

## **Protection of State Owned or Leased Historic Properties**

(Sections 60-12-10 through 60-12-90 of the South Carolina Code of Laws)

In South Carolina, state agencies are responsible for a wonderfully diverse array of historic properties ranging from prehistoric archaeological sites to antebellum plantation houses to significant examples of early-twentieth-century architecture. In 1992 the South Carolina General Assembly approved legislation to encourage the preservation of historic properties owned and leased by the State. The law establishes a preservation review process for projects involving historic buildings, structures, districts, and archaeological sites managed by the state of South Carolina that are listed in the National Register of Historic Places.

### **The Review Process**

The law encourages the preservation of state owned and leased National Register properties by establishing a consultation process between state agencies and the Department of Archives and History to incorporate historic preservation concerns with the needs of state projects. Agencies must consult with Archives and History before alterations or changes are made to historic properties that are listed in the National Register. Consultation with Archives and History can occur in one of three ways:

- When the agency has qualified preservation professionals in charge of historic properties, the agency and Archives and History can develop a Programmatic Agreement that eliminates the need for individual review of each project by Archives and History. In the agreement the agency assumes responsibility for administering its own historic preservation program.
- An agency that does not have qualified preservation professionals in charge of the management of historic properties can develop a programmatic agreement with Archives and History for projects that are similar and repetitive, projects involving routine maintenance, or projects that will not significantly affect the historic character of National Register properties. The agency then assumes responsibility for carrying out these projects without having to notify Archives and History on a project-by-project basis. The agency will consult with Archives and History on projects not covered by the Programmatic Agreement.
- Before an agency plans a project not covered by a Programmatic Agreement, the agency submits documentation describing the proposed project to Archives and History. Archives and History reviews the documentation and responds to the agency in writing.

If the agency and Archives and History cannot agree on the treatment of a historic property, the agency can appeal to the State Properties Committee, a committee of the State Board of Review. If the agency does not accept the recommendations of the State Properties Committee, the agency can appeal to the full State Board of Review.

### **Technical Historic Preservation Training**

The law requires Archives and History to help state agencies manage National Register properties by providing technical historic preservation training sessions at no cost for agency staff. Archives and History will consult with agencies to learn more about their specific needs for technical training.

### **Frequently Asked Questions**

- Q. How can state agencies know which buildings are subject to the law?**
- A. The Department of Archives and History can provide a list of buildings and sites that are listed in the National Register of Historic Places.

- Q. Does the law give the Department of Archives and History the power to mandate that state agencies rehabilitate or restore historic buildings even though they might not have the necessary funds?**
- A. No. Although the legislation gives agencies responsibility for planning for the preservation of National Register properties under their jurisdiction, Archives and History does not have the authority to regularly inspect all historic properties managed by the state. The state agency initiates the consultation process when it plans a project that will affect a historic property.
- Q. Does the law require agencies to restore historic buildings to their exact original appearance?**
- A. No. The law encourages agencies to preserve the important character-defining features of historic buildings while adapting them for modern use. The treatment of historic buildings necessarily includes consideration of budgetary, life safety, and other concerns as well as preservation issues.
- Q. Does the law allow the Department of Archives and History to hold up state agency projects for long periods?**
- A. No. The provision for Programmatic Agreements allows agencies to proceed on many projects without consulting with Archives and History. For projects requiring the review of Archives and History, the legislation sets a time limit of 30 days for Archives and History to review a proposed project after it receives the necessary documentation from an agency. If the agency does not hear from Archives and History within 30 days, it may proceed with the project. There is also a 30-day deadline on the appeals process.
- Q. How does the law define a "qualified preservation professional?"**
- A. A qualified preservation professional must have training, experience, and expertise in managing historic properties. The requirement for training can be satisfied by an undergraduate degree in architectural preservation or graduate study in architectural preservation. The requirement for training can also be satisfied by specialized historic preservation training provided by Archives and History combined with a state certification of registration to practice architecture, or a degree in architecture, architectural history, history, or a related field. Archives and History may agree that an individual who does not possess the educational requirements meets the requirements for a qualified preservation professional because the individual has developed expertise in managing historic properties.
- Q. What is the State Board of Review and how does it function to arbitrate disputes?**
- A. The Board already exists as an advisory body to the State Historic Preservation Office (a division of Archives and History) and to pass on proposed nominations to the National Register. Its composition is set by federal regulations and it must include archaeologists, architects, architectural historians, historians, and other public representatives. The State Properties Committee, a committee of the Review Board, will act as the first level of appeal, with final appeals being resolved by the full Board.

For more information about this program, contact the Department at 803-896-6129.  
SC Department of Archives and History  
8301 Parklane Road  
Columbia, SC 29223  
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