

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 460
Department or Agency: Alabama Historical Commission
Rule No.: Chapter 460-X-3
Rule Title: Alabama Register of Landmarks and Heritage
Intended Action: Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Lisa D. Jones
Lisa Jones

Date

Wednesday, July 17, 2024

REC'D & FILED
JUL 17, 2024
LEGISLATIVE SVC AGENCY

APA-2

**ALABAMA HISTORICAL COMMISSION**

**NOTICE OF INTENDED ACTION**

**AGENCY NAME:** Alabama Historical Commission

**RULE NO. & TITLE:** Chapter 460-X-3 Alabama Register of Landmarks and Heritage

**INTENDED ACTION:** Amend

**SUBSTANCE OF PROPOSED ACTION:**

To amend the Alabama Register Administrative Rule to give the public a clearer understanding of the program and how to participate in the program.

**TIME, PLACE AND MANNER OF PRESENTING VIEWS:**

This notice will publish July 31. Public comments will be accepted by email at Stacey.mills@ahc.alabama.gov, or in writing to the office of the Alabama Historical Commission at 468 South Perry Street, Montgomery, AL 36130, until 9/4/2024.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:**

Wednesday, September 4, 2024

**CONTACT PERSON AT AGENCY:**

Stacey Mills

*Lisa D. Jones*

---

Lisa Jones

(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

ALABAMA HISTORICAL COMMISSION  
ADMINISTRATIVE CODE

CHAPTER 460-X-3  
ALABAMA REGISTER OF LANDMARKS AND HERITAGE

TABLE OF CONTENTS

460-X-3-.01	Program Description
460-X-3-.02	Register Criteria
460-X-3-.03	<u>Effects of Register Listing</u> <del>Register</del> <del>Forms</del>
<u>460-X-3-.04</u>	<u>Register Forms</u>

460-X-3-.01 Program Description.

The Alabama Register of Landmarks and Heritage is ~~a listing of buildings, structures, sites, objects and districts of historical, architectural, and/or archaeological significance. Nominations may be submitted by anyone to the Alabama Historical Commission. A staff review committee~~Alabama's official list of places of historic, architectural, archaeological, and/or cultural significance. Buildings, structures, sites, object, and districts can be listed in the Alabama Register. The Alabama Historical Commission manages the program. Anyone can nominate a property to the Alabama Register. Property owner permission is encouraged but not required. However, for owners who object, these nominations will be considered on a case-by-case basis. Commission staff determines if the nominated property meets the established criteria and the property is added to the register if said criteria is ~~considered to be met.~~met.

Author: David Hughes; Lee Anne Hewett

Statutory Authority: Code of Ala. 1975, §41-9-24~~8(10)~~9(1).

History: Filed September 22, 1982. Amended: Published \_\_\_\_\_ ;  
effective \_\_\_\_\_ .

460-X-3-.02 Register Criteria.

~~(1) The following criteria were developed by the Alabama Historical Commission to guide individuals and groups~~The Alabama Historical Commission developed the following criteria to guide applicants in preparing nominations to the Alabama Register of Landmarks and Heritage. Landmarks from Alabama's history,

architecture, archaeology and culture are eligible and may be ~~found in districts, sites, buildings, structures and objects. The landmarks should possess integrity of location and construction, should convey a feeling for the time and place of construction, and include properties~~buildings, structures, historic districts, objects, and sites. A demolished property cannot be listed in the Alabama Register unless archaeological significance is determined (see (d) below). Properties that can be nominated for listing in the Alabama Register should:

~~(a) are~~1) have achieved historical significance at least 40 years ago; and

2) retain physical integrity through retention of historic materials, appearance, design, and other physical features; and

3) is associated with at least one of the following:  
~~associated with events of state~~

(a) an important event or historical trend~~or local historical significance;~~ or

(b) are~~associated with the lives of persons of significance in the state or locality~~the lives of persons significant in a community, county, state, or nation whose specific contributions to history can be identified and documented; or

(c) are~~representative of a type, style or period of architecture~~an important architectural or engineering design; or it represents the work of a master; or it is a distinguishable entity although its components may lack individual distinction; or

(d) are~~associated with Alabama's history or pre-history~~likely to yield information important in history or prehistory (e.g. an archaeological site that has been used as a source of data and contains more, as yet unretrieved data; a property that has not yet yielded information but, through testing or research, is determined a likely source of data).

(2) Usually, ~~cemeteries, structures~~properties that have been moved from their original locations, reconstructed historic buildings, and properties that are less than 40 years old are not eligible for inclusion in the Alabama Register unless they are contributing elements ~~of~~to an historic district that meets the criteria for inclusion in the Alabama Register or if they fall within the following categories:

(a) a building that required being moved from its original location but which has been sensitively relocated to a site similar to the original and is significant primarily for architectural value, or if it is the surviving structure most importantly associated with an event, trend, or person; or

(b) a ~~cemetery that derives its primary significance from the graves of persons of state importance, from the outstanding or unusual architecture of its monuments and markers, or from associations with historic events~~ reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or

(c) ~~a reconstructed building when it closely matches the construction of the original significant building; or~~

~~(d)~~ a property that is less than 40 years old but is of exceptional importance to the state.

—

**Author:** David Hughes; Lee Anne Hewett

**Statutory Authority:** Code of Ala. 1975, §41-9-24~~8~~9(10).

**History:** Filed September 22, 1982. Amended: Published \_\_\_\_\_ ;  
effective \_\_\_\_\_ .

#### 460-X-3-.03      Effects of Register Listing~~Register Forms~~.

~~Nomination forms~~ Alabama Register listing is a strictly honorary designation. It encourages but does not require preservation of the property.

Listing in the Alabama Register does not:

- a. prevent an owner from renovating or demolishing buildings;
- b. require an owner to restore or renovate the property;
- c. restrict the owner's use of the property;
- d. require public access to the property; or
- e. increase property value or taxes.

It should be noted that after a property is listed, if it drastically changes and loses the characteristics that made it historically significant and eligible for listing, Commission staff may remove the property from the Alabama Register. —and directions for completing forms are available at no charge from the Alabama Historical Commission. The nomination form requires information about name, location, ownership, physical description and significance of the nominated property.

**Author:** ~~David Hughes~~ Lee Anne Hewett

**Statutory Authority:** Code of Ala. 1975, §41-9-24~~8~~9(10).

**History:** Filed September 22, 1982. Amended: Published \_\_\_\_\_ ; effective \_\_\_\_\_ .

#### 460-X-3-.04      Register Forms.

Alabama Historical Commission staff will provide guidance on the process to nominate a property to the Alabama Register at no charge. Preliminary information about a property may be required by the Commission before it can be nominated. An applicant is required to submit information including but not limited to the property name, location, ownership, physical description and historical characteristics, and a written narrative that fully explains the history of the property and the reasons the property should be listed in the Alabama Register. All submitted information will become the property of the Alabama Historical Commission and be made available to the public.

—

**Author:** David Hughes; Lee Anne Hewett

**Statutory Authority:** Code of Ala. 1975, §41-9-249(10).

**History:** **New Rule:** Published \_\_\_\_\_ ; effective \_\_\_\_\_ .