



U.S. Department of Housing and Urban Development
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District Inspector General for Audit

March 30, 2001

**Audit Memorandum
No. 2001-PH-0802**

MEMORANDUM FOR: James Cassidy, Acting Director, Public Housing Division,
Pittsburgh Area Office, 3EPH

FROM: Daniel G. Temme, District Inspector General for Audit, Mid-Atlantic, 3AGA

SUBJECT: Citizen Complaint
Forest Green Commons Townhouse Development/Joshua Meeks' House – HOPE VI Project
Pittsburgh, Pennsylvania

Based on a citizen complaint, we performed a limited review of the HUD Pittsburgh Public Housing Office's (PIH's) environmental assessment determination of the Joshua Meeks House (Property) located on Forest Green Drive in connection with a HUD funded HOPE VI Project (Forest Green Commons Townhouse Development). Specifically, the complainant alleged HUD and the developer did not properly apply the requirements of Section 106 of the National Historic Preservation Act in its review process. As discussed in the results of the review, we determined HUD followed all Federal requirements of the Act.

OBJECTIVE, SCOPE AND METHODOLOGY

Our primary objective was to determine whether HUD Pittsburgh PIH staff properly applied the applicable Federal regulations of Section 106 of the National Historic Preservation Act. Section 106 of the Act requires a Federal agency that is involved in a proposed project to initiate and complete a review to ensure the historical significance of the proposed project has been adequately considered.

To meet our objectives, we reviewed correspondence submitted by the complainant regarding the Forest Green Commons Townhouse (aka McKees Rocks Terrace) Project and the demolition of the Property. We also researched the requirements involving Section 106 of the National Historic Preservation Act. We interviewed the complainant, relevant HUD staff from the

Pittsburgh PIH Office, and the State Historical Preservation Officer (SHPO) from the Pennsylvania Historical and Museum Commission (PHMC). We also interviewed Moon Township officials and the Moon Township Solicitor to obtain clarification on items disclosed during the review and gain an understanding as to why issues were resolved as they were. This review covered the time period August 1998 through January 2001.

BACKGROUND

Section 106 of the National Historic Preservation Act requires that a Federal agency involved in a proposed project is responsible for initiating and completing a review to ensure it considers the historical significance of the proposed development. The agency must confer with the State Historic Preservation Officer and comply with the National Historic Preservation Act. Additionally, if a property is designated as an eligible historic property then an assessment of adverse affects occurs, and a memorandum of agreement is formed, before initiating any development.

The complainant alleged that the submission sent to the PHMC by the different agencies involved did not address the historic value of the Property. It was noted in the complaint letter that due to this being a Federally funded project, a more in depth inspection should have been completed to address the Property's historic significance. The complainant addressed the historic significance of the Property by citing two references. The first historic reference was an article in the *Pittsburgh Tribune Review* (dated 9/13/99) entitled "Development Prospect has Residents Up in Arms" depicting the history of Moon Township and the historical significance of the Property involved. The second source identified by the complainant was a submission sent in by a Moon Township resident (dated 9/21/99) to the PHMC requesting a second chance appeal on the eligibility of the Property. The Community Builders, PHMC, HUD, and the Allegheny County Housing Authority were identified by the complainant as the agencies involved that were not fulfilling their obligation to satisfy Section 106 of the National Preservation Act.

This matter pertains to possible violations of the Federal Code of Regulations (36 CFR Part 800) by the HUD Pittsburgh PIH Office in approving the Forest Green Commons Townhouse Development (HOPE VI Project). Specifically, the Forest Green Commons Townhouse Development included \$2.6 million of HOPE VI funds. The HOPE VI Program was created for the purpose of revitalizing severely distressed or obsolete public housing developments.

RESULTS OF THE REVIEW

Based on our review of the complaint issues, documentation, and Federal regulations governing the demolition of the Property, we determined that HUD Pittsburgh PIH followed the regulations according to Section 106 of the National Historic Preservation Act. In conformance with the National Historic Preservation Act, HUD Pittsburgh PIH verified the site was not listed on the National Historic Register. Additionally, the HUD Pittsburgh PIH asked for and received the SHPO's opinion regarding the historical significance of the Property. According to the SHPO, due to significant property alterations and additions affecting the historical integrity of the Property, it was not eligible for listing in the National Register of Historic Places. Additional

historic information submitted by Moon Township residents did not alter the opinion of the PHMC regarding the Property's historic significance. Since the Property was not listed as eligible, there was not an assessment of adverse affects and the HOPE VI Project was approved.

HUD's Review Process

The HUD Pittsburgh PIH consulted the National Register of Historic Places located on the Internet to determine if the property was listed. In addition, HUD Pittsburgh PIH discovered no contextual information that would qualify the site for eligibility from the developer or from a local Western Pennsylvania Historical Society contact. A HUD engineer in Pittsburgh PIH also completed an on-site visual inspection of the Property. The Pittsburgh PIH engineer found the structure consisted of remodeled vinyl siding with vinyl-clad windows and other improvements giving the appearance of a modern building.

During our review, we were provided correspondence from the PHMC indicating it determined the Property was not historically significant. Specifically, in correspondence received by HUD in 1998, the PHMC initially determined the Property was not eligible for listing in the National Historic Register, satisfying the Federal requirement that HUD consult with the SHPO for those properties that may be eligible for listing. In 1999, the Allegheny County Economic Development received a letter from the PHMC that again determined no historic or archeological properties affected this Project. Further, the PHMC stated in the letter that adequate documentation was received in a previous submission, including documentation sent by local citizens, to determine that the building on the Property, although old did not retain the integrity necessary to make it eligible for listing in the National Register.

In March 2000, a local Moon Township resident who was a member of the Board of Trustees of the Western Pennsylvania Historical Society since 1992, submitted a Pennsylvania Historical Resource Survey indicating the Property was historically significant and asked the PHMC to reconsider its earlier determinations. In May 2000, after reviewing the resource survey, the PHMC reiterated its earlier determinations that the Property was, in the PHMC's opinion, a resource that was not eligible for listing in the National Historic Register. The PHMC's evaluation of the National Historic Register criteria for this house stated its staff noted the application of materials substantially postdated Meeks' association with the Property, and therefore, no longer reflects his association with the house. Also, the PHMC staff noted interior changes, including those to the floor plan affecting the building's ability to convey Meeks' association with the Property. It should also be noted, in correspondence responding to the local citizens' concerns, the developer was agreeable to having the structure moved in its entirety or salvaging selected historical materials of the Property in June 2000.

In September 2000, because of continuing public concern over the proposed demolition of the Property, the PHMC recommended that the demolition be postponed until the public had an opportunity to comment on the eligibility of the historic and archeological resources. However, as confirmed with a PHMC representative, even though they recommended postponement of the demolition, the Bureau of Historic Preservation still had not received any information from any source that would have enabled them to designate the property as eligible. On September 5,

2000, Moon Township issued a stop work order for the scheduled demolition as a result of the PHMC's latest recommendation. However, on the day the stop work order was issued, the developer violated the order and partially demolished the Property. Subsequent litigation determined that Moon Township had no historical preservation ordinance and, therefore, had no legal authority for the revocation of the building permit and stop work order.

In summary, we found the HUD Pittsburgh PIH staff followed the procedural requirements in Section 106 regulations of the National Historic Preservation Act for the Forest Green Commons Townhouse Development. Specifically, the Property was not listed as being eligible for the National Historic Register, and a site inspection by HUD staff indicated it had been modified from a single family dwelling to a current duplex configuration (modern movement). Further, information obtained from the developer, the Western Pennsylvania Historical Society, and the Pennsylvania Historical and Museum Commission confirmed the Property did not merit consideration as historic. Accordingly, we found the HUD Pittsburgh PIH staff followed the applicable regulations in its determination.

We discussed the results of our review with officials from the Public Housing Division, Pittsburgh Area Office, who generally agreed with our results.

If you have any questions, please contact Allen Leftwich, Assistant District Inspector General for Audit at (215) 656-3401, extension 3485.

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