



## NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES

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# HISTORIC BUILDINGS AND CODE COMPLIANCE

**Access, building, and safety codes generally include special provisions for historic properties that take into consideration the particular circumstances, historic materials and construction methods. Not all building officials are aware of these considerations.**

- The Americans with Disabilities Act explicitly includes particular and more flexible allowances for historic properties to allow modifications that do not "threaten or destroy" significant features. Visit the New England ADA Center's ADA Standards guide for more information: <http://newenglandada.org/sites/default/files/2010ADAStandards.pdf>
- The State of New Hampshire has adopted the International Building Code (2009) and the International Existing Building Code (2009). Both offer accommodations for historic buildings. More information can be found about the NH-specific adoptions at <http://www.nh.gov/safety/boardsandcommissions/bldgcode/nhstatebldgcode.html>
- For information on lead paint issues in historic buildings, HUD has guidance at <http://portal.hud.gov/hudportal/documents/huddoc?id=lbph-20.pdf>; the NPS has guidance at <http://www.nps.gov/tps/how-to-preserve/briefs/37-lead-paint-hazards.htm>
- The State Fire Marshal has adopted NFPA 914 as a rule within the State Fire Code, stating: "All persons renovating, modifying, maintaining or operating any historic structure and all owners or occupants of historic structures shall comply with the requirements of NFPA 914." [http://www.gencourt.state.nh.us/rules/state\\_agencies/saf-c6000.html](http://www.gencourt.state.nh.us/rules/state_agencies/saf-c6000.html)
- The State Building Code in RSA 155-A:2, VIII, provides that "Nothing in this chapter shall be construed as amending, repealing, or superseding any local law, ordinance, code, or regulation, except local code requirements that are less stringent than the state building code or state fire code, and all buildings, building components, and structures shall comply with all applicable state or local building and fire code requirements, land use restrictions including but not limited to subdivision regulations, use and location restrictions, density and dimensional limitations, or *historic district laws or ordinances.*" <http://www.gencourt.state.nh.us/rsa/html/XII/155-A/155-A-2.htm>
- FEMA criteria for flood-prone areas do consider the potential effect on cultural resources. For more information, see the 2008 FEMA chapter: <http://www.fema.gov/media-library/assets/documents/13411?id=3282> and OEP's model floodplain ordinances: <http://www.nh.gov/oep/planning/programs/fmp/regulations.htm>
- In addition, income-producing historic properties may qualify for *federal rehab tax credits*. See <http://www.nps.gov/tps/tax-incentives.htm> and contact the National Register and Tax Incentives Coordinator at 603.271.3583 for more information.
- Businesses may be able to take tax credits for qualifying ADA-related work. See <http://www.ada.gov/archive/taxpack.htm> for details.



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### **THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION**

Rehabilitation may be considered as a treatment when repair and replacement of deteriorated features are necessary; when alterations or additions to the property are planned for a new or continued use; and when its depiction at a particular period of time is not appropriate. Prior to undertaking work, a documentation plan for rehabilitation should be developed.

1. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other buildings, shall not be undertaken.
4. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
8. Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing, to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

These standards were initially developed in 1975 and were revised in 1983 and 1992.  
This revision of the Standards was codified as 36 CFR Part 68 in the Federal Register, Vol. 60, No. 133, July 12, 1995; it replaces the  
Federal Register notice, Vol. 48, N. 190, September, 1983.  
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