

A GUIDE TO LAND BANKING AND HISTORIC PRESERVATION IN NEW YORK STATE



Many vacant, abandoned and tax delinquent properties

that will be targeted by land banks in New York State may also be historic structures: listed or eligible for listing on the National and State Register of Historic Places, or locally designated by municipal ordinance.

These resources will also be potential triggers for federal, state and local environmental and historic reviews and mitigation.

These properties deserve special consideration in municipal efforts to establish and implement land banks; historic status should be seen as an asset, not an obstacle, in successful and sustainable efforts to return blighted properties and neighborhoods to productive use.

It is therefore important to integrate historic preservation into a land bank's application to Empire State Development Corporation (ESDC) and into subsequent programming to address the opportunities and issues such structures represent in local redevelopment issues.



The Preservation League of New York State encourages land banks to adopt the following strategies and programs as core components of their applications and operations:

PROPER AND DETAILED HISTORIC STRUCTURE AND HISTORIC DISTRICT INVENTORIES

- Work early and closely with NYS State Historic Preservation Office (SHPO) to determine whether targeted properties are listed on or determined eligible for the State and National Registers, or will require such evaluation. Staff in the Survey and Evaluation Unit assists communities and agencies with surveys that identify and evaluate historic districts, buildings, sites, structures and objects worthy of protection and consideration in community planning efforts.

If there is a local historic preservation ordinance in effect in an applicant community, the land bank property list should also be matched against a municipality's listing of locally designated historic properties. The City of Syracuse maintains a web-based inventory that could serve as a template for this type of inventory.

Local and regional historic preservation organizations can also serve as helpful sources of information on existing and proposed historic districts and other preservation planning efforts underway at the neighborhood and community level.

- Match this property inventory against census tracts in the land bank service area that are eligible for the NYS Rehabilitation Tax Credit programs to identify which land bank properties are eligible for the commercial or owner-occupied residential credits. These programs offer significant incentives for historic property rehabilitation, and land banks should highlight those properties eligible to utilize these programs in their application material and subsequent property marketing efforts.

The geographic constraints for other state and federal redevelopment incentives, such as New Market Tax Credits, would also be useful to include in a programmatic inventory.

- If the most recent comprehensive historic resource survey for the municipality is more than ten years old, the land bank authority should encourage or directly undertake an updated historic resource survey. A strategically-guided survey could be limited to distressed census tracts and neighborhoods where the land bank is likely to be most active.

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- The Preservation League can provide assistance in identifying funding for surveys, including the Preserve New York grant program of the Preservation League of New York State and the New York State Council on the Arts.

SEEK HISTORIC PRESERVATION EXPERTISE FOR YOUR LAND BANK BOARD

Appoint a local or regional preservation leader to the board of the land bank. This expertise will provide the land bank board and associated staff with in-house experience and strategy regarding potential funding sources, best practices, and access to additional preservation expertise in the community or at the state level.

DEVELOP INFORMED PARTNERSHIPS AND EDUCATIONAL PROGRAMS

Identify the types of community/neighborhood educational programs and partnerships that will assist the land bank in its work. Local, regional or statewide preservation organizations and other not-for-profits are an excellent source for these types of educational and technical programs, and should be considered ready partners for land banks seeking to maximize resources and program impact.

Workshops covering such topics as rehabilitation tax credit program use, upper floor reuse and code compliance for historic commercial buildings, energy efficiency and conservation in older/historic buildings, and design of new public spaces, recreation areas and trails will each assist the community in recognizing your land bank authority as a forward-looking and positive new component of the community.

UNDERSTAND THE REGULATORY REQUIREMENTS OF YOUR FUNDING SOURCES

Anticipate the regulatory requirements of your funding sources, and see them in a positive light. Federal funding or permit requirements will trigger Section 106 review under the Federal Historic Preservation Act. State funding or permit requirements will trigger Section 14.09 of the State Historic Preservation Act. The review required at both the federal or state level does not necessarily prevent demolition or deconstruction of historic properties, but may require off-setting mitigation for this type of “adverse affect.” Plan accordingly.

If land bank funding sources trigger state and/or federal historic preservation review for a significant number of properties, it may be appropriate to develop a programmatic agreement with the State Historic Preservation Office (and which could also formalize the input and role of local preservation advocacy organizations) to increase the efficiency of the regulatory process.

SHPO’s Technical Assistance and Compliance Unit coordinates the environmental review described above and can assist property owners with federal and state historic preservation tax credit projects and provide general guidance on building rehabilitation.

Acknowledgment of these types of reviews and a commitment to work with NYS SHPO staff to assess federal or state triggers from land bank activity will help minimize delays or fiscal impacts from these reviews. Proactive survey work, as described at the beginning of this document, will help assess these triggers, and a land bank to identify a variety of options for any given property.

Locally designated historic structures are subject to local preservation ordinances and may also be subject to municipal demolition delay or review ordinances. A municipality’s preservation planner or planning office staff should be consulted

throughout the property acquisition and disposition process. Land bank staff should be well versed in all appropriate federal, state and local preservation regulations and resources.

COMMIT TO DEMOLITION ONLY AS A LAST RESORT

The preservation community understands that demolition can have an effective role in the work of land banks, but demolition should never be a priority option in a land bank’s strategy or marketing materials. Land banks should set and follow procedural requirements for demolitions. Engineering and photographic documentation as to the need to demolish and an estimated cost of demolition versus potential rehabilitation options should be a programmatic requirement for this type of activity.

ESTABLISH AN ARCHITECTURAL SALVAGE PROGRAM

If structures are to be demolished as a component of land bank plans, targeted structures should be evaluated for their salvage potential. Windows, doors, mantels, trim and other materials may have significant value for the revitalization and renewal of other structures in the neighborhood or municipality. Salvage crews could provide an opportunity for workforce training or fundraising for community groups.

Several New York State communities are served by well-established salvage operations. Programs in Albany, Rochester and Ithaca, among others, are appropriate models for this type of program.

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provided by

The Preservation League of New York State

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