

PROGRAMMATIC AGREEMENT  
AMONG  
THE COUNTY OF DELAWARE,  
THE PENNSYLVANIA STATE HISTORIC PRESERVATION OFFICER,  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
AND THE  
UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, the County of Delaware (County) Pennsylvania, as an urban County may now, or in the future, administer the following programs or serve as the responsible entity for a grant recipient under one or more programs which are funded by the United States Department of Housing and Urban Development (HUD) which may include among others;

Community Development Block Grant Program  
Emergency Shelter Grant Program  
HOME Investment Partnerships Program/ADDI  
Supportive Housing Program  
Shelter Plus Care Program  
Housing Opportunities for People with AIDS

Under statutes that require HUD to allow recipients and entitlement communities to assume HUD's environmental responsibilities in accordance with HUD's Environmental Review Procedures, 24 CFR Part 58, published in the Federal Register on April 30, 1996, subject to future amendments; and

WHEREAS, the County will assist HUD with the administration of HUD's Section 106 compliance responsibilities for programs funded under statutes that do not authorize HUD to provide for assumption of HUD environmental responsibilities by a responsible entity in accordance with HUD's Environmental Review Procedures; and

WHEREAS, the County has agreed to integrate preservation planning and cultural resource identification into local government planning and development; and

WHEREAS, the County has determined that the implementation of these programs may affect properties included in or eligible for inclusion in the National Register of Historic Places and has regularly requested the comments of the Advisory Council on Historic Preservation (Council) and the Pennsylvania State Historic Preservation Officer (SHPO), pursuant to Section 800.13 of the regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), implementing Section 106 and Section 110(f) of the National Historic Preservation Act.

NOW THEREFORE, HUD, the County, the SHPO, and the Council agree that projects assisted with funds from these programs shall be implemented in accordance with the following Stipulations in order to take into account the effect of projects on historic properties.

## Stipulations

The County will ensure that the following measures are carried out:

### Personnel

- A. The County will ensure that all historic preservation work carried out pursuant to the Agreement is conducted by or under the direct supervision of a person(s) who meets the qualifications published in Appendix A, 36 CFR Part 61.
- B. The County will notify the SHPO annually of the staff person(s) or consultants the County intends to designate to administer this Agreement. The SHPO will evaluate the designee's training and experience and advise the County if they are not qualified to make determinations of eligibility, assess effect, and apply the Standards (hereafter known as "Certified Staff").
- C. The County will notify the SHPO of any proposed staffing changes or vacancies. If the County does not have Certified Staff in place or if the SHPO determines that a County staff person or consultant is not qualified to carry out the review, the County and the SHPO shall consult to develop alternative administrative procedures for implementing the Programmatic Agreement.

### II. Consultation with Indian Tribes

To make a reasonable and good faith effort to identify historic properties of religious and cultural significance to Indian Tribes, the County will notify, by letter, the relevant Tribal Leaders on the list of Indian tribes provided by the SHPO. The County will ask the tribal leaders if they are interested in participating in the County's Section 106 review process in agreement with 36 CFR Part 800.3(f). Indian tribes that respond in the affirmative, providing a demonstrated interest, will be consulted as described in this Agreement.

### III. Resource Identification

#### A. Identification of Structures

Properties which may be affected by program activities will be evaluated by the County's Certified Staff, against the National Register Criteria and a determination of eligibility will be made in accordance with 36 CFR Section 800.4. Properties and districts determined eligible by the County will be treated as eligible properties as covered in Stipulation IV of this Agreement. In the event that the County is unable to come to a determination on whether a property is eligible for the National Register and/or a contributing element in a historic district, the County will forward all documentation to the SHPO and the Indian tribes for evaluation.

- 1 Properties that the SHPO or County determines meet the Criteria will be considered eligible for inclusion in the National Register of Historic Places.
  2. If the County, the SHPO, or the Indian tribes cannot agree as to whether a property meets the National Register Criteria, or if the Advisory Council or the U. S. Secretary of the Interior so requests, the County will request a formal determination of eligibility from the Keeper of the National Register in accordance with 36 CFR 800.4(c).
  3. The County will keep a written record of all eligibility determinations, and of the reasons why any property does or does not appear to meet the Criteria, and will forward a copy of this record to the Pennsylvania SHPO for review on an annual basis.
- B. If the County determines that no National Register-eligible properties are involved in a program activity, the County will document the basis for that determination and include a copy in the individual project files.

C. Archaeological Resources

When ground-disturbing activities are anticipated as part of an undertaking covered by this Agreement, the County will consult with the Delaware County Archaeological Resources Inventory and Management Plan (1991) and Pennsylvania Archaeology Site Survey (PASS) records.

- 1 If Certified Staff finds that a project area contains known archaeological resources or a high probability of archaeological resources, the following will apply:
  - a. Certified Staff will evaluate the activity, review information from the CHRS County-wide Archaeological Inventory and Management Plan, apply any information regarding subsequent known disturbance and if activity will most likely have no effect, consultation with SHPO and relevant Indian tribes is not necessary.
  - b. Certified Staff will hire a certified archaeological consultant to monitor ground-disturbing activities if there is a high probability for a small area of potential archaeological resources that may be disturbed. Results of the monitoring will be sent to PHMC.
  - c. Certified Staff will consult with SHPO and relevant Indian tribes, if there is a moderate or high probability that archaeological resources may be disturbed or Certified staff cannot make that decision. If the SHPO's and/or Indian tribes' opinions are not rendered within 30 days of the receipt of the submission of adequate documentation it

will be assumed that the SHPO and relevant Indian tribes are in agreement with the County's determination of eligibility.

- d. If the County, the SHPO, and relevant Indian tribes cannot agree as to whether a property meets the National Register Criteria, or if the Advisory Council or the U. S. Secretary of the Interior so requests, the County will request a formal determination of eligibility from the Keeper of the National Register in accordance with 36 CFR 800.4(c)(2).
2. When Certified Staff finds that a project area contains no known archaeological resources, or moderate or low probability of archaeological resources, Certified Staff may determine if a property meets the criteria for listing on the National Register, without consultation with the SHPO or relevant Indian tribes. The County will document the basis for this finding and summarize said finding in its annual report to the SHPO.

#### IV. Activities Not Requiring Review

- A. The following proposed activities which have limited potential to affect National Register eligible resources, may be approved by the Certified Staff without further consultation with the SHPO, the Indian tribes or Council.

##### Rehabilitation

##### a. Exterior

- (1) Caulking, weather-stripping, re-glazing, scraping and/or repainting.
- (2) Flat or shallow pitch roof repair/replacement (shallow pitch is understood to have a rise-to-run ratio equal to or less than 3 " to 12").
- (3) Windows repair and/or replacement - in-kind is understood to mean new windows that duplicate the material, dimensions, design, detailing, and operation of the original windows.
  - (a) Repair, scrape, and repainting of existing windows.
  - (b) In-kind replacement of window sash, glass and hardware, including jam tracks; in-kind is understood to mean that the new items/features will duplicate the materials, dimensions and detailing of the original.

- (c) In-kind replacement of damaged and non-operable transoms; In-kind is understood to mean that the new items/features will duplicate the materials, dimensions and detailing of the original.
- (4) Storm windows and doors - provided that they conform to the shape and size of the historic windows and doors. The meeting rail of storm windows must coincide with that of the existing sash. Color should match trim; mill finish aluminum is not acceptable.
- (5) In-kind replacement - this is understood to mean that the new feature/items will duplicate the material, dimensions and detailing of the original:
  - (a) Porches - railings, posts/columns, brackets, cornices, steps, flooring and other decorative treatments.
  - (b) Roofs.
  - (c) Siding.
  - (d) Exterior architectural details and features.
  - (e) Cellar/bulkhead doors.
  - (f) Doors.
  - (g) Gutters and downspouts.
- (6) Masonry repair using materials, mortar composition, color, joint profile, and width that match the historic materials.
- (7) Rebuilding/replacement of handicapped access including wheelchair ramps.
- (8) In-kind repair or replacement of non-historic features, except where those features damage or detract from existing historical fabric or materials. (e.g. replacement of aluminum siding on historic structures).

b. Interior

- (1) Plumbing rehabilitation/replacement - includes pipes and fixtures when no structural alteration is involved.
- (2) HVAC system rehabilitation/replacement - includes furnaces, pipes, ducts, radiators or other HVAC units when no structural alteration is involved.
- (3) Electrical wiring - includes switches and receptacles when no structural alteration is involved.
- (4) Interior surface treatments (floors, walls, ceilings, decorative plaster, woodwork) - provided the work is limited to repainting, in-kind patching, refinishing, re-papering or laying carpet, or vinyl floor materials.
- (5) Interior feature treatments including; but not limited to doors, moldings, fireplaces, and mantels provided the work is limited to in-kind repair, patching, repainting and refinishing.
- (6) Insulation provided that it is restricted to ceilings and attic spaces.
- (7) Restroom improvements for handicapped access, provided that work is contained within the existing restrooms.
- (8) Repair of or pouring of concrete cellar floor, in an existing cellar.

2. Site Improvements

- a. In-kind repair or replacement of sidewalks, curbing, driveways, and ramps.
- b. In-kind repair or replacement of site improvements including, but not limited to fences, retaining walls, street furniture, street lighting, trees, vegetation and landscaping.
- c. Line painting, maintenance, repair, resurfacing, or reconstruction of roads where no change in width, surfaces, or vertical alignment of drainage is to occur.
- d. Repair to or replacement of water, gas, electric, cable, telephone storm, and sewer lines if it occurs in the original trench. This does not include disturbance to either side of the original trench.

3. Other

- a. Mortgage refinancing – this is understood to mean that no change in use will occur.
- b. Acquisition – this is understood to mean that any future rehabilitation activities using HUD Program funds covered by this PMOA will be subject to Section 106 review.

B. The County will keep a written record of all project activities deemed to have no effect and include a copy in the permanent project files and may be reviewed by the SHPO upon request.

V. Treatment of National Register-Eligible, National Register-Listed or Contributing Properties

When HUD assisted programs involve individual properties that are determined by the Certified Staff, SHPO or relevant Indian tribes to be eligible for, nominated to, or listed in the National Register, or to be contributing elements within a National Register listed or eligible Historic District these properties will be treated as follows:

A. Rehabilitation

1. Rehabilitation of resources that are listed in or eligible for listing in the National Register as historic or contributing properties within National Register-Eligible or Listed historic districts will adhere to the recommended approaches in The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Standards).
2. Certified Staff will review pre-project documentation including work write-ups, bid documents, architectural plans and photographs.
3. Certified Staff will review the rehabilitation plans and issue a Letter of Approval stating that the project adheres to the Standards. The Certified Staff may outline conditions the project sponsor must meet in order to meet the standards and avoid adverse effects.
4. Documentation for each project will be retained by Certified Staff as part of the permanent project files and may be reviewed by the SHPO upon request.
5. If the Standards cannot be met, or if the contemplated action could have an adverse effect on properties listed on or eligible for the National Register, prior to taking any action, the County will consult with the SHPO and the relevant Indian tribes and initiate the procedures set forth in 36 CFR 800.
  - a. In those instances where the Standards cannot be met, and the County needs to consult with the SHPO and

relevant Indian tribes, the following documentation shall be provided: a conditions assessment; an analysis of the alternatives; a cost analysis of the alternatives; views of the public; and, the recommended/proposed mitigation measures.

- b. The SHPO shall provide written comments, within 30 days following receipt of documentation. If the project will result in an adverse effect and the SHPO fails to respond, the County must consult with the Council prior to proceeding.

B. New Construction and Additions

1. New construction located within, or immediately adjacent to, historic properties included in or eligible for the National Register will be designed to adhere to the guidelines for new construction contained in the Standards and be responsive to the overall character of the historic property in terms of height, scale, massing, set-backs, color, materials, and detailing. Plans will be sent to the Certified Staff for review and approval. The Certified Staff will determine whether the plans are compatible with the National Register eligible property, unless alternative design guidelines are approved by the SHPO. Certified Staff will review the plans and issue a Letter of Approval stating that the new construction adheres to the Standards. The Certified Staff may outline conditions the project sponsor must meet in order to meet the standards and avoid adverse effects.
2. Additions to historic buildings listed in or eligible for listing in the National Register or contributing buildings located within, or immediately adjacent to, historic properties listed in or eligible for listing in the National Register shall adhere to the Standards and be consistent with guidelines in National Park Service Preservation Brief #14, "New Exterior additions to Historic Buildings: Preservation Concerns." Plans for such additions must be reviewed and approved by the Certified Staff to ensure consistency with the Standards and guidelines.
4. If the Standards cannot be met, or if the contemplated action could have an adverse effect on properties eligible for the National Register, then prior to taking any action, the County will consult with the SHPO and initiate the procedures set forth in 36 CFR 800.
  - a. In those instances where the Standards cannot be met, and the County needs to consult with the SHPO and relevant Indian tribes, the following documentation shall be provided: an analysis of the alternatives; a cost analysis of the alternatives; views of the public; and, recommended/proposed mitigation measures.



- b. The SHPO shall provide written comments, within 30 days following receipt of documentation. If the SHPO fails to respond, it will be assumed that the SHPO is in agreement with the County's mitigation.

C. Removal of Architectural Barriers

1. The County will explore alternative methods for accessibility for people with disabilities to historic buildings eligible for listing in or listed in the National Register, consistent with the Secretary of the Interior's Standards National Park Service Preservation Brief No. 32 "Making Historic Properties Accessible", and the Department of the Interior's report Access to Historic Buildings for the Disabled: Suggestions for Planning and Implementation. Certified Staff will review the plans and issue a Letter of Approval stating that the project adheres to the Standards. The Certified Staff may outline conditions the project sponsor must meet in order to meet the standards and avoid adverse effects.
2. To the extent feasible, accessibility features (i.e. ramps and elevators) will not be located on primary elevations of historic buildings eligible for listing in or listed in the National Register and will not result in diminishing significant historic or architectural features or materials.
3. If the Standards cannot be met, or if the contemplated action could have an adverse effect on properties eligible for the National Register, then prior to taking any action, the County will consult with the SHPO and relevant Indian tribes and initiate the procedures set forth in 36 CFR 800.
  - a. In those instances where the Standards cannot be met, and the County needs to consult with the SHPO and relevant Indian tribes, the following documentation shall be provided to the SHPO: an explanation of the need for the improvement; an analysis of the alternatives; a cost analysis of the alternatives; views of the public; and, the proposed mitigation measures.
  - b. The SHPO shall provide written comments, within 30 days following receipt of documentation. If the SHPO fails to respond, it will be assumed that the SHPO is in agreement with the County's mitigation.

D. Site Improvements and Public Improvements

1. Public improvements within National Register listed and eligible historic districts, or immediately adjacent to historic properties eligible for or listed in the National Register including sidewalk improvements, repaving of streets, installation of landscaping, street lighting, street furniture and visual impacts must adhere to

the Standards. Further, these improvements will be designed to ensure that character-defining elements of eligible resources are preserved through repair or replacement in-kind. Any new materials or features introduced in a National Register-eligible or listed historic district will be compatible with the character of that district. Certified Staff will review the plans and issue a Letter of Approval stating that the project adheres to the Standards. The Certified Staff may outline conditions the project sponsor must meet in order to meet the standards and avoid adverse effects.

2. Final plans and specifications for site and public improvement projects will be reviewed and approved by the Certified Staff. If the Standards cannot be met or if the project could have an adverse effect within an eligible resources Area of Potential Effect (APE) prior to taking any action, the County will consult with the SHPO and relevant Indian tribes and initiate the procedures set forth in 36 CFR 800.
  - a. In those instances where the Standards cannot be met, and the County needs to consult with the SHPO and relevant Indian tribes, the following documentation shall be provided: clarification of the need for the project; an analysis of the alternatives; a cost analysis of the alternatives; views of the public; and, recommended/proposed mitigation measures.
  - b. The SHPO shall provide written comments, within 30 days following receipt of documentation. If the SHPO fails to respond, the County must consult with the Council prior to proceeding.

E. Lead Paint Abatement/Hazard Reduction

1. When it is determined that a property individually listed in the National Register of Historic Places; eligible for individual listing in the National Register of Historic Places; or located within a National Register Historic District, must be decontaminated of lead paint, asbestos or other hazardous materials, the County will consult with its Certified Staff to explore alternatives to minimize alteration of significant historic features. Evaluation of abatement and proposed reduction activities shall be based upon the Standards, HUD's Guidelines for Lead Paint Abatement, and the NPS Preservation Brief No. 37. Certified Staff will review the proposed treatment plan and issue a Letter of Approval that the project adheres to the Standards.
2. When it is determined that the proposed abatement or reduction plan does not adhere to the Standards, the County will consult with the SHPO and request the Council's comments in accordance with procedures set forth in 36 CFR 800.

a. In those instances where the Standards cannot be met, and the County needs to consult with the SHPO and relevant Indian tribes, the following documentation shall be provided: a conditions assessment; an analysis of the alternatives; a cost analysis of the alternatives; views of the public; and, the proposed mitigation measures.

b. The SHPO shall provide written comments, within 30 days following receipt of documentation. If the SHPO fails to respond, the County must consult with the Council prior to proceeding.

#### F. Property Disposition

1. When disposing of properties, acquired with HUD program funds, that are determined by the Certified Staff or SHPO to be eligible for, nominated to, or listed in the National Register, or to be contributing elements within a National Register listed or eligible Historic District, Certified Staff will develop preservation covenants or conditions for inclusion in the transfer instrument to ensure preservation of the property's significant historic features and its overall architectural integrity.
2. Certified Staff will submit property disposition agreements to the SHPO for review and approval prior to signing them. Unless the SHPO objects or modifies the agreement in writing within thirty (30) days from its date of receipt, the agreement shall be deemed approved.
3. If the County and SHPO cannot agree on acceptable restrictions or conditions, the County will consult with the Council in accordance with 36 CFR Part 800.

#### VI. Demolition

##### A. Demolition of Non-Register Eligible Properties or Non-Contributing Resources

The County may proceed with the demolition and emergency demolition of properties that are not listed in or eligible for listing in the National Register or non-contributing buildings within National Register Historic Districts without further review of the Pennsylvania SHPO.

2. The County must retain documentation of all such demolitions in its project files for SHPO review. The County shall not proceed with federally assisted demolition activities until the Certified Staff has issued a Letter of Approval.

##### B. Demolition of National Register Eligible, National Register Listed or Contributing Historic Resources

1 Emergency Demolition

- a. Should the Chief Executive Officer, fire chief, or chief building inspector determine that an emergency demolition of a National Register-eligible property is required to eliminate an imminent threat to the health, welfare, and safety of residents, the County will forward documentation to the Pennsylvania SHPO via express mail and notification of its intent to apply the emergency review procedure by facsimile with a request for comments within seven (7) days, conditions permitting. The documentation will include a copy of the order requiring demolition (declared by a local government's chief executive officer or legislative body), photographs of the property, a BHP Resource form or other documentation regarding the property's eligibility and map location (Municipal Map).
- b. The SHPO will review the documentation submitted and within seven (7) days of receipt of adequate documentation, concur or object in writing to the proposed demolition, and specify any required mitigation measures (e.g. recordation, additional photographic documentation, architectural salvage, etc). If the SHPO fails to respond, the County will request the Council's comments in accordance with 36 CFR 800.

2. Non-Emergency Demolition

- a. The County shall ensure that the proposed demolition of properties listed in or eligible for listing in the National Register, or contributing buildings within a Historic District listed or eligible for listing in the National Register will be reviewed on a case-by-case basis with the SHPO, and the relevant Indian tribes.
  1. When the County's certified Staff determines that demolition will have an adverse effect on National Register-listed or National Register-eligible properties, the County shall forward documentation to the SHPO and relevant Indian tribes for review. The SHPO will review the documentation submitted and within thirty (30) days of receipt of adequate documentation, concur or object in writing to the proposed demolition, and forward an informational copy to the Council. Once the comments of the SHPO have been received, or the 30 days has expired, the County will comply with 36 CFR 800.
- b. The County will submit the following documentation to the SHPO and relevant Indian tribes when non-emergency demolition of National Register-listed or National Register-eligible properties is proposed:

1. Map location (U.S.G.S. quadrangle maps and County/municipal maps) and description of the property for demolition.
2. Reasons for demolition, including documentation of any building code violations, an explanation why rehabilitation is neither prudent nor feasible, feasibility of marketing the property, and feasibility of mothballing the property.
3. Photographic evidence and written description of the deteriorated condition of the building to be demolished.
4. Photographs of each elevation, conditions permitting, and any significant architectural elements that might exist.
5. Views of the public.

VII. Project Coordination

- A. The Certified Staff will ensure that the staff within the Office of Housing and Community Development, other County agencies receiving HUD program funds, affected citizen groups and local preservationists are aware of the terms of the Programmatic Agreement and any associated MOAs or written guidance that is available. The Certified Staff will ensure that all sub-recipients of HUD funding in the County are aware of the Programmatic Agreement, its requirements, and the need to complete the Section 106 review prior to the initiation of project activities.
- B. County funding and assistance shall not be issued for undertakings involving National Register-eligible or National Register-listed properties until the Certified Staff has completed all reviews and obtained concurrence from the SHPO or Council, as appropriate.

VIII. Technical Assistance

- A. SHPO staff will provide periodic training in the application of the Standards and in the administration of this Programmatic Agreement for County personnel (e.g. preservation staff, managers, rehabilitation inspectors) as requested by the County.
- B. Delaware County may develop guidance documents with the SHPO to assist County staff in complying with the terms of this Programmatic Agreement.

IX. Monitoring

- A. The County shall retain documentation, including work write-ups and photographs, for all activities carried out pursuant to this Agreement. Files will be retained for a minimum of three (3) years.
- B. An annual report, including the addresses of properties included in Program activities, determinations of NR ineligibility, exempt activities, and a description of the work completed at National Register-eligible or National Register-listed historic properties, shall be sent to the SHPO for review and comment. Supporting documentation will be available to the SHPO upon written request.
- C. The SHPO will periodically review files for the program activities to verify that the terms of the Agreement are being properly implemented.
- D. Nothing in this Agreement shall be construed as meaning that the County cannot request the advice or assistance of the SHPO at any time.

X. Dispute Resolution

- A. Should the Pennsylvania SHPO object within thirty (30) days to any plans or specifications provided pursuant to this Agreement, the County shall consult with the Pennsylvania SHPO to resolve the objections. If the County determines that the objection cannot be resolved, the County shall request recommendation of the Council. The Council shall provide its recommendations within 30 days following receipt of adequate documentation.
- B. The County will take into account any Council recommendation provided in response to such a request in accordance with 36 CFR 800.7 (c) (4) with reference only to the subject of the dispute. The County's responsibility to carry out all actions under this agreement that are not subjects of the dispute will remain unchanged.

XI. Public Participation

- A. Each year the County will notify the public of the County's current activities funded by the Department of Housing and Urban Development (HUD) and make available for public inspection documentation on the County's HUD funded Program activities. Included in this documentation will be general information on the type(s) of activities undertaken with Program funds provided by HUD; information on identified National Register-listed or National Register-eligible historic properties which might be affected by these activities; the amount of Program funds available in the current program year; and how interested persons can receive further information on the Program activities, and comment upon the proposed undertakings.
- B. The County shall consult with the SHPO to develop procedures for notifying the public of site-specific undertakings that are funded by HUD programs.

### Public Objections

- A. In those cases where the County receives a public objection, Certified Staff will review the objection to determine the basis of the objection and consult with the objecting party, as appropriate, in order to resolve the issue.
- B. Where the Certified Staff is unable to resolve the objection to the satisfaction of the objecting party and the County, the County will consult with the SHPO, and as appropriate, the Council.

### Amendment

This Programmatic Agreement may be amended after the signatory to the agreement requesting an amendment provides thirty (30) days written notice to the other signatories, provided that all signatories will consult during the period prior to the amendment to discuss the issues or program activities that are the basis of the proposed amendment. An amendment to this Programmatic Agreement must be in writing and signed by all parties.

### Termination

Any signatory to this Programmatic Agreement may terminate the Agreement by providing thirty (30) days notice to the other parties, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the County will comply with 36 CFR 800 for each individual undertaking covered by this Programmatic Agreement.

### XV. Renewal

This Programmatic Agreement will continue in force through and including December 31, 2009.

### XVI. Coordination with Other Federal Activities

In the event that the County or another entity whose HUD-assisted project was reviewed under the Terms of this PA, receives funding from HUD or another Federal agency under a grant program that does not provide for the assumption of environmental review responsibility by the County, HUD or the other Federal agency may satisfy their Section 106 responsibilities by agreeing to comply with the terms of this Agreement. HUD or the other Federal agency must obtain concurrence from the County prior to formalizing such arrangements. HUD or the other Federal agency shall notify the SHPO and Council in writing of its intent to comply with the Section 106 requirements by coordinating with the County and complying with this Agreement. A copy of any such notification shall be provided to the County for its Environmental Review Record files.

Execution and implementation of this Programmatic Agreement is evidence that the County has afforded the Council an opportunity to comment on its HUD Program activities and their effects on historic properties. It is evidence that the

County has taken into account the effects of its undertakings on historic properties, and that the County has satisfied its Section 106 responsibilities for all individual undertakings of the Programs.

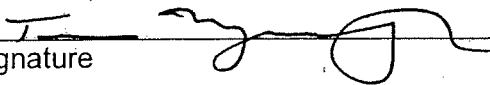


XVII. Execution

**County of Delaware:**

Name:

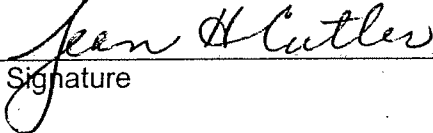
Title:

 Chairman 12-7-04  
Signature Date

**Pennsylvania State Historic Preservation Officer:**

Name:

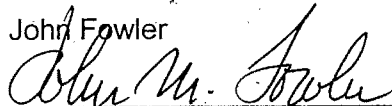
Title:

 DSHPO 1-31-05  
Signature Date

**Advisory Council on Historic Preservation:**

Name: John Fowler

Title: Executive Director

 3/14/05  
Signature Date

Concur:

**United States Department of Housing and Urban Development Regional 3 Office:**

Name:

Title: Director, Community Planning and Development

 12/17/04  
Signature Date

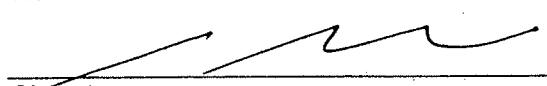
Name: /s/ Malinda Roberts

Title: Director of Public Housing

 12/16/04  
Signature Date

Name:

Title: Director of Multifamily Hub

 1/3/05  
Signature Date

CARNACION LOUKATOS  
Director  
Philadelphia, Multifamily HUB

Name:

Title: Director of Home Ownership Center

*[Handwritten Signature]*

Signature

*1/4/05*

Date