

APA-3

**CERTIFICATION OF ADMINISTRATIVE RULES  
FILED WITH THE LEGISLATIVE SERVICES AGENCY  
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on Wednesday, September 25, 2024, and filed with the agency secretary on Wednesday, September 25, 2024.

**AGENCY NAME:** Alabama Historical Commission

**INTENDED ACTION:** Amend

**RULE NO.:** Chapter 460-X-3

(If amended rule, give specific paragraph, subparagraphs, etc., being amended) **460-x-3-.01 statutory authority**

**RULE TITLE:** Alabama Register of Landmarks and Heritage

**ACTION TAKEN:** State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

**Adopted with changes.** Correct statutory authority in first citing

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XLII, ISSUE NO. 10, AAM,  
DATED WEDNESDAY, JULY 31, 2024.

**STATUTORY RULEMAKING AUTHORITY:** Code of Alabama 1975. Section 41-9-249 (10)

(Date Filed)  
(For LRS Use Only)  
**REC'D & FILED**  
OCT 8, 2024  
**LEGISLATIVE SVC AGENCY**

Lisa D. Jones  
Lisa Jones  
Certifying Officer or his or her  
Deputy

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

ALABAMA HISTORICAL COMMISSION  
ADMINISTRATIVE CODE

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

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**460-X-3-.01**      **Program Description.**

The Alabama Register of Landmarks and Heritage is 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 met.

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

**Statutory Authority:** Code of Ala. 1975, §41-9-249~~(1)~~(10).

**History:** Filed September 22, 1982. **Amended:** Published ~~\_\_\_\_\_~~;  
~~effective \_\_\_\_\_~~ October 31, 2024; effective December 15, 2024.

**460-X-3-.02**      **Register Criteria.**

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 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:

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:

(a) an important event or historical trend; or

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

(c) 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) 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, 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 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 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 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, §41-9-249(10).  
**History:** Filed September 22, 1982. **Amended:** Published ~~effective~~; effective October 31, 2024; effective December 15, 2024.

**460-X-3-.03            Effects of Register Listing.**

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.

**Author:** Lee Anne Hewett  
**Statutory Authority:** Code of Ala. 1975, §41-9-249(10).  
**History:** Filed September 22, 1982. **Amended:** Published ~~effective~~; effective October 31, 2024; effective December 15, 2024.

**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 \_\_\_\_\_~~ October 31, 2024; effective December 15, 2024.