMENT IMPLEMENTATION Office of Policy and Legislative Affairs

Since adoption of the [ACHP's Policy Statement on Climate Change and Historic Preservation](#) in June 2023, the chair and staff have pursued a variety of implementation activities. These are summarized below for the awareness of Policy and Legislative Affairs (PLA) Committee members and to form the basis for committee discussion.

***Proposed Climate Heritage Office.*** The ACHP climate change policy statement notes that cooperative efforts across agencies, between levels of government, and within communities are critically important to address climate impacts on historic properties. The federal government can take a leadership role in this regard. Toward that end, at the [Strengthening Historic and Cultural Preservation Congressional Roundtable](#) hosted by the House Natural Resources Committee Democrats in November 2023 and in an [op-ed](#) in *The Hill*, Chair Sara Bronin called on Congress to create a federal climate heritage office. In addition to being discussed at the PLA Committee meeting, this topic is also on the business meeting agenda. For details of the proposal and questions for discussion, see the Development of a Climate Heritage Office paper in Tab 1.

***Proposed International Climate Heritage Conference.*** The ACHP climate change policy statement stresses the importance of governments training employees regarding climate impacts on historic properties, including increasing their understanding of relevant international approaches to protection and adaptation. In response, the chair and ACHP staff have begun planning a conference to explore United States climate heritage policy in the international context.

Anticipated to take place at Georgetown Law Center in Washington, D.C. on October 4, the conference will be co-sponsored by Cornell Law School, and the American Institute of Architects is considering a nonmonetary sponsorship. In addition to keynote presentations, panels potentially could consider topics such as adaptation and resilience strategies; Indigenous Knowledge and Tribal self-determination; and the formalities of how preservation laws and processes in different countries address climate change. A lunchtime youth summit regarding the work of student leaders around the world is being considered.

Planning is at a relatively early stage, and feedback from PLA Committee members about speakers and topics is encouraged. The ACHP Experts Advisory Committee also will be discussing the conference at their March meeting, and staff will brief the PLA Committee on their input.

***Climate Change and Federal Historic Preservation Standards.*** The ACHP climate change policy statement recommends that the federal government expand and more flexibly apply its standards and guidance on the treatment of historic properties. When the ACHP issued a request for comments on application and interpretation of the Secretary of the Interior's Standards for the Treatment of Historic Properties in July 2023, identification of climate-change-related concerns was specifically encouraged. The Chair's Report on the Application and Interpretation of Federal Historic Preservation Standards summarizes the themes that emerged from the comments regarding climate change.

***Section 106 Review of Climate-Friendly Transportation Projects.*** The transportation sector is responsible for more greenhouse gas emissions than any other sector of the American economy.

Development of climate-friendly transportation infrastructure projects—including rail, bus, rapid transit, bicycle infrastructure, and pedestrian infrastructure—is an essential component of any strategy to reduce the rate and severity of climate change. The ACHP climate change policy statement promotes expediting such transportation projects during environmental reviews, encouraging federal agencies to explore use of program alternatives to tailor and expedite the Section 106 review process. However, the policy also notes the importance of continuing to ensure that Section 106 consultation is accessible, meaningful, and transparent to the wide variety of consulting parties and stakeholders, including Indian Tribes and Native Hawaiian organizations.

Discussion of program alternatives for climate-friendly transportation infrastructure projects is on the agenda of the Regulations and Governance Committee. The results of that discussion will be shared with the PLA Committee.

***Outreach to the Administration and the Public.*** In response to formal calls for comments, the chair and staff provided feedback on two Administration climate-related initiatives. In response to a request for ideas on the new American Climate Corps—a workforce training and service initiative focusing on clean energy and climate resilience—the chair recently sent [a letter](#) advising on the role the American Climate Corps could play in helping to protect cultural resources and make them more resilient.

Views also were submitted (via an online form) in response to a public request for information from the Department of Energy regarding development of a national definition for a zero emissions building. The comments noted that the majority of historic buildings could achieve the proposed energy efficiency criteria of an ENERGY STAR score of 75 or above and strongly supported broadening the definition of a net-zero building to include consideration of embodied carbon.

Public outreach on the climate change policy statement has been expanded in recent months, via social media and through online and in-person events. Staff of the Office of Communications, Education, and Outreach will summarize these efforts at the PLA Committee meeting.

***Climate Change Focus for Spring Intern Projects.*** This spring, a majority of the ACHP’s interns are working on climate-related projects. Sharing the ACHP’s concerns regarding climate change and the interrelationship of federal environmental laws, the Washington State Historic Preservation Office offered to provide funding for this intern cohort. (Funding is being administered through the ACHP Foundation.) Projects will address: the climate-related provisions of the ACHP Housing and Historic Preservation Policy Statement; climate change and historic preservation case studies/best practices; local land use regulations or decisions addressing renewable energy installations in historic areas; the National Flood Insurance Program and how it might further encourage historic building resiliency; and the courts’ approach to defining major federal actions under the National Environmental Policy Act versus undertakings under Section 106.

***Action Needed.*** While some of the topics discussed above principally serve as updates, PLA Committee feedback is sought on the initiatives that are still under development. The creation of a climate heritage office is an agenda item on the business meeting agenda, where the committee’s views will need to be reported to the full membership.

*March 8, 2024*



## HOUSING POLICY STATEMENT IMPLEMENTATION Office of Policy and Legislative Affairs

Since adoption of the [ACHP's Policy Statement on Housing and Historic Preservation](#) in December 2023, the chair and staff have begun pursuing a variety of implementation activities. These are summarized below for the awareness of Policy and Legislative Affairs (PLA) Committee members and to form the basis for committee discussion.

***Nationwide Housing Program Alternative Proposal.*** The ACHP housing policy statement stresses that environmental reviews of housing projects need to be accelerated and approached flexibly and creatively. Regarding Section 106 review, the policy states that the ACHP will explore further opportunities to use Section 106 program alternatives to expedite housing development. Discussion of developing a nationwide program alternative for housing projects is on the agenda of the Regulations and Governance Committee and will be discussed at the business meeting. (See Analysis of National Housing Program Alternative paper in Tab 1.) The results of the Regulations and Governance Committee discussion will be shared with the PLA Committee.

***Housing-Related Section 106 Guidance.*** The ACHP housing policy states that priority should be given to consistency with the Secretary of the Interior's Standards for Rehabilitation (Secretary's Standards) for the exterior of buildings when assessing effects during Section 106 review and seeking to avoid adverse effects. In contrast, adverse effects to historic interior spaces and features may more frequently need to be accepted and resolved in order to facilitate reuse of the buildings for housing. The policy states that the ACHP plans to issue implementing guidance on effect determinations under Section 106, including addressing the potential adverse effects of housing projects to the interiors of historic buildings. Discussion of housing-related Section 106 guidance is on the agenda of the Regulations and Governance Committee and will be discussed at the business meeting. The results of the Regulations and Governance Committee discussion will be shared with the PLA Committee.

***Housing and Federal Historic Preservation Standards.*** The ACHP housing policy statement recommends that the federal government should expand and flexibly apply its guidance and standards on the treatment of historic properties in ways that will incentivize housing development. Regarding projects subject to Section 106 review, the policy recommends that plans and specifications adhere to the Secretary's Standards. However, the policy notes that there are mission-related, economic, or other circumstances when those standards cannot be followed, and that Section 106 allows for the negotiation of other outcomes. When the ACHP issued a request for comments on application and interpretation of the Secretary of the Interior's Standards for the Treatment of Historic Properties in July 2023, identification of housing-supply concerns was specifically encouraged. The Chair's Report on the Application and Interpretation of Federal Historic Preservation Standards summarizes the themes that emerged from the comments regarding this issue.

***Outreach to the Public.*** Public outreach on the housing policy statement is expanding, via social media and through online and in-person events. Staff of the Office of Communications, Education, and Outreach will summarize these efforts at the PLA Committee meeting. On February 22 in Los Angeles, California, Chair Sara Bronin and PLA Committee Chairman Sonny Ward convened key thinkers in historic preservation and housing to discuss the ACHP Housing and Historic Preservation Policy Statement and to

identify opportunities to implement its principles through local and statewide approaches in California. There were approximately 150 in-person attendees, and California State Historic Preservation Officer Julianne Polanco was among the panelists. The ACHP also hosted an online “Policy Chat” on the policy statement on February 28.

***Action Needed.*** While some of the topics discussed above are principally the focus of the Regulations and Governance Committee, PLA Committee feedback is welcomed on all issues. The PLA Committee meeting provides a venue for discussing creation of a nationwide housing Section 106 program alternative and housing-related Section 106 guidance prior to the consideration of those topics at the business meeting.

*March 8, 2024*



## **POLICY-RELATED EQUITY ISSUES IMPLEMENTATION**

### **Office of Policy and Legislative Affairs**

The ACHP adopted three policy statements in 2023—on housing, climate change, and treatment of burial sites and human remains—and all address issues of equity. The ACHP’s recent hiring of an equity officer—who will be introduced at the Policy and Legislative Affairs (PLA) Committee meeting and at the business meeting—has expanded staff capacity to address equity issues, particularly for non-Tribal disadvantaged and underserved communities and communities with environmental justice concerns. It is timely, therefore, for the PLA Committee to discuss the equity opportunities and challenges addressed in the recent policy statements.

***Housing and Historic Preservation Policy Statement.*** Disadvantaged and underserved communities, as well as communities with environmental justice concerns, tend to be:

- disproportionately impacted by the housing shortage;
- underrepresented on the National Register of Historic Places and other historic property inventories, which reduces their access to preservation incentives; and
- lacking in management and decision-making authority to influence investments in the reuse of historic buildings for housing.

The [Housing and Historic Preservation Policy Statement](#) directly acknowledges these problems and addresses them in the policy principles. The following summarize the key applicable policy recommendations:

- Enhance and create 1) tax incentives to promote reuse of historic buildings for affordable housing and 2) programs to assist lower- and middle-income homeowners and small-scale landlords.
- Prioritize 1) preventing displacement of long-term residents from their historic homes and neighborhoods and 2) ensuring housing in historic buildings is accessible to the disabled.
- Consult with Indian Tribes, Native Hawaiian organizations, disadvantaged and underserved communities, and communities with environmental justice concerns during planning, permitting, and environmental reviews (including Section 106 reviews) for housing projects and explore capacity-building options for supporting their participation.
- Undertake research on how rehabilitation of historic buildings relates to federal housing programs; housing affordability; displacement; and equitably distributed development.

***Climate Change and Historic Preservation Policy Statement.*** Disadvantaged and underserved communities, as well as communities with environmental justice concerns, tend to be:

- disproportionately impacted by climate change;
- underrepresented in surveys and inventories of historic properties, making it difficult to plan for and address climate impacts; and
- lacking the economic and political capital to plan for and adapt to climate change, and limited direct control over decision-making for community resources.

The [Climate Change and Historic Preservation Policy Statement](#) directly acknowledges these problems and addresses them in the policy principles. The following summarize the key applicable policy recommendations:

- Survey historic properties in areas where severe climate effects can be readily anticipated, giving priority to areas where there has been little previous survey, including disadvantaged and underserved communities and communities with environmental justice concerns.
- Seek out and incorporate adaptation and mitigation strategies grounded in Indigenous Knowledge.
- Address the impacts of climate change-related migration on displacement of residents.
- Consult with Indian Tribes, Native Hawaiian organizations, disadvantaged and underserved communities, and communities with environmental justice concerns during planning, permitting, and environmental reviews (including Section 106 reviews) for climate-related projects and explore capacity building options for supporting their participation.

***Burial Sites, Human Remains, and Funerary Objects Policy Statement.*** While the applicability of the [Burial Sites, Human Remains, and Funerary Objects Policy Statement](#) is not limited to any one group, the policy acknowledges that burials associated with Indian Tribes, Native Hawaiians, enslaved Africans and their descendants, and other Indigenous Peoples have a higher probability of being unmarked and undocumented and thus more likely to be affected by development projects. A fundamental emphasis of the policy statement is the need to consult and coordinate with those communities regarding affected burial sites and to provide deference to their practices, protocols, and preferences, where feasible.

The ACHP has issued an [Explanations and Discussion](#) document which provides detailed context, guidance, and advice on the interpretation and implementation of each policy principle.

***Action Needed.*** The PLA Committee is asked to provide input on next steps regarding the equity-related issues raised in the ACHP's recent preservation policy statements. The Tribal and Indigenous Peoples Committee is principally involved in implementation of burial policy statement, and the Regulations and Governance Committee is involved in Section 106 issues regarding all of the policies. However, feedback from the PLA Committee is important, particularly involving non-Tribal disadvantaged and underserved communities, and communities with environmental justice concerns. The following questions offer food for thought for the committee meeting discussion.

- How are federal agencies already addressing non-Tribal equity and environmental justice issues regarding historic preservation and housing or climate change? What opportunities might exist for the ACHP to collaborate on new initiatives?
- What panels or working groups of federal agencies and/or preservation advocates already exist that are focused on non-Tribal equity and environmental justice issues regarding historic preservation and housing or climate change? Should creation of other such groups be considered?
- Are committee members aware of any proposed federal legislation, regulations, guidelines, and/or policies related to housing or climate change wherein the ACHP could advocate for a more meaningful role for disadvantaged and underserved communities in preserving historic properties?
- How can the ACHP undertake additional outreach to the African American community regarding the burial policy statement?
- Are there specific research topics regarding housing and climate change in addition to the general ones noted above that the ACHP should explore or encourage others to pursue?

March 8, 2024



## RECENT ACHP ADVISING ON STATE AND LOCAL LEGISLATION Office of Policy and Legislative Affairs

**Background.** One of the duties given to the ACHP under the National Historic Preservation Act is advising regarding state and local legislation related to historic preservation. In July 2023, the [ACHP Operating Procedures](#) were amended through the addition of a new Appendix D to establish policy on when and how the ACHP would fulfill this advisory responsibility. The guidance notes that, absent extraordinary circumstances, the ACHP will provide testimony and advice on state or local draft legislation only if requested to do so by an ACHP member; federal, state, or local government officials; or a preservation nonprofit organization. The [ACHP's website](#) provides information to the public on the agency's role in advising on state and local legislation. Recently, the ACHP issued its first advisory correspondence since the new guidance in the Operating Procedures was put in place.

**Florida's Resiliency and Safe Structures Act.** The Resiliency and Safe Structures Act (S 1526/HB 1647) that is pending in the Florida legislature would prevent local governments from prohibiting the demolition of certain buildings or from restricting redevelopment potential of cleared parcels. The bill would apply to coastal buildings (seaward of Florida's Coastal Construction Control Line) that: are flood prone; or are determined unsafe; or are ordered demolished by the local government (seemingly for any reason). Individually listed National Register properties would be exempt, as would contributing buildings in National Register districts, but only in districts listed before the year 2000. Locally designated properties and National Register-eligible properties are absent from the list of exempted historic buildings.

A similar bill last year died before the ACHP could take a formal position, though in its aftermath, former ACHP Vice Chairman Rick Gonzalez and Chair Sara Bronin penned a short [op-ed](#) to highlight the issues it raised. This year, the National Trust for Historic Preservation and Mr. Gonzalez (in his capacity as a Florida Historical Commission board member) requested ACHP action, as did the Florida Trust for Historic Preservation and the Miami Design Preservation League.

Given that the Florida legislative session was scheduled to end before the ACHP business meeting and the bill was moving quickly through committee consideration, Chair Bronin consulted with a subgroup of ACHP members (Jordan Tannenbaum, Sonny Ward, Reno Franklin, Monica Rhodes, and Shaw Sprague of the National Trust for Historic Preservation) in accordance with the Operating Procedures. [A letter](#) was developed and sent to the Florida legislature. It discusses how demolition is not the only option for addressing flood prone historic buildings and those deemed unsafe. It likewise discusses the importance of exempting the full range of historic properties—designated at the national, state, and/or local levels—from unrestricted demolition under the bill.

**Action Needed.** The information above is provided as an update, and committee discussion of the ACHP's role in advising on state and local legislation is welcomed.

March 8, 2024

## Meet the 2024 ACHP Spring Chair's Interns

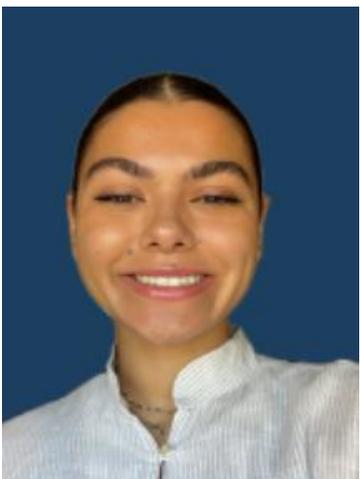
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**Jacqueline Boling** is studying at the Savannah College of Art and Design for a Master of Fine Arts degree in Preservation Design (expected in May 2024). She has interned with the Tybee Island Historic Preservation Commission, helping draft elevation guidelines for historic cottages and researching disaster preparedness. In her hometown of Charleston, West Virginia, Jackie witnessed the demolition of historic structures and neighborhoods that told the story of African American coal miners. This was a catalyst for Jackie's graduate studies, through which she has learned that historic preservation is about telling the whole American story and not just preserving architecture. Jackie will undertake a literature search based on language in the ACHP Climate Change and Historic Preservation Policy Statement: "the National Flood Insurance Program should be reviewed to explore how the program might further encourage the modification or relocation of historic buildings to enhance their resiliency, and to evaluate the impacts of waivers issued for historic properties upon community and building resiliency, public cost, and economic growth."



**Kacie Cassar**, a student at the Beasley School of Law at Temple University, expects to earn her JD in May 2027. She holds Masters degrees in both History and Public History and plans to complete a certificate program in Historic Preservation post-law school. Growing up near Gettysburg, Pennsylvania, Kacie enjoyed exploration of historic sites and began to understand how easily they can be lost to time and modernization, increasing her desire to protect those sites. As an AmeriCorps volunteer, she helped develop a reinterpretation of slavery on the site of Pemberton Hall in Salisbury, Maryland. Kacie will conduct research related to the ACHP Climate Change and Historic Preservation Policy Statement. This will include researching caselaw to explain the courts' approach to defining a "major federal action" under the National Environmental Policy Act in comparison to an "undertaking" under Section 106 of the National Historic Preservation Act. Other tasks related to implementation of the policy statement may be assigned.



**Eva Chauveau** is a student at the University of Georgia, majoring in Anthropology with a minor in Landscape Architecture and is also pursuing a certificate in Historic Preservation. She expects to earn her BA with the Class of 2024. While Eva has been studying sustainable development, historic preservation, and environmental laws, she has advocated for age-friendly and livable communities, attended equitable housing conferences, and supported historic homes. Eva has previously interned with Partners for Rural Transformation, AARP, and the Machine-Built Architecture Conservancy and researched the history of homes in Athens' Downtown Historic Districts. This semester, Eva will be conducting research and implementation tasks related to the ACHP's Housing and Historic Preservation Policy Statement's climate-related provisions.

## Meet the 2024 ACHP Spring Chair's Interns

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**Jacob Mossbrook** is studying Historic Preservation/Community Planning and Studio Art at the College of Charleston and expects to earn his BA in 2024. While living and working in one of the most historically rich cities in the country, Jacob has watched Charleston struggle against sea level rise and extreme weather events. As historic resources are increasingly threatened by flooding, he wants to help make sure these places are preserved, so future generations can learn from their stories. Jacob hopes that interning at the ACHP will give him the opportunity to influence policy on the national level and bring attention to climate crisis solutions. He aspires to be a leader, aid in the preservation of the nation's diverse historic landscape, and steward important places into a more hopeful future. This spring, Jacob will expand on his prior research on the preservation and sustainable reuse of institutional historic buildings such as campus buildings, schools, and houses of worship.



**Griffin Roberts** is a student at The Ohio State University pursuing a BA in City and Regional Planning/Spatial Analysis (expected in 2025). His studies have looked at historical injustices inflicted on some communities but also highlighted best practices for community planning. Griffin notes that ensuring policy makers and developers are well informed about the impacts their projects may have on local communities and cultural groups is vital to not repeating past mistakes. Griffin has engaged with local leaders in Columbus, Ohio, regarding zoning reforms through a lens of climate resilience and assisted with research identifying factors affecting affordable housing outcomes in low-income neighborhoods. During his internship, he will assemble and analyze local land-use regulations or decisions that address renewable energy installations in historic areas, engaging relevant national nonprofit organizations in those discussions.



**Shannen Smiley** is pursuing a Master of Science degree in historic preservation (expected Fall 2024) at the Pratt Institute in New York City. She is interested in the law and policy behind historic preservation. Shannen has professional experience working with the Landmarks Preservation Commission of New York City as a Research and Preservation Associate at Village Preservation. She has also been a Curatorial Assistant for the Tenement Museum, where a recently completed rehabilitation and preservation project required cooperation with the State Historic Preservation Office and federal entities. She hopes to pursue a career within municipal or national preservation agencies. This spring, Shannen will draft case studies/best practice summaries of projects, programs, and tools related to climate change and historic preservation, including examples of avoiding or minimizing harm to archaeological and cultural sites and/or effects to the built environment from renewable energy projects.