




RE15RC21

SELLING HISTORIC PROPERTIES

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What is the role of the real estate licensee
When their client is considering
a historic property,
or they are listing such a property?



OBJECTIVE

This course is designed to **educate** the real estate licensee on the various **regulations and encumbrances** which could impact a historical property, **provide resources** and **apply** this information to a licensee's **due diligence obligations** when listing such a property or working with a buyer considering such a property.





Simple Text Message Voting

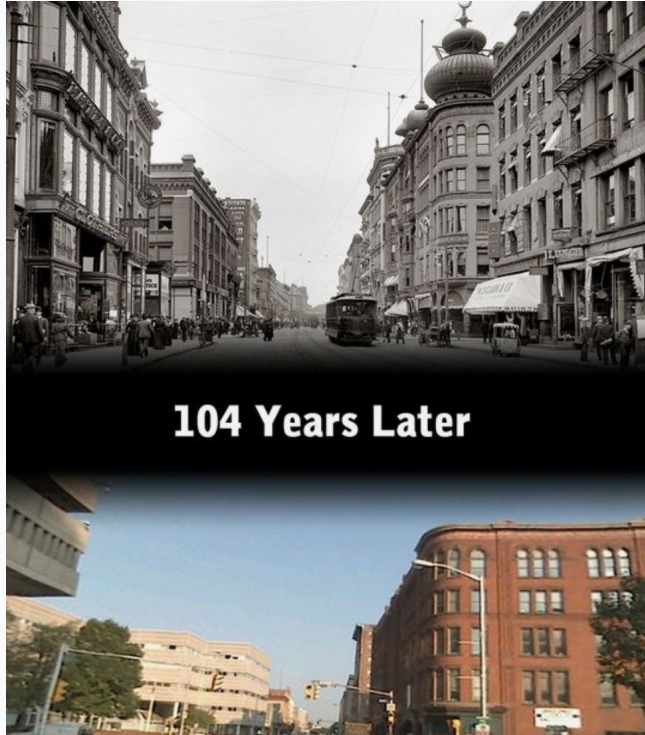
Text to:37607

Message

agentrising980



What is the ONE WORD you think of when I say "Historic Homes"?



104 Years Later



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LOOMIS HOUSE SPRINGFIELD MA

1938



2017



GEORGE NYE HOUSE, SPRINGFIELD MA

1938



2016



PARK CONGREGATIONAL CHURCH SPRINGFIELD MA

1938



2017



FRANCKE W DICKINSON HOUSE, SPRINGFIELD MA

1938



2018



MUNICIPAL REGULATION OF HISTORIC STRUCTURES

City or Town Historical Commission

- ❑ Local Historic Districts
- ❑ City or Town Historic District Commission
- ❑ Private historic preservation organizations





SPRINGFIELD

- ❑ Local Districts are potentially the most restrictive designations affecting use, alteration and sales
- ❑ Historic District Commissions have jurisdiction over the exterior look of properties within the district, demolition of buildings, new construction and additions



MASSACHUSETTS REGISTER OF HISTORIC PLACES

The State Register of Historic Places was established in 1982 as a comprehensive listing of the buildings, structures, objects, and sites that have received local, state, or national designations based on their historical or archaeological significance.



Since its establishment, the State Register has added listings for over 60,000 properties in 312 cities and towns. The State Register of Historic Places is published once a year by the Massachusetts Historical Commission.



STATE HANDOUT

The Massachusetts Historical Commission (State Historic Preservation Office, or SHPO)

The continuing presence of historic properties in Massachusetts immeasurably enhances the quality of our lives; they help to establish our sense of place and to define the very character of our communities. To meet the challenge of preserving this important heritage, the Massachusetts Historical Commission (MHC) was established by the legislature in 1963* to identify, evaluate, and protect important historical and archaeological assets of the Commonwealth.



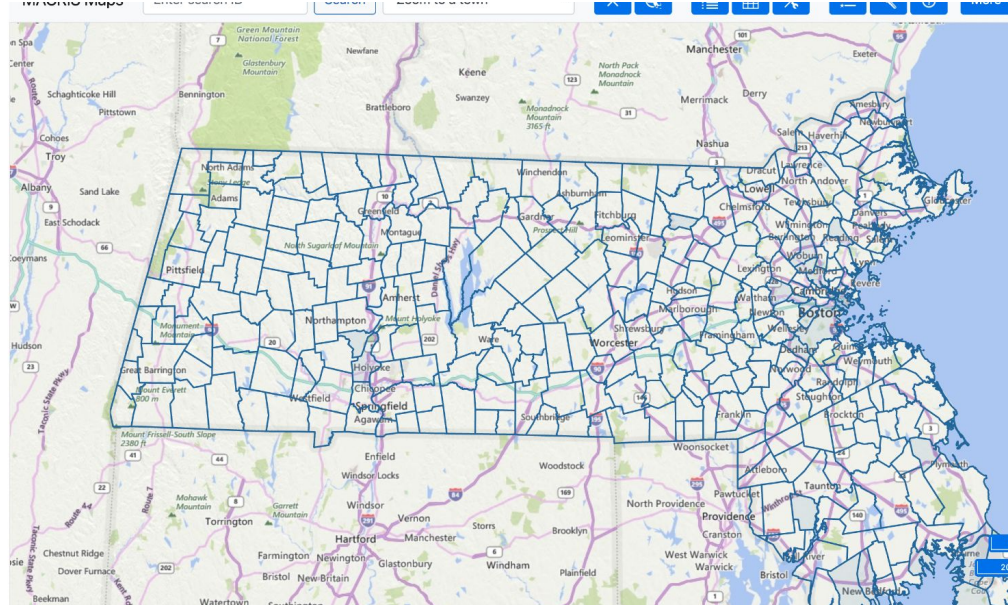
The Commission consists of [17 members](#) appointed from various disciplines who serve as the State Review Board for state and federal preservation programs. The Commission is Chaired by Secretary of the Commonwealth William Francis Galvin.

The professional staff of the Commission includes historians, architects, archaeologists, geographers, and preservation planners. The state's preservation programs are administered through MHC's [Preservation Planning](#), [Grants](#), and [Technical Services Divisions](#).

The MHC is the office of the State Historic Preservation Officer, as well as the office of the State Archaeologist.



State Inventory of Historic and Cultural Assets



- ❑ National Trust for Historic Preservation
- ❑ Historic New England (formerly SPNEA Society for the Preservation of
- ❑ New England Antiquities)
- ❑ New England Historic and Genealogical Society
- ❑ Local Historical Societies



- ❏ Significance of the National Register of Historic Places
- ❏ Background information on the National Register of Historic Places



- ❑ Authorized under the National Historic Preservation Act of 1966
- ❑ Administered by the National Park Service
- ❑ Massachusetts Historical Commission is linked to National Register
- ❑ Nomination approved or denied by the National Park Service



WHAT IS REQUIRED TO BE CONSIDERED A HISTORIC PLACE?



Five categories of properties, must meet at least one of four criteria

1.Event:

The property must make a contribution to the major pattern of American history.



2. Person:

It is associated with a significant person or people of the American past



3.Design/Construction:

Distinctive characteristics, such as architecture and construction methods,



4. Information Potential:

Property may provide information or have educational value



- c. Significance of being listed
 - i. Listing a property on the National Register imposes no blanket restrictions on private property owners, except protection if federal money is involved (direct grants, not FHA or VA loans)



- ii. Mostly “an honorary status with some federal financial incentives”
- iii. National Register standards are used by other organizations to judge preservation worthiness



- iv. Register is “official” list of cultural resources across America deemed worthy of preservation
- v. The Register is acknowledgment by the government of historic value of a property



- vi. Section 106 of the National Historic Preservation Act requires review of impacts if federal money or a federal permitting process is involved
- vii. State funding or state permitting triggers a review by the Massachusetts



Historical Commission

- ❑ Local permitting does not require MHC review
- ❑ National Register properties may be subject to stricter regulations of a Local Historic District



If owner objects to listing on the Register, the State Historic Preservation Office may declare a property a Historic Building –

“Any building or structure which has been certified ... to meet eligibility requirements for individual listing on the National Register of Historic Places.”



NATIONAL REGISTER OF HISTORIC PLACES



- Old Slater Mill in Pawtucket, Rhode Island was the first property listed on the National Register
- November 13, 1966



HISTORIC PROPERTY DESIGNATIONS

- ❑ The presence of a plaque or marker is a starting point – it does not always indicate that a building has been declared historically significant



BENEFITS TO LISTING ON THE NATIONAL REGISTER

- ❑ Recognition of significance
- ❑ Tax incentives for renovation of income-producing properties



- ❑ Limited protection from governmental projects
- ❑
- ❑ Grants and funding opportunities, mostly to non-profits and municipalities



NATIONAL REGISTER OF HISTORIC PLACES

Can you prevent your property from being named to the National Register?

Yes!

Owner of the property must give consent

In a Historic District, a majority of the property owners must consent to the nomination



MASSACHUSETTS REGISTER OF HISTORIC PLACES

Listing on the National Register automatically includes placement on the State Register



THE HISTORIC PRESERVATION LANDSCAPE IN MASSACHUSETTS

- ❑ The National Register of Historic Places
- ❑ Massachusetts Register of Historic Places
- ❑ State Inventory of Historic and Cultural Assets
- ❑ Historic Landmarks
- ❑ National Historic Districts
- ❑ Local Historic Districts



- ❑ More than 60,000 properties
- ❑ Published once a year by the Massachusetts Historical Commission



HOW LOCAL HISTORIC DISTRICTS CAN AFFECT PROPERTY USE AND VALUES

- ❑ Local Districts are potentially the most restrictive designations affecting use, alteration and sales



MAIN ST SPRINGFIELD



Before and after pictures of Old Main st. Downtown Springfield MA.wmv

seadlan
27 subscribers

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262

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Clip

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368 views · 11 years ago

This video was made due to Springfield, Massachusetts Downtown Main St. not showing up when I searched it in youtube. I did find some videos about Springfield Gangs, shootings. (they're offensive) I was from N.Y. and I love the hood/brooklyn one in particular from a guy who drove by while filming. he just drove by without a word or a caption in his video. Another guy driving was caught in what seemed to be a youth street fight & someone started shooting. The driver that was filming took off before. But I don't find anything about Main Street. Well sorry I think I saw a video from this guy who did. Show more

168 Comments · Sort by

Add a comment...

@mynewson1603 · 7 years ago

Thank you so much, excellent! These photos mean a lot to me. My memories of Springfield are always with me, as I've never adapted to my life in Florida. My parents were Russian immigrants who knew little of this country and was on my own a lot. To explore and look in every detail of my environment. Springfield will always be home!

1 · 1 reply

@Dorcasline · 5 years ago

I grew up in sixteen acres but have many fond memories of downtown Springfield. Thank you for taking the time to do this for those who no longer live in Springfield.

1 · 1 reply

@julesm0643 · 5 years ago

NOTE PLEASE: Yikes. The colors were overexposed and it felt as if I were back there again. Thanks for a nice close-up image of a person in downtown Springfield and the downtown area.



MORE THAN 60,000 PROPERTIES PUBLISHED ONCE A YEAR BY THE MASSACHUSETTS HISTORICAL COMMISSION

- ❑ Historic District Commissions have jurisdiction over the exterior look of properties within the district, demolition of buildings, new construction and additions
- ❑ Some work that does not require a building permit may require a certificate from the Historic District Commission



LOCAL HISTORIC DISTRICTS ENABLED UNDER CHAPTER 40C OF THE MASSACHUSETTS GENERAL LAWS

Districts are established by a 2/3 vote of town meeting or city council, governed by a separate Historic District Commission, whose members are appointed by the selectmen or city council



- ❑ Boundaries must be established in enabling legislation
- ❑ Property owners cannot “opt out” of inclusion
- ❑ No requirement that any property within the district be listed on the
- ❑ National or State Registers
 - ❑ District guidelines apply to all properties within the district



Bylaw may provide for an appeal of decisions to a regional planning agency or to Superior Court

- ❑ Certificate of Appropriateness
- ❑ Certificate of Non-Applicability
- ❑ Certificate of Hardship



YOU TUBE LOVES SPRINGFIELD

springfield ma historic homes



Forest Park Heights • Springfield, MA • 6/25/22

461 views • 11 months ago



Paul's Portal

Today was a perfect summer morning to walk around the Forest Park Heights Historic District in Springfield, Massachusetts.



27 Mattoon St, Springfield, MA 01105 | Quadrangle–Mattoon Street Historic District

104 views • 2 months ago



Urban sensibilities meet Western Massachusetts calm in this circa 1872 brick row house at 27 Mattoon Street, in the heart of ...

4K



Historic Maple Street Row Houses (Springfield, Massachusetts)

606 views • 5 years ago



A Drone's View of the 1870's... Here is a glimpse of the historic rowhouses located at 174-184 Maple Street in Springfield, ...



64 Washington Rd, Springfield, MA 01108 | Forest Park Historic District

66 views • 2 months ago



Nestle up in the heart of the Forest Park Historic District's Cozy Corner. This spacious Victorian home sits on one of the ...

4K



Springfield Preservation Trust Homes of Atwater Tour

4.3K views • 12 years ago



Springfield, MA Much of the Atwater neighborhood was developed from the 300-acre estate of George Atwater, founder of the ...



LOCAL HISTORIC DISTRICTS

- Cities and Towns are enabled to establish Local Historic Districts under Chapter 40C of the Massachusetts General Laws
- Districts are established by a 2/3 vote of town meeting or city council
- Districts are governed by a separate Historic District Commission, whose members are appointed by the selectmen or city council



LOCAL HISTORIC DISTRICTS

- Boundaries must be established in enabling legislation
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- District guidelines apply to **all** properties within the district



LOCAL HISTORIC DISTRICTS

- Historic District Commissions have jurisdiction over the exterior look of properties within the district
 - Porches, railings, stairs, windows, doors, trim boards
 - Details viewable from a public way or waterway
 - Demolition of buildings
 - New construction and additions
 - May – or may not – control exterior paint colors
 - Maintain the look of the streetscape



LOCAL HISTORIC DISTRICTS

- City or Town may restrict jurisdiction of:
 - Temporary buildings or signs
 - Driveways or walkways
 - Walls or fences
 - Storm doors, windows, screens, air conditioners, lighting fixtures, antennae
 - Paint color
 - Roofing material
 - Reconstruction of structures destroyed by fire, storm, disaster



ADVANTAGES OF LOCAL HISTORIC DISTRICTS

Stability of property values

- ❑ Predictability of adjacent development
- ❑ Availability of renovation assistance
- ❑ Local decision-making



DISADVANTAGES OF LOCAL HISTORIC DISTRICTS

- ❑ Restrictions on future development
- ❑ Regulations are subject to change
- ❑ May be more restrictive than national designations
- ❑ Decision-makers may not be experts in the field



HAUNTED?

Worcester, MA – \$395,000



7 bedroom | 4 bath | 6,358 square feet

Built in 1890

Don't bring that crap around here in "Woostal!" Worcester is a no-nonsense kind of town, and this is a no-nonsense kind of spooky house. It's a massive Queen Anne with the perfect amount of decrepitness and an undeniable vibe.

And just check out that sick turret and basement you don't want to go down into alone!





High Angle Photography



OTHER PRESERVATION METHODS

- ❑ Preservation Easements
 - ❑ Similar to a conservation or agricultural easement
 - ❑ An interest in real estate, usually purchased by a non-profit or a government entity
 - ❑ May prohibit physical changes to a building used as a residence or for commercial purposes
 - ❑ May prohibit changes in the use of a building
 - ❑ May be used to protect historic vistas, rural land, stone walls
 - ❑ Recorded at the Registry of Deeds as an encumbrance



PRESERVATION EASEMENTS

- ❑ MGL Chapter 184, Section 31: Preservation of a structure or site historically significant for its architecture, archeology, or associations, to forbid or limit any or all
 - ❑ Alterations to the exterior or interior features of the structure
 - ❑ Changes in appearance or condition of the site
 - ❑ Uses not historically appropriate
 - ❑ Field investigation without a permit
 - ❑ Other acts or uses detrimental to appropriate preservation of the structure or the site
 - ❑



DEMOLITION DELAY BYLAWS

- ❑ A community may adopt a bylaw at town meeting or by city council vote that establishes a delay in the demolition of historically significant properties
- ❑ Public or private buildings. Owner cannot object.
- ❑ Three types of delay bylaws
 - ❑ Based on age (50+ or 75+ years)
 - ❑ Categorical (inventoried, on National Register, etc.)
 - ❑ List (on a specific list maintained by the Local Historical Commission)



DEMOLITION DELAY BYLAWS

- ❑ Provide a window in which preservation alternatives must be explored
- ❑ Building Department notifies Local Historical Commission of application for demolition permit
- ❑ Local Historical Commission holds hearing
- ❑ Local Historical Commission votes whether to delay
- ❑ Can be enacted in a town without a Historic District



DEMOLITION DELAY BYLAWS

- ❑ Approximately 92 communities have adopted bylaws to delay demolition of historic properties
- ❑ Public or private buildings.
- ❑ Owner cannot object
- ❑ Provide a window in which preservation alternatives must be explored



DEMOLITION DELAY BYLAWS

- ❑ Local Historical Commission holds hearing and votes whether to delay
- ❑ Can be enacted in a city or town without a Historic District
- ❑ Delay period can be as little as 21 days; most delays are for 3, 6, or 12 months



DEMOLITION DELAY BYLAWS



- ❑ Delay period can be as little as 21 days (Saugus) or 45 days (Dennis) to as long as one year (Hanover). Boston is 3 months.
- ❑ Most delays are for 3, 6, or 12 months
- ❑ Approximately 92 cities and towns have demolition delay bylaws in Massachusetts



Application of other laws and regulations to historic structures

- ❑ Building code has exemptions for “Historic Buildings,” House Museums or Preserved Buildings



OTHER LAWS REMAIN IN EFFECT

- ❑ Zoning
- ❑ Lead Paint
- ❑ State Sanitary Code
- ❑ Title 5
- ❑ Americans With Disabilities Act (*applies to public buildings*),
- ❑ Wetlands Protection Act



TAX INCENTIVES

- ❑ Massachusetts Historic Rehabilitation Tax Credit Program
 - ❑ Offers up to 20% of cost of certified rehabilitation work in state income tax credits
 - ❑



REQUIREMENTS

- Building must be income-producing and not entirely owner-occupied
- Must be listed, or eligible for listing, on the National Register of Historic Places



FEDERAL HISTORIC PRESERVATION TAX INCENTIVES

Eligible renovations result in a dollar-for-dollar reduction in the amount of federal income tax owed



SPECIFICALLY...

- 20% tax credit for the certified rehabilitation of certified historic structures.
- 10% tax credit for the rehabilitation of non-historic, non-residential buildings built before 1936



DUE DILIGENCE IN TRANSACTIONS INVOLVING HISTORIC PROPERTIES

Licensees must disclose material facts they are aware of that may affect the actions of a buyer or seller, such as historic designations, preservation easements, and regulations limiting use and/or alteration.



THE ROLE OF THE AGENT...

- ❑ When listing a historic property or showing one to buyers, knowledge of the property's history and local regulations is the key to a successful transaction.
- ❑ This is where you, the Realtor, bring value to your clients and customers
- ❑ Document your sources, and provide guidance on where to find answers



WHEN LISTING A PROPERTY

- ❑ Ask the seller for any information on history and designations
- ❑ Contact the Local Historical Commission for information on the State Register and National Register



DUE DILIGENCE

- ❑ Check with the neighborhood association if one exists
- ❑ Check records at Town Hall – Building Inspector and Planning Department
- ❑ Historic District regulations and boundary maps
- ❑



MINIMIZE SURPRISES

- ❑ Check Registry of Deeds for easements, deed restrictions, and encumbrances
- ❑ Document your sources, and provide guidance on where to find answers



AS AN AGENT, WHAT SHOULD I DISCLOSE?

- As a licensed real estate agent, you must disclose any material facts that you are aware of that may affect the actions of a buyer or seller of a particular property
 - Listing on the National Register or State Register
 - Local Historic District
 - Preservation Easements
 - Demolition Delay Bylaws



CONSIDERATIONS FOR BUYERS OF HISTORIC PROPERTIES

- Future value
- Lifestyle/use/limitations
- Repair and replacement costs
- Insurance costs



WHAT ABOUT OTHER LAWS?

- Building code provides exemptions for “Historic Buildings”
 - Building or structure individually listed on the National Register of Historic Places

“Contributing building” within a



WHAT ABOUT OTHER LAWS?

- Also exempt from the State Building Code:
 - House Museum: A historic building whose principal use is an exhibit of the building or structure itself; use must be certified by the Massachusetts



BUILDING CODES

- Exemptions for Preserved Buildings:
 - Roofing
 - Windows
 - Entries/Porches
 - Wood Siding/Decorative Elements
 - Masonry
 - Metals
 - Interior Features
 - Use and occupancy
 - Energy conservation provisions (“Stretch Code”)



OTHER LAWS REMAIN IN EFFECT

- Zoning
- Lead paint
- State Sanitary Code
- Title V
- Americans With Disabilities Act (applies to public buildings)



OTHER LAWS REMAIN IN EFFECT

- Accessibility for the disabled (applies to public buildings)
- 521 CMR 3.9
- An historic building or facility that is listed, or is eligible for listing in the National or State Register of Historic Places or is designated as historic under appropriate state or local laws may be granted a variance by the Architectural Access Board to allow alternate accessibility.
- Consultation with the Massachusetts Historical Commission is required on variance requests



CONSIDERATIONS FOR BUYERS OF HISTORIC PROPERTIES

- ❑ Future value
- ❑ Lifestyle/use/limitations
- ❑ Increased costs of repair/replacement/insurance
- ❑ Tax incentives for repairs and restoration



TAX CREDITS FOR RENOVATIONS

- ❑ **Massachusetts Historic Rehabilitation Tax Credit Program**
- ❑ Offers up to 20% of cost of certified rehabilitation work in state income tax credits
- ❑ Building must be income-producing and not entirely owner-occupied
- ❑ Must be listed, or eligible for listing, on the National Register of Historic Places
- ❑



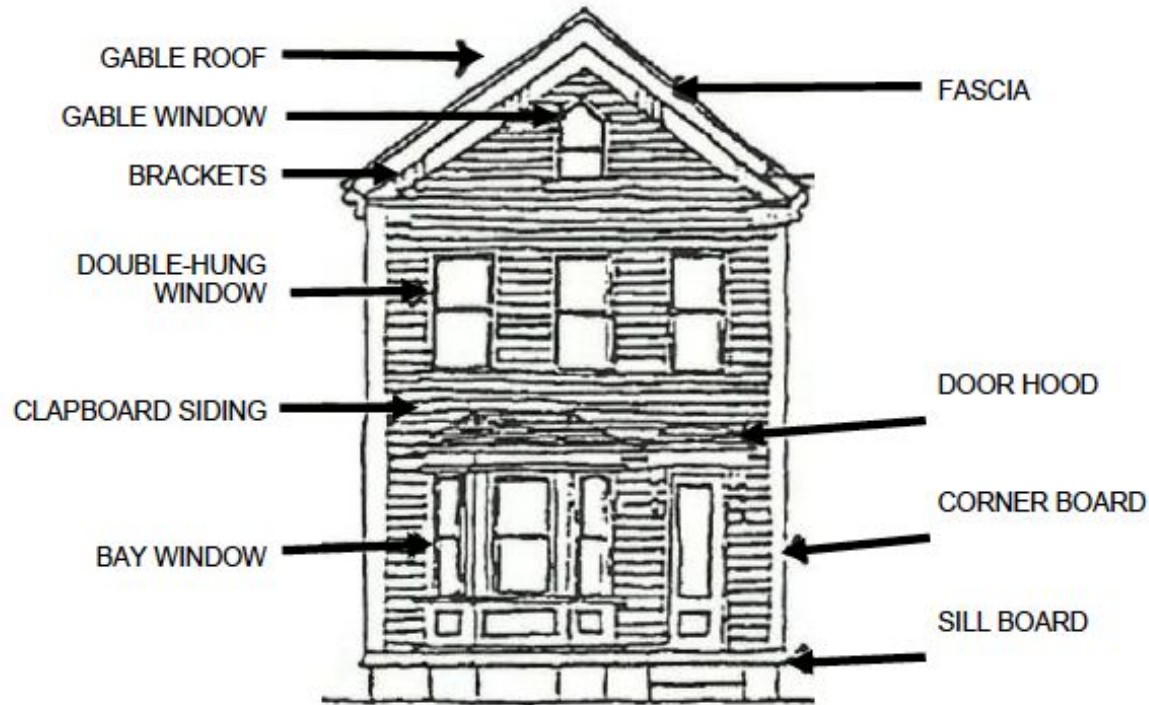
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- ❑ 20% tax credit for the certified rehabilitation of certified historic structures.
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- ❑

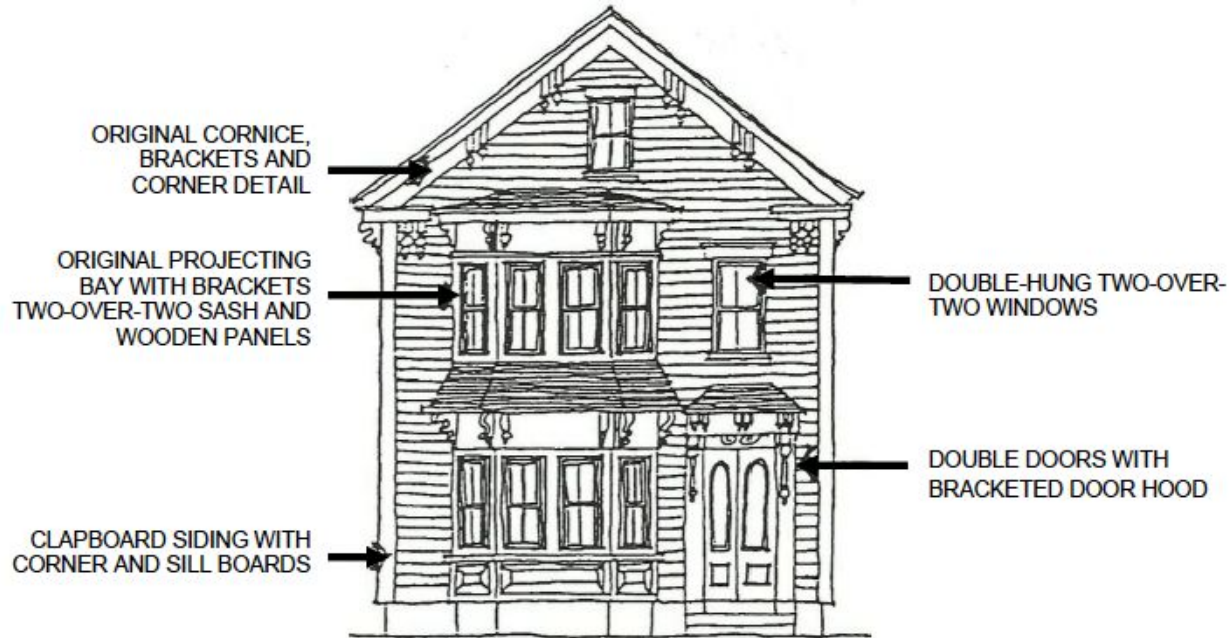


Anatomy of an Old House

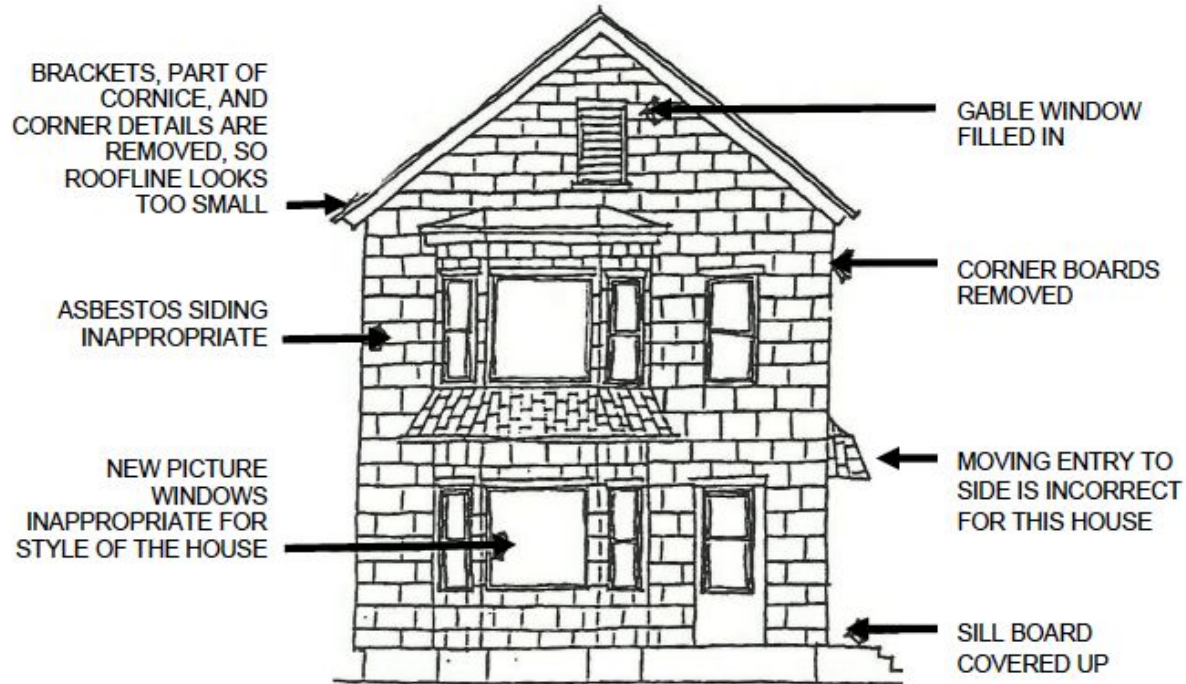
THE FACADE



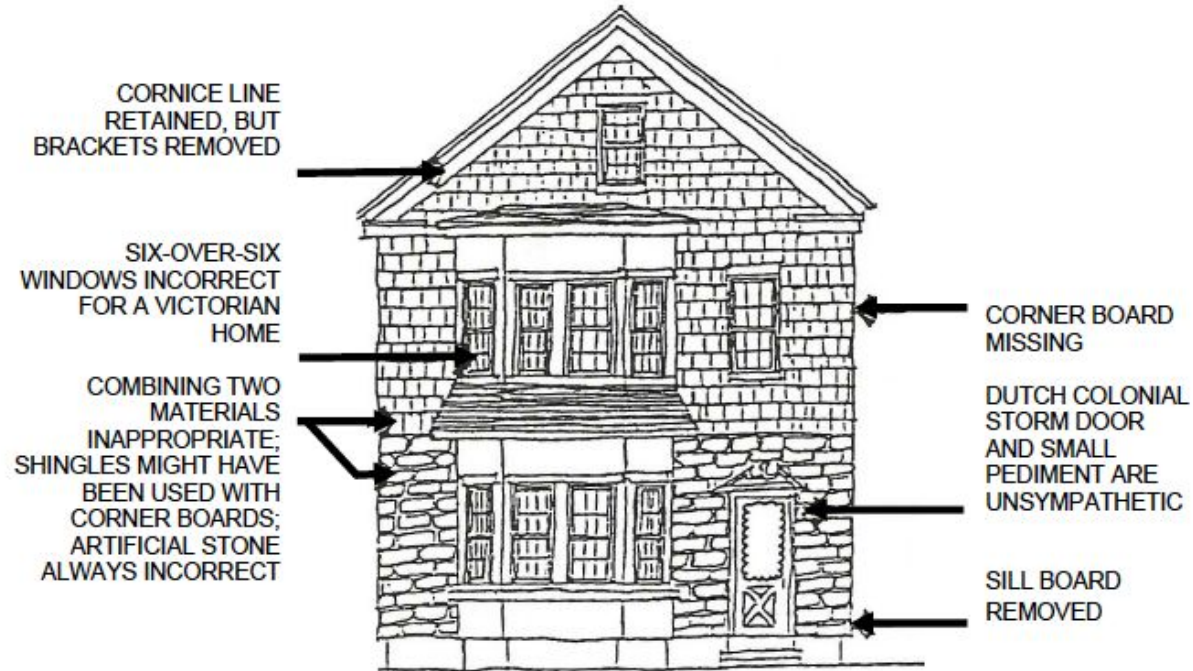
The Well-Preserved House



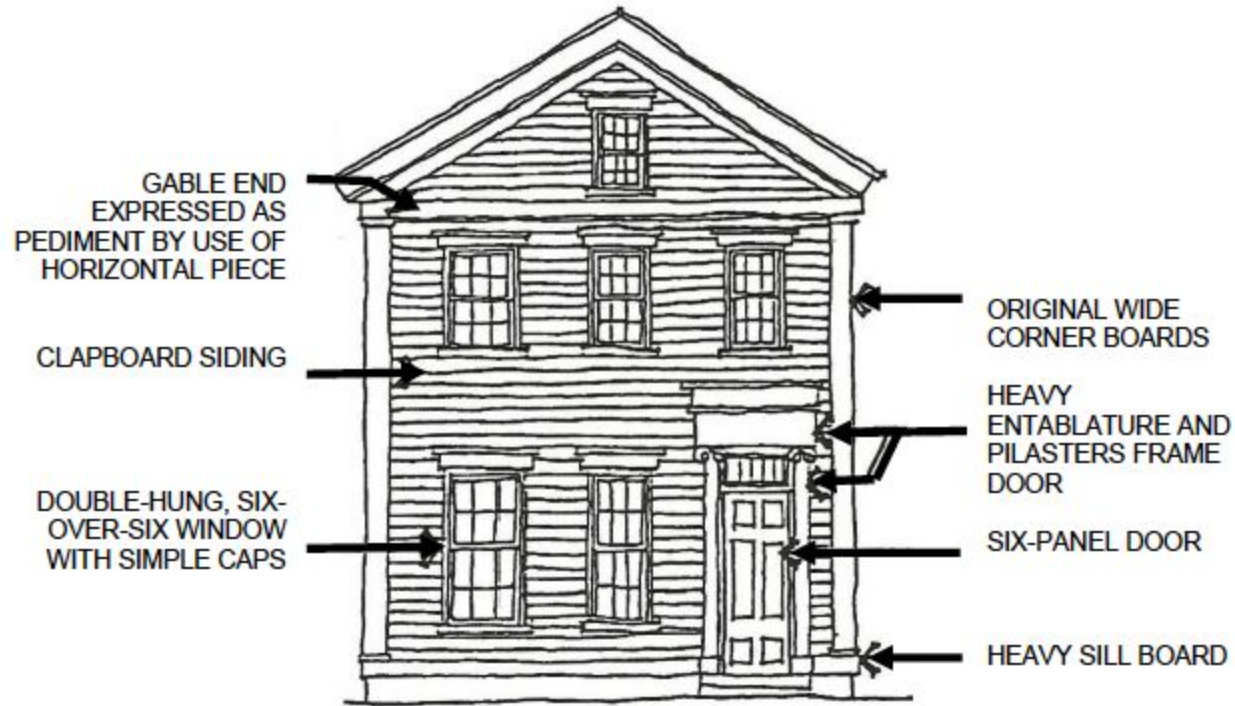
Inappropriate Renovation



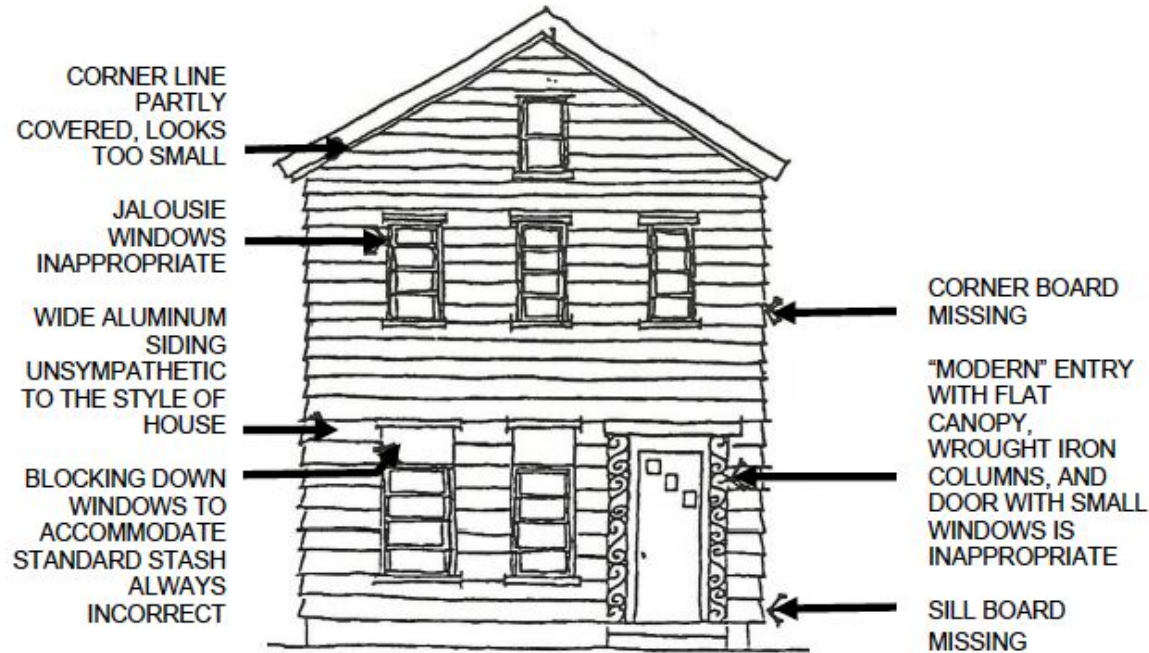
Inappropriate Renovation



The Well-Preserved House



Inappropriate Renovation



RESOURCES



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ONLINE RESOURCES FOR SELLING HISTORIC PROPERTIES

- ❑ www.historicproperties.com
- ❑ www.oldhouses.com
- ❑ www.historicproperties.com
- ❑ savingplaces.org/magazine-advertising-historic-properties
- ❑ www.architecturaldigest.com/
- ❑ www.preservationdirectory.com
- ❑ www.historicforsale.com
- ❑ www.historicnewengland.com



WHAT STYLE?

Review of Architectural Styles

- Cape Cod Style 1600s – Present
- First Period, 1600s – 1700s
- Georgian, 1700 – 1780
- Federal, 1780 – 1820
- Greek Revival, 1825-1860
- Gothic Revival, 1840 – 1880
- Italianate, 1840-1885
- Second Empire, 1855 – 1885
- Stick Style, 1860 -1890
- Queen Anne, 1880 – 1910
- Shingle Style, 1880 – 1900
- Craftsman, 1905 – 1930
- Colonial Revival, 1880 – Present
- Ranch, 1920 – Present
- “Home in a Box,” 1920 - 1960
- Raised Ranch, 1960 - Present



REFERENCES & RESOURCES

- ❑ National Register of Historic Places: <https://www.nps.gov/subjects/nationalregister/index.htm>
- ❑ National Trust for Historic Preservation: www.preservationnation.org
- ❑ National Historic Preservation Act of 1966, Section 106:
<https://www.achp.gov/sites/default/files/regulations/2017-02/regs-rev04.pdf>
- ❑ Massachusetts Historical Commission: www.sec.state.ma.us/mhc/mhcidx.htm
- ❑ Massachusetts Historical Commission Publications:
<http://www.sec.state.ma.us/mhc/mhcpub/pubidx.htm>
- ❑ Preservation Easements: MGL Chapter 184, Section 31,
<http://www.malegislature.gov/Laws/GeneralLaws/PartII/Title/Chapter184/Section31>
- ❑ Local Historic Districts: MGL Chapter 40C,
www.malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40C
- ❑ State Building Code, Historic Buildings Section, 780 CMR 780.9309
<http://www.mass.gov/eopss/docs/dps/780-cmr/780093.pdf>
- ❑ Massachusetts Historic Rehabilitation Tax Credit Program:
<http://www.sec.state.ma.us/mhc/mhctax/taxidx.htm>
- ❑ Federal Preservation Tax Incentives
<http://www.nps.gov/tps/tax-incentives/taxdocs/about-tax-incentives-2012.pdf>
- ❑ Relevant Judicial Cases
- ❑ Permit denial by Historic District Commission did not constitute a taking of property; Collins v.
- ❑ Historic District Commission of Carver, 73 Mass. App. Ct. 388
- ❑ Variances may be denied for building alterations that violate with Historic District regulations:
- ❑ Steamboat Realty, LLC v. Zoning Board of Appeal of Boston, 70 Mass. App. Ct. 601



SUGGESTED HANDOUTS

- ❑ “Know How #6, Historic Properties Inventory Forms”, published by the Massachusetts Historical Commission, which explains the types of information compiled and maintained by the MHC and how to use this data: www.sec.state.ma.us/mhc/mhcpdf/knowhow6.pdf
- ❑ “There’s A Difference: Local Historic District vs. National Register District,” published by the Massachusetts Historical Commission, which discusses the differences between the types of historic districts: www.sec.state.ma.us/mhc/mhcpdf/difference.pdf
- ❑ City of Somerville’s “Steps to Apply for a Certificate for Exterior Work on a Historic Property (with flow chart),” as an example of local regulations and processes when seeking to perform work on historic properties:
- ❑ <https://s3.amazonaws.com/ifa.somervillema.gov/documents/historic/SHPC-CertificateApplicationSteps.pdf>

