

**Memo From: Office of Archaeology and Historic Preservation (OAHP), History
Colorado, Denver, CO, June 30, 2015¹**

**Re: Insurance coverage of privately owned properties listed in the National
Register of Historic Places and Colorado State Register of Historic Properties**

Some insurance companies are unfamiliar with the National Register of Historic Places and State Register of Historic Properties and what designation entails for a historic property. Listing in either the National Register and/or State Register is honorary.² Both registers recognize a historic property's importance to its community, the State, or the nation and encourages good stewardship.

Listing, either individually or as a contributing resource in a registered historic district, should have no bearing on insurance coverage. Owning a property listed in the National or State Register does not impose a regulatory burden on the property owner. When making repairs to a listed property that may involve an insurance claim, the property owner is under no obligation to make the repairs following accepted historic preservation standards or guidelines, such as the Secretary of Interior's Standards for the Treatment of Historic Properties.

Should a listed property become damaged or be destroyed, there is no state or federal requirement that the property be rebuilt or repaired to reflect its historic appearance nor that a particular contractor be used to make repairs.

The National Register of Historic Places is a program of the National Park Service (NPS) and the State Register of Historic Properties is a program of History Colorado; OAHP administers both of these programs in Colorado. Listing in the National and State registers places no restrictions on private property owners.

For example:

- Exact replicas of listed properties are not required to be constructed if the original is damaged or destroyed;
- The same or very similar materials are not required to be used for repairs or replacement of all or part of the building.

Please be aware that:

- Private property owners are not restricted as to the use, treatment, transfer, or disposition of a listed property;
- Owners have no obligation to open their properties to the public, restore them, or maintain them in a particular way, if they choose not to do so, nor does listing lead to public acquisition;
- Under Federal and State laws, private property owners can do anything they wish with their National property, provided that no Federal or State license, permit, or funding is involved;
- Listing does not require that any specific guidelines be followed in rehabilitating, remodeling, repairing, or renovating (unless the owner is using federal funds or receiving Colorado State Historical Fund grant money, Federal or State Preservation Tax Credits, or other state funds);
- If a listed property is destroyed or its integrity is greatly altered, it may be removed from the National Register and State Register through an administrative action by OAHP, History Colorado Board of Directors and the NPS (if also listed in the National Register).

The only exceptions to the above are noted in the box below:

¹ This memo has been adapted for Colorado from a similar memo from the Virginia Department of Historic Resources titled, "Insurance coverage of privately owned property in National Register-listed historic districts and properties individually listed in the National Register."

² Properties under the jurisdiction of certain local governing bodies are automatically listed as a local landmark if listed in the National and/or State Register and may be subject to any local ordinances as a result of such a listing. Please check with the local landmarking agency to see if this applies to the subject historic property.

Exceptions

If a property is listed in or eligible for listing in the National Register, the National Historic Preservation Act requires the Federal government to take into account the possibility of adverse effects on the historic property by a project that receives *federal* licensing, permitting, or funding. If a property is listed in or eligible for listing in the State Register, the State Register Act requires the State Historic Preservation Officer (OAH) to take into account the possibility of adverse effects on the historic property by a project that receives *state* licensing, permitting, or funding.

Questions about repairs to historic buildings often arise in the wake of natural and manmade disasters, especially in places that have been declared disaster areas by either Federal or State government. The Federal Emergency Management Agency (FEMA) generally is the federal agency that responds first to such disasters. The Colorado Division of Homeland Security & Emergency Management is the state agency that responds. FEMA has extensive information about historic preservation and requirements for making repairs when *federal* funds, licenses or permits are used, at the following website: <http://www.fema.gov/environmental-planning-and-historic-preservation-program/historic-preservation-information> For information regarding the Colorado Division of Homeland Security & Emergency Management see: <http://www.coemergency.com>

An insurance claim filed by a private homeowner to his/her insurance company to repair typical damage, such as a fallen tree, burglary, vandalism, water or smoke damage, or other incidents is not the type of action generally considered subject to government oversight as it will not receive any federal licensing, permitting, or funding. If a property is within a Federal- or State-declared disaster area, such as parts of Colorado after the 2013 and 2015 floods and 2012-2013 wildfires, the property owner and their insurance company are likely to work with disaster response agencies. OAH staff also can assist in the wake of a disaster.

Federal and State Preservation Tax Credits for rehabilitation may be available for listed properties, should a property owner choose to use them, to offset maintenance and rehabilitation costs. OAH administers the Federal and State Preservation Tax Credit programs by assisting owners who are considering potential tax credit projects for historic properties. To learn more about these programs, visit our website at: <http://www.historycolorado.org/oahp/preservation-tax-credits>

A property listed in the State or National Register may also qualify for Colorado State Historical Fund grants; visit: <http://www.historycolorado.org/grants/available-grants> for more information.

To review the National Register's rights of private property owners, please consult the federal regulations concerning the program, as follows:

- » Further information can be found on the National Register website at: <http://www.nps.gov/nr/faq.htm> ;
 - » National Historic Preservation Act. United States Code, Title 16, Subsection 470, or 16 USC 470. The full text of the law is at this website link: http://www.cr.nps.gov/history/online_books/fhpl/nhpa.pdf
- Regulations for the National Register of Historic Places. Code of Federal Regulations, Part 36, subsection 60.2 (commonly abbreviated as 36 CFR 60 (subsection 60.2)). The regulations are available online at this website link: <http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=8c7b4dc18661d0c519b22291f5e7585e&ty=HTML&h=L&r=PART&n=36y1.0.1.1.26>

For more information about the State Register program and rights of property owners, please see:

- » <http://www.historycolorado.org/archaeologists/colorado-state-register-historic-properties> (the last paragraph under Benefits of Listing);
- » To review the Colorado State Register of Historic Properties law which established the program, please see: http://www.historycolorado.org/sites/default/files/files/OAHP/crforms_edumat/pdfs/1307.pdf

Insurance Companies Offering Insurance for Historic Properties

Some insurance firms are knowledgeable about the National and State Registers and what listing of a privately owned historic property (individually or in a historic district) does and does not mean when it comes to insurance coverage. Purchasing insurance coverage is a complex matter unique to each property and owner. Property owners are encouraged to become informed consumers of all their insurance products, to speak with experts in insurance and financial planning, and to work with a trusted insurance agent and company to design a policy that is appropriate.

The table below is provided solely for the information and convenience of property owners seeking insurance for their historic property. This list does not presume to be all inclusive; however, all property companies that request inclusion will be listed.

Inclusion on this list does not constitute an endorsement, recommendation, or favoring by OAHP, History Colorado, or a demonstration of professional competence. As a government agency, History Colorado cannot recommend the services of a specific insurance company, agent, or firm and does not accept responsibility for the performance of any insurance company, agent, or firm. While OAHP strives to make the information available to the public as accurate and current as possible, OAHP makes no claims, promises, or guarantees about the accuracy, completeness, or adequacy of the contents of this list, and OAHP expressly disclaims liability for errors and omissions in the contents of this list. No warranty of any kind, implied, expressed, or statutory, including but not limited to the warranties of non-infringement of third party rights, title, merchantability, or fitness for a particular purpose, is given.

Insurance Company and website	Additional information
Chubb Group of Insurance Companies http://www.chubb.com/	Provides insurance coverage specific to historic houses and other property types
Fireman's Fund Insurance Company http://www.firemansfund.com/Pages/welcome.htm	Provides insurance coverage specific to historic houses and other property types
National Trust Insurance Services, LLC http://nationaltrust-insurance.org/ and http://www.preservationnation.org/resources/insurance.html	The National Trust for Historic Preservation has formed a subsidiary, National Trust Insurance Services, LLC that offers a variety of insurance solutions to property owners
Other Options	Major insurance companies, such as Allstate, American Family, Farmers, GEICO, Nationwide, State Farm, USAA, as well as other companies and firms offer numerous types of insurance policies. Insurance coverage requirements vary from state to state and policy coverage available in one place may not be available in another. Property owners should speak with a knowledgeable local agent representing the firm with which they wish to do business to see what options are available in their property's locality and most appropriate for their historic property.

To contact OAHP regarding the National and /or State Register programs, call 303.866.3392 or email: oahp@state.co.us