

Unified Regulatory Plan of the Department of Historic Resources for State Fiscal Year 2023
Prepared on September 30, 2022

Description of Agency or Boards

The Department of Historic Resources, established in the *Code of Virginia* §10.1-2201, encourages and supports the stewardship and use of Virginia’s significant architectural, archaeological, and historic resources as valuable assets for the economic, educational, social, and cultural benefit of citizens and communities. Established as the Virginia Historic Landmarks Commission in 1966, the DHR helps citizens, state and federal agencies, and communities to reach their respective economic, education, and historic preservation goals and promotes the use of historic resources to build a better future for the Commonwealth of Virginia--supporting conservation and historic preservation goals, tourism and economic development, emergency and climate change preparedness, and education. DHR is a small agency with a large and complex mission and programs with high expectations for performance both internally and externally and a strong commitment to citizen access. Its organization and services have evolved over the decades fulfilling both state and federal mandates as Virginia’s State Historic Preservation Office (SHPO). The Director of the Department is authorized to promulgate regulations in the *Code of Virginia* §10.1-2202(5).

The Virginia Board of Historic Resources is an official policy-making board of the Commonwealth of Virginia created by the *Code of Virginia* §10.1-2203. Its policies are implemented by the Department of Historic Resources, which day in and day out labors on behalf of our irreplaceable resources in the interest of the citizens of this Commonwealth. The Governor of Virginia selects members of the Board from volunteer and professional leaders of Virginia’s history, preservation, and museum communities. Votes taken during this meeting are official actions of the Commonwealth of Virginia Board of Historic Resources. The Board’s authority to promulgate regulations is established in the *Code of Virginia* §10.1-2205.

Title of Proposed Regulatory Action or Guidance Document	
Deletion of document date	
Brief Overview	
In 2016, the Department of Historic Resources promulgated regulations resulting in the authorization of 17VAC10-30 pertaining to its Historic Rehabilitation Tax Credit (HRTC) Program established pursuant to the Code of Virginia § 10.1-2202 and § 58.1-339.2 in order to make clarifying changes, revise the fee structure, provide audit reporting and review procedures, and update the eligibility for credits to only those costs incurred after January 1, 2003. It has recently been discovered that two documents incorporated by reference (DIBR) included a date. This date should not have been included as no documents with this date exist and because it means that the documents cannot be updated or revised without promulgating regulations to make the change. As accounting and business practices are constantly evolving, DHR must be able to respond as needed by updating guidance and template documents. Therefore, an amendment to the HRTC regulations is necessary. Promulgating entity: agency	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input checked="" type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	N/A

Expected Date	October 2022
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Title of Proposed Regulatory Action	
Regulations Governing Contextualization of Monuments or Memorials for Certain War Veterans	
Brief Overview	
<p>These are a new regulations pursuant to Chapters 1100 and 1101 of the 2020 Acts of Assembly. The chapters mandate in the 4th enactment clause: “That the Board of Historic Resources shall promulgate regulations governing the manner in which any monument or memorial may be contextualized pursuant to the provisions of this act.” These regulations provide guidance to local governing bodies that choose to contextualize certain war monument or memorials within their jurisdiction. This guidance includes general provisions regarding the markers including their appearance, location, and ownership and the application requirements and approval process.</p> <p>Promulgating agency: Board</p>	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input checked="" type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	N/A
Expected Date	July 2022

Title of Proposed Regulatory Action or Guidance Document	
Permit for Application for Archaeological Removal of Human Burial	
Brief Overview	
<p>Application for permit to allow the lawful recovery of buried human remains by professionally qualified archaeologists</p> <p>Change: Update application form</p> <p>17 VAC 5-20 et seq</p>	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	Will provide a streamlined application edited for length and clarity
Expected Date	12/2022

Title of Proposed Regulatory Action or Guidance Document Historical African American Cemetery and Graves Fund Program Manual		
Brief Overview Guidance document to assist applicants for cemetery funding Change: 2022 updates §10.1-2211.2		
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule	<input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule	<input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute	<input type="checkbox"/> Discretionary action
Deregulatory Component	N/A	
Expected Date	12/2022	

Title of Proposed Regulatory Action or Guidance Document Historical African American Cemetery and Graves Fund Application Form		
Brief Overview Application for cemetery funding Change: 2022 updates §10.1-2211.2		
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule	<input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule	<input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute	<input type="checkbox"/> Discretionary action
Deregulatory Component	N/A	
Expected Date	12/2022	

Title of Proposed Regulatory Action or Guidance Document Cemetery Fund Acknowledgement of Reporting Requirements		
Brief Overview Attachment to application for cemetery funding Change: 2022 updates §10.1-2211.2		
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule	<input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule	<input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute	<input type="checkbox"/> Discretionary action
Deregulatory Component	N/A	
Expected Date	12/2022	

Title of Proposed Regulatory Action or Guidance Document Cemetery Fund Maintenance Agreement		
Brief Overview Attachment to application for cemetery funding Change: 2022 updates §10.1-2211.2		
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule	<input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule	<input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute	<input type="checkbox"/> Discretionary action
Deregulatory Component	N/A	
Expected Date	12/2022	

Title of Proposed Regulatory Action or Guidance Document Application to Propose Placement of a New Virginia Historical Highway Marker	
Brief Overview Applicants must complete this form for their proposal to be considered. It provides a detailed description of the program's purpose, objectives, and procedures. Change: update to reflect the new application approval procedures approved by the Board in December 2021. Also updates to reflect the increase in marker costs. §10.1-2202, 2204, 2209	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	N/A
Expected Date	12/2022

Title of Proposed Regulatory Action or Guidance Document Historic Preservation Easement Program Administration Fees	
Brief Overview A summary billing statement of possible fees assessed during the donation process Change: update of fees/fee description Chapter 10.1 Virginia Conservation Easement Act	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	N/A
Expected Date	12/2022

Title of Proposed Regulatory Action or Guidance Document Instruction to Apply for State and Federal Tax Credits	
Brief Overview Written guidance intended for applicants pursuing rehabilitation tax credits. Includes a billing statement. Change: minor edits for clarity of text VAC30 Historic Rehabilitation Tax Credit	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	Streamlined information
Expected Date	12/2022

Title of Proposed Regulatory Action or Guidance Document Easement Information Packet	
Brief Overview Overview program information on historic preservation easements and DHR's program staff Change: minor edits for clarification and audience comprehension 10.1 Virginia Conservation Easement Act	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	Streamlined information
Expected Date	12/2022

Title of Proposed Regulatory Action or Guidance Document Historic Preservation Easement Policies	
Brief Overview Document of all Board-approved policies that guide DHR's Easement Program Change: updates to Project Review policy and Criteria for the Acceptance of Easements 10.1 Virginia Conservation Easement Act	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	Streamlined information
Expected Date	12/2022

Title of Proposed Regulatory Action or Guidance Document Easement Application Form	
Brief Overview Detailed document guiding donors who intend to donate an easement to the Virginia Board of Historic Resources. Required to initiate the donation process. Change: minor edits for clarification and audience comprehension 10.1 Virginia Conservation Easement Act	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	Streamlined information
Expected Date	12/2022

Title of Proposed Regulatory Action or Guidance Document Easement Amendment Application Form	
Brief Overview Application for property owners seeking to amend an existing easement Change: new form to facilitate an existing process 10.1 Virginia Conservation Easement Act	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	Time saved by organizing information into a single form
Expected Date	12/2022

Title of Proposed Regulatory Action or Guidance Document Easement Reconsideration Application Form	
Brief Overview Application for donors whose easement offer acceptance has expired and requires renewal prior to recordation Change: new form to facilitate an existing process 10.1 Virginia Conservation Easement Act	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	Time saved by organizing information into a single form
Expected Date	12/2022

Title of Proposed Regulatory Action or Guidance Document Certified Local Government Handbook		
Brief Overview The materials will educate new staff, review board members, community leaders about the CLG program, its responsibilities, etc. Change: this is a new document		
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule	<input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule	<input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute	<input type="checkbox"/> Discretionary action
Deregulatory Component	N/A	
Expected Date	12/2022	

Title of Proposed Regulatory Action or Guidance Document Notification and public participation processes		
Brief Overview Explains the process to notify local officials, property owners, and adjacent owners about pending nominations. Also explain the process for people to support or to object to a nominations. Includes detailed information about how property owners are identified and how their votes are counted. Change: repaired several broken weblinks VAC30		
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule	<input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule	<input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute	<input type="checkbox"/> Discretionary action
Deregulatory Component	N/A	
Expected Date	12/2022	

Title of Proposed Regulatory Action or Guidance Document Register photo guidance and policy	
Brief Overview Provides detailed guidance on how to take photographs to accompany Register nominations and how to submit them Change: removed the requirement to submit digital images as TIFFs and removed the requirement to provide photo prints to accompany nominations. §10.1-2206.1	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	Simplifies photo requirements for nominations
Expected Date	12/2022

Title of Proposed Regulatory Action or Guidance Document Multiple Property Documentation Form (MPD) Proposal Form	
Brief Overview Used to propose a new MPD for nominating properties to the Virginia Landmarks Register and National Register of Historic Places Change: Remove questions about the purpose of evaluation and the tax credit easement programs that are not germane to evaluation for Register eligibility (revisions the request of the State Review Board) §10.1-2206.1	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	Simplifies completion of the proposal form
Expected Date	12/2022

Title of Proposed Regulatory Action or Guidance Document Preliminary Information Form (PIF) Archaeological Site	
Brief Overview Used to request evaluation of an archaeological site for eligibility for listing in the Virginia Landmark Register and National Register of Historic Places Change: Remove questions about the purpose of evaluation and the tax credit and easement programs that are not germane to evaluation for Register eligibility (revisions the request of the State Review Board) §10.1-2206.1	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	Simplifies completion of the PIF
Expected Date	12/2022

Title of Proposed Regulatory Action or Guidance Document Preliminary Information Form (PIF) – HD Form	
Brief Overview Used to request evaluation of a historic district for eligibility in the Virginia Landmark Register and National Register of Historic Places Change: Remove questions about the purpose of evaluation and the tax credit and easement programs that are not germane to evaluations for Register eligibility (revisions the request of the State Review Board) §10.1-2206.1	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	Simplifies completion of the PIF
Expected Date	12/2022

Title of Proposed Regulatory Action or Guidance Document Preliminary Information Form (PIF) – Individual Form	
Brief Overview Used to request evaluation of an individual property for eligibility for listing in the Virginia Landmark Register and National Register of Historic Places Change: Remove questions about the purpose of evaluation and the tax credit and easement programs that are not germane to evaluations for Register eligibility (revisions the request of the State Review Board) §10.1-2206.1	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	Simplifies completion of the PIF
Expected Date	12/2022