



THE NEW JERSEY & NATIONAL REGISTERS OF HISTORIC PLACES VS LOCAL HISTORICAL DESIGNATION

THE NATIONAL REGISTER OF HISTORIC PLACES

The National Register of Historic Places is the official list of the nation's cultural resources worthy of preservation. It is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect our historic and archaeological resources.

The National Register (NR) is administered by the National Park Service (NPS) under the Secretary of the Interior. Properties listed in the National Register include districts, sites, buildings, structures, and objects that are significant in American history, architecture, archeology, engineering, and culture. These resources contribute to an understanding of the historical and cultural foundations of the nation. Listing in the National Register has the following results which assist in preserving historic properties;

- ◆ Recognition that a property is of significance to the nation, the state or the community.
- ◆ Consideration in the planning for federal or federally assisted projects.
- ◆ Eligibility for federal tax benefits.
- ◆ Consideration in the decision to issue a surface coal mining permit.
- ◆ Qualifications for federal assistance for historic preservation, when funds are available.

Projects which are federally funded, licensed or authorized are required to take into account how an undertaking will effect historic properties. Under the law a historic property is not only one that is already listed but also extends to properties that are eligible for the National Register of Historic Place.

THE NEW JERSEY REGISTER OF HISTORIC PLACES

The New Jersey Register of Historic Places was created in 1970, only four years after the National Historic Preservation Act established the National Register.

This law provided additional protection that the National Register could not - protection for all registered properties against undertakings by the state; or counties; or municipalities. The New Jersey Register is closely modeled after the National Register and the registration process is incorporated into our National Register program and uses same criteria, nomination forms, and review procedures (including owner notification).

In New Jersey, signature of the State Historic Preservation Officer on a nomination application is a two-fold act, simultaneously listing the property on the New Jersey Register and recommending National Register status to the NPS.

There are differences between the Registers:

- ◆ private owner objection to a New Jersey Register proposal does not prevent designation
- ◆ only properties actually listed in the New Jersey Register are afforded protection

An exceptional law when enacted, the New Jersey Register of Historic Places Law is still nearly unique. About thirty states currently have State Register laws affording protection against state agency undertakings. but only a handful extend the protection to include county and municipal undertakings.

The New Jersey law does raise some issues as it pertains to registration. Just being eligible for the NR confers the same essential protection from federal undertakings as actual

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listing; therefore NR status is, in some respects, a formality.

The New Jersey Register of Historic Places, however, does not have an “eligible for” provision. Consequently, only actual registration requires a governmental review that would not otherwise be activated.

Since private property development per se is not restricted, private owner objection does not prevent a site from being listed in the New Jersey Register. It does, however, preclude inclusion in the National Register.

Regardless of the final outcome, owner concerns are an important issues and are taken into account in the earliest stages of an application.

Official owner notification (and also municipalities and counties) is the SHPO responsibility and regulatory requirement for both Registers. For proposed historic districts, a public meeting is also conducted.

LOCAL HISTORIC DESIGNATION

Historic Preservation Commissions, design review committees, or special zoning ordinances are established by New Jersey municipal ordinances. They are not a part of the New Jersey or National Register program.

Listing properties in the New Jersey and National Registers often changes the way communities perceive their historic resources and gives credibility to efforts of private citizens and public officials to preserve these resources. Listing in the Registers, does not, however, interfere with a private property owner’s right to alter, manage or dispose of

property.

Preservation decisions affecting private property are largely made on the local level. Many municipalities, in accordance with their adopted master plans, have enacted local historic preservation ordinances to protect historic resources. All local master plans and ordinances in New Jersey must be adopted in compliance with the Municipal Land Use Law. Like the New Jersey and National Registers of Historic Places, local preservation ordinances designate buildings, sites, structures, and districts that have specific identified architectural, historic, or archaeological merit. However, local preservation ordinances can regulate the private use, maintenance, alteration or demolition of a locally designated historic building, structure, or site. Listing in the New Jersey or National Registers does not designate the historic resources at the local level.

Local historic preservation ordinances vary among municipalities in the authority granted to identify, designate, and protect historic properties. The ordinances generally establish a historic preservation commission to provide architectural review of alterations, demolition, and new construction within designated historic areas. The strongest ordinances allow the historic commission to review projects and make binding decisions, while some ordinances delegate final decision making to a planning or zoning board upon the recommendation of the historic commission. Municipal governments are important partners to state and federal preservation program. Over one hundred municipalities in New Jersey have local historic preservation ordinances.



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