2009
Developers' and Citizens' Guide to PERMITTING AND LAND USE DEVELOPMENT

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Document developed by the City of Charleston Planning Department March, 2009.

10 Most Common Mistakes in Project Planning	
1	Failing to consult with City Planning Department Staff prior to purchasing property intended for development to determine that the property is zoned for the intended use.
2	Failing to consult with City Planning Department Staff prior to starting a business to ensure that the planned location is correctly zoned for the type business intended.
3	Hiring a surveyor or developer who is not familiar with the various Building, Subdivision and Zoning ordinances of the City.
4	Allowing your engineer or architect to start the plans for a project prior to having a pre-development/pre-submission meeting with the Planning Department.
5	Assuming that an ordinance or design standard does not apply to your project and deciding not to contact the city staff prior to starting the project.
6	Submitting an inadequate or misleading site plan and hoping that staff will miss or overlook the discrepancy. The owner/developer is ultimately responsible for correcting omissions.
7	Submitting an incomplete set of plans that does not include the required number of sets of plans, required storm water studies, parking requirements, landscape plans, elevations, etc.
8	Designing a project that requires special variances, rezoning, or conditional use permits and not allowing sufficient time to accomplish the required public meetings. (Allow 6-8 weeks for such processes).
9	Failure to adequately address comments from a previous review.
10	Failure to keep in close contact with City Staff throughout the entire construction process to ensure that all requirements and inspections are up to date.

Introduction to Permitting and Land Use Development

Thank you for choosing Charleston, West Virginia as your place of residence, building or development. This guide has been developed to help you to navigate the basic steps in the process of permitting and land use development. It is important to recognize that this is only a guide and not a legal document or ordinance. Where applicable, references to the City of Charleston's ordinances are provided.

This guide will inform you what your requirements are, who you will need to contact, and a general timetable for the process. It is vital that you contact City Staff before you purchase land for a particular use or begin a construction or development project. Consulting with staff early and when you are unsure will ultimately save you time and money.

Each section of the guide includes a brief description of the procedure, the city department responsible for the administration, the procedure at a glance, detailed steps and explanations, and Flow charts (where applicable).

City Department	Telephone	Department Functions
Planning and Zoning **915 Quarrier Street** **Charleston, WV 25301** dan.vriendt@cityofcharleston.org	304-348-8105	Zoning and land use determinations, site plan reviews, plans, variances and rezonings
Building Inspector **915 Quarrier Street** **Charleston, WV 25301** tony.harmon@cityofcharleston.org	304-348-6833	Building Permits and Inspections
City Engineer **915 Quarrier Street** **Charleston, WV 25301** chris.knox@cityofcharleston.org	304-348-8106	Storm Water Plans, City Right of Way Questions, Utility Cuts, Street paving requests
Fire Prevention Bureau **808 Virginia St. W.** **Charleston, WV 25302** ken.tyree@cityofcharleston.org	304-348-8058	Compliance with State Fire Code
Sanitary Board **208 26th St.** **Charleston, WV 25302** thaapala@csbwv.com	304-348-1084	Sanitary Sewer Taps, Main Extension Applications, Locate Sewer Lines
Traffic Engineer **1100-B Pennsylvania Avenue** **Charleston, WV 25302** allan.copley@cityofcharleston.org	304-348-8108	Curb Cuts, Street Signs and street lights
City Collector's Office **915 Quarrier Street** **Charleston, WV 25301** charlie.thompson@cityofcharleston.org	304-348-8024	Business & Occupation Tax, User Fees, Fire and Refuse Fees

The basic contact information for relevant city staff relating to construction and development is listed in the table above. A more detailed list is provided at the end of this guidebook.

One-Stop-Shop:

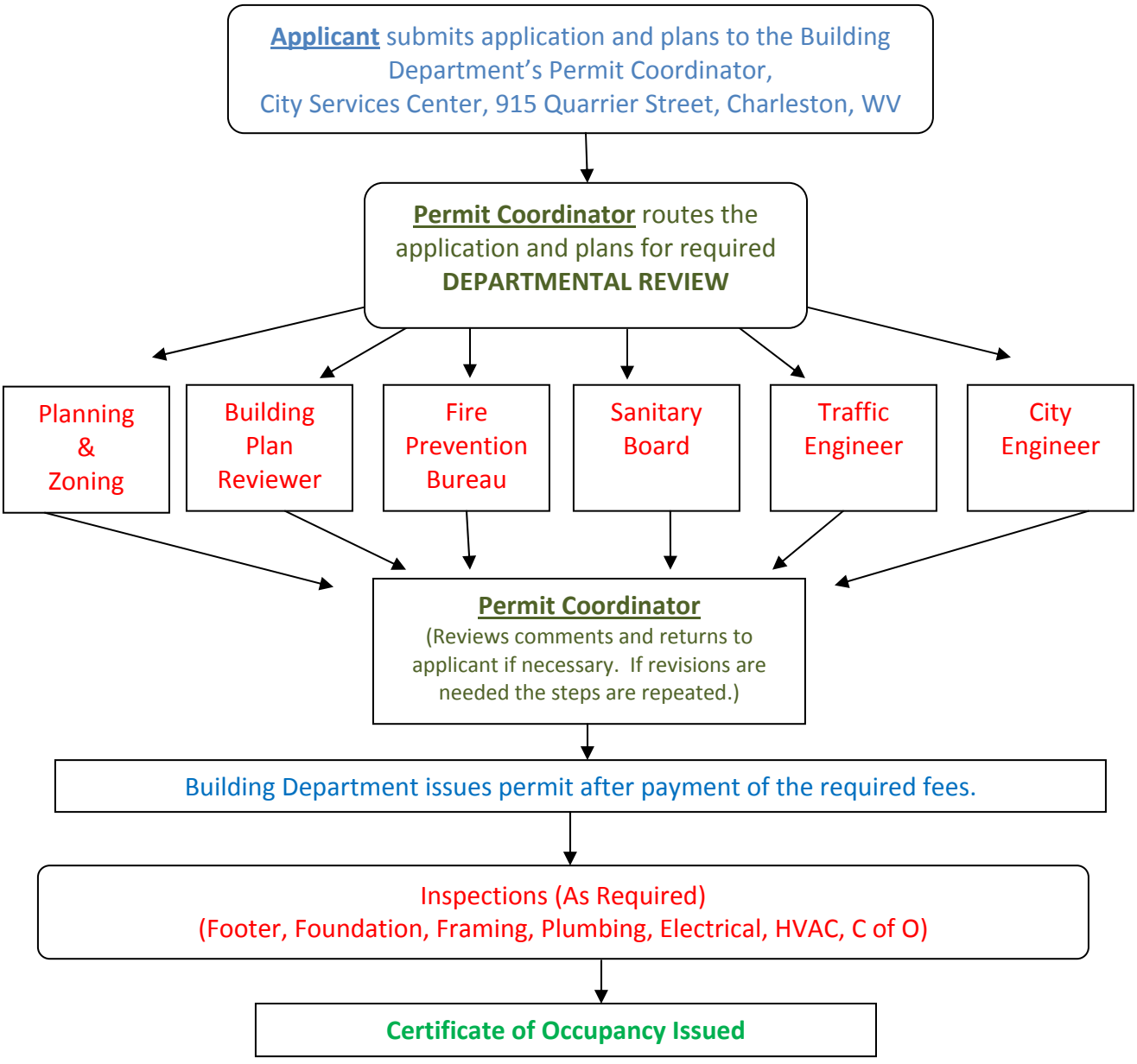
The City of Charleston operates under a central permit management system.

Construction and development permits in the City of Charleston are managed through a computerized permit tracking system. With this system each stage of development from permit application through inspection and Certificate of Occupancy can be tracked.

Applications are filed at the City Services Center, Building Department, located at 915 Quarrier Street. Plans are filed with the Permit Coordinator who enters the application in the tracking system and routes the application and plans to the appropriate departments for review. When reviews are completed and comments returned the permit will be issued. If there are revisions or alterations in the site plan or construction plans required the applicant will be notified.

Fee schedules for building permits are available at the City of Charleston website: www.cityofcharleston.org

Basic Tracking Flow Chart for a Permit



What is considered during DEPARTMENTAL REVIEW?

Each City Department listed in the flow chart is responsible for reviewing construction and land use plans with regard to applicable ordinances and codes in their field of expertise. Contact information for each of the departments is listed in the table on the first page of this document. Review is designed to assist citizens and developers in understanding how the Building Codes, Zoning Ordinance and other regulations may affect a proposed project and associated development costs. These guidelines are not all inclusive and developers are urged to contact the appropriate city staff prior to entering into purchase agreements or undertaking plan development.

PLANNING DEPARTMENT – All projects, whether new construction or rehabilitation, are first evaluated with regard to the proposed use of the property. The Land Use Table in the Zoning Ordinance lists a wide range of land uses and indicates by zoning district whether each use is 1) permitted by right, 2) permitted as an accessory use, 3) allowed as a conditional use, or 4) prohibited. If a particular use is prohibited, the only method by which it may proceed is by a text amendment to the ordinance or by a rezoning. Text amendments and rezonings are only called for where the applicant can clearly demonstrate that the request is not for the benefit of one particular project but is consistent with future land use plans and the changing character of a neighborhood. The Planning Department also reviews site plans for new construction, alterations and additions to ensure compliance with all development standards, including flood zone regulations, density requirements, setback requirements, parking, landscaping and signage. Following this evaluation the Planning Department issues a Zoning Permit with copies to the Building Department Permit Coordinator.

Inspections – The Planning Department will inspect and certify to the Building Department that all Zoning requirements such as setbacks, parking requirements, landscaping, and other requirements of the zoning ordinance have been satisfied.

BUILDING DEPARTMENT – Conducts plan review on all aspects of the construction of buildings and other structures for compliance with the applicable edition of the International Building Code. In addition, plans must comply with the regulations set forth in Ordinance No. 2924, as amended, "Zoning Ordinance" of the City of Charleston, and the Building Department "Administrative Manual", as amended and reenacted by Charleston City Council on March 1, 2004.

Residential Construction: Two (2) copies with full construction details, a site plan indicating the location of the proposed residence on the lot, parking, and the proposed distance from all property lines of all existing and proposed structures, and storm and sanitary sewer details.

Commercial Construction: At a minimum, commercial construction plans must show the following: (1) Type Construction (2) Use Group (3) Square Footage (4) Occupancy Load (5) Indication of existing/new boundaries (6) Fire Ratings and separations (7) Typical Wall Sections (8) All dimensions (9) ADA Accessibility. At least three (3) complete sets of plans and two (2) additional site/drainage plans bearing the signature and seal of a WV registered architect or engineer for new construction and renovations with a construction cost of $50,000.00 or

more. Commercial permits under $50,000.00 require the same submissions but do not require the stamp of an architect/structural engineer.

Plan Review Applications for all construction shall be submitted to the Permit Review Coordinator located at the Building Department at 915 Quarrier St Suite 5. Plans will be reviewed in accordance with Section 202.1 of the Building Department Administrative Manual by all applicable city agencies. Reviews may be necessary from any or all of the following city departments: Building Department, Fire Department, City Engineer, Traffic Engineer, Sanitary Board, Planning Department. Plan Review Fee is .00075 x Total Cost of Construction for commercial permits over $50,000.00. When reviews are complete a building permit will be issued. One set of approved plans, permits, and any addendum comments from reviewing agencies must be kept on the job site for inspection purposes.

Inspections – The Building Department will also perform inspections on the projects to include: Footer and foundations, rough-in plumbing, electric, HVAC, framing, and ADA accessibility as required.

CHARLESTON FIRE DEPARTMENT – Inspects plan submissions for compliance with the WV State Fire Code. The CFD will review all commercial plans for new construction or additions and for commercial interior remodeling.

Inspections – The Fire Department inspects the structure for compliance with the requirements of the permit as it relates to the NFPA codes and WV State Fire Code. The Fire Department requires that they be notified one-week prior to the date a final inspection is required.

CHARLESTON CITY ENGINEER – The City Engineer reviews commercial construction plans for new construction and additions to insure compliance with storm water drainage regulation management and new sidewalk construction requirements. The City Engineer reviews all aspects of the project that impact public property.

Inspections – The City Engineer will inspect the progress of construction at various points to check for compliance with the requirements of the permit as it pertains to storm water drainage facilities and sidewalk construction. Schedule inspections prior to covering up newly installed pipe or prior to pouring concrete.

CHARLESTON TRAFFIC ENGINEER – The Traffic Engineering Department review plans for both residential and commercial construction as it relates to curb cuts for egress and ingress from properties, traffic flow within the parking area of projects, compliance with field of vision requirements, signage and lighting.

Inspections - Will inspect the site to check for compliance for requirements regarding field of vision, ingress and egress onto right-of-way, curb cuts, and signage.

CHARLESTON SANITARY BOARD - The Sanitary Board inspects residential and commercial construction plans to insure that sanitary sewer service is reasonably accessible to the construction site, that pipes are correctly sized, that grease trap requirements are met, and other provisions monitored by the Public Service Commission. They also inspect the installation of sewer lines to new subdivisions and developments.

Inspections - Will inspect sanitary sewer facilities and tap locations for compliance with the provisions of the permit both during installation and final testing after installation.

New Construction vs Rehabilitation Project Procedures

When a proposed land use is permitted and construction plans are being developed, please be aware that the following must be submitted to the Permit Coordinator:

1. All projects for both residential and commercial **new construction and additions** require the submittal of a site plan meeting all requirements of the City of Charleston Zoning Ordinance and a minimum of two (2) complete sets of plans for residential construction and six (6) sets for commercial construction.

2. Projects for **remodeling, rehabilitation and adaptive reuse** require the same process but also take into consideration the following:
    - In cases where there is simply a change in ownership of a legally existing or legally non-conforming use, no site-plan will be required.
    - If the proposed use will occupy an existing site and structure that previously housed an identical use less than one (1) year prior and no new construction is proposed, no site plan is required.
    - If the proposed use will occupy an existing site and structure that previously housed a similar use less than one (1) year prior, and where it can be clearly demonstrated that the new use is less intensive than the previous use, (i.e. fewer parking spaces required, no outstanding zoning issues), and no new construction is proposed, no site plan is required. In these cases the developer/applicant will submit a letter detailing the proposed use so that the use can be memorialized.

Rezoning Procedures

If the proposed use of your property is not listed as either a permitted, accessory or conditional use in the Land Use Table of the Zoning Ordinance, it is recommended that you meet with the Planning Department to determine the likelihood of a successful rezoning based upon future land use plans and market trends. If a rezoning is recommended, the application should be submitted in the following manner:

- A request for rezoning of property shall be filed in the format prescribed by the Planning Department. The applicant must submit the tax map and parcel numbers for the properties to be rezoned, as well as a list of the property owners' names and addresses located within 250 feet of the property to be rezoned. In order to defray, in part, the expenses connected with the application a filing fee in the amount of $125.00 shall be submitted with the application. The application and sample bill and petition are available at: http://www.cityofcharleston.org/planning/_vti_cnf/rezoning_checklist.pdf http://www.cityofcharleston.org/planning/_vti_cnf/rezoning_&_Petition_example.pdf
- The Planning Department will conduct a formal review of the completed application. The Planning Department will publish a legal advertisement describing the request for rezoning in a local newspaper of general circulation at least fifteen (15) days prior to the scheduled public hearing before the Planning Commission. Notification to the property owners located within 250 feet of the affected property shall be mailed no later than ten (10) days prior to the public hearing.
- The Planning Director shall cause official zoning notification signs to be placed in a prominent location on the property notifying that an application for rezoning has been made.
- The Municipal Planning Commission will hold a duly scheduled public hearing on the rezoning request, prepare a report, and make a recommendation to Council.
- City Council will hear the case according to its rules and procedures.
- If the request for rezoning is approved by Council, the applicant shall receive approval and will be formally notified by mail by the Planning Department. The Planning Department shall amend the zoning map to reflect the approved rezoning.
- If the request for rezoning is denied by Council, the applicant is formally notified in writing by the Planning Department of the denial.
- Any person who feels aggrieved by an approval or denial of a rezoning may appeal the decision to Kanawha County Circuit Court within thirty (30) days of City Council's decision.
- Following the approval of a rezoning, the City shall certify the zoning map and clearly identify any approved amendments with an effective date.
- If the request for the rezoning is denied by Council, the applicant shall not re-submit the same request for a period of one (1) year unless the Planning Director determines that there have been significant changes in conditions in the area proximate to the parcel in question.

Conditional Use Procedures

In some cases, community and Comprehensive Plan goals may be met by flexible and individual regulation of land uses within a zoning district. The Conditional Use Permit process provides such flexibility. Conditional Uses are declared to possess characteristics of such unique and special form that each specific land use must be considered individually. If your proposed use is identified in the Land Use Table of the Zoning Ordinance as a conditional use, the Board of Zoning Appeals will apply individualized judgment and consider necessary conditions to ensure compatibility with the surrounding neighborhood and to prevent damage or detriment to people or property in the vicinity. The following general standards must be met in order for a Conditional Use Permit to be granted:

1. The proposed use is compatible with the goals of the City of Charleston's Comprehensive Plan.
2. The proposed use is compatible with the appropriate and orderly development of the district and will not discourage the appropriate development of adjacent land and buildings.
3. Neighborhood character and surrounding property values are reasonably safeguarded.
4. Operations in connection with the use are not offensive, dangerous, destructive of property values or the environment, or detrimental to the public interest of the community.
5. The character and appearance of the proposed use is in harmony with character and appearance of the surrounding neighborhood

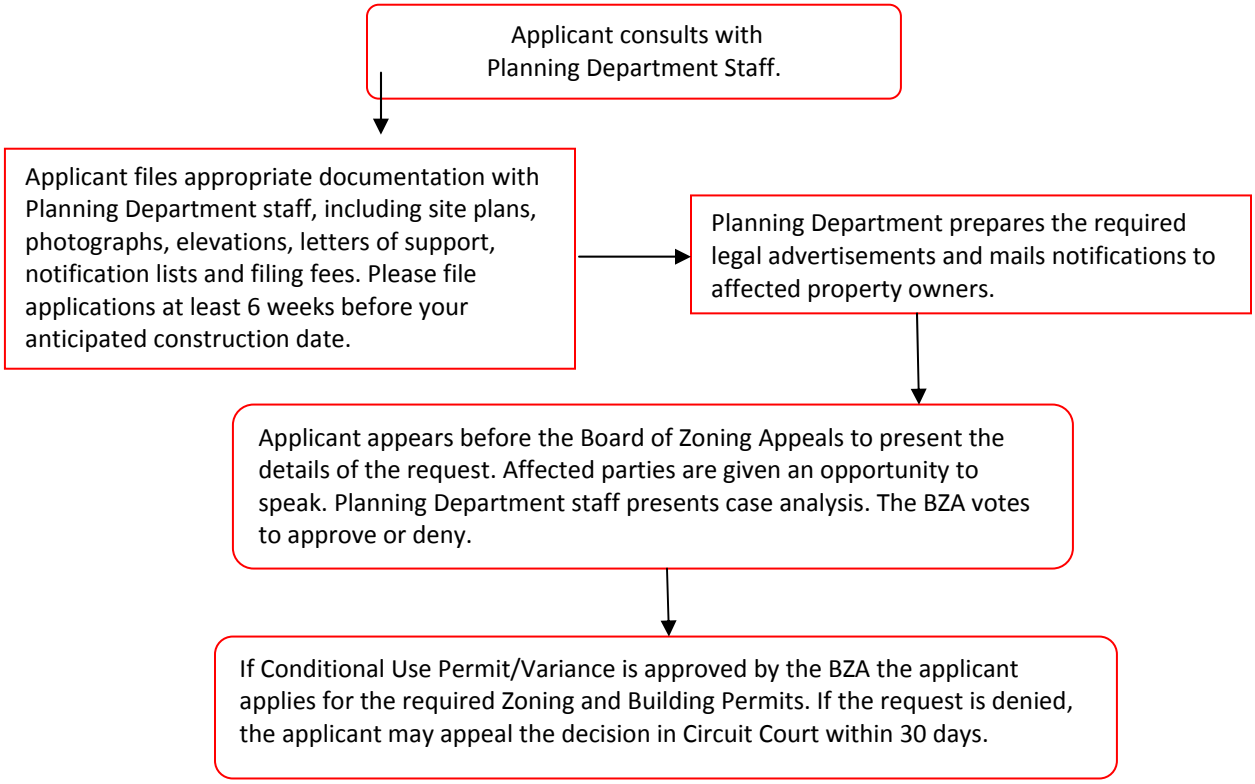
Variance Procedures

A variance is a method by which a property owner receives permission to vary from the development standards established in the Zoning Ordinance governing such matters as building location, building dimensions, placement and quantity of parking, landscaping, signage, and other features included in site design. The Board of Zoning Appeals may grant a variance if and only if the following criteria can be satisfied:

1. The variance, if granted, will not adversely affect the public health, safety and welfare or the rights of adjacent property owners or residents; and,
2. The variance arises from special conditions or attributes which pertain to the property for which a variance is being sought and which were not created by the person or entity seeking the variance; and,
3. The variance, if granted, would eliminate an unnecessary hardship and permit a reasonable use of the land; and,
4. The variance, if granted, will allow the intent of the Zoning Ordinance to be observed and substantial justice done.

Conditional Use Permit and Variance Applications are available at: http://www.cityofcharleston.org/planning.htm

Basic Tracking Flow Chart for Conditional Use Permits and Variances



Subdivision and Land Development Control

No lot in a subdivision may be sold; no permit to erect, alter or repair any building upon land in a subdivision may be issued; and no building may be erected in a subdivision, unless and until a final subdivision plan has been approved and recorded; no land will be developed, and no street, alley, sanitary sewer, storm sewer, water main or related facility will be laid out, constructed, opened or dedicated for public use or travel, or for the use of occupants of buildings abutting or to abut on them, and until the improvements required by the Municipal Planning Commission have either been completed or guaranteed as provided by this ordinance.

Minor or Administrative Subdivisions

Complete information regarding subdivisions can be found in the City of Charleston Subdivision Regulations: http://www.cityofcharleston.org/planning/_vti_cnf/Binder.pdf To qualify for consideration as a Minor Subdivision the proposal must meet the following requirements:

A. Contain not more than four lots fronting on an existing street.
B. Not involving any new street or road, the extension of municipal facilities, or the creation of any public improvements;
C. Not adversely affecting the remainder of the parcel or adjoining property; and,
D. Not in conflict with any provision of the Zoning Ordinance or these regulations.
E. Be a merger or consolidation of parcels of land or a minor boundary adjustment.

The steps included in approval of a Minor Subdivision are as follows:

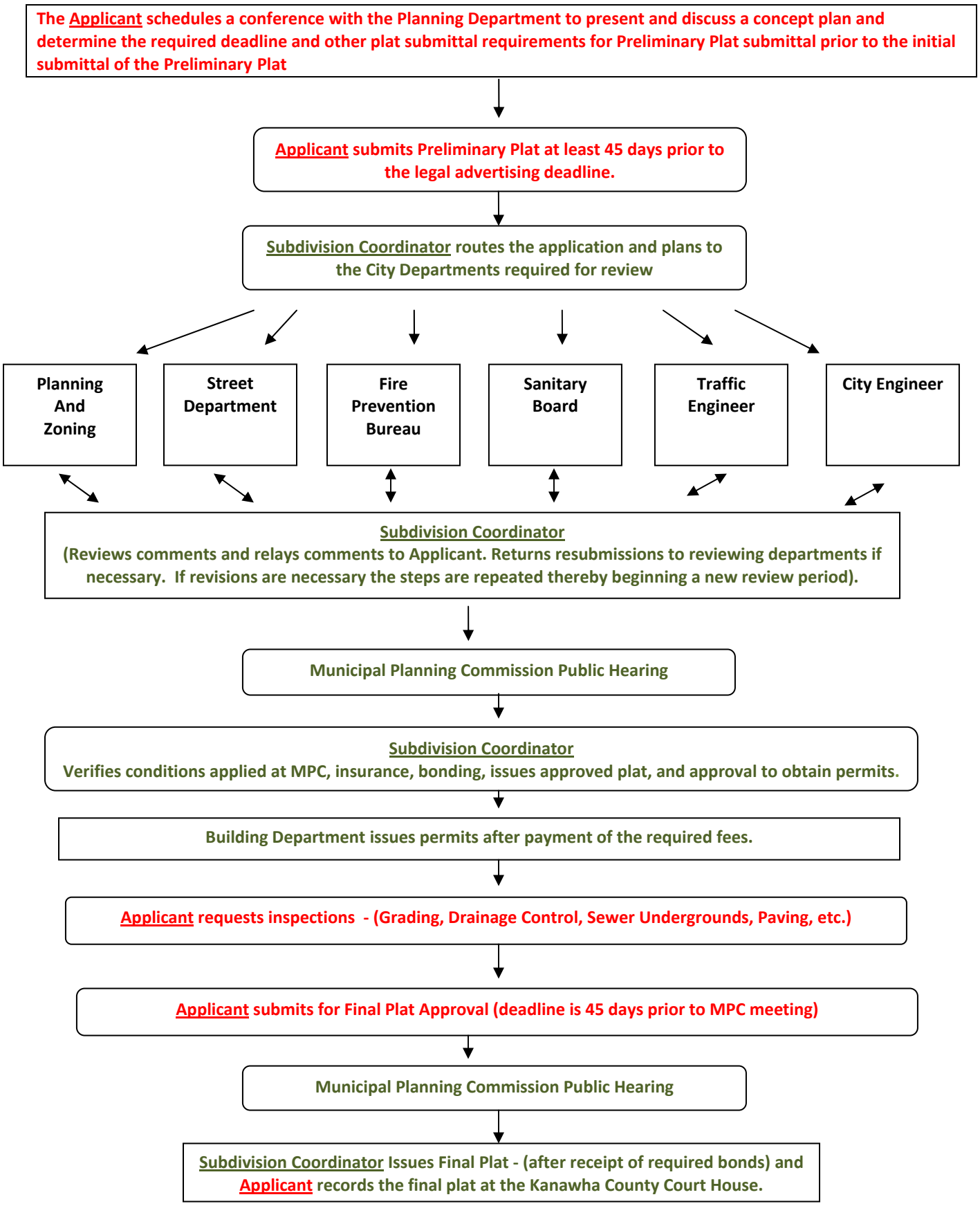
1. Pre-Submittal Discussion with Planning Department Staff.
2. Submission of Eight (8) Plats showing proposed division or consolidation of land.
3. City Review
4. Comments and Revisions if any.
5. Map approval and filing of map at the Kanawha County Court House.

Major Subdivision

Complete information regarding subdivisions can be found in the City of Charleston Subdivision Regulations: http://www.cityofcharleston.org/planning/_vti_cnf/Binder.pdf The steps included in approval of a Major Subdivision are as follows:

A. Preliminary Plat Conference
B. Pre-Application Procedure
C. Preliminary Plat - Application for Conditional Approval and City Review
D. Municipal Planning Commission Public hearing
E. Permit Issuance and Insurance/Bonds Submitted
F. Construction and Inspection
G. Final Plat – Application for Approval
H. Municipal Planning Commission Public Hearing
I. Approved Final Plat Returned to Developer
J. Final Plat Recorded at the Kanawha County Court House

Basic Tracking Flow Chart for a Subdivision



Street Naming Procedures

Application for approval of street names within a subdivision is a separate process from the subdivision approval process. Street names must be assigned in compliance with the Statewide 911 Addressing System. Approval of new street names requires City Council approval – a process that takes approximately 90 days from application to council vote. Application for new street names are filed with the Planning Department.

1. Application
2. Street name is reviewed by the Statewide Addressing System Coordinator.
3. Municipal Planning Commission hears the request at a public hearing.
4. City Council votes on the application.
5. Postal Service is notified on the new street name and addresses.

Street/Alley Closing Procedures

Authority to close city street, alley, lane, road or other public right-of-way lies with the City Council.
The council, pursuant to the authority granted it by the Charter and the Code of the state, reserves the right to permanently close, abandon and discontinue, for public use, any street, alley, lane, road or other public right-of-way presently owned by the city. (Bill No. 6949, § 28-42, 4-7-2003)
Procedure:

Any person seeking to permanently close, abandon and discontinue a public street, alley, lane, road, or other public right-of-way, must file:
(a) A petition, the form of which shall be available in the office of the planning department, which shall contain the following information and items:
(1) A current certified appraisal;
(2) A survey and map of the property requested to be closed which survey shall show the names of all adjacent property owners and a list of all property owners whose property is within 250 feet of property being closed;
(3) A metes and bounds description of property requested to be closed;
(4) A statement of reasons for closure which must include a benefit to the public;
(5) A statement of justification for closure. Such statement may include unique circumstances such as topography or slope limited access, or any-other physical;
(6) A statement as to whether the property requested to be closed is part of a pattern of current City of Charleston roadways;
(7) A statement as to whether encroachments exist to the property requested to be closed;
(8) A filing fee of $100.00;
(9) A bill prepared by or at the request of a member of the Council of the City of Charleston who has agreed to introduce the bill proposing closure; and
(10) If applicable, a request from non-profit or not-for profit entity for a determination of eligibility to receive the property by donation from the City of Charleston under the laws of West Virginia, the City of Charleston and all other applicable laws. If such a request is made, the city attorney shall make such a determination, but only upon full cooperation from the petitioner in timely providing all information and documentation requested by the city attorney. The city attorney will report his/her determination to the committee on finance and city council.
(b) Upon receipt of the petition, the planning commission shall deliver one copy of such documents to the office of the city clerk for the assignment of a number to the bill. Thereafter, the bill will be introduced at the next council meeting for its first reading. At the time of the first reading of the bill in council, it shall be referred to the municipal planning commission for a public hearing, as prescribed by law. Prior to holding a public hearing, the planning commission shall notify all persons on the list supplied by the petitioner of the place, time and date of the hearing. This notice shall be given to all persons on the list 15 days prior to the public hearing. The planning commission may seek the opinion of the city attorney as to any legal issues concerning ownership of the property requested to be closed. After considering the evidence, the planning commission shall report its recommendation to city council at the next council meeting. Such report shall include a determination whether the property is needed for public use or convenience and/or whether the closing and abandonment of the property will benefit the public.

(c) Upon receipt of the planning commission's recommendation, city council shall refer the bill to the council's committee on planning for its consideration. After consideration of the bill, the council's committee on planning shall report back to city council with its recommendation for passage or rejection of the bill.
(d) In any event, the mayor shall refer the bill to council's committee on finance with a recommendation of appropriate consideration based on the certified appraisal and that the applicant is qualified under this section for the vacating of the public street, alley, lane, road, or other right-of-way. The committee on finance may consider the appraisal submitted by the petitioner, other appraisals, the recommendations from the mayor and/or city manager as to value and other factors when assessing the appropriate consideration for the property requested to be closed. When the property requested to be closed is located in a residentially zoned district, the committee on finance may assess consideration in the amount of $1.00 per square foot to be paid by low to moderate income petitioners, as defined by United States Department of Housing and Urban Development (HUD), if satisfactory proof of such income is submitted (ie. most recent federal income tax return).
(e) After consideration of the bill by the council's committee on finance, it shall report its recommendations to council. Council shall then vote on the passage or rejection of the bill. Council's final action shall be a simple majority vote of the members present at a regular or special meeting
(f) Any deed executed by the city pursuant to this section shall be limited to a quitclaim conveyance and shall reserve all necessary sewer and other utility easements.

Contractor Registration Requirements:
General Instructions for Applying for Contractor Registrations

All General, Sub-Contractors, Sign, Specialty, HVAC, Electrical and Master Plumbing Contractors doing work in the City of Charleston must be registered. Currently registered contractors must **renew their registrations by July 1 of each year.** All of the following items listed below must be submitted in order to register:

- City of Charleston Application Form.
- Current Certificate of Liability Insurance (City of Charleston must be listed as a certificate holder).
- A copy of your current State of West Virginia Contractor's License, and if applicable, a copy of your Master Electrician License from the State Fire Marshall Office.
- Proof of West Virginia Worker's Compensation Coverage (BrickStreet Insurance) or exemption letter.
- Annual Fee for all contractor registration renewals is $90.00 except Journeyman Plumbers license renewal is $25.00.

You may be denied for renewal of your contractor registration and/or a building permit for the following reasons:

- Your company is not registered with the City Collector's Office.
- If your company is delinquent on B & O tax with the City Collector's Office, or have failed to have filed an up-to-date return. (Even if no work was done in the City).
- Expired Certificate of Insurance.
- Past Failure to obtain proper permits and required inspections.
- Expired West Virginia State Contractor License.

All contracting work, including the work of sub-contractors, in the City of Charleston will be subjected to a two-percent (2%) Business and Occupation Tax and proper registration with the City Collector's Office. Complete information is available in the publication “Construction Projects Handbook”, available in the City Collector’s Office. Completed applications for contractor registration and the required attachments must be returned to: City of Charleston Building Department, 915 Quarrier St., Suite 5, Charleston WV 25301-2607.

RESOURCES:

The following is included to provide you with additional information on financial resources and technical assistance which may be available to you. It is not all inclusive; please talk to your bank or lending institution for other information.

MAYOR'S OFFICE OF ECONOMIC & COMMUNITY DEVELOPMENT

Charged with administering the mailto:janet.mathews@cityofcharleston.org?subject=Email%20from%20www.cityofcharleston.orgCommunity Development Block Grant (CDBG) Entitlement Program for the City of Charleston, MOECD staff members ensure that funded projects achieve the development of viable urban communities through the provision of safe, decent housing, suitable living environments, and the expansion of economic opportunities targeted to low and moderate income persons.

- **Charleston Owner-Occupied Rehab Programs (CORP)**
  - Emergency Rehab - up to $5,000 grant
  - Owner Rehab - up to $20,000 forgivable/deferred loan
    - {50% and below income guidelines - forgivable-deferred loan}
    - {51% to 80% income guidelines - 3% 10-year loan}
  - Volunteer Programs – Volunteer organizations perform light construction repairs at NO CHARGE to the home owner. Homeowner must be low/moderate income and be located within the corporate limits of the City of Charleston. Call MOECD for application availability.
- **HOME Program -** designed to assist low-mod income persons in becoming a homeowner.
- **Emergency Shelter Grant (ESG) Program** - operational and supportive services to homeless providers in the City of Charleston.

The City's CDBG program operates on the fiscal year, with new funding becoming available every July 1. During each program year, MOECD holds at least 3 public hearings (fall of fund year upcoming) to receive input from citizens and non-profit organizations regarding its program and policies. Applications are due by the first Monday of February for funds to be disbursed after July 1 of the same year. Amendments to the Block Grant budget are advertised in the local newspapers for 30 days prior to funding availability in order to receive citizen input. All recipients of the Block Grant program are required to sign an agreement with the City at the beginning of the funding cycle.

Funding is based on 2000 census data of low-mod population in City of Charleston. The 2008 CDBG allocation is $2,947,605.00 broken down as follows: $1,830,339 CDBG; $1,027,827; ESG $82,189; ADDI $7,250.

WEST VIRGINIA DIVISION OF CULTURE AND HISTORY

State Historic Preservation Grants

The State of West Virginia, Division of Culture and History, Historic Preservation Office has two separate grant programs. One is the State Development Grant Program for rehabilitation of properties listed on the National Register of historic Places, or for rehabilitating a contributing property in a historic district and/or for archaeological development of a site listed on the National Register of Historic Places. The other grant program is the Federal survey and Planning grant program for conducting architectural/archaeological surveys, National Register nominations, predevelopment plans and heritage education programs.

The State Preservation Office is given authority to administer both of these grant programs by Chapter 29, Article I and Section 5 of the Code of West Virginia, The National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), Title 82, Series 2, Section 4 of the Division of Culture and History Legislative Rules and National Register Program Manual (NPS-49). To receive grant application forms, review process guidelines and any other additional information contact:

Grants Coordinator
West Virginia Division of Culture and History

Historic Preservation Office
The Cultural Center
1900 Kanawha Blvd. E.
Charleston, WV 25305 – 0300
Telephone – (304) 558-0240
Or visit online at http://www.wvculture.org/shpo/shpoindex.aspx

NATIONAL PARK SERVICE FEDERAL HISTORIC PRESERVATION TAX INCENTIVES

The Federal Historic Preservation Tax Incentives program is one of the nation's most successful and cost-effective community revitalization programs. The program fosters private sector rehabilitation of historic buildings and promotes economic revitalization. It also provides a strong alternative to government ownership and management of such historic properties. The Federal Historic Preservation Tax Incentives are available for buildings that are National Historic Landmarks, that are listed in the National Register, and that contribute to National Register Historic Districts and certain local historic districts. Properties must be income-producing and must be rehabilitated according to standards set by the Secretary of the Interior.

Jointly managed by the National Park Service and the Internal Revenue Service in partnership with State Historic Preservation Offices, the Historic Preservation Tax Incentives program rewards private investment in rehabilitating historic buildings. They have proven an invaluable tool in revitalizing communities and preserving the historic places that give cities, towns, and rural areas their special character. The Historic Preservation Tax Incentives generate jobs, both during the construction phase and in the spin-off effects of increased earning and consumption. Rehabilitation of historic buildings attracts new private investment to the historic core of cities and towns and is crucial to the long-term economic health of many communities. Enhanced property values generated by the Historic Preservation Tax Incentives program result in augmented revenues for local and state government through increased property, business, and income taxes. Historic Preservation Tax Incentives also create moderate and low-income housing in historic buildings.

In fact, since 1976 the Historic Preservation Tax Incentives have rehabilitated more than 32,000 historic properties, stimulated over $33 billion in private investment, rehabilitated more than 185,000 housing units and created over 140,000 housing units, of which over 75,000 are low and moderate-income units.

For additional information on Federal Historic Tax Preservation Incentives, including program essentials, application process, review process and standards for rehabilitation, visit the National Park Service Website at:
http://www.nps.gov/history/http://www2.cr.nps.gov/tps/tax/



The Fund established the Development Financing Program to provide financing for a variety of housing and nonresidential development projects. The various programs of the Development Financing Program include:

- **Leveraged Loan Program** - This program provides construction and/or permanent financing for new multifamily rental developments or those requiring acquisition and rehabilitation.
- **Mini-Mod Rehabilitation Program** - This program provides landlords affordable financing to renovate existing apartment units.
- **USDA 538 Program** - This program provides short term, below market interest rate financing for the construction of new multi-family rental developments, to be replaced by permanent loan financing upon completion.
- **Demolition Program** - This program provides cities and counties with resources to acquire and remove vacant and dilapidated properties from their communities.
- **Constructing Affordable Sensible Homes (CASH)** - This program provides a guaranteed purchase contract to builders and/or modular home manufacturers for speculative homes constructed in West Virginia with a pre-construction appraised value not exceeding $150,000.

- **Land Development** - This program provides low fixed rate interest loans to builders and developers to buy land and install infrastructure improvements.

Three Field Service Managers cover the State to provide information and technical assistance for each of the above-mentioned programs.

Low-Income Housing Tax Credit Program (LIHTCP)
The Fund is responsible for administering the Low-Income Housing Tax Credit Program, which generates low-income residential rental units by encouraging private investment through federal tax credits.
View more information on the Low-Income Housing Tax Credit Program (LIHTCP).

Community Housing Development Organization (CHDO)
Proposals will be reviewed for any project that complies with HUD regulations. Of the HOME funds administered by the Fund, 15% are set aside for CHDO organizations to use in the development of housing opportunities for lower income West Virginia families. These funds are allocated to CHDO organizations by an RFP process.
View more CHDO information. For detailed information for Developers go to: http://www.wvhdf.com/

NEW MARKETS TAX CREDIT PROGRAM

The New Markets Tax Credit (NMTC) Program permits taxpayers to receive a credit against Federal income taxes for making qualified equity investments in designated Community Development Entities (CDEs). Substantially all of the qualified equity investment must in turn be used by the CDE to provide investments in low-income communities. The credit provided to the investor totals 39 percent of the cost of the investment and is claimed over a seven-year credit allowance period. In each of the first three years, the investor receives a credit equal to five percent of the total amount paid for the stock or capital interest at the time of purchase. For the final four years, the value of the credit is six percent annually. Investors may not redeem their investments in CDEs prior to the conclusion of the seven-year period.

Throughout the life of the NMTC Program, the Fund is authorized to allocate to CDEs the authority to issue to their investors up to the aggregate amount of $19.5 billion in equity as to which NMTCs can be claimed, including $1 billion of special allocation authority to be used for the recovery and redevelopment of the Gulf Opportunity Zone.

To date, the Fund has made 294 awards totaling $16 billion in allocation authority.

An organization wishing to receive awards under the NMTC Program must be certified as a CDE by the Fund. To qualify as a CDE, an organization must:

- be a domestic corporation or partnership at the time of the certification application;
- demonstrate a primary a mission of serving, or providing investment capital for, low-income communities or low-income persons; and
- maintain accountability to residents of low-income communities through representation on a governing board of or advisory board to the entity.

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