



The Department of Historic Resources (DHR) administers two programs designed to recognize our historic resources and to encourage their continued preservation:

The National Register of Historic Places (National Register) and The Virginia Landmarks Register (VLR)

A nomination must be prepared for a property to be considered for listing in the Registers. DHR is Virginia's State Historic Preservation Office (SHPO). Our department administers the VLR on behalf of the Commonwealth of Virginia and, as the SHPO, administers Virginia's participation in the National Register program. DHR is your primary point of contact for all matters related to the VLR and the National Register.

The National Register, established in 1966 and managed by the National Park Service, is the official list of buildings, structures, sites, objects, and districts that embody the historical and cultural foundations of the nation. Virginia's State Review Board is responsible for recommending that nominations be forwarded to the National Park Service for listing in the National Register.

The VLR, established in the Code of Virginia in 1965 and managed by DHR, is the Commonwealth's official list of properties important to Virginia's history. The same criteria are used to evaluate resources for inclusion in the VLR as are used for the National Register. Virginia's Board of Historic Resources is responsible for listing properties in the VLR.

Public participation and property owner input in the nomination process are integral to the Register nomination process. To that end, DHR adheres to a multiple-step notification process to inform property owners, adjacent owners, and local government officials of proposed nominations. This notification process is explained in greater detail below. The rights of property owners to support or object to a nomination are described as well, and at the end of the document there are links to online resources to conduct further research on the legal and regulatory underpinnings of the VLR and National Register.

Nominations for Historic Districts

Before any work commences on a historic district nomination, DHR strongly recommends that local proponents begin comprehensive outreach efforts to all property owners within the proposed district. Newspaper articles, one-on-one conversations, door-to-door canvassing, websites, social media, and other outreach methods are appropriate at this phase. It is important to gauge the support of property owners for the proposed district *and* to assess how knowledgeable owners already are about the National Register and VLR. If proponents discover a general lack of understanding about the Registers, then it may be necessary to prepare educational materials that explain the purpose of the historic district project.

District proponents are expected to hold at least 1-2 public meetings before commencing the *survey* phase of the nomination's preparation. Property owners should be advised of when the survey will



take place, who will be conducting the survey, and what kinds of information that surveyors may ask them about their property. DHR's regional office staff will advise as needed throughout this phase.

Property owners also should be informed that the survey phase may take place over several months or a longer period. Processing of survey materials requires additional time as the proposed district's built environment must be carefully analyzed and researched before preparation of a nomination may commence.

After the survey phase has been completed, DHR will ask the district advocates to demonstrate that, at minimum, a simple majority of property owners are likely to support the proposed nomination. DHR's regional office staff will continue to provide technical assistance as district's nomination is being prepared. The same nomination is used for the National Register and VLR.

Due to the lag between completion of the architectural survey and the completion of a draft nomination, DHR urges local proponents to remind property owners periodically that the nomination project continues to be in progress and provides owners with contact information in case they have questions.

Upon DHR staff's approval of the historic district nomination, DHR staff will begin the next phase of the nomination process. First, staff will work with the local proponents for the district to establish a date, time, and place for a public hearing concerning the nomination. Next, DHR will send notification letters to all property owners within the proposed historic district's boundary and to owners of properties immediately adjacent to the historic district. DHR is required by law to obtain lists of property owners, including their mailing addresses, from the local government's land records, typically located at the tax assessor's office or courthouse. This is to assure that accurate, current information is used when DHR prepares and sends notification letters.

Notification letters include a summary of the nominated district's appearance and significance, a map showing its boundaries, and an insert that explains the purpose of the National Register and VLR. The letters also invite owners to comment to DHR staff via letter/email/phone and to attend the public hearing about the district.

DHR is required by state and federal regulations to send notification letters via US first-class mail a minimum of 5 days in advance of the district's public hearing. Due to today's busy schedules, DHR strives to mail notification letters farther in advance of the public hearing to provide property owners with adequate time to decide if they want to attend.

Please note that DHR has no control over the US Postal Service's mail delivery timing, nor can we guarantee that the Postal Service will deliver every letter. Feedback that DHR has received from property owners over the past year indicates that mail delivery times are anywhere from a few days to more than two weeks after DHR mails notification letters. The Postal Service occasionally loses mail, or experiences lengthy delays with delivery. Anyone who has concerns about delivery of their mail should speak with their mail carrier or bring their concerns to the attention of their nearest local post office. As a backup to mail delivery, a legal notice about the historic district's public hearing also will run for two consecutive weeks in the local newspaper of record as another means of



notifying property owners.

The historic district's public hearing takes place 30-40 days in advance of the joint Board meeting at which the district's nomination will be considered. The sequencing of the notification process provides property owners with at least 30 days between the district's public hearing and the joint Board meeting to consider the nomination and to decide if they want to support or object to the nomination or if they are neutral.

The public hearing's purpose is for DHR staff to present and explain the nomination process and results of historic district designation, to hear public comment, and to answer questions. DHR staff coordinate and host the public hearing for the historic district nomination. The hearing takes place either within the district's boundaries or at the local seat of government.¹ Owners within the district and adjacent owners all are invited to attend the hearing but are not required to do so. Attendance is not required of owners who wish to express support for or objection to the nomination; they may make their views known by writing and mailing a letter addressed to DHR's Director at 2801 Kensington Avenue, Richmond, VA 23220.

A map that shows the location of the joint Board meeting is included in each notification letter that DHR sends to property owners within and adjacent to the district. The letter also includes a weblink for obtaining information to attend the meeting online. Property owners are invited to attend the joint Board meeting, but are not required to do so, and are invited to speak if they attend, but are not required to do so. Information about upcoming joint Board meetings is available at <https://www.dhr.virginia.gov/boards/>.

Nominations for Individual Properties

The owner (or majority of owners) of an individual private property must grant permission before the property can be listed in the National Register and/or VLR. Individual property owners typically either prepare the nomination themselves, hire a professional consultant, or work with a local preservation group or knowledgeable volunteers.

Although owners of individual property typically are very involved in preparation of a nomination for their property, DHR will send an official notification to the owner, as well as to owners of properties immediately adjacent to the nominated property. Some individual properties have multiple property owners, such as a family farm or business. In such cases, each property owner is notified of the pending nomination. DHR is required by state and federal regulations to obtain lists of property owners, including their mailing addresses, from the local government's land records, typically located at the tax assessor's office or courthouse. This is to assure that accurate, current information is used to contact all property owners.

Notification letters include a summary of the nominated individual property, a map showing its

¹ For incorporated towns and for counties, the local seat of government is the community where the county courthouse and other government offices are located. The entirety of an independent city constitutes its local seat of government; therefore, a district's public hearing can take place anywhere within the boundaries of an independent city.



boundaries, and an insert that explains in detail the National Register and VLR programs. The letters also invite owners to comment to DHR staff via letter/email/phone. A public hearing is *not* required before a nomination for an individual property can proceed, even if that property has more than one property owner.

For individually nominated properties, notification letters are mailed no less than 39 days prior to the joint Board meeting at which the nomination is planned to be presented. A map that shows the location of the joint Board meeting is included in each notification letter that DHR sends. Property owners are invited to attend the joint Board meeting, but are not required to do so, and are invited to speak if they attend, but are not required to do so. Information about upcoming joint Board meetings is available at <https://www.dhr.virginia.gov/boards/>.

Nominations within Certified Local Government (CLG) Jurisdictions

A [Certified Local Government](#) (CLG) is a local government, such as a town, county, or independent city, that has established a local historic preservation program. A CLG works in partnership with DHR and the National Park Service (which manages the CLG program on behalf of the federal government) to incorporate preservation planning in its local decision-making processes; DHR and the National Park Service, however, cannot require a CLG to take a specific action when it comes to local land use, planning, zoning, permitting, and other issues. By becoming a CLG, the local government's commitment to historic preservation entitles it to a role in the nomination process for the National Register and VLR. A CLG also may apply for [federal grant funds](#) through the CLG program, including to pay costs associated with nominating an individual property or a historic district. A CLG additionally is empowered to decide if a property within its corporate limits is eligible for listing in the state and national registers. Detailed information about how the CLG program operates is available at https://www.dhr.virginia.gov/wp-content/uploads/2023/05/How-to-apply-for-CLG-Designation_revised.pdf and at [36 CFR 61](#).

For historic district and individual property nominations within CLG jurisdictions, DHR sends notification letters and a complete draft nomination packet to the locality's CLG staff coordinator, chief elected official, and chief administrative official. Notifications are mailed by DHR no less than 60 days prior to the joint Board meeting at which the proposed nomination is planned to be presented. A CLG may waive the 60-day deadline at their sole discretion.

The locality's CLG staff member typically is its liaison to the CLG's Architectural Review Board (ARB), which is the body that has been created by the local government to oversee its historic preservation program. Some governments use different names for their local board, such as Commission for Architectural Review, but the board's role in the nomination process is the same. ARBs typically are composed of preservation professionals, such as historic architects, architectural historians, archaeologists, historic preservationists, preservation planners, and historians, as well as at-large citizen representatives. The ARB reviews and comments on the nomination at a public meeting that must be advertised according to local public meeting requirements.

In general, the CLG must agree that a nomination should proceed before DHR will schedule the



nomination for a joint meeting of the State Review Board and Board of Historic Resources. The means by which the CLG may agree or disagree are as follows:

- If **either or both** the ARB and the chief elected local official recommend that the property is eligible for nomination, DHR will present the nomination to the State Review Board in accordance with the procedures in [36 CFR 60](#), and [36 CFR 61](#).
- If **both** the ARB and the chief elected local official recommend that the property **not** be nominated, DHR may not nominate the property unless an appeal is filed in accordance with Section 101 (c) (2) of the [National Historic Preservation Act](#) and [36 CFR 60](#).
- If DHR does **NOT** receive the CLG's report and recommendation within the 60 calendar days prior to the joint Board meeting, the nomination process will continue and the nomination will be presented to both of the Boards.
- Any report and/ or recommendation made by the CLG will be included with the nomination when it is submitted by DHR to the Keeper of the National Register.
- DHR will not seek listing of a property in the VLR if **both** the ARB and chief elected local official recommend that the property **not** be nominated.

If the CLG and/or ARB have any questions about the nominated property, corrections to the nomination, or other review comments, they are invited to contact DHR staff about their concerns before making a recommendation.

Questions, corrections, and other review comments received from local officials and/or ARBs are forwarded to DHR's Director and to Board members for consideration during the nomination's review. If both the ARB and chief elected local official recommend that the property not be nominated, DHR's Director and Board members are notified of the recommendation.

Representatives of the CLG and/or ARB are invited to attend the joint Board meeting at which the nomination is planned to be presented, but are not required to do so. Any representatives who attend are invited to speak, but are not required to do so.

Nominations within Non-CLG Local Government Jurisdictions

Local governments that are not participants in the Certified Local Government (CLG) program also are invited to review and comment on a proposed nomination. In general, however, the non-CLG locality does not have the authority to prevent a nomination from proceeding.

For historic district and individual property nominations within non-CLG jurisdictions, DHR sends notification letters and nomination materials to the locality's chief elected official and chief administrative official no less than 30 days prior to the joint Board meeting at which the nomination is planned to be presented.

If the local government officials have any questions about the nominated property, corrections to the nomination, or other review comments, they are invited to contact DHR staff via letter/email/ phone. DHR staff respond to such inquiries as soon as possible upon receipt. Such questions, corrections, and other review comments received from local officials also are forwarded to DHR's



Director and to Board members for consideration during the nomination's review.

DHR's notification letter to non-CLGs also invites local government officials to attend the joint Board meeting at which the nomination is planned to be presented, but they are not required to do so. Any representatives who attend are invited to speak, but are not required to do so.

Rights of Property Owners to Support, Comment, or Object to a Nomination

Supporting and/or Commenting on a Nomination

A private property owner who supports a nomination for listing in either or both the VLR and the NRHP is invited to send a letter of support but is not required to do so in order for the nomination to proceed. Private property owners also are welcome to comment on a nomination even if they do not seek to go on record with either a vote of support for or an objection to a nomination. Copies of letters of support and/or comment are provided to the State Review Board (SRB) and the Board of Historic Resources (BHR) for review, along with the nomination to which they refer, and are included with the nomination if the SRB has recommended it to proceed to the NRHP.

Objecting to a Nomination

A private property owner has the right to object to listing in either the VLR or the NRHP, or object to listing in both registers. For a private property that is being individually nominated, each owner or partial owner of the private property may object to listing regardless of the portion of the property that party owns. **One person equals one vote.** For a historic district that is being nominated, each owner of private property in the proposed historic district receives one vote, regardless of how many discrete properties that party owns and regardless of whether the properties contribute to the significance of the district.

DHR implements the [state](#) and [federal](#) regulations that dictate the private property owner objection process. DHR does not control the content of the regulations and cannot refuse to implement any part of the program regulations.

The private property owner's objection to listing must be provided to DHR in writing a minimum of 7 business days prior to the Board meeting at which a nomination is planned to be presented. Objections do not have an expiration date; they remain on record at DHR unless or until the property owner withdraws the objection or no longer owns the nominated property.

When objecting to listing in the VLR, any owner or partial owner of private property shall submit to DHR a written statement of objection that has been attested and notarized by a notary public, that references the subject property by address and/or parcel number, and that certifies that the party is the sole or partial owner of the private property, as appropriate. Only upon such submission shall such objecting owner be counted by DHR in determining whether a majority of private property owners has objected to a nomination of a property for listing in the VLR.

When objecting to listing in the NRHP, the objecting private property owner must provide their objection in writing and include the same content as specified in the paragraph above; however, objection letters concerning NRHP listing are **not** required to be notarized. In accordance with



[Section 1746 of Title 28 of the U.S. Code](#), a written objection should state “I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)”.

A property owner may submit a single written objection to listing in both the VLR and NRHP, but in order for the objection to be applied to the VLR listing, the letter must be notarized.

Letters of objection must be addressed to the State Historic Preservation Officer at the Department of Historic Resources, 2801 Kensington Avenue, Richmond, Virginia 23221.

Letters of objection received a minimum of seven (7) business days prior to the Board meeting will be copied to the members of the State Review Board and Board of Historic Resources for review, along with the nomination to which they are objecting. If, at the Board meeting, the nomination is approved to proceed to the National Park Service, DHR will include all letters of objection with the nomination’s submission. The National Park Service will consider any objections as part of their review of the nomination, along with any letters of support or comment that DHR has received.

Letters of objection to listing in the National Register of Historic Places may be submitted to DHR even after the Board meeting at which the nomination is approved. DHR will forward any letters of objection received after the Board meeting to the National Park Service. The National Park Service continues to accept letters of objection up to the date of listing in the National Register. The National Park Service typically concludes review of a nomination within approximately 45 days of receipt of the nomination from DHR and publication of a notice of the pending nomination in the [Federal Register](#).

State and Federal Legal and Regulatory Requirements

The Board of Historic Resources is responsible for listing properties in the Virginia Landmarks Register. The duties of the Board are established in the Code of Virginia at <https://law.lis.virginia.gov/vacode/title10.1/chapter22/>. A searchable database of the Code of Virginia is online at <https://law.lis.virginia.gov/vacode/>.

To review the Board’s regulatory requirements, see [Virginia Administrative Code Title 17 Agency 5 Chapter 30](#), Evaluation Criteria and Procedures for Designations by the Board of Historic Resources. A searchable database of the Administrative Code of Virginia is online at <https://law.lis.virginia.gov/admincode/>.

The State Review Board is responsible for recommending that nominations be forwarded to the National Park Service for listing in the National Register of Historic Places. To review the legal and regulatory requirements, see the [National Historic Preservation Act of 1966](#) (as amended) and the National Register’s [federal program regulations](#) at the Code of Federal Regulations, Title 36 – Parks, Forests, and Public Property, Chapter 1 – National Park Service, Department of the Interior, Part 60 – National Register of Historic Places.

- A PDF of the National Historic Preservation Act is available for download at [nhpa.pdf \(achp.gov\)](#)



- The full text and searchable version of federal regulations for the National Register is online at <https://www.ecfr.gov/current/title-36/chapter-I/part-60?toc=1>.

NOTE: Please be aware that National Register and VLR historic districts **are not the same** as locally-designated historic districts. Locally-designated historic districts are created at the local level of government. DHR is not involved with the local district designation process. National Register and VLR historic districts are **honorary** designations, whereas local historic districts often include local regulatory restrictions that may include planning, zoning, building inspection, permitting, and design review processes.²

Questions about local historic districts should be directed to the local government. For more information about the differences between historic districts, please refer to DHR’s document entitled, [Comparison Chart of Four Types of Historic Districts in Virginia and Historic Districts in Virginia](#).²

Additional Guidance from the National Park Service

Identifying, Notifying and Counting Property Owners When Nominating Properties to the National Register of Historic Places

National Register of Historic Places regulations [[36 CFR Part 60](#)] require that as part of the nomination process, the States must identify the owners of the nominated property, notify the owner(s) in writing of the State’s intent to nominate the property, and provide the owner(s) an opportunity to concur in or object to the nomination. If the private property owner, or a majority of the private property owners (in instances of multiple ownership of a single property or of districts), formally objects to the listing, the property cannot be listed in the National Register [[36 CFR 60.6\(g\)](#)].

National Register regulations define an “owner or owners” as “those individuals, partnerships, corporations, or public agencies holding fee simple title to property. Owner or owners does not include individuals, partnerships, corporations, or public agencies holding easements or less than fee interests (including leaseholds) of any nature” [see [36 CFR 60.3\(k\)](#)].

To identify property owners, the nominating authority (i.e., DHR) is required to consult the list of owners “from either official land recordation or tax records” [[36 CFR 60.9\(c\)](#)]. The state historic preservation office (DHR) must determine how many owners there are, and of that number, how many are private (as opposed to public) owners. Public owners (local, state, or national government entities) can voice an objection, but it does not count in determining if a majority of owners object and thus prevent listing; only private property owner objection can prevent listing; in instances

² Virginia has four types of historic districts. Nominations for **National Historic Landmark** districts are submitted directly to the National Park Service. Nominations for **National Register** historic districts are jointly reviewed by DHR and the National Park Service. Nominations for **VLR** historic districts are reviewed by DHR; however, the same nomination form is used for VLR listings as for National Register. **Local** historic districts are designated only by the local government that has jurisdiction over it. DHR and the Register program have no role in local district designation.



where there are multiple private owners, a majority of such owners (50% + 1) must object in accord with the procedures explained above in order to prevent listing.

The following guidance is found in National Register regulations or contained in previously issued National Register policy by the National Park Service.

Who Gets to Vote?

For any nomination that includes private property, each person or entity listed in the local government's land or tax records as a private property owner gets **one vote**, regardless of how many properties or what portion of one property that party owns, and regardless of whether the property contributes to the significance of the district [[36 CFR 60.6\(g\)](#)]. Thus what is important is not how many properties are within the nominated boundary, but how many private parties own property within the boundary. Private property owners' votes are counted on the basis of **one person-one vote**. More information on who or what constitutes a private property owner is below.

A district which includes both public and private property owners is calculated as follows. As an example, a district includes 100 owners (four public property owners and 96 private property owners). For purposes of determining if a majority of owners object to the nomination, only the 96 private property owners' votes will be counted. If 49 of the private property owners (51% of 96) object, the property cannot be listed.

What Constitutes a Majority?

If a majority of private property owners (50% + 1) objects according to the procedures described above, the nomination will not be listed in the registers. If there are two private property owners and only one objects, the property can be listed; both must object to constitute a majority to block listing. If there are three owners, two of the three must object. If there are fifty owners, twenty-six must object, etc.

Additional Frequently Asked Questions

Question 1. Can anyone who becomes an owner prior to the final action on the nomination cast a vote concurring in or objecting to the nomination?

Answer: Yes. While the regulations require the State to send written notification to the owners of record at least 30 but not more than 75 days before the State Review Board meeting, the regulations also provide that:

If an owner whose name did not appear on the list certifies in a written notarized statement that the party is the sole or partial owner of a nominated private property such owner shall be counted by the SHPO in determining whether a majority of owners has objected [[36 CFR 60.6\(g\)](#)].

Letters of objection from private property owners will be considered by the Keeper of the National Register if received by the Keeper prior to the National Register listing date of the property. The National Park Service typically requires 45 days to review a National Register nomination from the date it is received and notice of the pending nomination is published in the [Federal Register](#). Objections are accepted up until a nomination is approved and added to the National Register. [Refer to p. 6-7 of this document for the required procedure a private property owner must use in order to object to a nomination.]

Question 2. What is the “record date” for determining ownership and, therefore, owners’ eligibility to express consent or objection to the nomination?

Answer: National Register regulations require that the State obtain the property owner list “within 90 days prior to the notification of intent to nominate” [[36 CFR 60.6\(c\)](#)]. As outlined in Question 1, however, any owner not appearing on such lists may still concur in or object to listing by providing the required documentation establishing their property ownership.

Question 3. Can a notarized statement of consent or objection become “stale” and cease to be effective because it was made too far in advance of the State’s final action?

Answer: No. Statements of consent or objection do not automatically become “stale” or invalid unless new documentation becomes available that contradicts the previous information (i.e., an owner provides a new letter of consent or objection, or a different owner is identified and verified). In cases where there has been a significant passage of time from the original notification and the submittal of the property’s nomination to the National Register, the SHPO [DHR] is required to renotify property owners, including the reverification of the list of owners required under [36 CFR 60.6c](#). In addition, if, subsequent to nomination (i.e., after it was formally nominated but returned to the State by the National Register), a State makes a major revision to a nomination or renominates a property rejected by the Keeper, the SHPO shall notify the affected property owners and chief elected local official of the revisions or renomination in the same manner as the original notification for the nomination [[36 CFR 60.6\(w\)](#)].

Question 4. What if the owner’s letter of objection is not notarized, as required by [36 CFR 60.6\(g\)](#), or makes no reference to [Section 1746 of Title 28 of the U.S. Code](#) (see p. 6-7 of this document)?

Answer: If the State receives an owner objection letter that is not notarized or makes no reference to [Section 1746 of Title 28 of the U.S. Code](#), the objection will not be counted.