

In addition, according to the National Historic Preservation Act of 1966, as amended [Section 101(a)(1)] and National Register regulations [36 CFR 60.15(b) and 15(a)(1)], properties listed prior to December 13, 1980, can be removed from the Register only if they have ceased to meet the Criteria for Evaluation because the qualities which caused them to be originally listed have been lost or destroyed. In this connection, no portion of these "grandfathered" National Register properties can be removed from the National Register as part of a boundary reduction unless it has lost the qualities that caused the properties to be originally listed.

Previously-listed Resources

When a nomination includes resources previously listed in the National Register, it is helpful to list those properties separately, either on a separate continuation sheet for Section 5 or at the beginning of the Section 7 text. Each previously listed property should be identified by the name under which it was listed, the Multiple Property Submission name if applicable, and the resource count for each property. This will help in verifying our records and ensuring that resource counts for all the properties are accurate in the NRIS database.

Listing a Previously Determined Eligible Historic District

For the National Register to list a district previously determined eligible because a majority of private owners objected, the SHPO must obtain a list of current owners to determine who has a right to concur or object and what number constitutes a majority of private property owners. The state must then send owners individual written notices informing them that the state is polling property owners to determine if the status of the doe/owner objection designation should be changed to listed in the National Register. The letter must inform those owners who had previously objected by notarized letter that their original objection stands unless another notarized letter is received removing their objection. The letter should include the same statement outlining the effects of National Register listing as is required for all pending nominations. The state should send a draft of this letter to the National Register for review and approval before notification begins.

Defining Property Owners

The National Register regulations [36CFR Part 60.3(k)] define owner or owners as "those individuals, partnerships, corporations, or public agencies holding fee simple title to the property." The owners of individual units in a condominium hold fee simple title to their property and therefore are considered owners under the notification provisions of the National Register regulations. Those individuals participating in a co-operative are part of a corporation and do not hold fee simple title. Owners of record must be shown in the official land recordation or tax records, as required under 36 CFR Part 60.6. Each owner of private property in a district has one vote regardless of how many properties or what part of one property that party owns and regardless of whether the property contributes to the significance of the district [36 CFR Part 60.6(g)].