

IOWA WEATHERIZATION PROGRAM NOTICE 10-03

TO: Weatherization Coordinators

FROM: Gwen Howe, Bureau of Weatherization

DATE: June 7, 2010

RE: SHPO compliance

Purpose: To provide guidance for State Historic Preservation Office (SHPO) compliance. All changes will be effective for houses evaluated beginning June 10, 2010.

Per the Programmatic Memorandum of Understanding (PMOU) signed by the Division of Community Action Agencies (DCAA) and the State Historic Preservation Office (SHPO) on April 7, 2010, agencies are now required to conduct a SHPO review of each unit to be weatherized. Guidance for completing the SHPO review is attached to this program notice.

The PMOU was completed with input from weatherization professionals and historic preservation professionals at the federal level. The agreement exempts the vast majority of work our network provides to clients. It is the hope of the DCAA that full Section 106 reviews will be minimal due to the potential for delays. Agencies should anticipate a 30 – 45 day time frame for the houses requiring Section 106 review.

Houses to be weatherized with federal funds will need to complete a SHPO review before work can begin. The SHPO review will move forward in one of two ways: the house is determined to be exempt, or the house will need a Section 106 review. Upon completion of the evaluation, but before work begins on the house, the evaluator will need to compare the measures planned on the house with the measures that are exempt on the PMOU and determine if the house is exempt from SHPO review or if a Section 106 review is required. **WORK CANNOT BEGIN** on a house until this determination has been made.

Exempt Houses: If the house is 45 years old or newer, if the house is a mobile home, or if all of the measures to be completed are included as exemptions in Exhibit A and/or B of the PMOU, the house would be exempt from Section 106 review. The evaluator must complete the Exempt from SHPO Review, Project Determination Form, sign it and email a copy to the DCAA. The form requires agency information (including contact name), a brief description of work to be completed using the check list (use additional sheet to describe other work), the reason the house is exempt and a signature. Photos of the house from the front must accompany the Project Determination Form. A copy of the form is included with this program notice and the forms are available on the DCAA website for download and completion. DCAA designates each local weatherization agency as the local certifying official for signature on this form. Once the signed form has been sent to the DCAA, the SHPO review is finished and work can begin on the house.

Houses Needing a Section 106 Review: If the house is determined to be not exempt, the house will require a full Section 106 review submitted to SHPO for their comment. At this time, the DCAA will assist the agencies with their Section 106 review process and submit the review to the SHPO for comment.

For each house requiring a full Section 106 review, agencies must provide the following items (at a minimum) to DCAA:

- Request for SHPO Comment form with Section I General Information completed
- Photos of the house from all sides
- Photos of the streetscapes of the house
- County assessor's printout of the house
- Detailed description of ALL work to be done on the house, not just the measures that are outside of the exemptions

DCAA will compile the rest of the information with help from the agency and the evaluator and determine whether a historic property will be adversely affected. The completed Section 106 review packet will be sent to the SHPO for their comment. The DCAA will work with each agency on a case by case basis to compile all information needed for the review.

After SHPO comments are received, the entire packet with the comments will be sent to the agencies for the house file. Agencies will not begin work on the house until SHPO comments have been received.

Monitoring of SHPO Compliance: There will be a few changes to program monitoring and house inspections by the DCAA to include SHPO compliance: all house files will need either the completed Exempt from SHPO Review form or a copy of the complete Section 106 review. DOE has indicated they will want to see a verification of SHPO review in house files and it is our understanding that either of these documents will satisfy that requirement.

State housing inspectors will also be adding SHPO monitoring to their housing inspections. Should a state housing inspector see a measure not included in the exempt list of Appendix A or B completed on a house by the agency, they will contact the state office and ask for verification there was a review conducted on the house and the measure was allowed.

Effective Date

Agencies must begin their SHPO compliance by June 10, 2010. This means that all houses evaluated from that date forward, need a SHPO review. Houses that were evaluated but have not yet been worked on do not need the review.

Addendum FAQ's on house measures

There has been discussion about specific measures on houses and whether they will have the potential to move a project forward to a Section 106 review. Some of the questions and answers are as follows:

Q: The house has stucco siding and we plan to drill holes to blow insulation in the wall cavities. If I cover the hole and paint it to match the house will that activity be covered by the exempt list or will that have to move forward for a Section 106 review?

A: The SHPO has indicated that houses that require holes drilled through the stucco for insulation blowing will be exempt as long as the holes are filled and painted to match the house.

Q: What if the agency indicates that an item needs to be installed, the client agrees with the measure, but SHPO "recommends" that the measure isn't installed?

A: The agency must make the final decision in regard to whether or not the item will be installed. SHPO only gives recommendations; however, if entities choose to ignore SHPO's recommendations, then the issues may be sent to the National Advisory Council on Historic Preservation, which could result in required corrective work.

Q: What if a house needs a sump pump?

A: It is not an exempt measure because it causes a ground disturbance and, therefore, will initiate a Section 106 review.

Q: What if a house needs furnace venting installed. Will that be a problem?

A: Try to locate the venting in the back. If it cannot be vented out the back (or the house is on a corner lot), the venting needs to be installed as back from the street as possible. If the venting in on the back ½ of the side foundation, it will not require a Section 106 review. If the venting goes out the front ½ of the side foundation or wall or the front of the house, it will require a Section 106 review.

Q: Is cellulose an acceptable insulation material?

A: Yes, when installed in the areas described in the PMOU.

Q: What should we do if we have a house with high CO or a gas leak, which is an emergency situation, and we haven't had time to obtain DCAA/SHPO's approval to weatherize the house?

A: Because it is an emergency, mitigate the hazard and notify the DCAA of the emergency within 24 hours.

Q: Sometimes contractors/crews find that another measure needs to be installed after weatherization work begins. If the work originally called for was exempt, and the new work called for is exempt, what should we do? What if the new work is non-exempt?

A: New Work – Exempt

Update the form by including the additional measures. Email the form to the DCAA. Continue work on the house

New Work – Non-Exempt

Complete the required steps for Section 106 review and submit the information to DCAA. Do NOT install the additional measures until the Section 106 review is completed.

Q: Fill Dirt for Banking/Grading

A: As long as the ground is not disturbed and clean fill dirt is used, the measure is not subject to review.