

Unified Regulatory Plan of the Department of Historic Resources for State Fiscal Year 2024

Prepared on June 30, 2023

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 Regulations Governing Contextualization of Monuments or Memorials for Certain War Veterans	
Brief Overview These are a new regulations pursuant to Chapters 1100 and 1101 of the 2020 Acts of Assembly. The chapters mandate in the 4 th 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 monuments 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. Promulgating agency: Board	
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"/> Discretionary action <input checked="" type="checkbox"/> Action required by state statute
Deregulatory Component	N/A
Expected Date	January 2024

Title of Proposed Regulatory Action or Guidance Document	
6471 Historical African American Cemetery and Graves Fund Program Manual	
Brief Overview	
Guidance document to assist applicants for cemetery funding, revised to reflect recent legislative revisions.	
Change: 2023 updates.	
§10.1-2211.2	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Fast-Track Rule <input type="checkbox"/> Final Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input checked="" type="checkbox"/> Guidance Document <input type="checkbox"/> Exempt Rule
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Discretionary action <input type="checkbox"/> Action required by state statute
Deregulatory Component	N/A
Expected Date	7/2023

Title of Proposed Regulatory Action or Guidance Document	
7512 Historic Rehabilitation Tax Credit Guidance Documents	
Brief Overview	
Written guidance intended for applicants pursuing rehabilitation tax credits.	
Change: minor edits for clarity of text. Addition of instructions for electronic submission of the Federal Program's application materials.	
VAC30 Historic Rehabilitation Tax Credit	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Fast-Track Rule <input type="checkbox"/> Final Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input checked="" type="checkbox"/> Guidance Document <input type="checkbox"/> Exempt Rule
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Discretionary action <input type="checkbox"/> Action required by state statute
Deregulatory Component	Streamlined information and updates for ease of use and clarity.
Expected Date	12/2023

Title of Proposed Regulatory Action or Guidance Document	
5684 Easement Program Information Packet	
Brief Overview	
Overview program information on historic preservation easements and DHR's program staff.	
Change: minor edits for clarification and audience comprehension.	
VA Code §10.1-2204 and §§10.1-1700 <i>et. seq.</i>	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Fast-Track Rule <input type="checkbox"/> Final Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input checked="" type="checkbox"/> Guidance Document <input type="checkbox"/> Exempt Rule
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Discretionary action <input type="checkbox"/> Action required by state statute
Deregulatory Component	Streamlined information
Expected Date	3/2024

Title of Proposed Regulatory Action or Guidance Document	
4630 Historic Preservation Easement Program Policies 1-12	
Brief Overview	
Document of all Board-approved policies that guide DHR's Easement Program.	
Change: updates to Easement Program Recordkeeping (#8) and Easement Requirements (#9) policies.	
VA Code §10.1-2204 and §§10.1-1700 <i>et. seq.</i>	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Fast-Track Rule <input type="checkbox"/> Final Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input checked="" type="checkbox"/> Guidance Document <input type="checkbox"/> Exempt Rule
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Discretionary action <input type="checkbox"/> Action required by state statute
Deregulatory Component	Streamlined information
Expected Date	06/2024

Title of Proposed Regulatory Action or Guidance Document	
4642 Virginia Battlefield Preservation Fund Guidelines for Applications, Prioritization, and Award of Grants	
Brief Overview	
Document of guidance related to the grant application process for the Virginia Battlefield Fund.	
Change: Updates related to program administration, application evaluation and funding timelines.	
VA Code §10.1-2204	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Fast-Track Rule <input type="checkbox"/> Final Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input checked="" type="checkbox"/> Guidance Document <input type="checkbox"/> Exempt Rule
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Discretionary action <input type="checkbox"/> Action required by state statute
Deregulatory Component	Streamlined information
Expected Date	06/2024

Title of Proposed Regulatory Action or Guidance Document	
7513 Historic Rehabilitation Tax Credit Financial Report Guidance and Templates	
Brief Overview	
Written financial guidance intended for applicants pursuing rehabilitation tax credits.	
Change: Edits for clarity of text and process. Addition of instructions for electronic submission of the Federal Program's application materials. Updating of financial documentation templates for ease of use and clarity.	
VAC30 Historic Rehabilitation Tax Credit	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Fast-Track Rule <input type="checkbox"/> Final Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input checked="" type="checkbox"/> Guidance Document <input type="checkbox"/> Exempt Rule
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Discretionary action <input type="checkbox"/> Action required by state statute
Deregulatory Component	Streamlined information and updates for ease of use and clarity.
Expected Date	12/2023