



# Historic Preservation Programs

## Policy Guidelines

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### 1. Statement of Purpose:

The restoration and protection of Deadwood's historic buildings and structures are a primary part of the City's goal to preserve and maintain Deadwood's historic integrity. The expense of such restoration and protection projects may discourage property owners from having the work completed or may result in a lower quality of craftsmanship. The purpose of this program is to assist and encourage property owners to use quality materials and craftsmanship by repairing first, where possible, and replacing, only if necessary.

### 2. Objective:

The City of Deadwood is a National Historic Landmark and is listed on the National and South Dakota State Registers of Historic Places. Maintaining these designations is critical to the economic success of the City and quality of life of its residents. The objective of the program is to stimulate the quality restoration and protection of buildings and structures that contribute to the historic integrity of the City of Deadwood.

### 3. Eligibility for all Programs:

To be eligible for the Historic Preservation Programs, all projects must meet the following criteria:

- a. The project must exist as part of a residential property within the Deadwood City Limits. Mobile homes and manufactured structures are not eligible for this program.
- b. The project must affect a property listed on the Historic Preservation's City of Deadwood's 1993 Historic Sites Inventory as an historic property in the Deadwood National Historic Landmark District. Properties not listed on the inventory must be eligible for the National Register of Historic Places as defined in the National Park Service's National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation.
- c. The project must exist as part of a residential property of not more than four dwelling units as defined by Deadwood Planning and Zoning Department within the Deadwood City Limits. Mobile homes and manufactured structures are not eligible for these programs.
- d. **Project completion date is one year from owner's date of signature on the /grant and/or loan documents.**
- e. The property will be subject to a conservation easement upon completion of the project.

### 4. Eligibility Specifics:

To be eligible for the Elderly Resident Program, the applicant and project must also meet the following criteria:

- i. Applicant must be 65 years of age or older and have owned and occupied the property for one year prior to the application.
- ii. If the applicant does not fall under item 3 b. the project must affect individual life safety and structural deficiencies as determined by the City of Deadwood's Building Inspector and applicable life safety codes. Determination of individual life safety issues and structural deficiencies is based upon the codes adopted by the City of Deadwood under Chapter 15.01.010 and by additional verification obtained through other means available to the City.

- d. To be eligible for the **Vacant Home Program**, the applicant and project must also meet the following criteria:
  - i. The property must be vacant two (2) years prior to the date of purchase by Owner. The Owner must apply for funding from this program within three (3) months of purchase.
- e. To be eligible for the **Retaining Wall Program** the applicant and project must also meet the following criteria:
  - i. The retaining wall must be determined to be a historic or contributing feature in the Deadwood National Historic Landmark District. To obtain this status, the retaining wall must possess an age of fifty years or older, and must be eligible for listing in the National Register of Historic Places as defined in the National Park Service's National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation.
  - ii. The physical condition of the retaining wall must threaten the integrity of a historic or contributing building or structure in the Deadwood National Historic Landmark District. Historic buildings and structures contributing to the National Historic Landmark District are listed in the city's 1993 Historic Sites Inventory. Any property not present in these listings must be eligible for listing on the National Register of Historic Places as defined in the National Park Service's National Register Criteria for Evaluation. Determination of a retaining wall's threat to a historic or contributing building or property will be done by the Deadwood Building Inspector in accordance with the Building Codes adopted by the City of Deadwood.
  - iii. The physical condition of a retaining wall must threaten individual life safety. The City of Deadwood Building Inspector will determine a retaining wall's threat to individual life safety based upon applicable definitions under the Building Codes adopted by the City of Deadwood.

The City of Deadwood's Historic Preservation Officer determines a project's eligibility. All eligible applications are subject to the review by the Deadwood Historic Preservation Commission. **Loans for projects must be in place before project can start. Siding materials and windows/doors specifications must be reviewed and approved by the Historic Preservation Officer before ordering.**

## 5. Program Requirements:

- a. The funds are to be used for the repair of historic structures, when possible; the replacement of original materials, when necessary; or the removal and replacement of inappropriate materials. Examples of acceptable expenses are: house wrap under siding, scraping existing painted surfaces, disposal of inappropriate siding, etc. Residential structures with exterior masonry construction can use the program for repairs for repointing stone/brick/masonry, concrete reinforcement, curbing, sill plates, positive drainage and other associated approved work.
- b. Owner self-funding of construction can be permitted for reimbursement of material and contractor costs at the end of the project. Also, progressive payments may be made subject to payment withholding to ensure project completion is accomplished. However, reimbursement to owner for materials is approved when materials are on site.
- c. All final or progressive payments are to be for materials and/or contractor's costs only supported by verifiable invoices. Owner's time is not reimbursable. No prepayments for materials are permitted.

### Construction and Permanent Loans:

- i. Persons receiving financing must conform to applicable federal and local regulations governing the use of specific loan funds.

- ii. All loan applicants must present evidence of their ability to repay the loan and provide adequate collateral.
  - iii. Loan approval is contingent upon approval of the project by the Deadwood Historic Preservation Commission.
- d. All projects will be performed pursuant to the Secretary of the Interior's Standards for the Treatment of Historic Properties and the Secretary of the Interior's Guidelines for the Rehabilitation of Historic Buildings. Specifications for materials are available from Deadwood Historic Preservation Office or can be found on City of Deadwood Website.
- e. Windows and door requirements are as follows:

**Wood Windows** – New and/or replacement windows must be all wood framed windows including exterior materials in style appropriate to the original character of the resource and window opening(s) as determined by the Deadwood Historic Preservation Commission to meet the program requirements.

- i. The program provides a forgivable loan or grant of \$800 per window for the restoration of an existing wood window or \$800 per window for the removal of an inappropriate window alteration and installation of a window appropriate in material and style of operation for a particular house.
- ii. The program provides a forgivable loan or grant of \$800 per window opening for the purchase and installation of new wood windows if restoration of the existing windows is not an option or is not possible.

**Wood Storm Windows** – New and/or replacement storm windows must be all wood framed including exterior materials in style appropriate to the original character of the resource and window opening(s) as determined by the Deadwood Historic Preservation Commission to meet the program requirements.

- i. The program provides a forgivable loan or grant of \$350 per window opening for the restoration of existing wooden storms and screens or for the purchase and installation of approved wooden storms and screens, if restoration is not an option or is not possible.

**Wood Primary Door** – Door originally intended as the primary access to the resource and must be made of wood appropriate to the original character of the resource and opening as determined by the Deadwood Historic Preservation Commission to meet the program requirements.

- i. The program provides a forgivable loan or grant of \$600 for the restoration of the primary wood door, OR a forgivable loan or grant of \$600 for the removal of an inappropriate primary door and installation of a new wood door appropriate in material and style for a particular resource.

**Additional Exterior Wood Door(s)** – Additional exterior door(s) originally intended as an access to the resource and must be made of wood appropriate to the original character of the resource and opening as determined by the Deadwood Historic Preservation Commission to meet the program requirements.

- i. The program provides a forgivable loan or grant in the amount of \$300 to repair the other exterior wood door(s), OR a forgivable loan or grant of \$300 for the removal of other inappropriate door(s) and installation of a new wood door appropriate in material and style for a particular resource, if restoration is not an option or is not possible.

**Wood Storm Doors** – New and/or replacement storm doors must be all wood framed including exterior materials in style appropriate to the original character of the resource as determined by the Deadwood Historic Preservation Commission to meet the program requirements.

- i. The program provides a forgivable loan or grant of \$600 per storm door for the restoration of existing storm door for the purchase and installation of approved wooden storm doors, if restoration is not an option or is

f. **Elderly Resident Requirements:**

**Life Safety Project** – Projects which are intended to protect people based on a facility's construction, protection, and occupancy features that minimize the effects of health, fire and related hazards.

- i. All projects will be performed pursuant to the requirements of the codes adopted by the City of Deadwood under Chapter 15.01.010.
- ii. All projects will be performed pursuant to the Secretary of the Interior's Standards for the Treatment of Historic Properties and the Secretary of the Interior's Guidelines for the Rehabilitation of Historic Buildings.
- iii. The property must meet Property Maintenance Code as adopted by the City of Deadwood; therefore, the City Historic Preservation Office Building Inspector may inspect the property every two years to insure compliance. Multiple qualified projects are allowed up to \$10,000 maximum. Once the maximum is met the applicant may apply for funding ten (10) years after the last project completion date.

**Examples of Life Safety Projects (must be pre-approved by Historic Preservation)**

- |   |  |
|---|--|
| • Upgrade substandard electrical systems          | • Replace substandard heating system               |
| • Substandard plumbing repairs or upgrades        | • Asbestos removal                                 |
| • Install access ramps, and doors                 | • Mold removal                                     |
| • Grading to protect structures from water damage | • Repair/replace damaged sidewalks, steps, railing |
| • Repair building foundation                      | • Repair / replace retaining walls                 |
| • Remove tree hazards to historic structures      | • Repair damaged roofing                           |
| • Structural deficiencies                         |  |

g. **Vacant Home Definition and Requirements:**

**Historic Preservation Project Definition** – Projects which are intended to preserve or protect historic properties or properties eligible for historic status.

**Examples of Historic Preservation Projects(must be pre-approved by Historic Preservation)**

- |                                    |  |
|------------------------------------|--|
| • Repair building foundation       | • Repair damaged roofing                       |
| • Repair / replace retaining walls | • Remove tree hazards to historic structures   |
| • Repair / replace building siding | • Repair / replace doors and windows           |
|                                    | • Grading protect structures from water damage |

**Life Safety Project Definition** – Projects which are intended to protect people based on a facility's construction, protection, and occupancy features that minimize the effects of health, fire and related hazards.

**Examples of Life Safety Projects(must be pre-approved by Historic Preservation)**

- |  |  |
|--|--|
| • Upgrade substandard electrical systems                 | • Replace substandard heating system                     |
| • Lead based paint abatement                             | • Asbestos removal                                       |
| • Install access ramps and doors                         | • Mold removal   |
| • Installation of building insulation / weather proofing | • Repair / replace damaged sidewalks / steps / handrails |

**Vacant Home Program Requirements:**

- i. All properties must meet the Revolving Loan Fund's eligibility requirements.
- ii. All persons receiving financing must conform to applicable federal and local regulations governing the use of specific loan funds.
- iii. All loan applicants must present evidence of their ability to repay the loan and provide adequate collateral.
- iv. Loan approval is contingent upon approval of the project by the Deadwood Historic Preservation Commission.
- v. All projects will be performed pursuant to the requirements of the codes adopted by the City of Deadwood under Chapter 15.01.010.
- vi. All projects will be performed pursuant to the Secretary of the Interior's Standards for the Treatment of Historic Properties and the Secretary of the Interior's Guidelines for the Rehabilitation of Historic Buildings.
- vii. The property must meet Property Maintenance Code as adopted by the City of Deadwood; therefore, the City Historic Preservation Office Building Inspector may inspect the property every two years to insure compliance. If the property is not within compliance, the City Building Inspector will notify the homeowner of the deficiency and will provide a reasonable time frame to correct the deficiency. If the deficiency has not been corrected after three notifications the loan will be considered to be in default and the Deadwood Historic Preservation Commission will take legal action.

#### **-h. Residential Revolving Loan Fund**

Historic Preservation Project Definition – Projects which are intended to preserve or protect historic properties or properties eligible for historic status.

##### **Examples of Historic Preservation Projects**

- |                                    |  |
|------------------------------------|--|
| • Repair building foundation       | • Repair damaged roofing                               |
| • Repair / replace retaining walls | • Remove trees that are hazards to historic structures |
| • Repair / replace building siding | • Repair / replace doors and windows                   |
|                                    | • Grading protect structures from water damage         |

Life Safety Project Definition – Projects which are intended to protect people based on a facility's construction, protection, and occupancy features that minimize the effects of health, fire and related hazards.

##### **Examples of Life Safety Projects**

- |  |  |
|--|--|
| • Upgrade substandard electrical systems                 | • Replace substandard heating system                     |
| • Repair fencing   | • Asbestos removal                                       |
| • Install access ramps, and doors                        | • Mold removal   |
| • Installation of building insulation / weather proofing | • Repair / replace damaged sidewalks / steps / handrails |

#### **Revolving Loan Priority Schedule:**

Due to the limited availability of funds and the extensive need for quality craftsmanship a priority schedule will be referred to in processing applications for revolving loan funds. These priorities may be amended to reflect the availability of funding and completion of projects currently considered "high priority."

- i. **Life Safety** - First priority projects are those required by the City of Deadwood's Building Inspector and necessary to comply with the applicable Life Safety Codes.

- ii. **Historic Preservation (Listed Properties)** - Second priority projects are those affecting the preservation and protection of properties listed on the city's 1993 Historic Sites Inventory as historic, or contributing, in the Deadwood National Historic Landmark District.
- iii. **Historic Preservation (Value Adding Properties)** - Third priority projects are those affecting structures which in the opinions of the Deadwood Historic Preservation Commission, add to the historical integrity of the City of Deadwood as defined in Chapter 24:52:00:01 (4) of the administrative rules of the South Dakota State Office of History.

**Revolving Loan Program Requirements:**

- i. All properties must meet the Revolving Loan Fund's eligibility requirements.
- ii. All persons receiving financing must conform to applicable federal and local regulations governing the use of specific loan funds.
- iii. All loan applicants must present evidence of their ability to repay the loan and provide adequate collateral.
- iv. Loan approval is contingent upon approval of the project by the Deadwood Historic Preservation Commission.
- v. All projects will be performed pursuant to the Secretary of the Interior's Standards for the Treatment of Historic Properties and the Secretary of the Interior's Guidelines for the Rehabilitation of Historic Buildings.
- vi. The property must meet Property Standards Maintenance Code adopted by the City of Deadwood; therefore, the City Historic Preservation Office Building Inspector may inspect the property every two years to insure compliance. If the property is not within compliance, the City Building Inspector will notify the homeowner of the deficiency and will provide a reasonable time frame to correct the deficiency. If the deficiency has not been corrected after three notifications the loan will be considered to be in default and the Deadwood Historic Preservation Commission will take legal action.
- vii. If the owner/applicant desires to sell the property before the end of the loan term, the remaining unforgiven portion of the loan will be due in full.
- viii. The owner/applicant must have addressed any additional preservation issues beyond the original work, meet Deadwood Minimum Maintenance Standards, and satisfy all loan conditions before loan can be transferred or forgiven.

**i. Retaining Wall Considerations and Conditions:**

**Additional loan considerations:**

- i. If the Owner desires to sell the property before the end of the loan term, the amount remaining on the loan must be paid in full.
- ii. The Owner must have addressed any additional preservation issues beyond the original work, meet Deadwood Minimum Maintenance Standards, and satisfy all loan conditions before loan can be satisfied.
- iii. The Owner, through acts or omissions, may jeopardize the value of the property and bring the amount of the loan due and payable in full, if the Owner does not remain in compliance with the terms of the mortgage:

- i. in regards to the payment of property taxes and assessments against the mortgaged property,
- ii. in regards to maintenance of property insurance coverage on the mortgage property;

#### Retaining Wall Conditions:

- i. The City of Deadwood's Historic Preservation Officer and Building Inspector will monitor all project construction work to ensure compliance with the requirements of the Building Codes adopted by the City of Deadwood.
- ii. Reconstructed retaining walls greater than four (4) feet high must be engineered, as required by the Building Codes adopted by the City of Deadwood. The Historic Preservation Commission will obtain engineering and pay for the cost of engineering services.
- iii. All retaining wall projects will be put out to public bid. The bid process will follow the City of Deadwood's procurement procedures per South Dakota Codified Laws.
- iv. The Historic Preservation Officer must approve all retaining wall designs to ensure compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. Failure to meet this requirement will terminate the program commitment.
- v. The Historic Preservation Commission will disburse all program funds directly to the project's contractors and/or suppliers of materials based on the City of Deadwood's administrative procedures.
- vi. A project must be completed, or under construction, within one (1) year of the Historic Preservation Commission's allocation of funds. Failure to meet this requirement may terminate the program commitment.

#### Retaining Wall Selection Process Based on Priorities:

Due to the limited availability of program funds and quality craftsmanship, a priority schedule will be referred to in processing applications for the Retaining Wall Program. These priorities may be amended to reflect the availability of funding and completion of "high priority" projects. The Deadwood Historic Preservation Commission will evaluate each application received and will take into consideration the needs and priorities. Priorities are set as follows:

- i. First priority - Projects determined by the City of Deadwood's Building Inspector affecting applicable Life Safety Codes.
- ii. Second priority - projects affecting the preservation and protection of properties listed on the City of Deadwood's 1993 Historic Sites Inventory as contributing to the Deadwood National Historic Landmark District.
- iii. Third priority - projects affecting structures, which in the sole opinion of the Deadwood Historic Preservation Office, contribute to the historical integrity of the City of Deadwood as defined in Chapter 24:52:00:01 (4) of the administrative rules of the South Dakota State Office of History.

#### Retaining Wall Owner's Financial Obligations:

- i. Project costs are divided into two (2) portions: the **Owner's portion** and the **forgivable portion**.
- ii. The **Owner's portion** is the sum of the following:
  - 10% of the project costs (excluding the cost of engineering), plus
  - 10% of the property value based on the most recent real estate assessment shown on the Lawrence County Equalization records for both land and structures plus,
  - Any loan fees relating to Owner's portion loan, if applicable.

- iii. The **forgivable portion** is written as a loan to the owner. This loan is a zero interest, no payment loan but any loan fees associated with the forgivable portion of the loan are the responsibility of the owner.
- iv. The Owner may finance the Owner's portion of the project costs themselves. In this case, the Owner pays the City of Deadwood in advance and the City will process all payments to contractor(s).
- v. The Owner may choose to finance the Owner's portion of the project costs through the Historic Preservation Revolving Loan Fund if they demonstrate the ability to repay both principle and interest. Terms will be adjusted with a balloon payment determined. The Owner may be eligible for refinancing the balloon payment at the end of loan period but the new loan will be subject to new loan conditions and at market rates.
- vi. Failure to maintain property up to City of Deadwood's Minimum Maintenance Standards may cause loan(s) to be payable in full.

**Retaining Wall Inspections and Changes of Ownership**

- i. A satisfactory inspection by the City Building Inspector at completion of project is required.
- ii. The property owner must meet minimum maintenance requirements. A satisfactory inspection by the City Building Inspector at the maturity of the loan is required. This inspection must be passed prior to any of the forgivable portion loan to be forgiven.
- iii. In the event of a title transfer such as the sale of the home or cash out refinance, occur prior to the maturity of the loans, including the forgivable portion loan, the balance of the loans will be due and payable in full.

**6. Conservation Easement and Loan Conditions:**

**Qualified Owner Occupied (Grant):**

GRANT AMOUNT	INTEREST RATE	TERM	PAYMENT AMOUNT	SECURITY
<b>\$10,000 Maximum</b> Foundation Siding <b>Multiple Projects \$10,000</b> Elderly every 10 years <b>Up to \$20,000 Maximum</b> Wood Windows/Doors	Not applicable	Not applicable	Conservation Easement	Conservation Easement Recorded with County

Owner Occupied status is verified with the Lawrence County Equalization Office and by additional verification obtained through other means available to the City. A Grant Agreement with the City of Deadwood must be signed by all parties.

**Qualified Non-Owner Occupied Property (Forgivable Loan)**

LOAN AMOUNT	INTEREST RATE	TERM	PAYMENT AMOUNT	SECURITY
<b>\$10,000 Maximum</b> Foundation Siding Vacant <b>Up to \$20,000 Maximum</b> Wood Windows/Doors	0%	Up to 10 years	10% of Loan amount will be forgiven each calendar year	Note & Mortgage

### Qualified Revolving Loan

#### Life Safety

LOAN AMOUNT	INTEREST RATE	TERM	PAYMENT AMOUNT	SECURITY
Up to \$25,000 maximum	0%	5 years	Monthly payments due. Possible balloon payment due at end of term	Note & Mortgage

#### Historic Preservation

LOAN AMOUNT	INTEREST RATE	TERM	PAYMENT AMOUNT	SECURITY
Varies by Project	Market Rate	7 years	Monthly payments due. Possible balloon payment due at end of term	Note & Mortgage

### Qualified Retaining Wall Program

#### Owner's Portion (Life Safety) Loans

LOAN AMOUNT	INTEREST RATE	TERM	PAYMENT AMOUNT	SECURITY
10% of project <u>plus</u> 10% of assessed value	Borrower Loan 0%	5 years	Monthly payments due. Possible balloon payment due at end of term	Note & Mortgage

#### Owner's Portion (non-Life Safety) Loans

LOAN AMOUNT	INTEREST RATE	TERM	PAYMENT AMOUNT	SECURITY
10% of project <u>plus</u> 10% of assessed value	Borrower Loan Market Rate <sup>1</sup>	7 years	Monthly payments due. Possible balloon payment due at end of term	Note & Mortgage

#### Forgivable Portion Loans

LOAN AMOUNT	INTEREST RATE	TERM	PAYMENT AMOUNT	SECURITY
Project costs less Owner's Portion	Borrower Loan 0%	5 years Owner Occupied 10 years for all others	No payments	Note & Mortgage

All Deadwood Historic Preservation loan programs will include the following fees: Credit Report, Recording Fee, 1% Loan Origination Fee, Settlement Fee, Title Report Fee and a \$200 Underwriting fee. These fees are collected from applicant/owner at loan closing. All loan fees will be disclosed on a Loan Estimate by NeighborWorks in accordance with the Real Estate Settlement and Procedures Act.

Failure to complete work as approved in a timely fashion and/or failure to maintain property up to City of Deadwood's Minimum Maintenance Standards may cause loan to be payable in full at that time and not forgiven.

Market Rate will be periodically determined by the Historic Preservation Commission from recommendations of the Loan Committee. The Deadwood Historic Preservation Commission reserves the right to modify, amend, or forgive the loan payment or to change or modify this program for any reason.

Owners applying for construction loans must provide proof of ability to repay loan. Various documents will be requested by NeighborWorks to complete a loan application.

The Deadwood Historic Preservation Commission reserves the right to modify, amend, or forgive the loan payment or to change or modify this program for any reason.

Additional Forgivable Loan considerations:

- a. At the end of each full calendar year, 10% of the loan amount will be forgiven.
- b. If the owner/applicant desires to sell the property before the end of the loan term, the remaining unforgiven portion of the loan will be due in full.
- c. The owner/applicant must have addressed any additional preservation issues beyond the original work, meet Deadwood Minimum Maintenance Standards, and satisfy all loan conditions before loan can be transferred or forgiven.

## **7. Forms and Technical Assistance:**

- a. **Loans** - Loan application forms and loan technical assistance are available at the NeighborWorks Office, 795 Upper Main Street in Deadwood. Telephone: (605) 578-1401.
- b. **Project Approval or Certificate of Appropriateness** – The applications are available at the Historic Preservation Office located at Deadwood City Hall, 108 Sherman Street in Deadwood. (605) 578-2082. This form is also available online at: <http://www.cityofdeadwood.com> , under **Permits, Licenses & Forms** tab, then under Historic Preservation heading.

This form must be completed and given to the Historic Preservation Officer who will present it to the Historic Preservation Commission for consideration. *[No work can start until Historic Preservation Commission approval and the owner/applicant has an approved City of Deadwood Building Permit.]*

**City of Deadwood Building Permit** – A City of Deadwood (Residential or Commercial) Building Permit must be acquired from the City of Deadwood Building Inspector located at 108 Sherman Street, in Deadwood. Telephone: (605) 578-2082. This permit application form is also available online at: <http://www.cityofdeadwood.com> , under **Permits, Licenses & Forms** tab, then under Building Inspector heading.