

New York State and National Registers of Historic Places

INSURANCE COVERAGE AND HISTORIC PROPERTIES

Insurance coverage of privately owned properties in National Register-listed historic districts and properties individually listed in the National Register

It has been brought to our attention that some insurance companies are unfamiliar with the National Register of Historic Places and what National Register listing entails for a historic property. Listing in the National Register is honorary. It recognizes a historic property's importance to its community, the State, and/or the Nation as well as encouraging good stewardship of the historic property. It is a strictly voluntary and primarily honorary listing. More than 120,000 historic properties, listed both individually and within historic districts, have received this prestigious recognition in New York State.

Such listing, either individually or as a contributing resource in a registered historic district, should have no bearing on the issue of insurance coverage. Owning a property listed in the National Register **does not impose a regulatory burden** on the property owner. When making repairs to a listed property that may involve an insurance claim, the property owner is under **no obligation** to make the repairs following accepted historic preservation standards or guidelines.

Should a property that is listed in the New York State or National Registers of Historic Places become damaged or be destroyed, there is **no state or federal requirement** that the property be rebuilt or repaired to reflect its historic appearance. Additionally, there is no state or federal requirement that a particular contractor be used to make repairs.

Specifically, the National Register of Historic Places is a program of the National Park Service. The New York State Historic Preservation Office (NYSHPO) administers the National Register program in New York State and the New York State Register. Listing in these registers places no obligations on private property owners, and there are no restrictions on the use, treatment, transfer, or disposition of private property, nor does it lead to public acquisition or require public access to the property.

- National and state register listings do not place restrictions on private property owners. Owners have no obligation to open their properties to the public, to restore them, or to maintain them in a particular way, if they choose not to do so.
- Under federal and state laws, private property owners can do anything they wish with their National Register-listed property, provided that no federal or state license, permit, or funding is involved.
- National and state register listings do not require that any specific guidelines be followed in a rehabilitation, remodeling, repair, or renovation (unless the owner is using federal funds or receiving the Investment and/or Homeowners' tax credit). For example,
 - the owner of a listed property may paint his building any color he/she chooses;
 - exact replicas of listed properties are not required to be constructed if the original is destroyed;
 - the same or very similar materials are not required to be used for repairs or replacement of all or part of the building.

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- If a listed property is destroyed or its integrity is greatly altered, it is removed from the registers through an administrative action by NYSHPO and NPS.
- If a property is listed in or eligible for listing in the National Register, the National Historic Preservation Act requires the federal government to take into account the possibility of adverse effects on the historic property by a project that receives *federal* licensing, permitting, or funding.
 - Questions about repairs to historic buildings often arise in the wake of natural and manmade disasters, especially in places that have been declared disaster areas by either Federal or State government. The Federal Emergency Management Agency (FEMA) generally is the federal agency that responds first to such disasters. FEMA has extensive information about historic preservation and requirements for making repairs when *federal* funds, licenses or permits are used, at the following website link - <http://www.fema.gov/environmental-planning-and-historic-preservation-program/historic-preservation-information>.

An insurance claim filed by a private homeowner to his insurance company to repair typical damage, such as a fallen tree, a burglary, vandalism, water or smoke damage, or other private incidents is not the type of action generally considered subject to government oversight as it will not receive any federal licensing, permitting, or funding. If a property is within a federal- and/or state-declared disaster area, the homeowner and his/her insurance company are likely to work with disaster response agencies.

Federal and State Investment Tax Credits for rehabilitation and other provisions are available for listed properties, should a property owner choose to use them. NYSHPO administers financial incentive programs to assist owners of registered properties with maintenance and rehabilitation costs. To learn more about these programs, visit our website <https://parks.ny.gov/shpo/tax-credit-programs/>.

If you would like further verification of the register's non-regulatory nature, we suggest that you consult the federal law and regulations concerning the program. They are as follows:

National Historic Preservation Act. United States Code, Title 16, Subsection 470, or 16 USC 470. The full text of the law is at this website link - http://www.cr.nps.gov/history/online_books/fhpl/nhpa.pdf

Regulations for the National Register of Historic Places. Code of Federal Regulations, Part 36, subsection 60.2 (commonly abbreviated as 36 CFR 60 (subsection 60.2). The regulations are available online at this website link - <http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=8c7b4dc18661d0c519b22291f5e7585e&ty=HTML&h=L&r=PART&n=36y1.0.1.1.26>.

Further information can be found on the National Register website at: <https://www.nps.gov/subjects/nationalregister/faqs.htm>.

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