

STATE OF MISSISSIPPI
DEPARTMENT OF ARCHIVES AND HISTORY

MISSISSIPPI STATE INCOME TAX CREDIT

**HISTORIC PRESERVATION CERTIFICATION APPLICATION
INSTRUCTIONS**

In March 2006, Governor Haley Barbour signed Senate Bill 3067, which created the Mississippi state historic preservation tax incentives program to encourage the rehabilitation of historic buildings. The Mississippi Department of Archives and History (MDAH) is responsible for the administration of the program, which provides for a state income tax credit equal to 25% of the qualified expenses of rehabilitating historic structures used for residential or business purposes. Properties do not need to be income-producing to qualify for the state tax credit; therefore, rehabilitations of owner-occupied residences are eligible. Qualified rehabilitation expenditures must exceed \$5,000 in the case of an owner-occupied dwelling, or 50% of the total basis in the property in the case of all properties other than owner-occupied dwellings. (Generally, "basis" is the purchase price, minus the cost of the land, plus any improvements already made, minus depreciation taken.) Only expenditures incurred after January 1, 2006, qualify.

Rehabilitations qualifying for the federal historic preservation tax credit will also qualify for the state tax credit. Property owners who are applying for both the federal and state tax credits need only submit the federal tax application, along with the "Statement of Intent: Mississippi State Historic Preservation Tax Credit" form. (Please note that only income-producing properties qualify for the federal tax credits.)

For rehabilitations qualifying only for the state tax credit, the property owner must submit this three-part certification application to MDAH, along with the "Statement of Intent: Mississippi State Historic Preservation Tax Credit" form. **It is strongly recommended that Part 1 and Part 2 of the application be submitted for review and approval before starting work to avoid problems in complying with the Secretary of the Interior's *Standards for Rehabilitation*, which might jeopardize the tax credit. Owners who proceed with rehabilitation without receiving pre-approval from MDAH do so at their own risk.** Complete applications should be mailed to the following address:

**Historic Preservation Division
Mississippi Department of Archives and History
P.O. Box 571
Jackson, MS 39205-0571
(Telephone inquiries: 601-576-6940)**

All projects are reviewed and evaluated in accordance with the Secretary of the Interior's *Standards for Rehabilitation*. These ten *Standards* are broadly worded to guide the rehabilitation of all historic structures. The *Standards* address interior and exterior work, both of which will be reviewed by MDAH in certifying the project for tax credits. MDAH reviews the entire rehabilitation project (including any attached, adjacent or related new construction) rather than just a single segment of work. Certification is based on whether the overall project meets the *Standards*.

**COMPLETING PART 1—
EVALUATION OF SIGNIFICANCE**

To qualify for the state credit, a building must be a "certified historic structure," which means that it must be:

- listed individually in the National Register of Historic Places, or
- located in a National Register historic district and certified by MDAH as contributing to the significance of the district, or
- designated as a Mississippi Landmark. (Landmark designation places a perpetual preservation easement on the property.)

1. Name of Property. If applicable, provide the historic name of the property. Otherwise, the street address is sufficient.

2. National Register or Mississippi Landmark Status. To determine if a property is listed on the National Register or designated a Mississippi Landmark, contact MDAH. If the building is located within a National Register historic district, provide the name of the district. If a property is not listed, the Part 1 application will be used by MDAH to make a preliminary determination as to whether the building is individually eligible for listing or if it is located in a potential historic district and would

contribute to the historic character of the district. The Mississippi Landmark program uses the same criteria of eligibility as the National Register program. All determinations of eligibility are preliminary only and are not binding on MDAH.

3. Project Contact. Provide the name, address and daytime telephone number of the person to whom inquiries regarding specifics of the application should be made. If the project contact is the same person as the property owner, this section may be left blank.

4. Owner. If the owner is a corporation or partnership, give both the name of that entity and the name of the person who signs the form. If the property has multiple owners, their names, addresses, and Social Security or Taxpayer Identification Numbers must be listed on a continuation sheet. A lessee is eligible to claim the credit when the lessee incurs the cost of rehabilitation and the lease term is greater than the recovery period. In order to qualify for the credit, the lessee must incur costs and expenses greater than 50% of the total basis in the property. (A letter from the owner must accompany the application, indicating knowledge of the application and concurrence with its submission.)

5-10. Fill in the blanks as applicable.

11. Description of why the property is historically or architecturally important. For a property already listed on the National Register (individually or as a contributing element in a historic district) or designated a Mississippi Landmark, only a brief description of substantive alterations made since listing is required.

Applications requesting preliminary determinations for individual listing must show why the building is historically or architecturally important. Specific information about the events, persons, architectural styles, or methods of construction that make the property significant in American history or architecture should be provided. An application for a building located in a potential historic district must describe the district and document how the district meets the National Register criteria and how the building contributes to the significance of that district.

12. Photographs. Submit at least four exterior (one of each elevation; i.e., front, rear, sides) and three interior photographs of the building **before** the start of the project. For clear documentation, photographs should be no smaller than 4"x6" in size, and 35mm photographs are recommended; however, digital photographs will be accepted if printed on photographic paper. No Polaroids, photocopies, photographs sent via e-mail, or photographs on disk, CD, or DVD will be accepted.

MDAH recommends that a full roll of film (24-36 views) be taken of the building prior to the start of the project since more complete photo documentation is required to be submitted with Part 2 of the application. Label photographs with project name, address and description of the view (for example: looking to the west in SE front bedroom).

13. Map. Submit a city or county highway map or map of the historic district with the location of the property clearly marked. Computer downloads from MapQuest or other sites are acceptable, as are USGS quadrangle maps.

COMPLETING PART 2— DESCRIPTION OF REHABILITATION

A property owner must submit Part 2 of the application to have his rehabilitation certified by MDAH as complying with the Secretary of the Interior's *Standards for Rehabilitation*. A copy of the *Standards* is issued with the state tax credit application or may be accessed on the National Park Service's web site (<http://www2.cr.nps.gov/tps/tax>).

Part 2 is used to describe proposed, ongoing, or completed rehabilitation work. Whenever possible, Part 2 should be completed and submitted prior to the initiation of any rehabilitation work. Taxpayers will be notified in writing whether or not the proposed project is consistent with the *Standards*. Proposed work that does not appear to be consistent with the *Standards* will be identified, and advice will be given to assist property owners, architects, or builders in bringing the project into compliance with the *Standards*.

A preliminary processing fee for review of all Part 2 applications is charged, and no certification decision will be issued until receipt of appropriate remittance. The preliminary fee is \$100 for projects estimated to cost less than \$100,000 and \$250 for projects estimated to cost more than \$100,000. Payment must be submitted with the Part 2 application by check made payable to the Mississippi Department of Archives and History.

1. Name of Property. If applicable, provide the historic name of the property. Otherwise, the street address will be sufficient.

2. Data on building and rehabilitation project: Fill in all blanks. If the application describes a phased project, give the number of the phase described in this application, and the total number of phases. For projects that are not phased, during a 24-month period selected by the taxpayer, rehabilitation expenditures must exceed \$5,000 for owner-occupied dwellings or 50% of the total basis for all other buildings. (Total basis is generally the

purchase price of the property, minus the cost of land, plus improvements already made, minus depreciation already taken.) For phased rehabilitations, the same rules apply, except that the measuring period is 60 months.

3. Project Contact. Provide the name, address and daytime telephone number of the person to whom inquiries regarding specifics of the application should be made. If the project contact is the same person as the property owner, this section may be left blank.

4. Owner. If the owner is a corporation or partnership, give both the name of that entity and the name of the person who signs the form. If the property has multiple owners, their names, addresses, and Social Security or Taxpayer Identification Numbers must be listed on a continuation sheet.

5. Detailed Description of Rehabilitation or Preservation Work. In the numbered blocks, provide a description of all project work. *Describe the entire project. ALL work must conform to the Secretary of the Interior's Standards for Rehabilitation. The property owner does not have the option of taking the tax credit only on that portion of the project that conforms to the Standards and undertaking other work that does not comply.* Failure to include a description of all work items, or changing the scope of work without receiving pre-approval (see discussion of project amendments below), may jeopardize the entire project's eligibility for the tax credit.

Architectural features appear in box Nos. 1-17. If no work is proposed for any of the features listed, simply enter "Not Applicable" or "N/A" in the box. For features requiring work, describe the existing feature and its condition in the space provided in each block and explain in detail the rehabilitation work to be undertaken. On the designated blank lines, indicate photograph or drawing numbers that show the feature described. For proposed work items that do not fit into the categories specified, use the blank boxes provided.

Photographs. Along with the Part 2 application, submit a complete set of color photographs no smaller than 4"x6" in size and showing both the interior and exterior of the building **before** the start of the project. Photographs must be clear and of high quality, preferably 35mm; however, digital photographs will be accepted if printed on photographic paper. Views of each exterior elevation (front, rear, and both sides) and all major and representative minor interior spaces are required. In addition, photographs of significant features, such as porches, mantelpieces, staircases, ceiling medallions, etc., should be included. No Polaroids, photocopies, photographs sent via e-

mail, or photographs on disk, CD, or DVD will be accepted. Label photographs with property name, address, and description of the view (for example: looking to the west in SE front bedroom).

Drawings or sketches. Drawings or sketches are required only to illustrate planned alterations or new construction. They must be sufficiently detailed to show existing wall configurations and anticipated changes. Documentation should include floor plans and, where necessary, sections and elevations.

Project Amendments. If changes are made to a project at any time after submission of the initial application, submit a Continuation/Amendment sheet. Provide the name and address of the property and check the appropriate box, noting whether the form amends or continues Part 1 or Part 2. Indicate changes in project work by giving the originally proposed treatment and the amended work item description. Be sure to sign and date the form. Approval of amendments to applications is conveyed only in writing by duly authorized officials of MDAH.

Basic Rehabilitation Concerns

Some basic rehabilitation concerns have been identified for each of the architectural features listed on the application form. The *Guidelines for Rehabilitating Historic Buildings* accompany the Secretary of the Interior's *Standards for Rehabilitation* and provide further guidance on these and other areas of concern.

(1) Roof, Gutters, Downspouts, and Chimneys

Modern manufactured metal roofs are generally not acceptable. Roof features, such as a chimney or dormer, should not be removed unless beyond repair, and then they should be replaced in kind.

(2) Foundation Walls, Piers, and Crawl Space Enclosure

Constructing solid masonry walls flush with foundation piers to enclose a crawl space is not recommended.

(3) Exterior Walls (Wood Siding, Bricks, Stucco, etc.)

Original siding must be preserved. The application of vinyl or other artificial siding does not comply with the *Standards*. If the building is to be cleaned, the owner should specify in the application the process to be used. Sandblasting or high-pressure water blasting should never be used on historic wood or masonry surfaces and will result in denial of the tax credit. Do not substitute water blasting for sanding. Inappropriate repointing of brick work can also result in denial of a project. If cleaning or repointing masonry is planned, contact MDAH for information on appropriate techniques and materials.

(4) Windows, Shutters, and Exterior Doors

Owners should retain and repair historic windows, shutters, and doors. Only when deteriorated beyond repair should these original features be replaced, and then replacements must replicate the original. **However, before undertaking total window replacement, a property owner must obtain prior approval by submitting photographs and a window survey as evidence of severe deterioration.** Replacement sash should match the original in material, size, pane configuration, color, trim details, and planar and reflective qualities. The use of tinted glass that causes a change in character may result in denial of certification. Windows that were never shuttered should not have shutters added. In no case should vinyl or plastic shutters be installed.

(5) Porches

Original features, such as posts, steps, flooring, and balustrades/railings, must be preserved. If deteriorated beyond repair, the feature should be replicated. Wooden steps and porch decks may not be replaced with brick or concrete. New decorative details, such as “gingerbread” or ironwork, should not be introduced unless they replicate missing original details. Enclosing porches on the main façade is cause for denial. In certain cases, approval may possibly be obtained for the enclosure of porches on less public elevations.

(6) Interior Floor Plan

Removal of original walls may jeopardize the certification of the project.

(7) Interior Wall and Ceiling Surfaces

Plaster must not be removed from interior walls to expose brick surfaces unless historic photographs are provided to show this was the historic finish. Damaged plaster should not be left in deteriorated condition because it imparts a ruinous appearance that is not in keeping with the historic character of the building. Damaged plaster may either be repaired or replaced/ covered by drywall. However, if drywall is installed on walls, it should be thin enough so that the depth of the reveals of the door and window surrounds is not lost. In other words, the drywall should not be flush with surrounds or moldings.

Ceilings should be left at maximum height. Pressed metal ceilings should not be installed in buildings that historically did not have such a finish.

(8) Interior Millwork

Millwork that was historically painted should remain painted, and millwork that was historically unfinished should remain unfinished.

(9) Floors

Preserve wood floors. They may be refinished or covered by carpet. Reserve slate, marble, and tile for use in bathrooms and kitchens.

(10) Kitchen

Do not shorten or remove windows for installation of counters. Possible solutions include dropping the counter to window sill level to create a desk area or window seat or running the counter across the window after painting the inside surface of the window panes black to camouflage the installation from the exterior.

(11) Bathroom

Avoid shortening or removing windows for installation of lavatory counters or other bathroom fixtures. See possible solutions mentioned in No. 10 above.

(12) Mechanical Systems

Installation of systems that cause damage to the historic building material or significantly alter the historic appearance may result in denial of certification.

(13) Energy Retrofit

Insulation should not be blown into wall cavities because it can result in severe moisture deterioration of walls. Do not install storm doors that alter the historic character of the façade.

(14) New Building Additions, Including Balconies, Porches, and Decks

New exterior additions may alter the appearance and form of historic structures and may cause denial of certification. Similarly, new construction, including site work, may affect the relationship of a structure to its site, change the historic landscape, or otherwise damage the historic character of the property. Owners are strongly encouraged to obtain MDAH approval before undertaking projects involving new construction.

Balconies should not be added to storefronts unless there is physical, photographic, or other documentation to verify that a balcony was an original feature of the building.

(15) Dependency Buildings

New garages should be detached from the historic structure. New dependency buildings should be situated a significant distance from the main facade and should not be out of scale and character with the historic structure.

(16) Handicap Ramp

According to the *Standards*, “the goal is to provide the highest level of access with the lowest level of impact.”

(17) Landscape Features

Front yards should be retained as green space unless historic documentation proves otherwise. Do not create parking areas in the front yard.

PART 3—REQUEST FOR CERTIFICATION OF COMPLETED WORK

A project does not become a “certified rehabilitation” eligible for tax incentives until it is completed and so designated by MDAH. Upon completion of the rehabilitation project, the owner must submit Part 3 of the application along with photographs of completed work (both exterior and interior, preferably showing the same views as shown in the “before” photographs). If a Part 2 application has not been submitted in advance of project completion, it must accompany the Part 3 application. The completed project may be inspected by an authorized representative of MDAH to determine if the work meets the *Standards for Rehabilitation*.

1. Name of Property. Provide the name and address of the property exactly as furnished in the Part 1 application. Indicate whether the property is listed on the National Register individually or as a contributing element in a historic district or if it has been designated a Mississippi Landmark. If not, the Part 3 application will be held by MDAH until either a National Register nomination has been submitted or the property is designated a Mississippi Landmark.

2. Data on rehabilitation project. Provide the starting and completion dates of the rehabilitation project. Provide the amount of rehabilitation expenses incurred before January 1, 2006. These expenses do not qualify for the state tax credit. Provide those qualified expenses incurred after January 1, 2006. A list of qualified expenditures is provided on page 6. The estimated costs attributed to new construction associated with the rehabilitation, including additions, site work, parking lots, and landscaping, should be provided although these expenses do not qualify for the tax credit.

3. Owner. If the owner is a corporation or partnership, give both the name of that entity and the name of the person who signs the form. If the property has multiple owners, their names, addresses, and Social Security or Taxpayer Identification Numbers must be listed on a continuation sheet. By his or her signature, the owner certifies that in his or her opinion the completed rehabilitation meets the Secretary of the Interior’s *Standards for Rehabilitation* and is consistent with the work described in the Part 2 application. On the reverse of the form, provide the names, addresses and Social Security or Taxpayer

Identification Numbers of **all** owners. If extra space is necessary, a continuation sheet or blank sheet of paper may be used, taking care to put the project number and property address at the top of any extra pages.

Processing Fees. An application processing fee will be charged for review of Part 3--Request for Certification of Completed Work. Fees must be paid by check made payable to the Mississippi Department of Archives and History, and the check must accompany the Part 3 application. The final fee is based on the total amount of qualified expenditures, according to the fee schedule below, minus the preliminary fee paid with submission of the Part 2 application. Final action will not be taken on an application until payment is received. Fees are nonrefundable.

STATE TAX CREDIT FEE SCHEDULE

<u>Cost of Rehabilitation</u>	<u>Total Fee</u>
\$5,001 to \$9,999	\$ 150
\$10,000 to \$24,999	\$ 225
\$25,000 to \$99,999	\$ 300
\$100,000 to \$499,999	\$ 500
\$500,000 to \$999,999	\$1,500
\$1,000,000 or more	\$2,000

Claiming the Credit

After review and approval of the Part 3 by MDAH, the owner shall attach a copy of the Part 3 to all income tax returns on which the credit is claimed. MDAH will also provide a copy to the State Tax Commission. If the amount of the tax credit exceeds the total state income tax liability for the year in which the rehabilitated property is placed in service, the unused tax credit may be carried forward for the ten (10) succeeding tax years.

QUALIFIED REHABILITATION EXPENSES

Any expenditure for a structural component of a building will qualify for the rehabilitation tax credit. Treasury Regulation 1.48-1(e)(2) defines structural components to include:

- Walls
- Partitions
- Floors
- Ceilings
- Roofing
- Carpeting (if glued)
- Permanent Coverings such as Paneling or Tiling
- Windows
- Doors
- Components of Central Air Conditioning or Heating Systems
- Plumbing and Plumbing Fixtures
- Electrical Wiring and Lighting Fixtures
- Chimneys
- Stairs
- Escalators and Elevators
- Sprinkling Systems
- Fire Escapes
- Other Components Related to the Operation or Maintenance of the Building

In addition to the above named "hard costs," there are "soft costs" that also qualify, including:

- Construction Period Interest and Taxes
- Architect Fees
- Engineering fees
- Construction Management Costs
- Reasonable Developer Fees

- Any other fees paid that would normally be charged to a capital account

EXAMPLES OF EXPENSES THAT DO NOT QUALIFY FOR THE STATE REHABILITATION TAX CREDIT

- Acquisition Costs
- Appliances
- Cabinets
- Carpeting (if tacked in place and not glued)
- Decks (not part of original building)
- Demolition costs (removal of a building on property site)
- Enlargement Costs (increase in total volume)
- Fencing
- Feasibility Studies
- Financing Fees
- Furniture
- Landscaping
- Leasing Expenses
- Moving (building) costs (if part of acquisition)
- Outdoor lighting remote from building
- Parking Lot
- Paving
- Porches and Porticos (not part of original building)
- Retaining Walls
- Sidewalks
- Signage
- Storm Sewer Construction Costs
- Window Treatments